

CHAPTER 157:

ZONING

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GENERAL PROVISIONS

§ 157.001 PURPOSE.

Pursuant to the authority conferred by the Public Acts of the state in such case, made and provided and for the purpose of promoting and protecting the public health, safety, peace, morals, comfort, convenience, and general welfare of the inhabitants of the city, by protecting and conserving the character and social and economic stability of the residential, commercial, industrial, and other use areas; by securing the most appropriate use of land; preventing overcrowding of the land and undue congestion of population; providing adequate light, air, and reasonable access; and facilitating adequate and economical provision of transportation, water, sewers, schools, recreation, and other public requirements; and by other means, all in accordance with a comprehensive plan.

§ 157.002 SHORT TITLE.

This ordinance shall be known as the Zoning Ordinance of the city.

§ 157.003 RULES OF CONSTRUCTION.

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

(A) The particular shall control the general.

(B) In the case of any difference of meaning or implication between the text of this ordinance and any caption or illustration, the text shall control.

(C) Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.

(D) Unless the context clearly indicates the contrary, where a regulation involves 2 or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either ... or," the conjunction shall be interpreted as follows.

(1) **AND.** Indicates that all the connected items, conditions, provisions, or events shall apply.

(2) **OR.** Indicates that the connected items, conditions, or provisions, or events may apply singly or in any combination.

(E) Terms not herein defined shall have the meaning customarily assigned to them.

§ 157.004 INTERPRETATION AND APPLICATION; ABROGATION AND GREATER RESTRICTIONS.

(A) **Conflicting regulations.** Whenever any provision of this ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, the provisions of this ordinance shall govern.

(B) **Interpretation, purpose, and conflict.** In interpreting and applying the provisions of this ordinance, the provisions shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comforts, morals, prosperity, and general welfare. It is not intended by this ordinance to interfere with or abrogate or annul any ordinance, rules, regulations, or permits previously adopted or issued, and not in conflict with any of the provisions of this ordinance, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises, and likewise not in conflict with this ordinance; nor is it intended by this ordinance to interfere with or abrogate or annul any easements, covenants, or other agreements between parties; provided, however, that where this ordinance imposes a greater restriction upon the use of buildings, or requires larger open spaces, or larger lot areas than are imposed or required by such ordinance or agreements, the provisions of this ordinance shall control.

§ 157.005 SCOPE; CONFORMANCE REQUIRED.

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

§ 157.006 DEFINITIONS.

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

ACCESSORY AMUSEMENT USE. Any nonresidential establishment in which 3 or less mechanical amusement devices for hire are located as regulated by §§ 113.01*et seq.* of this code.

ACCESSORY BUILDING. A subordinate building or a portion of a main building, the use of which is incidental to that of the main building, and which is located on the same parcel of property with the principal use.

ACCESSORY USE. A use of land or a portion of the building customarily incidental and subordinate to the actual principal use of the land or building and located on the same parcel of property with the principal use.

ADULT BOOK STORE. 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 this type of material.

ADULT MINI MOTION PICTURE THEATER. An enclosed building or open area with a capacity of 50 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. An enclosed building or open area 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.

AGRICULTURE. Any land or building used for the purpose of producing grain, vegetables, livestock, or fowl, as a principal means of livelihood.

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

ALTERATIONS. Any change, addition, or modification in construction or type of occupancy; any change in the structural members of a building, such as walls, partitions, columns, beams, girders; any substantial changes in the roof or exterior walls; any change in the location of a building; or any change which may be referred to herein as **ALTERED** or **RECONSTRUCTED**.

APARTMENT. A room or suite of rooms used as a dwelling for 1 family which does its cooking therein.

APARTMENT HOUSE. A residential structure containing 3 or more attached apartments.

APPROVED SERVICE DRIVEWAY. Constructed of concrete, asphalt, aggregate, or of a like material approved by the Department of Public Works.

ARCADE. Any nonresidential establishment in which 4 or more mechanical amusement devices for hire are located as regulated by §§ 113.01*et seq.* of this code.

ARCHITECTURAL FEATURES. Architectural features of a building shall include cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys, and decorative ornaments.

AUTOMOBILE REPAIR. General repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame, or fender straightening and repair, overall painting, vehicle rustproofing, and any related activities.

AUTOMOBILE WASH ESTABLISHMENTS. A building, or portion thereof, the primary purpose of which is that of washing motor vehicles.

BASEMENT. The portion of a building wholly or partly below grade, but so constructed that the vertical distance from the average grade to the basement floor is greater than the vertical distance from the average grade to the basement ceiling. A **BASEMENT** shall not be included as a story for height measurement. (See Appendix B - This Chapter.)

BEDROOM. A room in a dwelling unit for or intended to be used solely for sleeping purposes by human beings.

BILLBOARD. Any construction or portion thereof upon which a sign or advertisement used as an outdoor display for the purpose of making anything known to the general public, but not including bulletin boards used to display official court of public offer notices.

BLOCK. The property abutting 1 side of a street and lying between the 2 nearest intersecting streets, crossing or terminating; or between the nearest such street, unsubdivided acreage, or between any of the foregoing and any other barrier to the continuity of development.

BOARD OF ZONING APPEALS, BOARD OF APPEALS, or BOARD. The Zoning Board of Appeals for the city.

BOARDING HOUSE. A dwelling where meals, or lodging and meals, are provided for compensation to 4 or more persons by prearrangement for definite periods of not less than 1 week. A **BOARDING HOUSE** is to be distinguished from a hotel, motel, or a convalescent or nursing home.

BUILDABLE AREA. On a lot, the space remaining after the minimum open space requirements of this ordinance have been complied with.

BUILDING. An independent structure having a roof supported by columns or walls, intended or used for shelter or enclosure of persons or chattel. When any portion thereof is completely separated from every other part by division walls from the ground up, and without openings, each portion of that building shall be deemed a separate **BUILDING**. This refers to both temporary and permanent structures and includes tents, sheds, garages, stables, greenhouses, or other accessory structures. **BUILDING** or **STRUCTURE** includes any part thereof.

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

BUILDING OFFICIAL. This term shall refer to the Building Official of the City, Building Inspector of the City or his or her authorized representative.

BUILDING PERMIT. The written authority issued by the Building Official permitting the construction, removal, repair, moving, alteration, or use of a building in conformity with the provisions of this ordinance.

BUILDING SETBACK LINE. The line which pertains to and defines those minimum (building) setback lines which are established parallel to the front street or right-of-way line and within which setback area no part of a building shall project or be located, except as otherwise provided for by this ordinance. This line when adjacent to a building is normally formed by the junction of the outer surface of the building or enclosure wall with the finish grade or surface of the adjoining ground.

CLINIC. A building or group of buildings where human patients are admitted, but not lodged overnight, for examination and treatment by more than 1 professional, such as a physician, dentist, or the like.

COLLECTION/DONATION CONTAINER. A portable container primarily designed to allow individuals to dispose of unwanted items for the purpose of donation and/or repurpose located on a commercial or industrial property not designated for same use.

COMMERCIAL USE. Relates to the use of property in connection with the purchase, sale, barter, display, or exchange of goods, wares, merchandise, or personal services or the maintenance of offices, or recreational or amusement enterprises, or garage, basement, or yard sales conducted on residential premises for more than 6 calendar days during a given 1-year period.

COMMISSION or PLANNING COMMISSION. The City Planning Commission.

CONVALESCENT OR NURSING HOME. A home for the care of children or the aged or the infirm, or a place of rest for those suffering bodily disorders, wherein 3 or more persons are cared for. This home shall also conform to, and qualify for license under applicable state laws, even though state law may provide for different size regulations.

COUNCIL. The City Council of this city.

DECK. Any structure attached or detached from the main structure, with or without a roof, which allows entrance to that structure, or which is used for recreational, leisure, or any other purpose.

DENSITY. The number of dwelling units developed on an acre of land.

DESIGNATED CONSUMPTION ESTABLISHMENT. A commercial space that is licensed by the State of Michigan and City of Burton and authorized to permit adults 21 years of age and older to consume marijuana products at the location indicated on the state and city license. An establishment that allows consumption of marijuana products on the premises of a non-residential location and charges a fee for entry, sells goods or services while individuals are consuming on the premises, or requires membership for entry shall acquire a designated consumption establishment license.

DEVELOPMENTAL. The **DEVELOPMENTAL** land use classification represents areas which have characteristics that make land in those areas suitable for a wide range of uses. These parcels are generally large and have access to major streets, and water and sewer services, may be buffered from nearby residential areas. The purpose of this classification is to recognize the wide range of uses and

land classifications appropriate for these parcels and which may be appropriate for, or the subject of rezoning requests other than for general industrial.

DISTRICT. A portion of the city within which certain uses of land or buildings are permitted and within which certain regulations and requirements apply under the provisions of this ordinance.

DRIVE-IN ESTABLISHMENTS. A business establishment so developed that its principal retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle (e.g., restaurants, cleaners, banks, theaters).

DWELLING, MULTIPLE. A building used for and as a residence for 3 or more families living independently of each other and each having their own cooking facilities therein, including apartment houses, townhouses, and apartment hotels, but not including homes.

DWELLING, ROW, TERRACE, OR TOWNHOUSE. A row of 3 or more attached single-family dwellings, not more than 2.5 stories in height, in which each dwelling has its own front entrance and rear entrance.

DWELLING, SINGLE-FAMILY. A detached building occupied by 1 family and so designed and arranged as to provide living, cooking, and kitchen accommodations for 1 family only. Also known as a **1-FAMILY DWELLING**.

DWELLING, 2-FAMILY. A detached 2-family dwelling that is occupied by 2 families, each provided with separate facilities for each family for living accommodations. Also known as a **DUPLEX DWELLING**.

DWELLING UNIT. Any house or building or portion thereof having cooking facilities, which is occupied wholly as the home, residence, or sleeping place of 1 family, either permanently or transiently, but in no case shall a trailer coach, automobile chassis, tent, or portable building be considered a **DWELLING**. In case of mixed occupancy, where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a **DWELLING UNIT** for the purpose of this ordinance and shall comply with the provisions thereof relative to dwellings.

EFFICIENCY UNIT. A dwelling consisting of 1 room, exclusive of bathroom, kitchen, hallway, closets, or dining alcove, directly off the principal room providing not less than 350 square feet of floor area.

ERECTED. Includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, and the like, shall be considered a part of **ERECTION**.

ESSENTIAL SERVICES. The erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply, or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, towers, poles, and other similar equipment and accessories in connection therewith, as shall be reasonably necessary for the furnishing of adequate service by those public utilities or municipal departments or commissions or for the public health or general welfare, but not including buildings other than those buildings as are primarily enclosures or shelters of the above essential service equipment.

FAMILY. One or more persons related by bonds of marriage, blood, or legal adoption, or a group of not more than 5 persons (excluding servants and gratuitous guests) who need not be related by marriage, blood, or legal adoption, occupying a dwelling unit as a single nonprofit housekeeping unit, as distinguished from a group occupying a hotel, club, boarding house, or fraternity or sorority house.

FARM. 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 his or her own labor or with the assistance of members of his or her household or hired employees; provided, however, that land to be considered a **FARM** hereunder shall include a continuous parcel of 5 acres or more in area; provided further, **FARMS** may be considered as including establishments operated as bona fide greenhouses, nurseries, orchards, chicken hatcheries, poultry or pigeon farms, and apiaries; but the keeping of fur-bearing animals or game, or the operation of fish hatcheries, stock yards, piggeries shall not be considered **FARMS**.

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

FLOOR AREA, GROSS. The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating 2 buildings. The **FLOOR AREA** of a building shall include the basement floor area when more than ½ of the basement height is above the established curb level or finished lot grade, whichever is higher (see **BASEMENT** definition). Any space devoted to off-street parking or loading shall not be included in **FLOOR AREA**. Areas of basements, utility rooms, breezeways, unfinished attics, porches (enclosed or unenclosed), or attached garages are not included. (See illustration in Ord. 19, ser. 2, entitled Floor Area Terminology.)

FLOOR AREA, USABLE. The measurement shall include that portion of the floor area, measured from the interior face of the exterior walls, used for or intended to be used for services to the public or customers, patrons, clients, or patients; including areas occupied by fixtures or equipment used for display or sale of goods or merchandise, but not including areas used or intended to be used for storage of merchandise, utility or mechanical equipment rooms, or sanitary facilities. In the case of a half-story, the **USABLE FLOOR AREA** shall be considered to be only that portion having a clear height above it of 5 feet or more. (See Appendix B - This Chapter.)

GARAGE, COMMUNITY. A space or structure or series of structures for the storage of motor vehicles having no public shop or service operated in connection therewith, for the use of 2 or more owners or occupants of property in the vicinity.

GARAGE, PRIVATE. A space or structure suitable for the storage of motor vehicles having no public shop or service in connection therewith, for the use solely of the owner or occupant of the principal building on a lot, or his or her family or domestic employees, and with a capacity of not more than 3 vehicles.

GARAGE, PUBLIC. A space or structure other than a private garage for the storage, care, repair, or refinishing of motor vehicles; provided, however, that a structure or room used solely for the display and sale of these vehicles in which they are not operated under

their own power, and in connection with which there is no repair, maintenance, or refinishing service or storage of vehicles other than those displayed, shall not be considered as a **PUBLIC GARAGE** for the purpose of this ordinance.

GRADE. The building **GRADE** shall, in the case of fairly level ground conditions, be the level of the ground adjacent to the walls. For substantially unlevel ground conditions, the **GRADE** shall be the average elevation of the ground adjacent to the walls.

GREEN SPACE. An area planted with grass, flowers, trees, and the like, acceptable in species and caliber to the City Planning Commission.

GREENBELT. A strip of land which is planted with trees or shrubs acceptable in species and caliber to the Planning Commission. Fruit trees, nut trees, box elders, soft maples, willows, poplars, and all thorned trees shall not be permitted.

HEIGHT, BUILDING. The vertical distance measured from the grade of the building to the highest point of the roof for flat roofs; to the deck line for mansard roofs; and to the mean height level (between eaves and ridges) for gable, hip, and gambrel roofs. Where a building is located upon a terrace, the **HEIGHT** may be measured from the average ground level of the terrace at the building wall. (See Appendix B - This Chapter.)

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

HOSPITAL. A building, structure, or institution in which sick or injured persons, primarily in- patients, are given medical or surgical treatment and operating under license by the Health Department of the state.

HOTEL. A building occupied as a more or less temporary abiding place for individuals, who are lodged with or without meals in rooms occupied singly for hire, in which provision is not made for cooking on any individual plan and in which there are more than 10 sleeping rooms.

JUNK. Any motor vehicles, machinery, appliances, product, merchandise with parts missing, or scrap metals or other scrap materials that are damaged, deteriorated, or are in a condition which cannot be used for the purpose for which the product was manufactured.

JUNK YARD. Includes automobile wrecking yards and salvage areas and includes any area of more than 200 square feet for storage, keeping, or abandonment of junk, including scrap metals, other scrap materials, or reclaimed materials, or for the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof, but does not include uses established entirely within enclosed buildings.

KENNEL. Any lot or premises on which 3 or more dogs, 4 months or more old, are kept either permanently or temporarily boarded.

LOCATIONAL LIMITATIONS. When determining the distance requirements of any commercial medical marijuana transaction facility and/or marijuana establishment the term "within" shall mean measured from property line to property line.

LOT. A piece or parcel of land occupied or intended to be occupied by a building and any accessory buildings or by any other use or activity permitted thereon and including the open spaces and yards required under this ordinance, and having its frontage upon a public street or road either dedicated to the public or designated on a recorded subdivision. Provided, that the owner of any number of contiguous lots may have as many of those contiguous lots considered as a single **LOT** for the purpose of this ordinance as he or she so elects, and in that case the outside perimeter of the group of lots shall constitute the front, rear, and side lot lines thereof. This latter parcel is then often referred to as a **ZONING LOT**.

LOT AREA. The total horizontal area within the lot lines, as defined, of a 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 that street.

LOT, CORNER. A lot of which at least 2 adjacent sides abut for their full length upon a street, provided that those 2 sides intersect at an angle of not more than 135 degrees. Where a lot is on a curve, if tangents through the extreme point of the street line of the lot make an interior angle of not more than 135 degrees, it is a **CORNER LOT**. In the case of a **CORNER LOT** with curved street line, the corner is that point on the street lot line nearest to the point of intersection of the tangents described above.

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

LOT DEPTH. The mean horizontal distance from the center of the front street line to the center of the rear lot line.

LOT, DOUBLE FRONTAGE. A lot other than a corner lot having frontage on 2 more or less parallel streets. In the case of a row of **DOUBLE FRONTAGE LOTS**, 1 street will be designated as the front street for all lots in the plat and in the request for a zoning compliance permit. If there are existing buildings in the same block fronting on 1 or both of the streets, the required minimum front yard setback shall be observed on those streets where buildings presently front.

LOT, INTERIOR. A lot other than a corner lot with only 1 lot line fronting on a street.

LOT LINES. Any line dividing 1 lot from another or from the right-of-way, and thus constitute property lines bounding a lot.

(1) **FRONT LOT LINE.** In the case of an interior lot abutting on 1 public or private street, the **FRONT LOT LINE** shall mean the line separating the lot from that street right-of-way. In the case of a corner or double frontage lot, the **FRONT LOT LINE** shall be that line separating the lot from that street which is designated as the front street in the plat or in the request for a zoning compliance permit.

(2) **REAR LOT LINE.** The lot line which is opposite and most distant from the front lot line of the lot. In the case of an irregular, triangular, or gore-shaped lot, a line 10 feet in length entirely within the lot parallel to and at the maximum distance from the front lot line of the lot shall be considered to be the **REAR LOT LINE** for the purpose of determining depth of rear yard. In cases where none of these definitions are applicable, the Planning Commission shall designate the **REAR LOT LINE**.

(3) **SIDE LOT LINE.** Any lot line not a front lot line or a rear lot line. A side lot line separating a lot from a street is a **SIDE STREET LOT LINE**. A side lot line separating a lot from another lot or lots is an **INTERIOR SIDE LOT LINE**.

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

LOT WIDTH. The horizontal distance between the side lot line, measured at the 2 points where the building line, or setback line, intersects the side lot lines.

MAJOR THOROUGHFARE. Any street or highway certified as a public roadway by the State Department of Transportation in accordance with Public Act 51 of 1951 except those streets designated as city local streets.

MANEUVERING LANE. The portion of an off-street parking lot for use of maneuvering a vehicle to or from a parking space.

MARIJUANA ESTABLISHMENT. A marijuana grower, marijuana safety compliance facility, marijuana processor, marijuana microbusiness, marijuana retailer, marijuana secure transporter, marijuana designated consumption establishment, or any other type of marijuana-related business licensed by the State of Michigan.

MARIJUANA GROWER. A person licensed to cultivate marijuana and sell or otherwise transfer marijuana to marijuana establishments. Shall include a state licensed excess marijuana grower.

MARIJUANA MICROBUSINESS. A person licensed to cultivate not more than 150 marijuana plants; process and package marijuana; and sell or otherwise transfer marijuana to individuals who are 21 years of age or older or to a marijuana safety compliance facility, but not to other marijuana establishments.

MARIJUANA PROCESSOR. A person licensed to obtain marijuana from marijuana establishments; process and package marijuana; and sell or otherwise transfer marijuana to marijuana establishments.

MARIJUANA RETAILER. A person licensed to obtain marijuana from marijuana establishments and to sell or otherwise transfer marijuana to marijuana establishments and to individuals who are 21 years of age or older.

MARIJUANA SAFETY COMPLIANCE FACILITY. A person licensed to test marijuana, including certification for potency and the presence of contaminants.

MARIJUANA SECURE TRANSPORTER. A person licensed to obtain marijuana from marijuana establishments in order to transport marijuana to marijuana establishments.

MAY. The act referred to is permissive and discretionary.

MECHANICAL AMUSEMENT DEVICE or MAD. A machine which, upon the insertion of a coin or slug, operated or which may be operated for the use of a game or contest of any description, or which may be used as any such game or contest, and which contains no automatic payoff device for the return of slugs, money, coins, checks, tokens, or merchandise or which provides no such payoff by any other manner or means. A **MECHANICAL AMUSEMENT DEVICE** shall not include a jukebox or machine whose only function is to provide music, or pool tables and billiard tables.

MEDICAL MARIJUANA CLUB (also known as Compassion Club). A medical marijuana club shall mean a facility, owned and operated organization that offers patients and caregivers the opportunity to connect with others for the purpose of providing referral services, education, community outreach, and use of medical marijuana in a completely enclosed building allowed under the Michigan Medical Marijuana Act of 2008. This facility shall not be used for storage, dispensary, sale, growth, cultivation, processing, or packaging of medical marijuana at any time.

MEDICAL MARIJUANA DISPENSARY. A medical marijuana dispensary shall mean a facility where marijuana is stored, dispensed or offered for sale to "qualifying patients" under the Michigan Medical Marijuana Act of 2008. A "primary caregiver(s)", "qualifying patient" and "marijuana" shall have the meanings ascribed to them in the Michigan Medical Marijuana Act of 2008.

MEDICAL MARIJUANA GROWING FACILITY (GROW FACILITY or GROWING FACILITY). An industrial facility that cultivates, dries, trims, or cures and packages marijuana for sale to a processor or provisioning center.

MEDICAL MARIJUANA PROCESSING FACILITY (PROCESSING FACILITY). An industrial facility that purchases marijuana from a grower and that extracts resin from the marijuana or creates marijuana infused products for sale and transfer in packaged form to a provisioning center.

MEDICAL MARIJUANA PROVISIONING CENTER (PROVISIONING CENTER). A commercial facility that purchases marijuana from a grower or processor and sells, supplies, or provides to registered qualifying patients directly or through the patients' registered primary caregivers. **PROVISIONING CENTER** includes any commercial property where marijuana is sold at retail to registered qualifying patients or registered primary caregivers.

MEDICAL MARIJUANA SAFETY COMPLIANCE FACILITY (SAFETY COMPLIANCE FACILITY or COMPLIANCE FACILITY). An industrial facility that received marijuana from a marijuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marijuana to the marijuana facility.

MEDICAL MARIJUANA SECURE TRANSPORTER FACILITY (SECURE TRANSPORTER FACILITY or TRANSPORTER FACILITY). An industrial facility that stores marijuana for the purpose of transporting marijuana between commercial medical marijuana transaction facilities.

MOBILE FOOD VENDING. Vending, serving, or offering for sale food and/or beverages from a mobile food vending unit which meets the definition of a food service establishment under Public Act 92 of 2000, which may include the ancillary sales of branded items consistent with the food, such as a t-shirt that bears the name of the organization engaged in mobile food vending.

MOBILE HOME. A detached single-family dwelling unit, exceeding 32 feet in length, designed to be transportable after fabrication on its own wheels, suitable for year-round occupancy and containing a flush toilet, sleeping accommodations, a shower or bath, kitchen facilities, plumbing and electrical connections provided for attachment to appropriate external systems. A travel trailer is not to be considered as a **MOBILE HOME**. Also known as a **TRAILER COACH** or **HOUSE TRAILER**.

MOBILE HOME PARK. A parcel of land which has been planned and improved for the placement of mobile homes for residential use.

MOBILE HOME SITE. A plot of ground within a mobile home park designed for the accommodation of 1 mobile home.

MOTEL. A series of attached, semi-detached, or detached rental units which may or may not be independently accessible from the outside parking area, containing bedroom, bathroom, and closet space and designed for or occupied primarily for transients. No kitchen or cooking facilities are to be provided without the approval of the City Planning Commission, with the exception of units for use of the manager or caretaker.

MOTOR HOME. A motorized vehicular unit primarily designed for travel or recreational usage, which may also contain facilities for overnight lodging.

NONCONFORMING BUILDING. A building or portion thereof lawfully existing at the effective date of this ordinance or amendments thereto, and which does not conform to the provisions (e.g., setbacks, height, lot coverage, parking) of this ordinance in the zoning district in which it is located. (See Appendix B - This Chapter.)

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

NURSERY, PLANT MATERIALS. A space, building, or structure, or combination thereof, for the storage of live trees, shrubs, or plants offered for wholesale or retail sale including products used for gardening or landscaping. The definition of **NURSERY** does not include any space, building, or structure used for the sale of fruits, vegetables, or Christmas trees.

OFF-STREET PARKING LOT. 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 2 automobiles.

OPEN AIR BUSINESS USES. Include the following business uses:

- (1) Retail sale of trees, shrubbery, plants, flowers, seed, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment;
- (2) Retail sale of fruits and vegetables;
- (3) Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park, or similar recreation use;
- (4) Bicycle, utility truck or trailer, motor vehicles, boats or home equipment sale; rental or repair services; and
- (5) Outdoor display, and sale of garages, swimming pools, motor homes, mobile homes, snowmobiles, farm implements, and similar products.

OPEN SPACE. Any area (open to the sky) on a lot not covered by a principal or accessory building.

OPEN STORAGE. All outdoor storage of building materials, sand, gravel, stone, lumber, equipment, and other supplies.

OUTDOOR DISPLAYS OF MERCHANDISE. Any goods displayed for sale on any public or privately owned property in the city.

(1) **OUTDOOR DISPLAYS** shall comply with the following:

- (a) If items on display are offered by a business permanently occupying that site, no permit shall be required;
- (b) Items shall not be displayed in any setback area, aisle way, parking, loading zone, or fire lane;
- (c) All items for sale must maintain a 20-foot setback from any entrance or exit to the parking or service area;
- (d) Advertising flags, banners, and temporary signs shall not be permitted;
- (e) Displays cannot obstruct view of vehicular traffic; and
- (f) If the display cannot meet criteria, the business must apply to Zoning Board of Appeals for a variance to the applicable criteria.

(2) **OUTDOOR DISPLAYS** of seasonal business are subject to the following:

- (a) Applications for these displays must be submitted on a form approved by the Department of Public Works not less than 15 days prior to the installation of the display. The applications shall include written permission by the property owner for the outdoor display;
- (b) A seasonal business outdoor display permit fee in the amount as set by the City Council shall be paid. This fee may be amended by resolution of the City Council from time to time;
- (c) A cleanup fee in the amount as set by the City Council shall be paid at the time of the approval of the permit. This fee may be amended by Resolution of the City Council from time to time. This fee shall be refundable in whole or in part in the event the permittee returns the premises to its original condition.
- (d) Any permittee may appeal either the necessity of posting a cleanup fee or the amount of the cleanup fee required directly to the Burton City Council which shall have the authority to reduce or eliminate this fee (only) upon good cause shown. (See Chapter 111, Subsection 111.55)

PARKING SPACE. An area of not less than 9 feet wide by 20 feet long, for each automobile or motor vehicle, that space being exclusive of necessary drives, aisles, entrances, or exits and being fully accessible for the storage or parking of permitted vehicles.

PERSON. Includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.

PLANNED SHOPPING CENTER.

(1) A cluster of attached buildings integrated with a site containing off-street parking, loading, and pedestrian walkways which provide facilities to inspect and buy merchandise in a comprehensive pre-planned manner.

(a) **NEIGHBORHOOD SHOPPING CENTER. A PLANNED SHOPPING CENTER**, when used in this context, means a commercial development which has been designed, developed, and operated as a unit and can satisfy the following criteria: a site of 1 acre to 6 acres; a supporting population of at least 750 families in a trading area of ½ to 1 mile in radius; at least 4 stores; and a gross floor area of 10,000 to 50,000 square feet in size.

(b) **COMMUNITY SHOPPING CENTER. A PLANNED SHOPPING CENTER**, when used in this context, shall mean a commercial development which has been designed to operate as a unit and has a site of 6 to 10 acres, at least 12 stores, and a gross floor area of over 50,000 to 130,500 square feet in size.

(c) **REGIONAL SHOPPING CENTER. A PLANNED SHOPPING CENTER**, when used in this context, shall mean a commercial development which has been designed to operate as a unit and has a site of at least 10 acres, at least 12 stores, and a gross floor area greater than 130,500 feet.

(2) A business development consisting of 4 or more retail commercial outlets characterized by a unified grouping of stores under common architecture and served by a common circulation and parking system.

PORCH, ENCLOSED. A covered entrance to a building or structure which is totally enclosed, and projects out from the main wall of the building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

PORCH, OPEN. A covered entrance to a building or structure which is unenclosed except for columns supporting the porch roof, and projects out from the main wall of the building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

PROPERTY LINE. A line which marks the boundary or perimeter of a parcel of land.

PUBLIC UTILITY. Any person, firm, corporation, municipal department, or board duly authorized to furnish and furnishing under municipal or state regulation to the public: transportation, water, gas, electricity, telephone, steam, telegraph, or sewage disposal.

RESTAURANT, CARRY-OUT. An establishment where food is prepared and served to a customer solely for the consumption off the premises.

RESTAURANT, DRIVE-IN. An establishment where food is prepared and served on the premises for consumption within an automobile, and an establishment with combined drive-in and sit-down facilities.

RESTAURANT, SIT-DOWN. An establishment where food is prepared and served for consumption within the principal building, with or without carry-out facilities.

ROADSIDE STAND. A temporary or permanent building operated for the purpose of selling only produce raised or produced by the proprietor of the stand or his or her family, and its use shall not make into a commercial district land which would otherwise be agricultural, nor shall its use be deemed a commercial activity. The **STAND**, if of a permanent character, shall not be more than 1 story high nor larger than 20 feet by 20 feet, and must be set back from the nearest highway right-of-way line at least 25 feet.

ROOMING HOUSE. See **BOARDING HOUSE**.

SEASONAL SALES. A temporary building operated for the purpose of seasonally selling agricultural products, a portion of which may or may not be raised or produced on the same premises but by the proprietor of the stand.

SELF-STORAGE FACILITIES. Intended to provide temporary storage needs for businesses, apartment dwellers, and other individuals, on a self-service basis; and, under strict standards, to ensure security, prevent storage of flammable or toxic substances, create a pleasant environment, and allow proper access and circulation.

SETBACK. The minimum horizontal distance required to exist between the front line of the building, excluding steps or wooden handicapped ramps, and the front street or right-of-way line.

SHALL. The act referred to is always mandatory and not discretionary.

SIDEWALK SALES. A temporary sale that is conducted by the business owner on the property in which their principal business is located, during hours of operation only, which sells items that area also available in the principal business.

SIGN, NUMBER AND SURFACE AREA. For the purpose of determining **NUMBER** of signs, a **SIGN** shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. The **SURFACE AREA** of a sign shall be computed as including the entire area within a regular geometric form or combination of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of **SURFACE AREA**.

SIGN, OUTDOOR ADVERTISING. Any card, cloth, paper, metal, glass, wood, plaster, stone, or sign of other material of any kind, placed for outdoor advertising purposes on the ground or on any tree, wall, bush, rock, post, fence, building, structure, or thing whatsoever. The term **PLACED** as used in this definition shall include erecting, construction, posting, painting, printing, tacking, nailing, gluing, sticking, carving, or other fastening, affixing, or making visible in any manner whatsoever. The term shall specifically exclude the following:

(1) Signs not exceeding 1 square foot in area and bearing only property numbers, box numbers, names of occupants of premises, or other identification of premises not having commercial connotations;

(2) Flags and insignia of any government except when displayed in connection with commercial promotion;

(3) Legal notices, identification, informational, or directional signs erected or required by governmental bodies;

- (4) Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights; and
- (5) Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

SINGLE PARCEL OWNERSHIP. Ownership of a parcel of property wherein the owner does not own adjoining vacant property. Owner of a property may include dual or multiple ownership by a partnership, corporation, or other group. Provided, that the owner of any number of contiguous lots of record considered as a single lot of record for the purpose of this ordinance as he or she so elects, and in that case the outside perimeter of the group of lots of record shall constitute the front, rear, and side lot lines thereof.

SPECIAL EVENTS. Events held by a public entity or that have been approved by the Zoning Board of Appeals under the regulations of Ordinance 113 - Outdoor Recreational Events.

SPECIFIED ANATOMICAL AREAS.

- (1) Less than completely and opaquely covered:
 - (a) Human genitals, pubic region;
 - (b) Buttock; or
 - (c) Female breast below a point immediately above the top of the areola.
- (2) Human or animal male genitals in a discernibly turgid state even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES.

- (1) Human or animal genitals in a state of sexual stimulation or arousal.
- (2) Acts of human or animal masturbation, sexual intercourse, or sodomy.
- (3) Fondling or other erotic touching of human or animal genitals, pubic region, buttock, or female breast.

STORY. The portion of a building, other than a cellar or mezzanine, included between the surface of any floor and the floor next above it, or, if there is no floor above it, then the space between the floor and the ceiling next above it. (See Appendix B - This Chapter.)

(1) A mezzanine shall be deemed a full **STORY** when it covers more than 50% of the area of the story underneath that mezzanine, or if the vertical distance from the floor next below it to the floor next above it is 24 feet or more.

(2) A basement or cellar shall be counted as a **STORY** if over 50% of its height is above the level from which the height of the building is measured, or if it is used for business purposes, or if it is used for dwelling purposes by other than a janitor or domestic servants employed in the same building, including the family of the same.

STORY, HALF. The part of a building between a pitched roof and the uppermost full story, that part having a floor area which does not exceed ½ the floor area of the full story. (See Appendix B - This Chapter.)

STREET. A public thoroughfare which affords traffic circulation and principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and other thoroughfare, except an alley.

STRUCTURAL ALTERATION. Any change in the supporting members of a building or structure, such as bearing walls, or partitions, columns, beams, or girders, or any change in the width or number of exits, or any substantial change in the roof.

STRUCTURE. Anything constructed or erected which requires permanent location on the ground or attachment to something having such location. **BUILDING** or **STRUCTURE** includes any part thereof.

STRUCTURE, OUTDOOR ADVERTISING. Any structure of any kind or character erected or maintained for outdoor advertising purposes, upon which any outdoor advertising sign or billboard may be placed, including outdoor advertising statuary. The term **PLACED** as used in this definition shall include erecting, construction, posting, painting, printing, tacking, nailing, gluing, sticking, carving, or other fastening, affixing, or making visible in any manner whatsoever.

SWIMMING POOL. Any structure or container intended for swimming or bathing, located either above or below grade, designed to hold water to a depth of greater than 24 inches.

TEMPORARY BUILDING AND USE. A structure or use permitted by the Board of Zoning Appeals to exist during periods of construction of the main use or for special events, not to exceed 1 year.

TEMPORARY MARIJUANA EVENT. A state license with Zoning Board of Appeals approval held by a marijuana event organizer for an event where the onsite sale or consumption of marijuana products, or both, are authorized at the location indicated on the state and city license during the dates indicated on the state and city license.

TEMPORARY ROADSIDE STAND. Includes any stand, truck, motor vehicle, trailer, tent, or other enclosure not permanently affixed to the land, and not assessable as a part of the real estate, and from which enclosure merchandise is sold or held for sale to the public.

TENT. A shelter of canvas or the like, supported by poles and fastened by cords or pegs driven into the ground; and shall not include those types of tents used solely for children's recreational purposes.

TRAVEL TRAILER. A portable vehicular unit primarily designed for travel and recreational usage, which may also contain facilities for overnight lodging, but which does not exceed 8 feet in width or 32 feet in length. This term also includes folding campers and truck-mounted campers, but not mobile homes.

USE. The purpose for which land or premises of a building thereon is designed, arranged, or intended, or for which it is occupied, or maintained, let, or leased.

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

VARIANCE. A modification of the literal provisions of this ordinance which is granted when strict enforcement would cause undue hardship or practical difficulty, depending on the variance requested, owing to circumstances unique to the individual property on which the variance is granted. Hardships based solely on economic considerations are not grounds for a variance.

VEHICLE ACCESS DRIVE. The portion of a driveway entrance or exit lane extending from the edge of a traveled road or highway to or from the edge of a traveled road or highway to or from an off- street parking lot.

YARD. An open space of prescribed width or depth on the same land with a building or group of buildings, which open space lies between the building or group of buildings, and the nearest lot line, and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein. This regulation shall not include eaves, provided that an 8-foot height clearance is provided above the adjacent ground level.

YARD, FRONT. A yard extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the main building. (See Appendix B - This Chapter.)

YARD, REAR. A yard between a main building and the rear lot line. The depth of the required rear yard shall be measured from the nearest point of the rear lot line to the nearest point of the main building.

YARD, SIDE. A yard between a main building and the side lot line, extending from the front yard to the rear yard. The width of the required **SIDE YARD** shall be measured horizontally from the nearest point of the side lot line to the nearest point of the main building.

ZERO LOT LINE SUBDIVISION. A collection of single-family residences contained within a common structure or attached together having common wall spaces. Each residence shall be sold with an individual lot and that portion of the structure sitting on that lot.

ZONING ADMINISTRATOR. This term shall refer to the Zoning Administrator of the city, or his or her authorized representative.

(Ord. 2017-7-157, passed 12-14-2017; Ord. 2019-10-157, passed 9-16-2019; Ord. 2020-1-157, passed 1- 21-2020; Ord. 2020-1-157, passed 5-1-2020; Ord. 2021-7-157, passed 7-19-2021)

DISTRICT BOUNDARIES AND MAPS

§ 157.020 DISTRICTS ESTABLISHED.

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

- (A) SE, suburban estate residential;
- (B) R-1A, single-family residential;
- (C) R-1B, single-family residential;
- (D) R-1C, single-family residential;
- (E) RM, multiple-family residential;
- (F) RM-1, low density multiple;
- (G) HRM, high rise multiple-family residential;
- (H) RMH, mobile home park;
- (I) R-O, restricted office;
- (J) C-1, local business;
- (K) C-2, general business;
- (L) C-3, highway-oriented business;
- (M) C-4, planned shopping center;
- (N) M-1, light industrial;
- (O) M-2, general industrial; and
- (P) P-1, vehicular parking.

§ 157.021 ZONING MAP ADOPTED; BOUNDARY INTERPRETATION.

(A) The boundaries of these districts are shown upon the map made a part of this ordinance, which map is designated as the Zoning Map of the city. The Zoning Map on file in the office of the Clerk of the City, and all notations, references, and other information shown thereon are a part of this ordinance and have the same force and effect as if the Zoning Map and all notations, references, and other information shown thereon were fully set forth or described herein.

(B) Except where reference on the Map to a street or other designated line by the dimensions shown on the Map, the district boundary lines follow lot lines or the centerlines of the streets or alleys or such lines extended and the corporate limits of the city, as they existed at the time of the adoption of this ordinance.

(C) Where a district boundary line, as established in this section or as shown on the Zoning Map, divides a lot which was in a single ownership and of record at the time of enactment of this ordinance, the use authorized thereon and the other district requirements

applying to the least restricted portion of the lot, under this ordinance shall be considered as extending to the entire lot, provided that the more restricted portion of the lot is entirely within 25 feet of the dividing district boundary line. The use so extended shall be deemed to be conforming.

(D) Questions concerning the exact location of district boundary lines shall be determined by the Board of Zoning Appeals after recommendation from the City Planning Commission, according to rules and regulations which may be adopted by it.

ZONING DISTRICTS; USES AND REQUIREMENTS

§ 157.035 SUBURBAN ESTATE RESIDENTIAL DISTRICT, SE.

(A) *Statement of purpose.* The suburban estate residential district is established to permit single-family residential development of a rural non-farm nature in areas without public sewer and water facilities. For the suburban estate residential district, in promoting the general purpose of this ordinance, the specific intent of this section is:

- (1) To encourage the construction of, and the continued use of the land for single-family dwellings;
- (2) To prohibit business, commercial, or industrial use of the land, and to prohibit any other use which would substantially interfere with development or continuation of single-family dwellings in the district;
- (3) To encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this ordinance;
- (4) To discourage any land use which would generate traffic on minor or local streets other than normal traffic to serve the residences on those streets; and
- (5) To discourage any use which, because of its character or size, would create requirements and costs for public services, such as fire and police protection, water supply, and sewerage, substantially in excess of the requirements and costs if the district were developed solely for single-family dwellings.

(B) *Principal permitted uses.* In the suburban estate residential district no uses shall be permitted, unless otherwise provided in this ordinance, except the following:

- (1) Single-family detached dwellings;
- (2) The growing of vegetables, fruit, flowers, trees, and shrubs;
- (3) Publicly owned and operated museums, parks, playfields, libraries, and other recreational facilities;
- (4) Public, parochial, or private elementary, intermediate, and high schools offering courses in general education, not operated for profit;
- (5) Cluster subdivisions pursuant to requirements of § 157.093 of this code;
- (6) Accessory buildings and uses customarily incidental to the above principal permitted uses;
- (7) Off-street parking in accordance with the requirements of §§ 157.110 *et seq.* of this code;
- (8) Home occupations as defined in § 157.006 which comply with § 157.100(A) of this code;
- (9) Single-family farm dwellings;
- (10) Farm buildings and greenhouses;
- (11) (a) Farms, including livestock and poultry raising, dairying, horticulture, farm forestry, sod farming, and similar bona fide agricultural enterprises or use of land and structure, provided the farm shall be a minimum of 5 acres.
 (b) The keeping of horses for farming or for riding purposes, equines, cattle, or similar livestock shall be permitted only if 1 acre of land is provided for the use of each such animal. The keeping of fowl, poultry, and small livestock shall be regulated according to yard setbacks. All land so used for the keeping of livestock or fowl shall be located no nearer to the front street line than the rear building line of the dwelling on that lot and no closer than 50 feet from any adjacent property line. A suitable fence or other enclosure shall be erected around the entire premises for outside use by horses, cattle, or similar livestock. There shall be no obnoxious odors, flies, or other nuisances caused by the keeping of livestock or fowl, or by any agricultural operation.

(C) *Permitted uses after special approval.* The following uses shall be permitted subject to the conditions hereinafter imposed and subject further to site plan review and approval of the City Planning Commission:

- (1) Roadside stands for the display and sale of produce raised on the same premises, which shall be located not less than 25 feet from the street or highway right-of-way line and further provided that an open space for parking, 25 feet off the highway or street right-of-way, be provided for patrons of the roadside produce stand. A maximum of 1 roadside stand shall be permitted on any premises;
- (2) Private parks, country clubs, golf courses, and golf driving ranges, when located on a continuous parcel of 5 acres or more in area; when any structure on that parcel is located at least 250 feet from a lot line of any adjacent residential district; and when all ingress and egress from that parcel is directly onto a major thoroughfare;
- (3) Churches and other facilities normally incidental thereto, subject to the following conditions:
 - (a) Unless established prior to the enactment of this ordinance, a church site shall contain an area of at least 2 acres;
 - (b) The site shall be so located as to have at least 1 property line abutting a major thoroughfare. All ingress and egress to the site shall be directly onto the major thoroughfare; and

(c) Wherever the off-street parking area is adjacent to land zoned for residential purposes, a continuous and obscuring wall not less than 5 feet in height shall be provided along the sides of the parking area adjacent to the residentially zoned land in accordance with § 157.087.

(4) Publicly owned buildings, public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations, but not including storage yards, when operating requirements necessitate locating within the district to serve the immediate vicinity, and the use is not injurious to the surrounding neighborhood;

(5) Nursery schools, day nurseries, and child care centers (not including dormitories), provided that for each child so cared for, there shall be provided and maintained a minimum of 200 square feet of outdoor play area. This play space shall have a total minimum area of at least 1,000 square feet and shall be screened from any adjoining lot in any residential district in accordance with § 157.087;

(6) Cemeteries, subject to the following conditions:

(a) The cemetery site shall contain an area of at least 20 acres;

(b) The site shall be so located as to have at least 1 property line abutting a major thoroughfare. All ingress and egress to the site shall be directly onto the major thoroughfare;

(c) The perimeter of the site shall be fenced in accordance with § 157.087;

(d) Any structure located on the site shall be at least 100 feet from any lot line; and

(e) Any burial plot located on the site shall be located at least 50 feet from any lot line.

(7) Temporary buildings for use incidental to construction work for a period not to exceed 1 year.

(D) *Area, height, and placement requirements.* Area, height, and placement requirements, unless otherwise specified, are as provided in Appendix A, Schedule of Regulations.

§ 157.036 SINGLE-FAMILY RESIDENTIAL DISTRICTS; R-1A, R-1B, AND R-1C.

(A) *Statement of purpose.* The single-family residential districts are established as districts in which the principal use of land is for single-family dwellings. For the single-family residential districts, in promoting the general purpose of this ordinance, the specific intent of this section is:

(1) To encourage the construction of, and the continued use of the land for single-family dwellings;

(2) To prohibit business, commercial, or industrial use of the land and to prohibit any other use which would substantially interfere with development or continuation of single-family dwellings in the district;

(3) To encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this ordinance;

(4) To discourage any land use which would generate traffic on minor or local streets other than normal traffic to serve the residences on those streets; and

(5) To discourage any use which, because of its character or size, would create requirements and costs for public services, such as fire and police protection, water supply, and sewerage, substantially in excess of the requirements and costs if the district were developed solely for single-family dwellings.

(B) *Principal permitted uses.* In the R-1A, R-1B, and R-1C districts, no uses shall be permitted unless otherwise provided in this ordinance except the following:

(1) Single-family detached dwellings;

(2) Publicly owned and operated parks, playfields, museums, libraries, and other recreation facilities;

(3) Public, parochial, or private elementary, intermediate, and high schools offering courses in general education, not operated for profit;

(4) Accessory buildings and uses customarily incidental to the above principal permitted uses;

(5) Off-street parking in accordance with the requirements of §§ 157.110*et seq.* of this code;

(6) Cluster subdivisions in R-1A districts pursuant to requirements of § 157.093;

(7) Home occupations as defined in § 157.006 and which comply with § 157.100(A) of this code;

(8) Single-family farm dwellings;

(9) Farm buildings and greenhouses; and

(10) (a) Farms, including livestock and poultry raising, dairying, horticulture, farm forestry, sod farming, and similar bona fide agricultural enterprises or use of land and structure, provided the farm shall be a minimum of 5 acres.

(b) The keeping of horses for farming or for riding purposes, equines, cattle, or similar livestock shall be permitted only if 1 acre of land is provided for the use of each such animal. The keeping of fowl, poultry, and small livestock shall be regulated according to yard setbacks. All land so used for the keeping of livestock or fowl shall be located no nearer to the front street line than the rear building line of the dwelling on that lot and no closer than 50 feet from any adjacent property line. A suitable fence or other enclosure shall be erected around the entire premises for outside use by horses, cattle, or similar livestock. There shall be no obnoxious odors, flies, or other nuisances caused by the keeping of livestock or fowl, or by any agricultural operation.

(C) *Permitted uses after special approval.* The following uses shall be permitted subject to the conditions hereinafter imposed and subject further to site plan review and approval of the City Planning Commission pursuant to § 157.177 of this code:

- (1) Private parks, country clubs, golf courses, and golf driving ranges, when located on a continuous parcel of 5 acres or more in area; when any structure on that parcel is located at least 200 feet from a lot line of any adjacent residential thoroughfare;
- (2) Churches and other facilities normally incidental thereto, subject to the following conditions:
 - (a) Unless established prior to the enactment of this ordinance, a church site shall contain an area of at least 2 acres;
 - (b) The site shall be so located as to have at least 1 property line abutting a major thoroughfare. All ingress and egress to the site shall be directly onto the major thoroughfare; and
 - (c) Wherever the off-street parking area is adjacent to land zoned for residential purposes, a continuous and obscuring wall not less than 5 feet in height shall be provided along the sides of the parking area adjacent to the residentially zoned land in accordance with § 157.087.
- (3) Publicly owned buildings, public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations, but not including storage yards, when operating requirements necessitate locating within the district to serve the immediate vicinity, and the use is not injurious to the surrounding neighborhood;
- (4) Nursery schools, day nurseries, and child care centers (not including dormitories), provided that for each child so cared for, there shall be provided and maintained a minimum of 200 square feet of outdoor play area. This play space shall have a total minimum area of at least 1,000 square feet, and shall be screened from any adjoining lot in any residential district in accordance with § 157.087; and
- (5) Cemeteries, subject to the following conditions:
 - (a) The cemetery site shall contain an area of at least 20 acres;
 - (b) The site shall be so located as to have at least 1 property line abutting a major thoroughfare. All ingress and egress to the site shall be directly onto the major thoroughfare;
 - (c) The perimeter of the site shall be fenced in accordance with § 157.087;
 - (d) Any structure located on the site shall be at least 100 feet from any lot line; and
 - (e) Any burial plot located on the site shall be located at least 50 feet from any lot line.

(D) *Planned unit development.* It shall be the intent of this section to allow a more flexible development of land in the R-1A and R-1B residential districts by permitting, subject to review and approval of the Board of Zoning Appeals, a variation in dwelling type, bulk, density, and open space requirements within prescribed limits.

- (1) Such a planned unit development (PUD) shall encourage:
 - (a) A more efficient use of residential land;
 - (b) The preservation of natural features in the community such as open space, wooded areas, creeks, ponds, and floodplains;
 - (c) The provision of areas for open space and recreation; and
 - (d) A more efficient provision of those public facilities required in connection with residential development, such as schools, fire stations, and similar public facilities.
- (2) Planned unit developments permitted under this section shall be subject to the following requirements.
 - (a) The minimum lot size of any PUD shall be 30 acres.
 - (b) Of the total number of dwelling units permitted in a PUD, a minimum of 60% of the dwelling units shall be single-family homes. The remaining 40% of the dwelling units may be apartments or townhouses.
 - (c) The developer shall provide within the PUD public sanitary sewer, water, and storm drainage systems which shall connect with the city's system, and shall be otherwise constructed and maintained in conformity with the statutes, ordinances, and regulations of the state, the County Health Department, the County Drain Commissioner's office, and the city.
 - (d) Uses permitted in a PUD may include and shall be limited to:
 1. Single-family, townhouse, or apartment dwelling units;
 2. Nonresidential uses of a religious, cultural, recreational, or educational character that are characteristically found in residential areas; and
 3. Commercial and office uses of a local or neighborhood character.
 - (e) Nonresidential uses shall not exceed 10% of the total land area of the PUD and must meet the following requirements:
 1. Nonresidential sites may not exceed 10 acres in any 1 site. Proposed larger sites must obtain conventional zoning;
 2. Planned commercial or office sites are to be located at an intersection of 2 major thoroughfares or a major and a collector street; and
 3. Not all PUDs automatically receive commercial or office sites. The sites depend on the market potential of the area. It is the burden of the landowner to submit sufficient evidence to justify the need for commercial or office development.

(f) The Planning Commission, in determining the reasonableness of the increase in the authorized dwelling units per acre, shall recognize that increased density may be balanced by additional private amenities and by increased efficiency in public services to be achieved by the planning unit development, provided that the densities do not exceed those expressed in Table 157.036A.

1. Density shall be determined on that portion of the planned unit development proposed for residential development and shall not include land devoted to schools, commercial facilities, office areas, or other nonresidential properties.

2. Open space areas shall be considered as residential property in determining density. Existing public rights-of-way shall not be used in calculating density.

Zoning District	Maximum Permitted Dwelling Units per Acre	Minimum Single-Family Lot Frontage at Building Line	Minimum Single-Family Lot Area	Minimum Common Open Space
R-1A, single-family	4.2	70 ft.	8,400 sq. ft.	15% of total PUD area
R-1B, single-family	5.4	60 ft.	7,200 sq. ft.	6% of total PUD area

(g) The frontage and lot area of single-family lots shall be no less than shown in Table 157.036A.

(h) Common open space areas, as provided in accordance with Table 157.036A, shall be within and part of the single-family portion of the PUD. All residents of the single-family area shall be members of a homeowners association which shall own and maintain the common open space. Development of the common open space shall be in accordance with the following provisions:

1. All common open spaces are to be part of a subdivision plat and designated as a private park and given a name. The developer is responsible for grading and seeding all portions of the non-wooded areas of the common open space at the time of the rough grading of the lots;

2. All common open spaces are to be of a size, shape, function, and location satisfactory to the City Planning Commission;

3. Drainage courses may be part of the open space provided in the PUD, provided the drainage courses are part of a contiguous park area, drainage easements do not constitute more than 30% of the total common open space, and drain easements shall be maintained as part of the common open space by the homeowners association;

4. The landowner shall turn control of the platted common open space to the homeowners when 80% of the homes planned are sold to the general public or within 3 years of the commencement of building, whichever occurs first; and

5. All common open space in and abutting the development stage shall be established as part of the subdivision plat.

(i) Except as provided in this subsection (D), development of single-family residential uses under this section shall be subject to all remaining provisions of this section, and Appendix A, and to all other provisions of this ordinance applicable to this type of use.

(j) Development of the multiple-family residential area shall be in accordance with the provisions of § 157.037 of this code, which are hereby incorporated herein by reference, and with the provisions of Appendix A of this ordinance, to the extent those provisions are not in conflict with the provisions of this section.

(k) Prior to the granting of a building permit for any uses under this subsection (D), a site plan shall be submitted to the Planning Commission for review in accordance with § 157.092 of this code. A proposed agreement by the developer of the PUD with the city shall also be submitted for review with the site plan, stating the duties and obligations of the developer. In the course of the site plan review, the Planning Commission shall hold a public hearing therein with notice as provided for hearings to consider ordinance amendments to change the zoning district of a parcel of land.

(l) After completing site plan review as provided in subsection (D)(2)(k) above, the Planning Commission shall recommend to the City Council that the site plan be approved or disapproved. The City Council shall, upon receiving the recommendation, decide by resolution to reject the site plan, or proceed with the consideration of the site plan. If the site plan is rejected, the developer shall be notified in writing of the rejection.

1. If the City Council resolved to proceed, a public hearing on the site plan shall be held with notice as provided for hearings to consider ordinance amendments to change the zoning district of a parcel of land. After that hearing, which may be adjourned from time to time without further notice, the City Council shall by resolution approve or disapprove the site plan.

2. The developer shall within 6 months of the date of this approval enter into an agreement with the city, containing those provisions as the City Council shall deem necessary, stating the duties and obligations of the developer. Within 2 years from the date of execution of this agreement, the developer shall record a plat of the single-family area of the development in accordance with the approved site plan. Within 1 year from the date of that recordation, construction of the single-family area of the development shall begin. No construction shall commence in the multiple-family area until construction of dwellings has commenced in the single-family area on 25% of the platted lots, or 20 of the lots, whichever shall be smaller.

(E) *Area, height, and placement requirements.* Area, height, and placement requirements, unless otherwise specified, are as provided in Appendix A, Schedule of Regulations.

§ 157.037 MULTIPLE-FAMILY RESIDENTIAL DISTRICT, RM.

(A) *Statement of purpose.* The multiple-family residential district is designed to permit an intensive residential use of land. Multiple-family areas shall abut upon major thoroughfares for good accessibility and may be located between single-family residential areas and other nonresidential uses. It is intended that various sizes of residential accommodations, for ownership and rental, shall be provided to meet the needs of the community.

(B) *Principal permitted uses.* In the RM district, no uses shall be permitted, unless otherwise provided in this ordinance, except the following:

(1) All principal permitted uses, and permitted uses after special approval under § 157.036(C) in the R-1A and R-1B districts subject to the terms and conditions therein;

(2) Multiple-family dwellings, provided that all such dwellings shall have at least 1 property line abutting a major thoroughfare. All ingress and egress shall be directly onto the major thoroughfare;

(3) Two-family dwellings;

(4) Community garages serving the principal residential building, containing space for no more than 2 passenger vehicles for each dwelling unit in the principal building on the lot;

(5) Maintenance and management buildings to serve multiple dwellings;

(6) Private swimming pool designed and operated as an accessory use only for occupants of the main building or buildings and their personal guests in accordance with Standard Code Provisions;

(7) Hospitals, provided the following conditions are met:

(a) All such hospitals shall be developed only on sites consisting of at least 5 acres in area;

(b) The proposed site shall have at least 1 property line abutting a major thoroughfare. All ingress and egress to the off-street parking area, for guests, employees, staff, as well as any other uses of the facilities, shall be directly onto the major thoroughfare;

(c) In the event 1 or more boundaries of the proposed site lies opposite or contiguous of a residential district, the minimum distances between any hospital structure or accessory use and the residential district boundary shall be at least 100 feet for buildings containing 2 stories or less. For buildings above 2 stories, the building shall be set back from the initial 100 foot setback an additional 1 foot for each foot of additional height above 2 stories;

(d) The minimum distance from any street line shall not be less than 40 feet for buildings containing 2 stories or less, while buildings above 2 stories, regardless of what zoning district is adjacent the proposed hospital site, shall be set back an additional 1 foot for each 5 feet of height above 2 stories;

(e) The minimum distance from a nonresidential lot line shall not be less than 25 feet;

(f) Ambulance and delivery areas shall be obscured from all residential view with a wall or barrier of suitable material at least 6 feet in height, and that wall or barrier shall be further subject to the requirements of § 157.087 of this code;

(g) The site plan shall show any future construction and projected maximum patient census; and

(h) Noise-producing activities, such as ambulance and delivery areas, shall be located not less than 500 feet from any residential area.

(8) Convalescent or nursing home, not to exceed a height of 2.5 stories, when the following conditions are met:

(a) All these convalescent or nursing homes shall be developed only on sites consisting of at least 5 acres in area;

(b) The proposed site shall have at least 1 property line abutting a major thoroughfare. All ingress and egress to the off-street parking area, for guests, employees, staff, as well as any other uses of the facilities, shall be directly onto the major thoroughfare; and

(c) No building shall be closer than 40 feet from any property line.

(9) Boarding house (rooming house) not to exceed a height of 3 stories;

(10) Accessory buildings and uses customarily incidental to the above principal permitted uses;

(11) Off-street parking in accordance with the requirements of §§ 157.110*et seq.* of this code; and

(12) Zero lot line subdivisions subject to the following conditions:

(a) The proposed subdivision shall consist of a tract of land at least 10 acres in area;

(b) The application shall be endorsed unequivocally for this type of development by all the owners of the tract, and procedures and documents shall be provided to ensure development under a single administration and as approved by the City Council after recommendation from the Planning Commission;

(c) All developments of this nature are to be located on a site which the City Engineer has determined to have an adequate supply of public sanitary sewer and public watermain available to service the newly created needs;

(d) Residential densities shall not exceed 2 buildings per acre with each building containing a maximum of 4 dwelling units based upon the total gross area of the proposed subdivision including all streets and roads within the subdivision and dedicated open space;

(e) The developer shall dedicate not less than 10% of the total land area for parks, woodlands, conservation district, playgrounds, golf courses, tennis courts, or other open space areas, such as to encourage the preservation of natural features for public or semi-public use. This land may be dedicated to the city or may be reserved for use of all residents in the zero lot line subdivision, in which case

satisfactory arrangements shall be made, acceptable to the city, for the development, operation, and maintenance for all these areas. Prior to conveyance of this open space, all open space shall be graded and seeded, except that portion of the open space may be preserved in a natural state subject to approval by the City Council after recommendation from the Planning Commission.

1. The location, extent, and purpose of areas dedicated for open space or recreational use within any subdivision shall be approved by the City Council after recommendation from the Planning Commission.

2. The development, operation, and maintenance of dedicated land for private open space or recreational use shall be guaranteed by a trust indenture approved by the city and shall be filed with the County Register of Deeds simultaneously with the recording of the final plat of the proposed subdivision.

(f) A subdivision association is to be established for the entire life of development to ensure property owners of an orderly run subdivision. After the developer has fulfilled his or her obligations to the city, all property owners will be members of the subdivision association and each lot having 1 vote on all issues brought before it. Items to be addressed by association are, but not limited to, the following: obtain funds to utilize for maintenance, replacement, repair, and care of roofs, gutters, downspouts, exterior building surfaces, trees, shrubs, grass, walks, common areas, and other exterior improvements. The developer will submit format for the development of the subdivision which will be subject to the approval of the City Council after receiving recommendation from the Planning Commission and City Attorney. Any changes or amendments to approved subdivision association declaration of covenants, conditions, and regulations must be approved by the City Council prior to adoption by the subdivision;

(g) The exterior of the building(s) is to be constructed of a low maintenance material, one which does not require continual painting and staining. Suggested materials are as follows; however, the developer is not limited to these if he or she is able to convince the Planning Commission that the intent is being followed: brick, masonry materials, aluminum products, and the like. All exterior material is subject to Planning Commission approval;

(h) At time of, prior to final plat approval, the developer is to submit final building design and layout subject to approval of the Planning Commission;

(i) Building permits for additions or for renovations of the existing structures will be issued only through application from the subdivision architectural committee. The architectural committee will consist of a 3-person board; a representative from the City Department of Public Works, a representative from the Board of Directors from the subdivision association, and a representative from the developer who must serve for a minimum period of 5 years. After this time, he or she may elect to be replaced; if so, a representative from the city's Building Board of Appeals will be chosen by the chairperson of that group;

(j) Ten-foot minimum access easement required to service rear yard of each dwelling unit. The access easement shall be filed with the County Register of Deeds simultaneously with the recording of the final plat of the proposed subdivision;

(k) Setback requirements:

1. Twenty-foot front yard;
2. Thirty-foot rear yard;
3. Twenty-foot side on end dwelling units; and
4. Forty-foot minimum between buildings.

(l) Minimum lot size: 24 feet by 110 feet, or 2,640 square feet;

(m) Minimum frontage: 24 feet;

(n) Minimum living area per dwelling unit to be 1,000 square feet;

(o) Maximum lot coverage: 50%;

(p) Maximum building height to be 2.5 stories or 35 feet;

(q) Yearly maintenance inspection; to provide for compliance with the current adopted provisions of this ordinance and this code of ordinances and to abate all on-site deficiencies, the Department of Public Works will conduct a yearly inspection in the spring of each year. A list of deficiencies will be compiled and submitted to the property owner(s). A time frame of 6 months will be granted to the owners of record to complete the necessary items. Failure to update deficiencies will result in abatement procedures;

(r) Performance bond required prior to issuance of permits;

(s) Household pets permitted as long as they remain in dwelling unit or on leash accompanied by owner; in no case shall there be exterior dog kennels or dog houses within subdivision; and

(t) A fenced and screened storage area to city specifications shall be provided on the site for the use of residents of the subdivision to store recreational vehicles, boats, and the like. One storage space per dwelling unit shall be provided. Size of the storage space shall be 10 feet by 20 feet.

(C) *Greenbelt*. No use permitted in an RM district shall be erected or altered on any lot or area adjoining a single-family residential district unless a greenbelt in accordance with § 157.088 of dimensions and plant materials to be determined by the Planning Commission or an ornamental masonry opaque wall not less than 5 feet in height is provided along the adjoining lot line, as determined by the Planning Commission.

(D) *Site plan review*. For all uses permitted in an RM district, other than single-family residences, but including structural restoration, reconstruction, extension, substitution, or renovation of existing uses, a site plan of the entire building premises shall be submitted for review and approval in accordance with § 157.092 of this code. In addition to the criteria set forth in § 157.092(G), any multiple-dwelling site plan shall also meet the following criteria:

- (1) All site plans shall have 2 means of ingress and egress throughout the project to permit adequate circulation for safety equipment;
 - (2) In all multiple projects of over 100 dwelling units, parking shall not be allowed along the main circulation drive;
 - (3) All parking lots must be a minimum of 62 feet in width, and if through traffic is permitted through the lot, the width must be increased to 64 feet;
 - (4) All townhouse units must be constructed to permit the development of an individual outdoor paved patio area not less than 100 square feet in area;
 - (5) There shall be no more than 10 townhouses in any 1 attached row, and there shall be no more than 3 continuous, attached townhouses with the same building line;
 - (6) An apartment house shall not exceed 200 feet in length; and
 - (7) Townhouse units with attached garages may not include the space behind the garage door as part of the parking requirement. Townhouse units with attached garages may reduce their requirement parking to 1.5 spaces per dwelling unit.
- (E) *Area, height, and placement requirements.* Area, height, and placement requirements unless otherwise specified are as provided in Appendix A, Schedule of Regulations.

§ 157.038 MULTIPLE-FAMILY RESIDENTIAL DISTRICT, RM-1.

(A) *Intent.* The RM-1, multiple-family residential districts, are intended to provide opportunities for the building of low density multiple-family dwelling structures. Generally the type of areas that would be appropriate for the zoning designation areas adjacent to major thoroughfares that have been previously subdivided into large estate type lots and may be near existing single-family residential development. The intent is further to encourage the development of small multiple-family structures so that the scale of the buildings remain somewhat in keeping with a large single-family housing structure.

(B) *Principal uses permitted.* In an RM-1, multiple-family residential district, no building or land shall be used and no building shall be erected except for 1 or more of the following specified uses unless otherwise provided in this ordinance:

- (1) Two-family dwellings;
- (2) Single-family attached dwelling units, provided they meet the following requirements:
 - (a) The attachment is affected:
 1. Through a common party wall which does not have over 25% of its area in common with an abutting dwelling unit wall;
 2. By means of an architectural wall detail which does not have over 25% of its area in common with an abutting dwelling unit wall;
 3. By means of an architectural wall detail which does not form interior room space; or
 4. Through a common party wall in only the garage portion of adjacent structures, there being no common party wall relationship permitted through any other portion of the residential unit.
 - (b) The maximum number of dwelling units that in some degree be attached shall not exceed 4 in a cluster.
- (3) Accessory buildings and uses customarily incident to any of the above permitted uses.

(C) *Required conditions.*

- (1) In the case of multiple-dwelling developments, all site plans shall be submitted to the Planning Commission for its review and approval prior to the issuance of a building permit. Approval shall be contingent upon a finding that:
 - (a) The site plan shows a proper relationship exists between local streets and any proposed service roads, driveways, and parking areas to encourage pedestrian and vehicular traffic safety; and
 - (b) All the development features including the principal building or buildings and any accessory buildings, or uses, open spaces, and any service roads, driveways, and parking areas, are so located and related to minimize the possibility of any adverse effects upon adjacent property, such as, but not limited to: channeling excessive traffic onto local residential streets, lack of adequate screening or buffering of parking or service areas, or building groupings and circulation routes located so as to interfere with police or fire equipment access.

- (2) All access to the site shall be from a major thoroughfare.

(D) *Principal uses permitted subject to special conditions.* The following uses may be permitted subject to the conditions hereinafter imposed for each use and subject further to the review and approval of the Planning Commission:

- (1) Townhouses not to exceed 6 attached dwelling units subject to the following conditions: All townhouse housing structures shall be so situated that access through single-family detached housing lots is avoided. Generally, townhouses shall be restricted to arterial streets unless otherwise approved by the Planning Commission as a function of site plan approval. Generally, townhouse structures shall be limited to the first 300 feet of depth from a major road;
- (2) Triplex and fourplex apartment structures subject to the same conditions as subsection (D)(1) above; and
- (3) Any configuration of dwelling units may be permitted upon approval of the Planning Commission who shall, in the review of the project, address the following conditions:
 - (a) Relationship of the proposed building to adjacent existing land use to determine scale compatibility;

(b) The topography of the land is such that the effect of the size and bulk of the building is not as large as it might otherwise be; and

(c) The Planning Commission is otherwise satisfied that the development be compatible with adjacent uses.

(E) *Area and bulk requirement.* See Appendix A, Schedule of Regulations, limiting the height and bulk of buildings, the minimum size of lot permitted by land use, the maximum density permitted, and providing minimum yard setback requirements.

(F) *Maximum density.* The maximum density for residential development within this zoning classification shall be 8 units per acre.

§ 157.039 HIGH RISE MULTIPLE-FAMILY RESIDENTIAL DISTRICT, HRM.

(A) *Statement of purpose.* The high rise multiple-family residential district is designed to permit high-rise apartment residential development. Due to the large traffic volume generated by this type of development, this district shall abut upon a major thoroughfare, and may be utilized as a buffer between single-family residential areas and other nonresidential uses.

(B) *Principal permitted uses.* In the HRM district, no uses shall be permitted, unless otherwise provided in this ordinance, except the following:

(1) All principal permitted uses in the RM district;

(2) High rise multiple-family residential structures subject to the following conditions:

(a) No structure shall exceed 10 stories or 100 feet in height;

(b) All dwelling units above the first story shall be served by elevators;

(c) The proposed site shall have at least 1 property line abutting a major thoroughfare. All ingress and egress to the site shall be directly from that thoroughfare;

(d) The entire area of the site shall be designed to serve the residents of the lot, and any accessory buildings, uses, or services shall be developed primarily for the use of residents of the lot. Uses considered herein as accessory uses include: parking structures, swimming pools, recreation areas, pavilions, cabanas, and other similar uses;

(e) All dwelling units shall have at least 1 living room and 1 bedroom, except that not more than 5% of the units may be of an efficiency type; and

(f) Retail or service uses shall be permitted on the site when developed clearly accessory to the multiple-family use, within the walls of the multiple-family structures, and totally obscured from any exterior view. No identifying sign for any such business or service use shall be visible from any exterior view. These businesses or services shall not exceed 50% of the total floor area of either the first and second floor and shall be prohibited on all floors above the second floor.

(3) Accessory buildings and uses customarily incidental to the above principal permitted uses; and

(4) Off-street parking in accordance with the requirements of §§ 157.110 *et seq.* of this code.

(C) *Greenbelt.* No use permitted in an RM district shall be erected or altered on any lot or area adjoining a single-family residential district unless a greenbelt in accordance with § 157.088 of dimensions and plant materials to be determined by the Planning Commission or an ornamental masonry opaque wall not less than 5 feet in height is provided along the adjoining lot line, as determined by the Planning Commission.

(D) *Site plan review.* For all uses permitted in a HRM district, other than single-family residences, but including structural restoration, reconstruction, extension, substitution, or renovation of existing uses, a site plan of the entire building premises shall be submitted for review and approval in accordance with § 157.092 of this code.

(E) *Area, height, and placement requirements.* Area, height, and placement requirements, unless otherwise specified, are provided in Appendix A, Schedule of Regulations.

§ 157.040 MOBILE HOME PARK DISTRICT, RMH.

(A) *Statement of purpose.* The purpose of the mobile home park district is to encourage a suitable environment for persons and families that by preference choose to live in a mobile home rather than a conventional single-family structure. In keeping with the occupancy characteristics of contemporary mobile homes, this section establishes low density standards and permitted uses that reflect the needs of residents in the district. Development is limited to mobile homes when located in a subdivision designed for that purpose or a mobile home park with recreation facilities, churches, schools, and necessary public utility buildings.

(B) *Principal permitted uses.* In the RMH district, no uses shall be permitted, unless otherwise provided in this ordinance, except the following:

(1) Mobile homes;

(2) Mobile home parks, subject to the requirements as established and regulated by M.C.L.A. §§ 125.2301 *et seq.*, as amended, except that the same shall conform to the following requirements:

(a) *Greenbelt.* The park shall have a greenbelt 20 feet in width at its rear and sides. The greenbelt shall be 40 feet at the front of the mobile home park. The greenbelt shall be measured from the nearest edge of the road right-of-way to the line of the closest mobile home site;

(b) *Recreation.* A minimum of 15% of the total park area should be left in open space developed for recreation purposes. This developed area shall not include roads, sidewalks, or lands under water or having excessive grades, and shall be so graded and

developed as to have adequate drainage and usability by residents of the park;

(c) *Site dimensions.* Each mobile home shall have its own home site which shall be at least 40 feet wide and a minimum of 3,600 square feet in area. A double-wide mobile home shall have a mobile home site which shall be at least 55 feet wide and a minimum of 5,500 square feet in area;

(d) *Setback from other mobile homes.* Mobile homes shall be at least 30 feet from the rear of the nearest mobile home and 25 feet from the side of the nearest mobile home;

(e) *Setback from drive.* Mobile homes shall be placed at least 10 feet from the pavement of the access drive; and

(f) *Frontage.* The mobile home park shall have a minimum of 400 feet of frontage on an existing paved road of not less than 86-foot right-of-way.

(3) Mobile home subdivisions, provided that minimum lot sizes and yard spaces shall be:

(a) Lot width: single, 45 feet; or double-wide, 60 feet;

(b) Lot area: single, 5,000 square feet; or double-wide, 7,200 square feet;

(c) Minimum front yard: 20 feet;

(d) Minimum side yard: 10 feet; and

(e) Minimum rear yard: 25 feet.

(4) Public, parochial, or private elementary, intermediate, or high schools offering courses in general education, not operated for profit;

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

(a) Unless established prior to the enactment of this ordinance, a church site shall contain an area of at least 2 acres;

(b) The site shall be so located as to have at least 1 property line abutting a major thoroughfare. All ingress and egress to the site shall be directly onto the major thoroughfare; and

(c) Wherever the off-street parking area is adjacent to land zoned for residential purposes, a continuous and obscuring screening wall not less than 5 feet in height shall be provided along the sides of the parking area adjacent to the residentially zoned land in accordance with § 157.087 of this code.

(6) Public utility buildings and uses, but not including service and storage yards, when operating requirements necessitate locating within the district to serve the immediate vicinity;

(7) Nursery schools, day nurseries, and child care centers (not including dormitories), provided that for each child so cared for, there shall be provided and maintained a minimum of 200 square feet of outdoor play area. This play space shall have a total minimum area of at least 1,000 square feet and shall be screened from any adjoining lot in any residential district in accordance with § 157.087;

(8) Temporary buildings for use incidental to construction work for a period not to exceed 1 year. These buildings shall not be used for residences;

(9) Accessory uses and buildings customarily incidental to the above permitted principal uses; and

(10) Off-street parking in accordance with the requirements of §§ 157.110*et seq.* of this code.

(C) *Site plan review.* For all uses permitted in the RMH district, including structural restoration, reconstruction, extension, substitution, or renovation of existing uses, a site plan of the entire building premises shall be submitted for review and approval in accordance with § 157.092 of this code.

(D) *Area, height, and placement requirements.* Area, height, and placement requirements, unless otherwise specified, are as provided in Appendix A, Schedule of Regulations.

§ 157.041 RESTRICTED OFFICE DISTRICT, R-O.

(A) *Statement of purpose.* The R-O restricted office district is intended to permit those office and restricted business uses which will provide appropriate land uses adjacent to residential areas and which do not generate large volumes of traffic or promote traffic congestion.

(B) *Principal permitted uses.* In the R-O district, no uses shall be permitted, unless otherwise provided in this ordinance, except the following:

(1) Churches, public schools, public libraries, private schools, and educational institutions;

(2) Nursery schools, day nurseries, or day care centers;

(3) Uses resulting from any of the following occupations: executive, administrative, professional, accounting, banking, writing, clerical, stenographic, and drafting. This shall not be construed to eliminate offices of recognized manufacturers' agents; provided, that no display will be in an exterior show window, and the total area devoted to the display, including both the objects displayed and the floor space set aside for persons observing the displayed objects, shall not exceed 15% of the useable floor area of the establishment using the display of an actual product for sale as a sales procedure. There shall be no outdoor storage of goods or material irrespective of whether or not they are for sale. There shall be no warehousing or the indoor storage of goods or material beyond that normally incidental to the above permitted office type uses;

- (4) Medical or dental clinics, not including veterinarian hospitals or any type of medical facility permitting overnight patients;
- (5) Photography studios;
- (6) Furriers, dressmaking, and tailoring establishments;
- (7) Stores selling prescription drugs only;
- (8) Accessory buildings or structures shall be prohibited;
- (9) Off-street parking in accordance with the requirements of §§ 157.110*et seq.*; and
- (10) Local governmental court facilities.

(C) *Site plan review.* For all uses permitted in the R-O district, including structural restoration, reconstruction, extension, substitution, or renovation of existing uses, a site plan of the entire building premises shall be submitted for review and approval in accordance with § 157.092.

(D) *Area, height, and placement requirements.* Area, height, and placement requirements, unless otherwise specified, are as provided in Appendix A, Schedule of Regulations.

§ 157.042 LOCAL BUSINESS DISTRICT, C-1.

(A) *Statement of purpose.* The C-1, local business district is intended to permit retail business and service uses as needed to serve the nearby residential areas. In order to promote these business developments so far as is possible and appropriate in each area, uses are prohibited which would create hazards, offensive and loud noises, vibration, smoke, glare, or heavy traffic. The intent of this district is also to encourage the concentration of local business areas to the mutual advantage of both the consumers and merchants and thereby to promote the best use of land at certain strategic locations and to avoid marginal strip business development along major thoroughfares. Local business districts are not intended as locations for planned shopping centers requiring larger sites.

(B) *Principal permitted uses.* In the C-1 district, no uses shall be permitted unless otherwise provided in this ordinance, except the following:

- (1) All principal permitted uses in the R-O district;
- (2) Retail establishments for the sale of alcoholic beverages, baked goods, bicycles, books, confections, drugs, flowers, groceries, hardware, hobby equipment, jewelry, music, notions, paints, periodicals, sundry small household articles, tobacco, and similar establishments;
- (3) Personal service establishments performing services on the premises, such as barber and beauty shops, watch, radio, television, clothing and shoe repair, tailor shops, locksmith, and similar establishments;
- (4) Laundry or dry cleaning customer outlet, coin operated laundromats, self-serve dry cleaning centers, and the like. Dry cleaning or laundry plants serving more than 1 customer service outlet are prohibited;
- (5) Eating and drinking establishments when food or beverage is consumed in a completely enclosed building. Establishments with a character of a drive-in or a open front store are prohibited;
- (6) Carry-out restaurants;
- (7) Public utility buildings and uses but not including storage yards, when operating requirements necessitate locating within the district to serve the immediate vicinity;
- (8) Accessory buildings and uses customarily incidental to the above principal permitted uses;
- (9) Accessory amusement use; and
- (10) Off-street parking in accordance with the requirements of §§ 157.110*et seq.* of this code.

(C) *Required conditions.* The following conditions are required:

(1) All business, service, or processing except automobile service stations shall be conducted wholly within a completely enclosed building, provided further that all lighting in connection with permitted business uses shall be so arranged so as to reflect the light away from all adjoining residence buildings or residentially zoned property; and

(2) All business or service establishments shall be for the purpose of dealing directly with consumers. All goods produced or processed on the premises shall be sold at retail on the premises where produced or processed.

(D) *Site plan review.* For all uses permitted in the C-1 district, including structural restoration, reconstruction, extension, substitution, or renovation of existing uses, a site plan of the entire building premises shall be submitted for review and approval in accordance with § 157.092.

(E) *Area, height, and placement requirements.* Area, height, and placement requirements, unless otherwise specified, are as provided in Appendix A, Schedule of Regulations.

§ 157.043 GENERAL BUSINESS DISTRICT, C-2.

(A) *Statement of purpose.* The C-2, general business district is intended to permit a wider range of business and entertainment activities than those permitted in the local business district. These uses generate a large volume of vehicular traffic, require substantial access for off-street parking and loading, and require detailed planning particularly as to relationships with adjacent residential areas. The

general business district is not intended as locations for planned shopping centers requiring large sites with unified design of buildings and parking.

(B) *Principal permitted uses.* In the C-2 district, no uses shall be permitted, unless otherwise provided in this ordinance, except the following:

- (1) All principal permitted uses in the C-1 district;
 - (2) Any retail business whose principal activity is the sale or rental of merchandise within a completely enclosed building;
 - (3) Business service establishments performing services on the premises such as office machine and typewriter repair, printing, or blue printing;
 - (4) Any service establishment of an office, showroom, or workshop nature within a completely enclosed building of a taxidermist, decorator, upholsterer, caterer, exterminator, building contractor (including electrical, glazing, heating, painting, paper hanging, plumbing, roofing, ventilating, and plastering), except outside storage yards and similar establishments that require a retail adjunct;
 - (5) Photographic film developing and processing;
 - (6) Television and radio studios and towers subject to the requirements of § 157.085;
 - (7) Other uses similar to the above, subject to the following restrictions:
 - (a) All goods produced on the premises shall be sold at retail on the premises where produced; and
 - (b) All business or servicing, except for off-street parking and loading, shall be conducted within a complete enclosed building.
 - (8) Bus passenger stations;
 - (9) Off-street parking lots;
 - (10) Accessory buildings and uses customarily incidental to the above principal permitted uses;
 - (11) Car wash establishments shall be subject to the following requirements in addition to all requirements of § 157.092, regarding site plan review:
 - (a) All ingress and egress shall be onto a primary road. There shall be no local or residential street access;
 - (b) Vacuum cleaners if utilized shall be placed between the primary road right-of-way and the front of the building. Vacuum canisters and hoses and all appurtenant accessories shall have an enclosure around them matching the front of the building. The vacuum canister, hoses, and accessories shall be shielded from the roadway;
 - (c) The rear setback shall be 30 feet. There shall be no side yard setback required unless any side of the property abuts a residentially zoned parcel; then and in that event, that setback shall be 30 feet. Any and all 30-foot setbacks shall have a 3-foot berm landscaped with conifers and shrubs to act as a landscape buffer. The 30-foot front setback does not require a berm but does require landscaping; and
 - (d) Rear lighting to be placed at the inward edge of 30-foot rear or side setback and shall be directed toward building.
 - (12) Convenience store and gasoline sales shall be subject to the following requirements, in addition to all requirements of § 157.092 (site plan review):
 - (a) The multi-use convenience store shall be of a minimum size of 2,000 square feet per use;
 - (b) Gasoline sales shall be in conjunction with a convenience store or restaurant use and shall not be conducted from a separate structure. Provisions also allow fast food restaurants with or without a drive-through; all of these uses may be with or without seating; and
 - (c) The convenience store shall be of a size so as to accommodate walk-in trade and indoor beverage coolers, shall offer items normally found in convenience stores.
- (C) *Permitted uses after special approval.* The following uses may be permitted subject to the conditions hereinafter imposed and subject further to the review and approval of the City Planning Commission pursuant to § 157.177.
- (1) Veterinary hospitals and clinics;
 - (2) Bowling alleys, skating rinks, stadium, sports areas, and other indoor recreational facilities when located at least 150 feet from any property zoned in a residential classification;
 - (3) Arcade (4 machines or more);
 - (4) Drive-in restaurants or other drive-in establishments serving food or beverage, provided that the entrance to or exit from any such use is located at least 35 feet from the intersection of any 2 streets; that all such uses shall have direct access to a major thoroughfare; that all lighting or illuminated display shall not reflect onto any adjacent residential zone; and that consideration is given to proximity of existing places of congregation of children (e.g., schools) regarding traffic safety and sanitation;
 - (5) Automobile gasoline and automobile service stations subject to the requirements of § 157.074 of this code; and
 - (6) Wholesale and warehouse establishments, other than self-storage facilities; distribution terminals; and freezer and locker facilities.
 - (7) Medical marijuana provisioning center, shall be subject to all requirements as set forth in § 157.092 of this Code for site plan review provided that the provisioning center shall not be permitted:

- (a) Within 500 feet of any other commercial medical marijuana transaction facility;
 - (b) Within 200 feet of a residential district or use;
 - (c) Within 1,000 feet of any school, nursery, licensed day care center or other building used for the care or instruction of children under 18 years of age;
 - (d) Within 1,000 feet of any church, house of worship or other religious facility or institution; and
 - (e) Within 1,000 feet of any public or municipal park.
- (8) Medical marijuana club (also known as compassion club) , provided that the club shall not be permitted:
- (a) Within 500 feet of any other medical ; marijuana dispensary or club;
 - (b) Within 500 feet of a residential district or use;
 - (c) Within 1,000 feet of any school, nursery, licensed day care center or other building used for the care or instruction of children under 18 years of age;
 - (d) Within 1,000 feet of any church, house of worship or other religious facility or institution;
 - (e) Within 1,000 feet of any public or municipal park; and
 - (f) Shall be subject to all requirements as set forth in § 157.092 of this code for site plan review.
- (9) *Marijuana retailer.*

(a) Shall be subject to all requirements as set forth in § 157.092 for site plan review provided that the marijuana retailer shall not be permitted within the locational limitations as follows:

1. Within 500 feet of any other commercial medical marijuana transaction facility and/or marijuana establishment;
2. Within 200 feet of a residential district or use;
3. Within 1,000 feet of any school, nursery, licensed day care center or other building used for the care or instruction of children under 18 years of age;
4. Within 1,000 feet of any church, house of worship or other religious facility or institution; and
5. Within 1,000 feet of any public or municipal park.

(b) While subject to all other requirements of this ordinance, it is not the intention of the City of Burton to require an additional special use approval for the marijuana establishment if the Planning Commission has already approved a special use for a medical marijuana provisioning center and said provisioning center has been operating under that approval with a State of Michigan approved license.

(10) *Designated consumption establishment.* Shall be subject to all requirements as set forth in § 157.092 for site plan review provided that the marijuana designated consumption establishment shall not be permitted within the locational limitations as follows:

- (a) Within 500 feet of any other commercial medical marijuana transaction facility and/or marijuana establishment;
- (b) Within 500 feet of a residential district or use;
- (c) Within 1,000 feet of any school, nursery, licensed day care center or other building used for the care or instruction of children under 18 years of age;
- (d) Within 1,000 feet of any church, house of worship or other religious facility or institution; and
- (e) Within 1,000 feet of any public or municipal park.

(D) *Site plan review.* For all uses permitted in the C-1 district, including structural restoration, reconstruction, extension, substitution, or renovation of existing uses, a site plan of the entire building premises shall be submitted for review and approval in accordance with § 157.092.

(E) *Area, height, and placement requirements.* Area, height, and placement requirements, unless otherwise specified, are as provided in Appendix A, Schedule of Regulations.

(Ord. 2017-7-157, passed 12-4-2017; Ord. 2019-10-157, passed 9-16-2019)

§ 157.044 HIGHWAY BUSINESS DISTRICT, C-3.

(A) *Statement of purpose.* The C-3 highway business district is intended to be that district which permits extensive business uses along heavily traveled highways. The permitted uses would require large parcels of property and would serve the general needs of all local residents. The purpose of this zone is to provide a development pattern along designated major thoroughfares which will not create unsafe conditions by allowing numerous curb cuts along the highway. Business conditions exist along the highway, but property depths and large acreage suggest a type of business use which required deep, large lots. Access onto the major highway should be limited to permit more extensive use of the property without substantially contributing to traffic hazards along the highway. The highway business district is not intended to provide for planned shopping centers.

(B) *Principal permitted uses.* In the C-3 district, no uses shall be permitted, unless otherwise provided in this ordinance, except the following:

- (1) All principal permitted uses in the C-2 district;
- (2) Hotels and motels;
- (3) Assembly halls or other places of assembly;
- (4) New and/or used car sales rooms;
- (5) Salesrooms for recreation vehicles, including boats, snowmobiles, travel trailers, campers, tents, and accessory equipment;
- (6) Accessory buildings and uses customarily incidental to the above principal permitted uses; and
- (7) Off-street parking in accordance with the requirements of §§ 157.110*et seq.* of this code.

(C) *Permitted uses after special approval.* The following uses may be permitted subject to the conditions hereinafter imposed and subject to the review and approval of the City Planning Commission pursuant to § 157.177 of this code:

- (1) All permitted uses after special approval in the C-2 district subject to the terms and conditions imposed therein;
 - (2) Automobile car wash establishments including steam-cleaning, but not rustproofing, provided off-street waiting space is provided in accordance with § 157.111;
 - (3) Open air business uses as follows, in conformance with § 157.086:
 - (a) Retail sale of trees, shrubbery, plants, flowers, seed, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment;
 - (b) Retail sale of fruits and vegetables;
 - (c) Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park, or similar recreation uses;
 - (d) Bicycle, trailer, motor vehicle, boat, or home equipment rental services;
 - (e) Outdoor display and sale of garages, swimming pools, and similar uses; and
 - (f) Outdoor sales space for sale of new and/or used automobile or of new and/or used house trailers or boats; provided that all automobiles offered for sale are in good working condition.
 - (4) Adult book stores, adult motion picture theaters, adult mini motion picture theaters;
 - (5) Physical culture establishments including gymnasiums, reducing salons, masseurs, and steam baths; and
 - (6) Hotels, motels, or public lodging houses employing facilities for the presentation of material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.
- (D) *Required conditions.* Required conditions shall be in conformance with § 157.042(D).
- (E) *Site plan review.* For all uses permitted in the C-3 district, including structural restoration, reconstruction, extension, substitution, or renovation of existing uses, a site plan of the entire building premises shall be submitted for review and approval in accordance with § 157.092.
- (F) *Area, height, and placement requirements.* Area, height, and placement requirements unless otherwise specified are as provided in Appendix A, Schedule of Regulations.

(G) *Additional restrictions.* Special approval for the uses permitted under subsections (C)(4), (C)(5), and (C)(6) shall not be granted by the City Planning Commission if the proposed structure is located within 2,000 feet of any building containing a residential dwelling or rooming unit. This prohibition may be waived if the person applying for the waiver shall file with the Zoning Board of Appeals a petition which indicates approval of the proposed use by 51% percent of the persons owning, residing, or doing business within a 2,000 foot radius of the location. The petitioner shall attempt to contact all eligible locations within this radius and must maintain a list of all addresses at which no contact was made. A minimum of 200 responses is required. In the event that the 2,000 foot radius is not sufficiently populated to provide 200 residences or business places eligible to respond, the radius will be increased in increments of 100 feet until there shall be an area large enough to contain 200 eligible residence or business places. The City Planning Commission shall adopt rules and regulations governing the procedure for securing the petition of consent provided for in this section.

§ 157.045 PLANNED SHOPPING CENTER DISTRICT, C-4.

(A) *Statement of purpose.* The C-4, planned shopping center district is intended to provide shopping facilities to serve the city. As such, it should permit a sufficient size site for integrated off-street parking, landscaping, and loading and be located adjacent to major thoroughfares to permit safe and efficient vehicular traffic circulations. These districts and the traffic that the community shopping centers therein may generate must be planned so as not to cause adverse effects on adjacent residential property. The size of the center is intended to be directly related to the quality of purchasing power available for the support of those uses permitted in this zone. The protective standards contained in this section are intended to minimize any adverse effect of the shopping center on nearby property values and to provide for safe and efficient use of the shopping center itself. Submission of a market analysis is intended in order to establish evidence of a need for a change in the comprehensive zoning plan for the city and to substantiate a finding that the change will promote the general welfare of the city.

(B) *Principal permitted uses.* In the C-4 district, no uses shall be permitted, unless otherwise provided in this ordinance, except the following (telescoping use provisions of R-O, C-1, C-2, and C-3 do not apply to this district):

(1) Planned shopping centers, including the following uses pursuant to the provisions of § 157.094 of this code:

- (a) Antique shops;
- (b) Bakeries, retail sales;
- (c) Banking and loan institutions;
- (d) Barber and beauty shops;
- (e) Bicycle shops, sales and service;
- (f) Book and stationery stores;
- (g) Clothing and accessories, retail sales;
- (h) Confectionary and delicatessen stores;
- (i) Department stores;
- (j) Drug stores;
- (k) Dry cleaning;
- (l) Dry goods stores;
- (m) Electric and electronic appliances, retail sales and service;
- (n) Fruit and vegetable stores, retail sales (when enclosed within a building);
- (o) Florist, retail sales;
- (p) Food markets and supermarkets;
- (q) Furniture stores, retail sales, repair, and reupholstering;
- (r) Hardware shops;
- (s) Meat markets (no butchering);
- (t) Musical instruments, sales and service;
- (u) Novelty shops;
- (v) Nursery stock, retail sales;
- (w) Offices, professional and business (including sample rooms, but no warehouses);
- (x) Optical goods, retail sales;
- (y) Paint stores, retail sales;
- (z) Pet shops, retail sales (when enclosed within a building);
- (aa) Photographer's studio;
- (bb) Photographic supplies, retail sales;
- (cc) Plumbing shops, retail sales and service;
- (dd) Radio and television, retail sales and service;
- (ee) Restaurants, without curb or drive-in service (service entirely within building);
- (ff) Shoe repair shop;
- (gg) Sporting goods stores, retail sales;
- (hh) Tailor shops;
- (ii) Theaters (indoor);
- (jj) Wallpaper stores, retail sales;
- (kk) Other retail uses similar to the above;
- (ll) TBA sales (tires, batteries, and accessories); and
- (mm) Gas stations and public garages in conjunction with shopping centers (subject to § 157.074).

(2) Accessory buildings and uses customarily incidental, related to, and reasonably necessary or convenient for the satisfactory and efficient operation of a complete and integrated shopping center, which use is not obnoxious or offensive to the locality by reason of the emission of odor, fumes, dust, smoke, waste, vibration, or noise, including buildings and facilities for furnishing utility services, including heat, light, water, and power; and

(3) Restaurants with curb or drive-in service may be located in a planned shopping center district subject to the following requirements:

- (a) Must exist as an outbuilding, not as a portion or segment of the shopping center; and
- (b) Subject to the provisions set forth in § 157.075 (drive-in establishment).

(C) *Greenbelt.* A greenbelt of dimensions and materials as determined by the Planning Commission in accordance with § 157.088, but not less than 20 feet in width, shall be provided wherever any planned community shopping center abuts a residential district.

(D) *Site plan review.* For all uses permitted in the C-4 district, a site plan shall be submitted for review and approval. The following provisions in this subsection (D) shall apply to site plan review procedures for the C-4 district. The procedures of this subsection shall be minimum requirements, and additional procedures may be required by this ordinance or by the Planning Commission.

(1) *Submission of application for shopping center development.* A developer shall submit to the Planning Commission 12 copies of a sketch development plan of the shopping center, with 12 copies of the supporting data including, but not limited to, a market analysis, financial report, time schedule, traffic study, and substantiation of ownership, all of which shall be prepared by qualified professional persons.

(a) *Sketch development plan.* Designed in accordance with the planning standards, regulations, and criteria established in this ordinance and shall show: a unified and organized arrangement of buildings, off-street parking, internal pedestrian and vehicular circulation, and service facilities.

(b) *Market analysis.* Shall include:

1. Identification of the trade area of the proposed shopping center;
2. Trade area population, present and future; and
3. Net potential customers' buying power for stores in the proposed shopping center.

(c) *Financial report.* To satisfy the Planning Commission as to the financial responsibility of the proponent to carry the proposal to completion in full compliance with this ordinance, shall include:

1. The source of construction funds;
2. The names of persons who have a financial interest in the shopping centers; and
3. Information on leasing arrangements and terms.

(d) *Traffic study.* Shall include an estimate of traffic volume to be generated by the development and the assignment of traffic to proposed entrances and exits.

(e) *Substantiation of ownership.* Shall include a certification of title company that the recorded owners of the property as represented on the application for shopping center development are correct.

(2) *Referral for review and reports; sketch development plan.* Upon receipt of the sketch development plans with supporting data for the development of a shopping center, the Planning Commission shall transmit the copies to the City Fire Chief, Police Chief, Attorney, Engineer, Planning Consultant, and other individuals and agencies as deemed necessary by the Planning Commission for their review, report, and recommendation. The Planner, city officials, and the like, shall, within 30 days from receiving a sketch development plan and supporting data, provide and furnish to the Planning Commission their reports.

(a) *Report to Council.* Within 60 days after a sketch development plan has been filed with the Planning Commission, it shall evaluate the plan and reports from the City Planner and city officials, and shall furnish to the Council its detailed report and recommendations with respect thereto. The report of the Planning Commission shall include a finding either that the sketch development plan and supporting data comply with the regulations, standards, and criteria prescribed by this ordinance for planned shopping centers applicable to the proposal, or a finding of any failure of compliance, and the Commission's action that the sketch development plan is approved, disapproved or modified. If, at any such evaluation, the Planning Commission finds that any regulations, standards, or criteria prescribed by this ordinance are inapplicable because of unusual conditions related to the shopping center, or the nature and quality of the proposed design, it may recommend to Council that an adjustment be made; provided, however, the adjustment will not be in conflict with the promotion of the public health, safety, and general welfare of the city.

(b) *Action by Council.* The Council, at not later than its next regular meeting following receipt of the Planning Commission report, shall set a date for a public hearing on the shopping center proposal. Following the completion of the public hearing, the Council shall then proceed to act upon the site plan review as provided in this subsection (D).

(3) *Authority to proceed; preliminary development plan.* Following affirmative action by the Council, the Planning Commission shall notify the developer of the action and authorize him or her to proceed with the preparation of a preliminary development plan of the shopping center.

(a) *Content.* The preliminary development plan shall contain the following:

1. The location, orientation, and exterior dimensions of all main and accessory buildings as set forth in Appendix A, Schedule of Regulations;
2. The location and dimensions of vehicular and service entrances, exits, and drives as per city site development specifications;
3. The location, arrangement, and dimensions of paved parking lots, of automobile parking spaces, width of aisles, width of bays, and angle of parking as per §§ 157.110*et seq.* of this code and the city site development specifications;

4. The location, arrangement, and dimensions of truck loading and unloading spaces and docks as per §§ 157.110*et seq.* of this code;
5. The location and dimensions of pedestrian entrances, exits, walks, and walkways as per §§ 157.110*et seq.* of this code;
6. Topography information at contour intervals of 2 feet or less and general on-site drainage system as per city site development specifications;
7. The location and dimension of all walls and fences as provided by §§ 157.087, 157.088, and 157.089;
8. The location, size, height, orientation, and design of all freestanding signs as per §§ 153.01*et seq.*;
9. The location of all buildings, streets, and other topographical features within 500 feet of the proposed shopping center boundary;
10. The location, dimensions, and arrangement of areas to be devoted to planted lawns, trees, or any other purpose as per § 157.088; and
11. The location and capacity of private or public water and sanitary sewerage services, storm drains, and solid waste disposal facilities serving the site.

(b) *Action by Planning Commission.* Within not more than 30 days from the date on which the preliminary development plan is filed with the Planning Commission, the Commission shall review, approve, or disapprove the plan in writing, stating, in the case of disapproval, the reason for disapproval, and in all cases given due notice to the applicants. In the case of disapproval, the applicant may submit to the Planning Commission an amended plan which shall include those changes made necessary to accomplish compliance with the conditions for approval stated by the Commission.

(4) *Final development plan; shopping center district.*

(a) A complete final development plan covering the entire shopping center district shall be prepared by the developer and filed with the Planning Commission within not more than:

1. One calendar year from the effective date of any ordinance designating an area a neighborhood shopping center district within the C-4 zoning classification;
2. Two calendar years from the effective date of any ordinance designating an area a community shopping center district within the C-4 zoning classification; or
3. Three calendar years from the effective date of any ordinance designating an area a regional shopping center district within the C-4 zoning classification.

(b) The Council may extend the time period provided in this subsection for good cause.

(c) The final development plan shall be a refined version of the preliminary development plan and shall incorporate all conditions stipulated by the Planning Commission in its approval of the preliminary development plan.

(d) Within not more than 30 days from the date on which the final development plan is filed with the Council, the City Council shall review, approve, or disapprove the plan. If the City Council finds that a proposed final development plan of a shopping center is in substantial compliance with, and represents a detailed expansion of the preliminary plan heretofore approved, that it complies with all of the conditions which may have been imposed in the approval of the preliminary development plan, that it is in accordance with the design criteria and provisions of this ordinance which apply particularly to any plan of a shopping center district, and that all applicable provisions of the city regulations have been complied with, the City Council shall then approve the final development plan. Whenever more than 20 occupied residences within the city are within 1,000 feet of premises now or hereafter zoned C-4, no development or site plan relating to the premises shall be approved and no building, site, or other permits shall be issued under subsection (D)(5) below until the site plan has been first approved by an affirmative vote of the majority of the City Council members present at the meeting at which the matter is considered.

(5) *Permits; shopping center development.* Following the approval of a final development plan of a shopping center, the Director of the Department of Public Works shall be so notified and building, site, and other permits may be so issued upon payment of the required fees as required by § 157.172.

(6) *Amendments to final development plan; shopping center development.* If the developer of a planned shopping center in any shopping center district wishes to make any change, alteration, amendment, or extension to any approved final development plan, he or she shall submit a request to the Department of Public Works. If, in the opinion of the Department, the requested change is in substantial compliance with the final development plan, the Department shall approve the change and notify the Department of Public Works Director or designee, who shall issue permits accordingly.

(7) *Progressive development; shopping center development.*

(a) A developer, having obtained approval of any final development plan of a shopping center, may accomplish the development in progressive stages as may be approved by the City Council.

(b) If the development of a shopping center is to be carried out in progressive stages, each stage shall be so planned that the foregoing requirements and the intent of this ordinance shall be fully complied with at the completion of any stage. Each stage of development shall be reviewed and approved by the City Council before any permits can be issued.

(8) *Construction time limitation; shopping center development.* The permits shall be secured and construction begun in accordance with the final development plan for a shopping center district within 12 months from the date of approval of the final development plan as provided in § 157.045(D). The Council may extend the time limit provided in this subsection for good cause.

(9) *Performance bond; shopping center development.* A performance bond shall be required guaranteeing the completion of all public improvements on-site and in public rights-of-way required by the city before permits may be issued. The scope of the improvements and the amount of the bond shall be determined by the Department of Public Works.

(10) *Business area plans.*

(a) In order to implement the Comprehensive Plan (1990 land use plan) and supplement the regulations and criteria of this ordinance, the Planning Commission may prepare area plans for the construction, completion, or rehabilitation of any business area or for coordinating the proposed development with surrounding areas. These designs may include, but are not limited to, the Planning Commission's recommendations on: the use, location, bulk, and general design of buildings; the relationship of buildings to each other, yards, and other open spaces; the location and width of streets and pavements; the location, width, and control of accessways to major streets, parking, and loading area; pedestrian ways, paved areas, landscaped planting, exterior lighting, signs, street furniture, and other exterior and landscape features.

(b) The area plans shall be developed in accordance with the objectives of the Comprehensive Plan and criteria set forth in this subsection (D) and any other applicable provisions of the ordinance. After the plans are duly adopted by the Planning Commission and Council, they shall be construed as being a part of this ordinance, and any new construction, additions to, or rebuilding of such a business area, or parts thereof, shall be in substantial compliance therewith.

(11) *Sign regulations.* Signs in local business, general business, and shopping center districts shall be designed, erected, altered, moved, or maintained, in whole or in part, in accordance with the regulations as set forth in §§ 153.01*et seq.*

(12) *Parking.* Parking in any district shall be in accordance with the regulations as set forth in §§ 157.110*et seq.* of this code (off-street parking and loading requirements).

(13) *Yearly maintenance inspection.* To provide for compliance with the newly adopted provisions of this ordinance and this code of ordinances and to abate all on-site deficiencies, the Department of Public Works will conduct a yearly inspection in the spring of each year. A list of deficiencies will be compiled and submitted to the property owner(s). A time frame of 6 months will be granted to the owners of record to complete the necessary items. Failure to update deficiencies will result in abatement procedures.

(E) *Area, height, and placement requirements.* Area, height, and placement requirements, unless otherwise specified, are as provided in Appendix A, Schedule of Regulation.

§ 157.046 LIGHT INDUSTRIAL DISTRICT, M-1.

(A) *Statement of purpose.* In the M-1 district, the intent is to permit certain industries which are of a light manufacturing character to locate in planned areas of the city. So that these uses may be integrated with nearby land uses, such as commercial and residential uses, limitations are placed upon the degree of noise, smoke, glare, waste, and other features of industrial operations so as to avoid adverse effects. It is further intended that these light industrial uses act as a transition between heavier industrial uses and non-industrial uses and not necessarily require railroad access or major utility facilities. Certain commercial uses which are desirable to service the employees and visitors of the industrial uses are also permitted in this district.

(B) *Principal permitted uses.* Any of the following uses when the manufacturing compounding or processing is conducted entirely within a completely enclosed building. That portion of the land used for open storage facilities for materials or equipment used in the manufacturing, compounding, final product storage, or processing shall be totally obscured by a 6-foot masonry wall on those sides abutting any residential district:

(1) *Wholesale and warehousing.* The sale at wholesale or warehousing of automotive equipment; dry goods and apparel; groceries and related products; raw farm products except livestock; electrical goods; hardware, plumbing, heating equipment and supplies; machinery and equipment; petroleum bulk stations and terminals; tobacco and tobacco products; paper and paper products; furniture and home furnishings, and any commodity the manufacture of which is permitted in this district; truck terminals;

(2) *Industrial establishments.*

(a) The assembly, fabrication, manufacture, packaging, or treatment of such products as food products (excluding butchering, animal slaughtering), candy, drugs, cosmetics and toiletries, musical instruments, optical goods, toys, novelties, electrical instruments and appliances, radio and phonographs, or pottery and figurines or other ceramic products using only previously pulverized clay.

(b) The assembly, fabrication, manufacture, or treatment of products from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, felt, fiber, glass, horn, leather, paper, plastics, precious or semi-precious metals or stones, sheet metal (excluding large stampings such as automobile fenders or bodies), shell, textiles, wax, wire, wood (excluding saw and planing mills), and yarns.

(c) Tool and die shops; metal working machine shops involving the use of grinding or cutting tools; manufacturing of tools, dies, jigs, and fixtures; publishing, printing, or forming of box, carton, and cardboard products.

(d) Laboratories; research or testing.

(e) Central dry cleaning plants and laundries.

(3) *Public utility uses.* Electric transformer station and substation; electric transmission towers; municipal buildings and uses; gas regulator and municipal utility pumping stations; and

(4) *Accessory buildings and uses.* Accessory buildings and uses customarily incidental to the above principal permitted uses.

(5) Medical marijuana provisioning center, shall be subject to all requirements as set forth in § 157.092 of this Code for site plan review provided that the provisioning center shall not be permitted:

(a) Within 500 feet of any other commercial medical marijuana transaction facility; if the same applicant has one parcel of land in which they have the ability to co-locate a provisioning center, a grow facility and/or processing center, there may be an exception given to permit these uses on that one parcel of land. Each facility will provide separate applications and will be given separate consideration along with individual annual fees.

(b) Within 200 feet of a residential district or use;

(c) Within 1,000 feet of any school, nursery, licensed day care center or other building used for the care or instruction of children under 18 years of age;

(d) Within 1,000 feet of any church, house of worship or other religious facility or institution; and

(e) Within 1,000 feet of any public or municipal park.

(6) Medical marijuana growing facility shall be subject to all requirements as set forth in § 157.092 of this Code for site plan review provided that the grow facility shall not be permitted:

(a) Within 500 feet of any other commercial medical marijuana transaction facility; if the same applicant has one parcel of land in which they have the ability to co-locate a provisioning center, a grow facility and/or processing center, there may be an exception given to permit these uses on that 1 parcel of land. Each facility will provide separate applications and will be given separate consideration along with individual annual fees.

(b) Within 200 feet of a residential district or use;

(c) Within 1,000 feet of any school, nursery, licensed day care center or other building used for the care or instruction of children under 18 years of age;

(d) Within 1,000 feet of any church, house of worship or other religious facility or institution; and

(e) Within 1,000 feet of any public or municipal park.

(7) Medical marijuana processing facility: Shall be subject to all requirements as set forth in § 157.092 of this Code for site plan review provided that the processing facility shall not be permitted:

(a) Within 500 feet of any other commercial medical marijuana transaction facility. If the same applicant has 1 parcel of land in which they have the ability to co-locate a provisioning center, a grow facility and/or processing center, there may be an exception given to permit these uses on that 1 parcel of land. Each facility will provide separate applications and will be given separate consideration along with individual annual fees.

(b) Within 200 feet of a residential district or use;

(c) Within 1,000 feet of any school, nursery, licensed day care center or other building used for the care or instruction of children under 18 years of age;

(d) Within 1,000 feet of any church, house of worship or other religious facility or institution; and

(e) Within 1,000 feet of any public or municipal park.

(8) Medical marijuana safety compliance facility: Shall be subject to all requirements as set forth in § 157.092 of this Code for site plan review provided that the safety compliance facility shall not be permitted:

(a) Within 500 feet of any other commercial medical marijuana transaction facility;

(b) Within 200 feet of a residential district or use;

(c) Within 1,000 feet of any school, nursery, licensed day care center or other building used for the care or instruction of children under 18 years of age;

(d) Within 1,000 feet of any church, house of worship or other religious facility or institution; and

(e) Within 1,000 feet of any public or municipal park.

(9) Medical marijuana secure transporter facility: Shall be subject to all requirements as set forth in § 157.092 of this Code for site plan review provided that the secure transporter facility shall not be permitted:

(a) Within 500 feet of any other commercial medical marijuana transaction facility;

(b) Within 200 feet of a residential district or use;

(c) Within 1,000 feet of any school, nursery, licensed day care center or other building used for the care or instruction of children under 18 years of age;

(d) Within 1,000 feet of any church, house of worship or other religious facility or institution; and

(e) Within 1,000 feet of any public or municipal park.

(10) Open air business uses as follows, in conformance with § 157.086:

(a) Retail sale of trees, shrubbery, plants, flowers, seed, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment;

(b) Retail sale of fruits and vegetables;

(c) Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park, or similar recreation uses;

(d) Bicycle, trailer, motor vehicle, boat, or home equipment rental services;

(e) Outdoor display and sale of garages, swimming pools, and similar uses; and

(f) Outdoor sales space for sale of new and/or used automobile or of new and/or used house trailers or boats; provided that all automobiles offered for sale are in good working condition.

(11) *Marijuana retailer*. Shall be subject to all requirements as set forth in § 157.092 for site plan review provided that the marijuana retailer shall not be permitted within the locational limitations as follows:

(a) Within 500 feet of any other commercial medical marijuana transaction facility and/or marijuana establishment; if the same applicant has one parcel of land in which they have the ability to co-locate a provisioning center/retailer, a grow facility/grower and/or processing center/processor, there may be an exception given to permit these uses on that one parcel of land. Each facility will provide separate applications and will be given separate consideration along with individual annual fees.

(b) Within 200 feet of a residential district or use;

(c) Within 1,000 feet of any school, nursery, licensed day care center or other building used for the care or instruction of children under 18 years of age;

(d) Within 1,000 feet of any church, house of worship or other religious facility or institution; and

(e) Within 1,000 feet of any public or municipal park.

(12) *Marijuana microbusiness*. Shall be subject to all requirements as set forth in § 157.092 for site plan review provided that the marijuana microbusiness shall not be permitted within the locational limitations as follows:

(a) Within 500 feet of any other commercial medical marijuana transaction facility and/or marijuana establishment;

(b) Within 200 feet of a residential district or use;

(c) Within 1,000 feet of any school, nursery, licensed day care center or other building used for the care or instruction of children under 18 years of age;

(d) Within 1,000 feet of any church, house of worship or other religious facility or institution; and

(e) Within 1,000 feet of any public or municipal park.

(13) *Marijuana grower*. Shall be subject to all requirements set forth in § 157.092 for site plan review provided that the marijuana grower shall not be permitted within the locational limitations as follows:

(a) Within 500 feet of any other commercial medical marijuana transaction facility and/or marijuana establishment; if the same applicant has one parcel of land in which they have the ability to co-locate a provisioning center/retailer, a grow facility/grower and/or processing center/processor, there may be an exception given to permit these uses on that one parcel of land. Each facility will provide separate applications and will be given separate consideration along with individual annual fees;

(b) Within 200 feet of a residential district or use;

(c) Within 1,000 feet of any school, nursery, licensed day care center or other building used for the care or instruction of children under 18 years of age;

(d) Within 1,000 feet of any church, house of worship or other religious facility or institution; and

(e) Within 1,000 feet of any public or municipal park.

(14) *Marijuana processor*. Shall be subject to all requirements as set forth in § 157.092 for site plan review provided that the marijuana processor shall not be permitted within the locational limitations as follows:

(a) Within 500 feet of any other commercial medical marijuana transaction facility and/or marijuana establishment; if the same applicant has one parcel of land in which they have the ability to co-locate a provisioning center/retailer, a grow facility/grower and/or processing center/processor, there may be an exception given to permit these uses on that one parcel of land. Each facility will provide separate applications and will be given separate consideration along with individual annual fees.

(b) Within 200 feet of a residential district or use;

(c) Within 1,000 feet of any school, nursery, licensed day care center or other building used for the care of instruction of children under 18 years of age;

(d) Within 1,000 feet of any church, house of worship or other religious facility or institution; and

(e) Within 1,000 feet of any public or municipal park.

(15) *Marijuana safety compliance facility*. Shall be subject to all requirements as set forth in § 157.092 for site plan review provided that the safety compliance facility shall not be permitted within the locational limitations as follows:

(a) Within 500 feet of any other commercial medical marijuana transaction facility and/or marijuana establishment;

(b) Within 200 feet of a residential district or use;

(c) Within 1,000 feet of any school, nursery, licensed day care center or other building used for the care or instruction of children under 18 years of age;

(d) Within 1,000 feet of any church, house of worship or other religious facility or institution; and

(e) Within 1,000 feet of any public or municipal park.

(16) *Marijuana scene transporter*. Shall be subject to all requirements as set forth in § 157.092 for site plan review provided that the secure transporter facility shall not be permitted within the locational limitations as follows:

(a) Within 500 feet of any other commercial medical marijuana transaction facility and/or marijuana establishment;

(b) Within 200 feet of any residential district or use;

(c) Within 1,000 feet of any school, nursery, licensed day care center or other building used for the care or instruction of children under 18 years of age;

(d) Within 1,000 feet of any church, house of worship or other religious facility or institution; and

(e) Within 1,000 feet of any public or municipal park.

(17) *Designated consumption establishment*. Shall be subject to all requirements as set forth in § 157.092 for site plan review provided that the marijuana designated consumption establishment shall not be permitted within the locational limitations as follows:

(a) Within 500 feet of any other commercial medical marijuana transaction facility and/or marijuana establishment;

(b) Within 500 feet of a residential district or use;

(c) Within 1,000 feet of any school, nursery, licensed day care center or other building used for the care or instruction of children under 18 years of age;

(d) Within 1,000 feet of any church, house of worship or other religious facility or institution; and

(e) Within 1,000 feet of any public or municipal park.

(C) *Permitted uses after special approval*. The following uses may be permitted subject to the conditions hereinafter imposed and subject further to the review and approval of the City Planning Commission pursuant to § 157.177.

(1) The following retail and service establishments, provided that the establishments are clearly ancillary to the permitted industrial uses and are in keeping with the intent of this district:

(a) Eating and drinking establishments when food or beverage is consumed within a completely enclosed building. Establishments with a character or drive-in or open front store are prohibited;

(b) Barber shops;

(c) Truck tractor and trailer sales, rental, and repair; new automobile rental and leasing agency;

(d) Dog kennels;

(e) Motels; and

(f) Automobile service stations in accordance with § 157.074.

(2) Drive-in theaters, provided that any such site is adjacent to a major thoroughfare; that there shall be no vehicular access to any residential street; that suitable screening is provided to ensure that there shall be no highlight or other illumination directed upon any residentially zoned or developed property; and that the picture is not visible from a major thoroughfare; and that any drive-in theaters shall be located no closer than 1,000 feet to any residentially zoned or developed property.

(3) Industrial park, subject to the following provisions:

(a) Permitted uses shall include all principal permitted uses in this M-1 district;

(b) The minimum site size for an industrial park shall be 5 acres;

(c) All industrial parks shall be so located as to have at least 1 property line abutting a major thoroughfare. All ingress and egress shall be directly on to the major thoroughfare;

(d) No main or accessory building shall be situated less than 50 feet from any residential property line;

(e) No parking access or service area may be located less than 25 feet from any residential property line;

(f) Parking, loading, or service areas used by motor vehicles shall be located entirely within the boundary lines of the industrial park and shall be in accordance with §§ 157.110et seq. of this code;

(g) A planting strip of at least 10 feet wide shall be provided around the entire perimeter of the site except for driveways onto the public street system. A wall or barrier of suitable material not less than 5 feet high shall be constructed along those property lines which abut a residential district;

(h) A landscape plan which includes the entire site shall be submitted for approval to determine compliance with screening and planting strips; and

(i) Lighting facilities shall be required where deemed necessary for the safety and convenience of employees and visitors. These facilities will be arranged in a manner so as to protect abutting streets and adjacent properties from unreasonable glare or hazardous

interference of any kind.

(4) Self-storage facilities, subject to the following:

- (a) The minimum size of the site devoted entirely to this use shall be not less than 5 acres;
- (b) This use shall not be directly adjacent to residentially zoned property on more than 1 side;
- (c) All ingress and egress from the site shall be directly onto a principal arterial or major thoroughfare as designated on the city's comprehensive development plan;
- (d) All yard setbacks established in the M-1 district for buildings shall be complied with, except that setbacks between self-storage buildings on the same site must be at least 25 feet apart, side to side or front to rear;
- (e) Maximum lot coverage may not exceed 40%;
- (f) Maximum length of any self-storage building shall be 250 feet;
- (g) No separate storage of combustible or flammable liquids, combustible fibers, or explosive materials as defined in the fire prevention code, or toxic materials, shall be permitted within the self-storage buildings or upon the premises. A lease agreement between the lessee and lessor shall state:
 - 1. No flammable, combustible, or toxic material shall be stored or used on premises; and
 - 2. The property shall be subject to periodic and unannounced inspections for flammable, toxic, and other hazardous materials by city officials.
- (h) No storage outside of the self-storage buildings shall be permitted;
- (i) Except as provided herein, the use of the premises shall be limited to storage only and shall not be used for operating any other business, for maintaining or repairing of any vehicles, recreational equipment, or other items, or for any recreational activity, hobby, or purpose other than the storage of personal items and business items as hereinbefore set forth;
- (j) The entire site shall be provided with fencing meeting requirements at § 157.087 and § 157.089;
- (k) A security manager shall be permitted to reside on the premises to the extent required by this use (see § 157.068);
- (l) All access aisles, parking areas, and walkways on the site shall be graded, drained, hard surfaced, and maintained in accordance with the standards and specifications of the city and applicable governmental agencies;
- (m) Limited retail sales to tenants of products and supplies incidental to the principal use, such as packing materials, packing labels, tape, rope, protective covers, and locks and chains shall be permitted on the site devoted to this use, provided the sale is conducted from the main office of the self-storage facility;
- (n) Access to the self-storage facility premises shall be restricted to tenants only, by use of an attendant, mechanical or electronic locking device, or other entrance-control device;
- (o) Fire hydrants and fire suppression devices shall be provided, installed, and maintained in compliance with all requirements of the Fire Department;
- (p) No self-storage building shall exceed 15 feet in height, except that 1 office building and caretaker's quarters may be allowed up to 25 feet; and
- (q) Self-storage buildings, including storage buildings and caretaker's quarters, shall be architecturally designed so as not to have a flat roof, and shall instead have a mansard, gable, hip, or gambrel roof design.

(D) *Industrial performance standards.* Any use established in the M-1 district shall not be permitted to carry on any activity, operation, use of land, building, or equipment that produces irritants to the sensory perceptions greater than the measures herein established which are hereby determined to be the maximum permissible hazard to humans or human activity.

(1) *Noise.* No operation or activity shall be carried out in the M-1 district which cause or create measurable noise levels exceeding the maximum sound intensity levels prescribed below, as measured on or beyond the boundary lines of the districts.

(a) A sound level meter and an octave band analyzer shall be used to measure the intensity and frequency of the sound or noise levels encountered. Sounds of very short duration, which cannot be measured accurately with the sound level meter, shall be measured by an impact noise and analyzer; the measurements so obtained may be permitted to exceed the maximum levels provided in the Table 157.046A by no more than 5 decibels.

(b) For the purpose of this ordinance, the following definition shall apply unless the context clearly indicates or requires a different meaning.

IMPACT NOISES. Those noises where peak values are more than 7 decibels higher than the values indicated on the sound level meter.

(c) Where street traffic noises directly adjacent to the property line exceed these maximum permitted levels, the intensity levels permitted may then exceed those levels specified in the table but may not exceed the level of the subject adjacent street traffic noises.

(d) In addition, sounds of an intermittent nature, or characterized by high frequencies, which the Zoning Administrator deems to be objectionable in adjacent districts, shall be controlled so as not to generate a nuisance in adjacent districts, even if the decibel measurement does not exceed that specified in the table.

**Table 157.046A: Maximum Permitted Sound Intensity Levels in Decibels
(Post-1960 Preferred Frequencies)**

Center Frequency (Cycles per Second)	M-1
31.5	72
63.0	68
125.0	62
250.0	57

Center Frequency (Cycles per Second)	M-1
500.0	50
1,000.0	46
2,000.0	39
4,000.0	32
8,000.0	28

(2) *Smoke, dust, dirt, and fly ash.* The emission of smoke, dust, dirt, and fly ash shall in no manner be unclean, destructive, unhealthful, hazardous, or deleterious to the general welfare.

(a) This type of emission shall be in strict conformance with all applicable state and county health laws as pertaining to air pollution and smoke abatement.

(b) A person shall not discharge into the atmosphere, from any single source of emission, any smoke of a density equal to, or greater than, that density described as No. 2 on the Ringlemann Chart as published by the U.S. Bureau of Mines; provided that the following exceptions to the provisions of this rule be permitted:

1. Smoke the shade or appearance of which is equal to but not darker than No. 2 of the Ringlemann Chart for a period or periods aggregating 4 minutes in any 30 minutes; or
2. Smoke the shade or appearance of which is equal to but not darker than No. 3 of the Ringlemann Chart for a period or periods aggregating 3 minutes in any 15 minutes when building a new fire or when breakdown of equipment occurs such as to make it evident that the emission was not reasonably preventable.

(3) *Glare and heat.* Any operation producing intense glare or heat shall be performed within an enclosed building or behind a solid fence in a manner so as to be completely imperceptible from any point beyond the lot lines of the lot upon which the source of the glare or heat is located.

(4) *Odor.* The emission of noxious, odorous matter in such quantities as to be readily detectable at a point along any property line, when diluted in the ratio of 1 volume of odorous air to 4 or more volumes of clean air, so as to produce a public nuisance or hazard beyond lot lines, is prohibited.

(5) *Vibration.* Machines or operations which cause vibration shall be permitted, but no operation shall be permitted to produce ground transmitted oscillations which cause a displacement exceeding that specified in the following Tables 157.046B and 157.046C as measured at the property line. These vibrations shall be measured with a seismograph or accelerometer; preferably the former.

(a) For the purpose of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

IMPACT VIBRATIONS. Discrete impulses which do not exceed 60 per minute.

STEADY STATE VIBRATIONS. Vibrations which are continuous, or vibrations in discrete impulses more frequent than 60 per minute.

(b) Between the hours of 8:00 p.m. and 6:00 a.m., all the maximum vibration levels below, as measured on or beyond the boundary line of residentially used areas adjacent to an M-1 district, shall be reduced to ½ the indicated permissible values.

Table 157.046B: Maximum Permitted Steady State Vibration in Inches

Frequency (Cycles per Second)	Permitted Vibrations
10 and below	0.001
10 to 19	0.0008
20 to 29	0.0005
30 to 39	0.0003
40 and above	0.0001

Table 157.046C: Maximum Permitted Impact Vibration in Inches

Frequency (Cycles per Second)	Permitted Vibration
10 and below	0.002
10 to 19	0.0015
20 to 29	0.001
30 to 39	0.0005
40 and above	0.0002

(6) *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 regulations as established by the Fire Prevention Act, Public Act 207 of 1941, as amended. Further, all storage tanks for flammable liquid materials above ground shall be located at least 150 feet from all property lines, and shall be completely surrounded by earth embankments, dikes, or other types 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 greater depth to the bottom of the buried tank.

(7) *Sewage wastes.* No industrial sewage wastes shall be discharged into sewers that will cause chemical reaction, either directly or indirectly, with the materials of the pipe or other structure construction to impair the strength or durability of sewer structures; cause mechanical action that will destroy or damage the sewer structures; cause restriction of the hydraulic capacity of sewer structures; cause placing of unusual demands on the sewage treatment equipment or process; cause limitation of the effectiveness of the sewage treatment process; or cause danger to public interest. Specific conditions controlling sewage wastes are as follows:

(a) The acidity or alkalinity shall be neutralized within an average pH range of between 5.5 and 7.5 as a daily average on a volumetric basis, with a permissible temporary variation in pH of 4.50 to 10.0;

(b) The wastes shall contain no cyanides. Wastes shall contain no chlorinated solvents in excess of 0.1 p.p.m.; no fluorides in excess of 10 p.p.m.; no more than 5 p.p.m. of hydrogen sulphide; and shall contain no more than 10 p.p.m. of chromates;

(c) The wastes shall not contain any insoluble substance in excess of 10,000 p.p.m.; exceed a daily average of 500 p.p.m.; fail to pass a No. 8 standard sieve; or have a dimension greater than 0.5 inch;

(d) The wastes shall not have chlorine demand greater than 15 p.p.m.;

(e) The wastes shall not contain phenols in excess of 0.05 p.p.m.;

(f) The wastes shall not contain any grease or oil or any oily substance in excess of 100 p.p.m. or a daily average of 25 p.p.m.;

(g) The wastes shall not contain any explosive substance; and

(h) The wastes shall not contain any toxic or irritating substance which will create conditions hazardous to public health and safety.

(8) *Gases.* The escape of or emission of any gas which is injurious or destructive or explosive shall be unlawful and may be summarily caused to be abated. Sulphur dioxide gas, as measured at the property line at ground elevation, shall not exceed an average of 0.3 p.p.m.; hydrogen sulfide likewise shall not exceed 1 p.p.m.; fluorine shall not exceed 0.1 p.p.m.; nitrous fumes shall not exceed 5 p.p.m.; and carbon monoxide shall not exceed 15 p.p.m.; all as measured as the average intensity during any 24-hour sampling period.

(9) *Electromagnetic radiation.* Applicable rules and regulations of the Federal Communications Commission in regard to propagation of electromagnetic radiation are hereby made a part of this ordinance.

(10) *Drifting and airborne matter, general.* The drifting or airborne transmission beyond the lot line of dust, particles, or debris from any open stock pile shall be unlawful and shall be summarily caused to be abated.

(E) *Compliance with county and state regulations.* Any use permitted in the M-1 district must also comply with all applicable county and state health and pollution laws and regulations.

(F) *Site plan review.* For all uses permitted in the M-1 district, including structural restoration, reconstruction, extension, substitution, or renovation of existing uses, a site plan of the entire building premises shall be submitted for review and approval in accordance with § 157.092.

(G) *Area, height, and placement requirements.* Area, height, and placement requirements, unless otherwise specified, are as provided in Appendix A, Schedule of Regulations.

(Ord. 2017-7-157, passed 12-4-2017; Ord. 2019-10-157, passed 9-16-2019)

§ 157.047 GENERAL INDUSTRIAL DISTRICT, M-2.

(A) *Statement of purpose.*

(1) The intent of the M-2 district is to permit certain industrial uses to locate in desirable areas of the city, which uses are primarily of a manufacturing, assembling, and fabricating character, including large scale or specialized industrial operations requiring good access by road or railroad, and needing special sites or public and utility services.

(2) Reasonable regulations apply to users in this district so as to permit the location of industries which will not cause adverse effects on residential and commercial areas in the city.

(B) *Principal permitted uses.* In the M-2 district, no uses shall be permitted, unless otherwise provided in this ordinance, except the following:

(1) All principal permitted uses and permitted uses after special approval in the M-1 district subject to the terms and conditions imposed therein; and

(2) Industrial establishments:

(a) The assembly and manufacture of automobiles, automobile bodies, parts, and accessories, cigars and cigarettes, electrical fixtures, batteries, and other electrical apparatus, and hardware;

(b) Processing, refining, or storage of food and foodstuffs;

(c) Breweries, bumpshops, distilleries, machine shops, metal buffing, plastering and polishing shops, millwork lumber and planing mills, painting and sheet metal shops, undercoating and rustproofing shops, and welding shops;

(d) Automobile bumpshops, tire vulcanizing and recapping shops;

(e) Accessory buildings and uses customarily incidental to the above permitted principal uses, including living quarters of a watchperson or caretaker; and

(f) Any other uses similar to any of the above principal permitted uses.

(C) *Permitted uses after special approval.* The following uses may be permitted subject to the conditions hereinafter imposed and subject further to the review and approval of the City Planning Commission pursuant to § 157.177:

(1) Open storage yards of construction contractor’s equipment and supplies, building materials, sand, gravel, or lumber.

(a) These uses shall be located at least 200 feet from any residential district.

(b) If it is deemed essential by the Planning Commission to prevent loose materials from blowing into adjacent properties, a fence, tarpaulin, or obscuring wall of dimensions and materials specified by the Planning Commission shall be required around the stored material.

(c) No required yard spaces shall be used for the storage of equipment or material.

(2) Junk yards; and

(3) Mining, excavating, or other removal of sand, earth, minerals, or other material naturally found in the earth.

(D) *Industrial performance standards.* Any use established in the M-2 district shall not be permitted to carry on any activity or operation or use of land, building, or equipment that produces irritants to the sensory perceptions greater than the measures herein established which are hereby determined to be maximum permissible hazard to humans or human activity.

(1) *Noise.* No operation or activity shall be carried out in the M-2 district which causes or creates measurable noise levels exceeding the maximum sound intensity levels prescribed below, as measured on or beyond the boundary lines of the district.

(a) A sound level meter and an octave band analyzer shall be used to measure the intensity and frequency of the sound or noise levels encountered. Sounds of very short duration, which cannot be measured accurately with the sound level meter, shall be measured by an impact noise and analyzer; and the measurements so obtained may be permitted to exceed the maximum levels provided in the Table 157.047A by no more than 5 decibels.

(b) For the purpose of this ordinance, the following definition shall apply unless the context clearly indicates or requires a different meaning.

IMPACT NOISES. Those noises whose peak values are more than 7 decibels higher than the values indicated on the sound level meter.

(c) Where street traffic noises directly adjacent to the property line exceed these maximum permitted levels, the intensity levels permitted may then exceed those levels specified in the table but may not exceed the level of the subject adjacent street traffic noises.

(d) In addition, sounds of an intermittent nature, or characterized by high frequencies, which the Zoning Administrator deems to be objectionable in adjacent districts, shall be controlled so as not to generate a nuisance in adjacent districts, even if the decibel measurement does not exceed that specified in the table.

Table 157.047A: Maximum Permitted Sound Intensity Levels in Decibels	
(Post-1960 Preferred Frequencies)	
Center Frequency (Cycles Per Second)	M-2
Table 157.047A: Maximum Permitted Sound Intensity Levels in Decibels	
(Post-1960 Preferred Frequencies)	
Center Frequency (Cycles Per Second)	M-2

31.5	77
63.0	73
125.0	67
250.0	62
500.0	55
1,000.0	51
2,000.0	44
4,000.0	37
8,000.0	33

(2) *Other performance standards.* All other performance standards relative to smoke, dust, dirt, and fly ash; glare and heat; odor; vibration; fire and safety hazards; sewage wastes; gases; electromagnetic radiation; and drifting and airborne matter shall be in conformance with the industrial performance standards of the M-1 district as provided in § 157.046(D).

(E) *Site plan review.* For all uses permitted in the M-2 district, including structural restoration, reconstruction, extension, substitution, or renovation of existing uses, a site plan of the entire building premises shall be submitted for review and approval in accordance with § 157.092.

(F) *Area, height, and placement requirements.* Area, height, and placement requirements, unless otherwise specified, are as provided in Appendix A, Schedule of Regulations.

§ 157.048 VEHICULAR PARKING DISTRICT, P-1.

(A) *Statement of purpose.* The vehicular parking district is intended to permit the establishment of areas to be used for off-street parking of private cars, so as to service office, commercial, industrial, and institutional land uses. This district is designed to afford maximum protection to next adjacent residential areas by providing landscaped setbacks, fences, and well-designed parking lot facilities. It is also intended that this district act as a transitional area between office, commercial, industrial, and institutional uses, and residential areas, thereby permitting private developers as well as public agencies to provide needed off-street parking.

(B) *Principal permitted uses.* Vehicular parking only, subject to requirements in subsection (C) below, is permitted in the P-1 district.

(C) *Limitation of the use.* The following regulations shall apply:

(1) Parking areas shall be used only for parking of passenger vehicles operated by the management, the employees, customers, and guests of the enterprise doing business in the city;

(2) Parking may be with or without charge;

(3) No business involving the repair or services to vehicles, trailers, mobile homes, travel trailers, boats, or boat trailers, or sale, display, or storage of same, shall be permitted from or upon property zoned in a P-1 district;

(4) No building other than those for shelter of attendants shall be erected upon the premises, except as provided for in subsection (O) below. There shall not be more than 2 buildings of this type in the area and each building of this type shall not be more than 50 square feet in area nor shall exceed 15 feet in height; and

(5) No advertising signs shall be erected on the premises, except that not more than 1 directional sign at each point of ingress or egress may be erected which may also bear the name of the operator of the lot and enterprise it is intended to service. These signs shall not exceed 6 feet in area; shall not extend more than 10 feet in height above the nearest curb; and shall be entirely upon the parking area.

(D) *Location.* All P-1 districts shall be contiguous to an office, commercial, or industrial district. In all cases, lots which are used for parking shall be the adjacent successive lots from the office, commercial, or industrial property.

(E) *Ingress and egress.* Adequate ingress and egress shall be provided for vehicles to premises used for parking and shall be in accordance with the plan which shall be submitted in triplicate for approval in accordance with subsection (M) below.

(F) *Surface of the parking area.* The parking area shall be provided with a pavement in accordance with § 157.112(C)(7).

(G) *Front yard.*

(1) Where a P-1 district is contiguous to a residentially zoned district which has a common frontage on the same block with the P-1 district, and wherein residential structures have been erected, there shall be provided a yard space equal to the average setback of homes in the block on the same side of the street.

(2) Where the P-1 district is contiguous to a residentially zoned district which has a common frontage in the same block with the P-1 district and wherein residential structures have been erected having a front yard of greater than 20 feet in depth, there shall be provided a yard space equal in depth to the minimum distance of any residential structure so located, or to the minimum distance required by those restrictions, except in cases where residential structures have been erected at the rear lots. In those cases, the yard space shall not be less than 20 feet in depth or equal to the minimum required by the private restrictions.

(3) Where the P-1 district lies across a street and opposite a residentially zoned district wherein the lots front upon that street, there shall be provided a yard space not less than 20 feet in depth and a protective wall as set forth in subsection (I) below.

(H) *Side yards.*

(1) Where a P-1 district is contiguous to side lot lines of premises in a residentially zoned district, there shall be provided a side yard not less than 10 feet in width between the side lot lines and the parking area.

(2) Where the P-1 district lies across a street and opposite a residentially zoned district where the side lot lines are contiguous to that street, there shall be provided a yard space not less than 10 feet in depth.

(I) *Protective wall.* Where the P-1 district adjoins or fronts upon residentially zoned or used property, there shall be provided around the parking area between the required yard spaces and the actual parking area a wall in accordance with § 157.087 and § 157.089.

(J) *Bumper rail.* There shall be provided a bumper rail in accordance with § 157.112(C)(4).

(K) *Landscaping.* Wherever the wall is required, all land between the wall and the boundaries of the P-1 district shall be kept free from refuse or debris and shall be landscaped. The landscaped area adjacent to the wall shall be planted with deciduous shrubs, evergreens, or ornamental trees.

(1) Fruit trees shall not be used. Where the arrangement of planting materials will result in exposure of the walls, those walls shall be covered with ivy, spirea border, or similar plant material. The remainder of the landscaped area which is not planted with the aforementioned stock shall be in well-kept lawn. All landscaping shall be maintained in a healthy growing condition, neat and orderly in appearance.

(2) All planting plans shall be first submitted to the Zoning Administrator for approval as to suitability of planting materials and arrangement thereof in accordance with the provisions of the preceding subsection and requirements of § 157.112(C)(4).

(3) Where required landscaping is not sufficiently and properly maintained, the Zoning Administrator may, after 5 days' notice has been given to the property owner as shown on the latest assessment roll, order whatever steps are necessary to suitably maintain the landscaped area and charge all of the costs plus a fee as set by the City Council, and amended by resolution from time to time to the property owner.

(L) *Lighting.* Where lighting facilities are provided, they shall be so arranged as to reflect the light away from all residentially zoned properties which are adjacent to the P-1 district and shall be in accordance with § 157.112(C)(7).

(M) *Approval.* All plans for the development of any P-1 district must first be approved by the Zoning Administrator before construction is started.

(N) *Modification of requirements.* The Board of Zoning Appeals, upon application by the property owner of the parking area, may modify the yard, wall, and ingress and egress requirements where in unusual circumstances, undue hardship would be suffered or no good purposes would be served in compliance with the requirements of this section. In all cases where such a protective wall extends to any alley which is a means of ingress or egress to a parking area, it shall be permissible to end the wall not more than 10 feet from the alley line in order to permit a wider means of access to the parking area and better visibility.

(O) *Parking structures.* Notwithstanding requirements set forth in subsection (C)(4) above and under special conditions, parking structures may be permitted in the P-1 district subject to the following conditions:

(1) A site plan shall be submitted for review and approval in accordance with § 157.092 showing the proposed parking structure, ingress and egress points, relationship to adjacent properties and to the building it is planned to serve, and landscaping at a scale sufficient to permit study of all elements of the plan. Typical elevations of the structure shall also be provided so that the exterior building material and architectural style will be in harmony with the principal building or buildings the parking structure is intended to serve and with the surrounding area; and

(2) Specific design standards for the parking structure and appurtenances (e.g., signs) thereto follow:

(a) When the parking structure is contiguous to side lot lines of a residentially zoned or used district, there shall be provided a minimum side yard of 15 feet between those side lot lines and the structure;

(b) The permitted height of any parking structure shall not exceed 30 feet. For every 1 foot the parking structure exceeds 10 feet in height, the yard requirements shall be increased by 1 foot beyond the minimum 15-foot requirement in subsection (O)(2)(a) above;

(c) When parking is permitted on the roof of a parking structure, an ornamental wall shall be provided around the perimeter of the roof. This wall shall be of suitable material and in harmony with the architecture of the parking structure and sufficiently opaque as to substantially conceal parked cars;

(d) All exterior lighting, especially that which may be provided on the roof, shall be glare-free and so arranged as to reflect away from all residentially zoned or used properties affected by the parking structure. There shall be no lighting of elevations of a parking structure facing any residentially zoned or used property;

(e) Signs shall be in accordance with all related ordinances of the city; and

(f) Unless otherwise specified, parking structures shall observe all requirements of subsections (A) through (N) above.

§ 157.049 CENTRAL BUSINESS DISTRICT OVERLAY, CBD.

(A) *Statement of purpose.* The CBD, central business district is intended to promote development, to retain and create a vibrant and cohesive center for the City of Burton with a variety of quality places to work, live, shop, learn, recreate and be entertained. This district is intended to recognize and support the City of Burton central business district as the centerpiece of the City of Burton community.

(B) *Intent.* These special regulations are intended to assist with the implementation of goals and objectives contained in the City of Burton Downtown Development Authority (DDA) Strategic Vision Plan. Included in this plan are goals to promote development of a compact, walkable, mixed-use district, consisting of a variety of retail, entertainment, office, service, residential, cultural, recreation and municipal uses. To provide for the desired traditional downtown environment and accommodate the wide variety of permitted uses, this district includes specific design standards for site layout, setback continuity, building design, pedestrian amenities, parking arrangements,

vehicular circulation and coordination of features between adjoining sites. One intent of this district is that buildings be placed close to the street, with parking in the side, or preferably, rear yard. Permitted uses shall be designed and arranged to minimize any adverse impact on street capacity or public services, and contribute to the overall image and function of the district. A mixture of uses within a building, such as retail on the ground floor and office or residential on upper floors is permitted. It is the further intent of this district to prohibit automotive related services and non-retail uses which tend to disrupt the continuity of the retail frontage.

(C) Principal permitted and special uses shall be in accordance with the following:

(1) All permitted and/or special uses allowed by the underlying zoning district (as designated on the zoning map) shall be permitted for that lot within the CBD. (For example, if the underlying zoning district is C-2, the uses permitted in C-2 are permitted for that lot).

(2) All uses shall meet the standards for the CBD district listed below in § 157.049(D) and as set forth in the Appendix A, Schedule of Regulations. The Planning Commission shall encourage and allow for zero front lot line setbacks to promote the appearance of a traditional downtown.

(3) Any building fronting on Saginaw Street or Bristol Road and having commercial or office on the first floor of said street frontage may contain office or residential uses on upper stories when adequate off-street parking is provided. Any non-conforming or previously approved uses other than commercial or office would require special use approval to contain residential mixed uses.

(4) Multi-story single family attached or townhouse (row house) buildings may be permitted as special land uses on lots that do not front along Saginaw Street or Bristol Road. Each dwelling shall comprise a single unit from the lowest floor to the highest floor of the building between common walls except that the Planning Commission may permit stacked units where the front building facade retains a traditional townhouse (row house) appearance.

(5) Open-air markets, outdoor restaurants, bars or cafes located on private property, temporary or permanent. This section shall not include roadside stands or food trucks which are provided for in Chapter 111 or outdoor recreational events, which are provided for in Chapter 113.

(D) *Required conditions.*

(1) All business, servicing or processing, except for off-street parking or loading, shall be conducted within a completely enclosed building, provided that public plazas, sidewalk sales and open air markets may be permitted as an accessory use upon approval as a special land use.

(2) Exterior walls facing public rights-of-way, customer parking areas and adjoining property that is zoned or used for residential purposes shall have a finished appearance, using the same materials as used on the front facade of the building. Wherever possible, meter boxes, waste receptacles and mechanical equipment should not be located in the side of the building when visible from public views or when facing property zoned or used as residential.

(3) Ornamental lighting consistent with the established lighting system in the central business district shall be provided along public street frontages. Except for ornamental fixtures, all lighting shall be downward directed shall cut-off fixtures. Site, building and parking lot lighting shall be at a scale appropriate for the downtown and to prevent glare off-site.

(4) Whenever feasible parking shall be located in the side or rear yards, not in the front yard; however, parking in one front yard shall be permitted for corner lots.

(5) All garage doors, loading or service areas and waste receptacles shall be located in the rear yard of the lot and screened from view of any public street, adjacent residential zoning district or public property. Unless otherwise approved by the Planning Commission the screening shall consist of a fence consistent with the building, landscaping or a combination, as appropriate. The waste receptacles shall be screen in accordance with § 157.090.

(6) The number of access points shall be the minimum on Saginaw Street to provide reasonable access. Access points shall be designed and located to minimize conflicts with traffic operations along the street and be placed as far from intersections as practical at a minimum of 30 feet. The Planning Commission shall encourage and allow access off local streets, whenever it is feasible. The Planning Commission may require the applicant to provide a traffic impact study prepared by a qualified traffic engineer to evaluate traffic circulation and access concerns.

(7) Parking shall be provided for all uses in accordance with the requirements of § 157.111 except that the Planning Commission may reduce the amount of onsite parking required in the CBD by up to 50% in the following instances:

(a) The parking requirement may be satisfied through shared parking with an adjacent use. All uses must be located within 300 feet of the shared parking with a copy of an executed shared parking agreement provided to the city. Where uses with different peak hour parking demands, such as a restaurant and office share the same parking lot, the total cumulative parking requirement for all uses may reduce by up to 50%.

(b) A mixed-use development that has uses with different peak hour parking demands, such as a restaurant in an office building, may reduce the total cumulative parking requirement for all uses by up to 50%.

(c) The parking requirement maybe reduced by up to 50% where the applicant can demonstrate, based on supporting documentation provided by the applicant, the parking need for that particular use is less than required by this ordinance.

(d) Total parking requirements shall not be reduced by more than 50% even where a site satisfies more than 1 of the above criteria.

(8) All lawn and landscaping shall be maintained at a minimum of 6 inches, suggested height at 4 inches.

(9) Require maintenance of approved landscaping areas as approved through the Site Plan Review Process.

(E) *Architectural conditions.* All new buildings, additions and significant exterior changes or renovations shall be found to be architecturally compatible with the intent of the central business district. In making such a determination, the following will be considered:

(1) The exterior finish material of all building facades visible from the public street, parking lot or adjacent residentially zoned land, exclusive of window areas may consist of the following: brick, cut stone, field stone, cast stone, dimensional wood with an opaque stain, fiberglass reinforced concrete, polymer plastic (fypon), or BIFS. Exterior Insulation and Finishing Systems (EIFS) materials shall not be the primary building material. The Planning Commission may permit other materials for facades that are consistent with adjoining land uses.

(2) Blank walls shall not face a public street. Walls facing a public street shall include windows and architectural features customarily found on the front facade of a building, such as awnings, cornice work, edge detailing or other decorative finish materials. A usable public building entrance shall be provided at the front of the building. Wall massing shall be broken up with vertical pilasters or other architectural elements to reduce scale.

(3) Colors shall be consistent with the majority of the established buildings. Stark or bold colors, white and similar "non-traditional" downtown colors are not permitted.

(4) Facades may be supplemented by awnings which shall be straight sheds or made of an opaque material; translucent awnings shall not be permitted along the front building line.

(5) Sites shall be designed at a pedestrian scale with relationship to the street and sidewalk. Convenient and safe pedestrian access shall be provided between the public sidewalk and the building entrance. Bicycle racks may be provided for uses expected to attract bicyclists, such as fast food restaurants, ice cream parlors and convenience food stores.

(6) Rear or side entrances should be provided where parking is on the side or rear of the building.

(7) Building height may be increased to a maximum of 50 feet for a mixed use building with retail/office in the first floor and office and/or residential use on the floors above the first floor. Parking structures incorporated into the design of a mixed use building may also warrant the aforementioned increase in building height.

(8) Building design, facades and materials shall be consistent and adopted by the Planning Commission.

(F) For buildings proposed for expansion or renovation that existed prior to the effective date of this ordinance, the Planning Commission shall determine the extent of compliance based on the existing building and site arrangement, the extent of the changes proposed and the site design elements found to be most in need of modification.

(Ord. 2018-157.049, passed 12-4-2017; Ord. 2018-8-157.049, passed 11-5-2018)

REGULATIONS

§ 157.060 DWELLING UNIT; ZONING LOT.

Every building hereafter erected or structurally altered to provide dwelling units shall be located on a lot as herein defined, and in no case shall there be more than 1 such building on 1 lot unless otherwise provided in this ordinance.

§ 157.061 LOT AREA, YARDS, AND OPEN SPACE REQUIREMENTS.

Space which has been counted or calculated as part of a side yard, rear yard, front yard, court, lot area, or other open space to meet the requirements of this ordinance for a building, shall not be counted or calculated to satisfy or comply with a yard, court, lot area, or other open space requirement for any other building. An open porch or paved terrace may occupy a required front yard or rear yard, provided that the unoccupied portion of the front yard or rear yard furnishes a depth of not less than 21 feet.

§ 157.062 PROJECTIONS INTO YARDS.

Architectural features, not including vertical projections, may extend or project into a required side yard not more than 2 inches for each 1 foot of width of the side yard, and may extend or project into a required front yard or rear yard not more than 3 feet. Architectural features shall not include those details which are nominally demountable.

§ 157.063 STORAGE IN YARDS AND OPEN AREAS.

(A) No front or other yard shall be used for the storage or parking of automobiles or any other material or equipment; provided that in residential areas not more than 3 automobiles with a current license and in operating condition may be parked on an approved service driveway, extending from the street directly to a side yard or a garage. No machinery, equipment, vehicles, lumber piles, crates, boxes, building blocks, or other materials either discarded, unsightly, or showing evidence of a need for repairs, with or without a current license, shall be stored, parked, abandoned, or junked in any open area and should such a use of land occur, it shall be declared to be a nuisance. If the nuisance is not abated within 10 days after the owner of the land is notified by the Code Enforcement Officer, then the city may perform the necessary work to eliminate the nuisance at the expense of the property owner; and in the event the property owner fails to reimburse the city within 30 days after receiving notice of the amount due from the City Treasurer, then the amount shall become a lien upon the property.

(B) Firewood kept for personal use (defined as 5 or fewer face cords of wood) may be kept in any back yard or side yard outside of all required set backs if that firewood is stacked no higher than 4 feet, in columns not exceeding 8 feet in length and 18 inches in width.

§ 157.064 STORAGE ON PORCHES AND DECKS.

(A) No porch or deck shall be used to keep or store any couch or other furniture which is not specifically intended and designed for outdoor usage, such as patio furniture or wrought iron type of furniture.

(B) This restriction shall not apply to the storage of couches and other furniture within enclosed rooms or sun porches.

§ 157.065 STREET ACCESS.

No dwelling shall be built, moved, or converted upon a lot having a frontage of less than 20 feet upon a public street or upon a private street or other permanent easement giving access to a public street. No building permit shall be issued for any construction located on any lot or parcel of land in the city that does not abut on a public street or highway; provided that this ordinance shall not be the basis for preventing the issuance of a building permit for ordinary repair or maintenance of any building that is already erected on the date of the adoption of this ordinance upon a lot or parcel of land that does not so abut such a street or highway. Must comply with schedule of regulations.

§ 157.066 VISIBILITY AT INTERSECTION.

No structure, wall, fence, shrubbery, or trees shall be erected, maintained, or planted on any lot which will obstruct the view of the driver of a vehicle approaching an intersection, excepting that shrubbery and low retaining walls not exceeding 2.5 feet in height above the curb level and shade trees where all branches are not less than 8 feet above the street level will be permitted. For residential corner lots, this unobstructed area will be a triangular section of land formed by the 2 street curb lines and a line connecting them at points 30 feet from the intersection of those curb lines.

§ 157.067 RESERVED FOR FUTURE USE

§ 157.068 DWELLING IN NONRESIDENTIAL DISTRICT.

No dwelling unit shall be erected in the R-O, C-1, C-2, C-3, C-4, M-1, and M-2 districts.

§ 157.069 DWELLING OTHER THAN IN MAIN STRUCTURE.

No residential structure shall be erected upon the rear of a lot or upon a lot with another dwelling.

§ 157.070 ACCESSORY BUILDINGS.

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

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

(B) Accessory buildings shall not be erected in any required yard except a rear yard, providing further that in no instance shall such a building be nearer than 18 inches to any adjoining lot line.

(C) An accessory building shall not exceed 1 story or 16 feet in height; further, accessory buildings may occupy not more than 25% of a required rear yard, or 40% of any non-required rear yard.

(D) An accessory building shall be located on the rear ½ of the lot except when structurally attached to the main building.

(E) No detached accessory building shall be located closer than 10 feet to any main building or main or accessory buildings on adjacent property.

(F) When an accessory building is located on a corner lot, the side lot of which is substantially a continuation of the front lot line of the lot to its rear, that building shall not project beyond the front yard line required on the lot in rear of that corner lot.

(G) In the case of double frontage lots, accessory buildings shall observe front yard requirements on both street frontages whenever there are any principal buildings fronting on those streets in the same block or adjacent blocks.

(H) No detached or attached accessory building(s) intended for the parking and storage of private motor vehicles shall exceed, in total aggregate floor space of all such accessory buildings on a lot, 1,152 square feet in gross floor area in a residential district.

(1) In addition to the above allowable space for the parking and storage of private motor vehicles, there may be up to 250 square feet of space attached with the garage, or a separate detached accessory building not larger than 12 by 12 feet may be located on the same lot for the storage of tools and recreation equipment or for a dog house. Use of any detached accessory building in any residential, business, or office district for a use other than the parking and storage of private motor vehicles, tools, recreation equipment, or dog houses requires review and approval by the Board of Zoning Appeals.

(2) Where lots or parcels exceed ½ of an acre (21,780 square feet), accessory buildings may exceed the above limits, provided that lot coverage limits as established at Appendix A are not exceeded and total aggregate floor space of all accessory buildings does not exceed 1,512 square feet.

(3) Where lots or parcels exceed ¾ of an acre (32,670 square feet), accessory buildings may exceed the above limits, provided that lot coverage limits as established at Appendix A are not exceeded and total aggregate floor space of all accessory buildings does not exceed 1,824 square feet.

(4) Where lots or parcels exceed 1 acre (43,560 square feet) and less than 87,119 square feet or 2 acres, accessory buildings may exceed the above limits, provided that lot coverage limits as established at Appendix A are not exceeded and total aggregate floor space of all accessory buildings does not exceed 2,250 square feet.

(5) Where lots or parcels exceed 2 acres (87,120 square feet), accessory buildings may exceed the above limits, provided that lot coverage limits as established at Appendix A are not exceeded and total aggregate floor space of all accessory buildings does not exceed an additional 250 square feet per full acre.

(6) There may only be 2 detached accessory structures allowed per parcel.

(I) All accessory buildings shall conform to the architectural style of the main structure and match the color and material of the main structure.

(Ord. 2018- -157, passed 4-2-2018)

§ 157.071 PARKING AND STORAGE OF CAMPERS, TRAVEL TRAILERS, AND BOATS.

Campers, travel trailers, motorized homes, (specifically excluding commercial vehicles such as school buses, semi-tractor trailers, and box trucks where they have been converted for private use or not) snowmobiles, and trailers specifically designed to transport such vehicles, may be parked or stored outdoors in any zoning district on occupied lots subject to the following requirements.

(A) No more than 1 camper or travel trailer, no more than 1 boat, and no more than 2 snowmobiles may be parked on a lot of record which is zoned and used for residential purposes, and ownership of same must be in the name of a member of the immediate family of the lot's owner, tenant, or lessee.

(B) Campers and travel trailers may be parked anywhere on the premises for loading and unloading purposes for a period not to exceed 48 hours.

(C) Campers, travel trailers, snowmobiles, trailers, boats, and the like, where parked or stored, shall be located only in the rear yard, and, in addition, shall conform to the required yard space requirements for accessory buildings in the zoning district wherein located.

(D) The maximum permitted lot coverage of all buildings plus any camper, travel trailer, or boat parking or storage space, shall not be exceeded.

(E) All campers, travel trailers, boats, and the like, shall be locked or secured at all times when not in use so as to prevent access thereto by children.

(F) A suitable covering, specifically excluding tarpaulins, shall be placed over boats, snowmobiles and vehicles whenever such items are not enclosed, in order to prevent vandalism or injury to children. In the event a motor vehicle is so covered, that covering shall be specifically designed for that purpose and the use of tarpaulins is specifically prohibited.

(G) Recreational equipment parked or stored shall not be connected to electricity, water, gas, or sanitary facilities, and at no time shall same be used for living, lodging, or housekeeping purposes.

(H) All recreational equipment must be kept in good condition and have a current year's license or registration.

(I) The parking or storage of a mobile home unit outside of a mobile home park, under these provisions, is expressly prohibited.

§ 157.072 PARKING FOR PURPOSE OF SALE PROHIBITED.

(A) No person, firm, or corporation shall stand or park a motor vehicle, trailer, recreational vehicle, or watercraft on public or private property zoned for commercial or industrial use, for the purpose of offering or advertising the same for sale.

(B) For the purposes of this section, proof that a sign was in or on a standing or parked vehicle, trailer, recreational vehicle, or watercraft, and which sign was capable of drawing attention to same, and which sign was clearly visible to any person located off the property, shall create a presumption that the sign was for the purpose of offering the motor vehicle, trailer, recreational vehicle, or watercraft for sale.

(C) For the purposes of this section, proof that the subject motor vehicle, trailer, recreational vehicle, or watercraft was standing or parked in violation of this section, together with proof that the defendant named in the complaint was, at the time, the registered owner of same, shall create a presumption that the defendant was the person who parked the motor vehicle, trailer, recreational vehicle, or watercraft, when the violation occurred.

(D) This section shall not apply to currently licensed motor vehicles, trailers, recreational vehicles, or watercraft sales lots licensed by the City of Burton.

(E) A city code enforcement officer or police officer may, at the owner's expense, impound any vehicle, if it remains standing or parked in violation of this section. In addition to the costs of towing and storage of the vehicle, the owner shall be responsible for payment of the expense incurred by the city in the administration and enforcement of this section.

§ 157.073 ALE OF MERCHANDISE FROM RESIDENTIAL ZONED PROPERTY.

No person, firm or corporation shall display for sale, sell, purchase or exchange any goods, wares or merchandise from any residentially zoned property for more than 6 calendar days during any 1 calendar year period.

§ 157.074 AUTOMOBILE SERVICE STATIONS.

(A) In order to regulate and control the problems of noise, odor, light, fumes, vibration, dust, danger of fire and explosion, and traffic congestion which result from the unrestricted and unregulated construction and operation of automobile service stations, and to regulate and control the adverse effects which these and other problems incidental to the automobile service station may exercise upon adjacent and surrounding areas, the following additional regulations and requirements are provided herein for automobile service stations located in any zone.

(B) All automobile service stations erected after the effective date of this ordinance shall comply with all requirements of this section. No automobile service station existing on the effective date of this ordinance shall be structurally altered so as to provide a lesser degree of conformity with the provisions of this section than existed on the effective date of this ordinance.

(1) An automobile service station shall be located on a lot having a frontage along the principal street of not less than 150 feet, and having a minimum area of not less than 15,000 square feet.

(2) An automobile service station building housing an office or facilities for servicing, greasing, or washing motor vehicles shall be located not less than 40 feet from any street lot line, and not less than 25 feet from any side or rear lot line adjoining a residentially zoned

district.

(3) All driveways providing ingress to or egress from an automobile service station shall be not more than 30 feet wide at the property line. No more than 1 curb opening shall be permitted for each 50 feet of frontage or major fraction thereof along any street. No driveway or curb opening shall be located nearer than 20 feet to any corner or exterior lot line, as measured along the property line. No driveway shall be located nearer than 30 feet, as measured along the property line, to any other driveway giving access to or from the same automobile service station.

(4) A raised curb 6 inches in height shall be erected along all street lot lines, except for driveway openings.

(5) All lubrication equipment, motor vehicle washing equipment, hydraulic hoists, and pits shall be enclosed entirely within a building.

(6) An automobile service station located on a lot having an area of 15,000 square feet shall include not more than 8 gasoline pumps and 2 enclosed stalls for servicing, lubricating, greasing, and washing motor vehicles. An additional 2 gasoline pumps and 1 enclosed stall may be included with the provision of each additional 2,000 square feet of lot area.

(7) All gasoline pumps shall be located not less than 15 lineal feet from any lot line, and shall be arranged so that motor vehicles shall not be supplied with gasoline or service while parked upon or overhanging any public sidewalk, street, or right-of-way.

(8) Where an automobile service station adjoins property located in any residential zone, a masonry wall 5 feet in height shall be erected and maintained along the service station property line. All masonry walls shall be protected by a fixed curb or barrier to prevent vehicles from contacting the wall.

(9) All exterior lighting, including illuminated signs, shall be erected and hooded or shielded so as to be deflected away from adjacent and neighboring property.

(10) (a) When a structure designed and used for automobile service station or filling station purposes ceases to operate on a continuing basis for a period of 90 days within any period of 18 months, the owner of the premises shall be served written notice by the Zoning Administrator of the requirement, within 60 days of the date of the notice, to either:

1. Resume operation of the premises on a continuing basis as a lawful automobile service station or filling station;
2. Lawfully convert the structure to another permitted use in that district; or
3. Demolish the structure and completely remove the debris from the premises.

(b) All new automobile service stations or filling stations constructed after the effective date of this ordinance shall be required to post a bond with the Zoning Administrator in an amount equal to the estimated cost of demolition and clearance of improvements on the premises. Failure to comply with one of the above mentioned 3 alternatives shall empower the Zoning Administrator to utilize the bond for the demolition and clearance of the premises in question. If there should be declared a national emergency which would curtail the operation of motor vehicles or if the Planning Commission should determine that there exists a state of general economic depression or hardship, the provisions of this subsection (B)(10) shall not apply.

§ 157.075 DRIVE-IN ESTABLISHMENTS.

(A) When a drive-in establishment adjoins property located in any residential district, an ornamental masonry wall 5 feet in height shall be erected and maintained along the interior line, or if separated from the residential zone by an alley, there along the alley lot line. In addition, all outside trash areas shall be enclosed by the 5-foot masonry wall. This wall shall be protected from possible damage inflicted by vehicles using the parking area by means of pre-cast concrete wheel stops at least 6 inches in height, or by firmly implanted bumper guards not attached to the wall, or by other suitable barriers.

(B) The entire parking area shall be paved with a permanent surface of concrete or asphaltic cement. Any unpaved area of the site shall be landscaped with lawn or other horticultural materials, maintained in a neat and orderly fashion at all times, and separated from the paved area by a raised curb or other equivalent barrier.

(C) Lighting shall be installed in a manner which will not create a driving hazard on abutting streets or which will not cause direct illumination on adjacent residential properties.

(D) Before approval is given for any use, a site plan shall first be submitted to the Board of Zoning Appeals for review as to suitability of location of entrances and exits to the site, parking area, screening, lighting, and other design features.

§ 157.076 BUILDING GRADES.

(A) Any building requiring yard space shall be located at such an elevation that a sloping grade shall be maintained to cause the flow of water to run away from the walls of the structures thereon. The balance of yard spaces shall be graded and adequate drainage provided where necessary to deflect proper drainage of surface waters from the premises.

(B) When a new building is constructed on a vacant lot between 2 existing buildings or adjacent to an existing building, the existing established grade shall be used in determining the grade around the new building, and the yard around the new building shall be graded in such a manner as to meet existing grades.

(C) Final grade shall be approved by the Building Official only after a certificate of grading and location of building within the city has been duly completed and certified by a registered engineer or land surveyor.

§ 157.077 MOVING OF BUILDING.

Any building or structure which has been wholly or partially erected on any premises within or outside the city shall not be moved to or placed upon any premises in the city unless a building permit or the building or structure shall have been secured under § 157.172 of this

code. Any such building or structure shall fully conform to all the provisions of this ordinance in the same manner as a new building or structure.

§ 157.078 EXCAVATIONS OR HOLES.

The construction, maintenance, or existence within the city of any unprotected, unbarricaded, open, or dangerous excavations, holes, pits, or wells, or of any excavations, holes, or pits which constitute or are reasonably likely to constitute a danger or menace to public health, safety, or welfare, is hereby prohibited; provided, however, this section shall not prevent any excavation under a permit issued pursuant to this ordinance or the Building Code of the city, where those excavations are properly protected and warning signs posted in such a manner as may be approved by the Zoning Administrator.

§ 157.079 EXCAVATION, REMOVAL, FILL, OR DEPOSIT.

(A) The use of land for the excavation, removal, filling, or depositing of any type of earth material, topsoil, gravel, rock, garbage, rubbish, or other wastes or byproducts, is not permitted in any zoning district except under a certificate from, and under the supervision of the Zoning Administrator in accordance with a topographic plan, approved by the City Engineer, submitted by the feeholder owner of the property concerned. The topographic plan shall be drawn at a scale of not less than 1 inch equals 50 feet and shall show existing and proposed grades and topographic features and other data as may from time to time be required by the City Engineer. The certificate may be issued in appropriate cases upon the filing with the application of a cash bond or surety bond by a surety company authorized to do business in the state running to the city in an amount as established by the City Engineer which will be sufficient in amount to rehabilitate the property upon default of the operator or other reasonable expenses. This regulation does not apply to normal soil removal for basement or foundation work when a building permit has previously been duly issued by the Building Official.

(B) Any material filled or deposited on any property within the city, whether it be of any type of earth material, topsoil, gravel, rock, stone, broken concrete or asphalt or any other material shall not be piled higher than 25 feet from ground elevation of the surrounding area prior to the filling or depositing of the material.

§ 157.080 RESTORING UNSAFE BUILDINGS.

Nothing in this ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by the Building Official or required compliance with his or her lawful order.

§ 157.081 GRANDFATHER CLAUSE.

Nothing in this ordinance shall be deemed to require any change in the plans, construction, or design use of any building upon which actual construction was lawfully begun prior to the adoption of this ordinance, and upon which building actual construction has been diligently carried on, and provided further, that the building shall be completed within 2 years from the date of passage of this ordinance.

§ 157.082 VOTING LOCATION; TEMPORARY USE.

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

§ 157.083 PLAT APPROVAL; CONFORMANCE REQUIRED.

No proposed plat of a new subdivision shall hereafter be approved by either the City Council or the City Planning Commission, unless the lots within the plat equal or exceed the minimum size and width requirements set forth in the various districts of this ordinance, and unless the plat fully conforms with the statutes of the state and all other provisions of this city code.

§ 157.084 ESSENTIAL SERVICES.

Essential services shall be permitted as authorized under any franchise or that may be regulated by any law of the state or any ordinance of the city, it being the intention hereof to except those essential services from the application of this ordinance.

§ 157.085 RADIO AND TELEVISION TOWERS.

All commercial radio, television, and other transmitting or relay antenna towers shall be permitted in any business, commercial, or industrial district which has access upon a major thoroughfare. The setbacks for these towers from all abutting streets or adjacent property shall be a distance equal to the height of the tower. The structural plans must be approved by the Building Official.

§ 157.086 OPEN AIR BUSINESS USES.

Open air business uses, where permitted in a C-3, M-1, or M-2 district, shall be subject to the following regulations.

(A) The minimum area of the site shall be 10,000 square feet.

(B) The minimum street frontage shall be 100 feet.

(C) There shall be provided around all sides of the site, except at entrances, exits, and along sides of premises enclosed by building a fence or wall 5 feet in height in order to intercept wind-blown trash and other debris. Where the site abuts any residentially zoned district, the requirements for protective screening shall apply as specified in § 157.087.

(D) Off-street parking areas and aisles, as required under §§ 157.110*et seq.* of this code, shall be paved in accordance with the requirements of § 157.112(C)(8).

(E) Lighting shall be installed in a manner which will not create a driving hazard on abutting streets or which will cast direct illumination on adjacent properties.

(F) Before approval is given for any use, a site plan shall be first submitted to the Planning Official for review as to suitability of location of entrances and exits to the site, parking area, fencing, lighting, and other design features.

(G) All open air business uses shall comply with all city and county health regulations regarding sanitation and general health conditions.

§ 157.087 PROTECTIVE SCREENING; NONRESIDENTIAL AND RESIDENTIAL AREAS.

In order to provide adequate protective screening for residential areas adjacent to or near nonresidential areas, the following regulations shall apply.

(A) Where an RM, HRM, RMH, R-O, C-1, C-2, C-3, C-4, M-1, M-2, or P-1 district abuts directly upon a residential district, those districts shall be screened from the contiguous, residentially zoned district by a screened fence, approved by the City Planning Commission or a person designated by the Commission.

(B) Where required fences are provided on the business side of public alleys, fence requirements may be waived to provide necessary entrance to or exit from required off-street parking and loading areas.

(C) Where a C-4 district abuts directly upon a residential district, that district shall be screened from the contiguous, residentially zoned district by a solid ornamental masonry wall 5 feet in height above grade no closer than 20 feet to the property line of commercial use in the C-4 district.

(D) Any nonconforming land or building use shall be required to comply with all the above requirements of this section.

§ 157.088 GREENBELTS.

Whenever a greenbelt is required by the Planning Commission, it shall be completed prior to the issuance of any certificate of occupancy and shall thereafter be maintained with permanent plant materials, to provide a screen to abutting properties. The greenbelts shall be planted and maintained with trees or shrubs deemed acceptable by the Planning Commission.

§ 157.089 FENCES, WALLS, AND OTHER PROTECTIVE BARRIERS.

All fences, walls, and other protective barriers (referred to in this section as "fences") of any nature, description located in the city, shall conform to the following regulations.

(A) Fences in other than M-1 or M-2 districts, unless specifically provided otherwise, shall conform to the following requirements.

(1) (a) No fence shall hereafter be located in the front yard without the prior written approval of the Director of the Department of Public Works or his or her designate. Upon the request for a permit to construct a fence in a front yard, the Director of the Department of Public Works or his or her designate shall notify the persons to whom the adjacent real property is assessed of the proposed fence. The adjoining property owner shall, within 7 days of the notice, request a hearing before the Zoning Board of Appeals if he or she has an objection to the construction of the fence in the front yard. If no objection is received within 7 days of the date of notice, the Director of the Department of Public Works or his or her designate may issue a permit to construct the fence; provided, however, the fence shall be of an ornamental nature and of a design so as to be non-sight-obscuring and not in excess of 48 inches in height.

(b) Bushes and hedges must be kept trimmed to a maximum height of 42 inches. Setbacks of bushes and hedges must be at least 3 feet from the edge of any sidewalk and must be kept trimmed back to this setback. Fences may have up to 50% screen, and be of decorative design as required in § 157.089(A)(2). There shall be a 20-foot free vision zone measured from a street curb and private driveway intersection if no sidewalk exists; also, observance of a 30-foot free vision zone requirement at intersecting streets per § 157.066.

(2) (a) Fences of an ornamental nature which may be located in a front yard and any other yard shall be of approved materials, of a fence type listed below:

1. Post and rail;
2. Split rail;
3. Picket;
4. Wrought iron;
5. Chain link;
6. Wood; or
7. Vinyl.

(b) Fences of a type not listed above must be approved by the City Zoning Board of Appeals before placement in any yard.

(3) Barbed wire, spikes, nails, or any other sharp instruments of any kind are prohibited on top of or on the sides of any fence, except that barbed wire cradles may be placed on top of fences enclosing public utility buildings or equipment in any district or wherever deemed necessary by the City Zoning Board of Appeals in the interests of public safety or protection of private property.

(4) No chain link or wire fence shall hereafter be erected in any required yard space in excess of 5 feet in height above the grade of the surrounding land, unless the Zoning Board of Appeals shall give its special approval as provided in §§ 157.152*et seq.* of this code.

(5) Wooden fences may hereafter be erected in all residential districts to enclose property within a required side or rear yard, shall not exceed 6 feet in height above the natural, average existing grade or ground adjacent thereto, and shall not extend toward the front of the lot nearer than the front of the house or the required minimum front yard, whichever is greater.

(B) No fence shall be erected, established, or maintained on any corner lot which will obstruct the view of a driver of a vehicle approaching the intersection, with the exception that shade trees shall be permitted where all branches are not less than 8 feet above the road level.

(C) Fences in M-1 or M-2 districts with a maximum height of 6 feet may be located on property or road right-of-way lines of a lot, provided that those fences shall be located on parcels with an approved industrial use, maintained in good condition, and shall not constitute an unreasonable hazard. The fences shall be of an approved type located within the city's Specifications Governing the Granting of Permits for Commercial or Residential Driveways and Site Improvements, adopted November 3, 1980.

(D) Required walls and screening barrier shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this ordinance and except such openings as may be approved by the Chief of Police and the Zoning Administrator. All walls herein required shall be constructed of materials approved by the City Planning Commission to be durable, weather resistant, rustproof, and easily maintained; constructed in accordance with city specifications.

(E) Screen plantings may be approved to be utilized to comply with screening requirements set forth in this ordinance. Individuals wishing to utilize plantings are to submit a landscaping detail to the City Planning Commission for approval.

(1) Screen plantings shall consist of plant materials which shall constitute a closed planting strip and height of 5 feet within 2 years after planting

(2) Owners of required screen plantings have the obligation to replace or maintain the condition of the plantings.

(3) Screen plantings shall be placed in a planting strip of at least 5 feet in width.

(F) All required walls, fences, trash container enclosures, and screening barriers are to be maintained in a good condition, shall not constitute an unreasonable hazard, and shall comply with the intent for which they were required.

(G) Fencing for lots or parcels of land which abut more than 1 street frontage (private or public) shall maintain front yard setback requirements unless special approval of Zoning Board of Appeals is granted.

(H) All fences shall be constructed in such a manner that all structural members, including braces, posts, poles and other projections, shall be on the interior side of the fence.

(I) No person shall use rope; string; wire products including but not limited to chicken wire, hog wire, wire fabric, and similar welded or woven wire fabrics; chain; netting; cut or broken glass; paper; unapproved corrugated metal panels; galvanized sheet metal; plywood; or fiberglass panels in any fence or any other materials that are not manufactured specifically as fencing materials. The Building Official may require the applicant to provide the manufacturer's standards to establish the intended use of a proposed fencing material.

(J) (1) Fences must be maintained so as not to endanger life, property, or be in a stage of disrepair in the opinion of the Code Enforcement Officer. No fence shall be attached in any way to a neighboring fence. Any fence which, through lack of maintenance or type of construction or otherwise, imperils life or property, shall be deemed a nuisance. No fence, regardless of the zoning district in which it is located, shall be constructed in such a manner as to interfere with the vision of any motorist or pedestrian on any street. No hedge shall be erected or grown in excess of 42 inches in height in front of the setback line for that property which shall unreasonably interfere with the visibility from any street or adjoining property. If any fence or hedge shall constitute a nuisance or otherwise violate this ordinance, the owner of the property on which that fence or hedge is located shall abate the nuisance within 10 days of written notice thereof.

(2) If the nuisance is not abated within 10 days after the owner of the land is notified by the Code Enforcement Officer, then the city may perform the necessary work to eliminate the nuisance at the expense of the property owner; and in the event the property owner fails to reimburse the city within 30 days after receiving notice of the amount due from the City Treasurer, then the amount shall become a lien upon the property and be collected in the same manner as collection of city real property taxes.

§ 157.090 INCINERATORS, TRASH CONTAINERS AND COLLECTION/DONATION CONTAINERS.

(A) All commercial buildings constructed after the passage of this ordinance shall have incinerator facilities subject to all city, county, and state health requirements.

(B) Outside trash containers shall be permitted in the RM, HRM, R-O, C-1, C-2, C-3, C-4, M-1, and M-2 districts, provided that they comply with the following requirements:

(1) Adequate vehicular access shall be provided to the containers for truck pick-up either via a public alley or vehicular access aisle which does not conflict with the use of off-street parking areas or entrances to or exits from principal buildings nearby and whenever possible be located in the rear of the property;

(2) A solid ornamental screening wall or fence shall be provided around all sides of trash containers which shall be provided with a gate for access and be of a height so as to completely screen the containers, the maximum height of which shall not exceed 6 feet;

(3) The trash container(s), the screening wall or fence, and the surrounding ground area shall be maintained in a neat and orderly appearance, free from rubbish, waste paper, or other debris. This maintenance shall be the responsibility of the owner of the premises on which the containers are placed; and

(4) There shall be compliance with all city, county, and state health ordinances and statutes.

(C) Outside trash containers shall be permitted in the SE, R-1A, R-1B, and R-1C districts, provided that they comply with the following requirements:

(1) All conditions of regulation as outlined in § 142.04 in regards to littering.

(2) All trash containers located outside the building must be placed at a minimum behind the front face of the dwelling and in a manner designed to be directed away from adjoining property lines and not offensive to a reasonable person.

(3) No commercial trash container (dumpster) shall be allowed that would be intended for the collection of normal household garbage/food waste.

(D) *Collection/donation containers.* Outside collection containers shall be permitted in the RM, HRM, R-O, C-1, C-2, C-3, C-4, M-1, and M-2 districts, provided that they comply with the following requirements:

(1) *Permit required.*

(a) No person shall place, operate, maintain, or allow a collection bin within the city without having first obtained a permit issued by the Department of Public Works.

(b) An application must be submitted to include all locations, along with written permission from each property owner. A permit fee shall be paid for each collection bin. At no time shall there be more than 2 permits allowed for anyone parcel.

(c) A permit fee in an amount set by resolution of the Council shall be paid at the time the application is made for the license or renewal thereof. A permit issued pursuant to this chapter shall be nontransferable and non-assignable.

(d) All collection containers must obtain a collection container permit and must include an affidavit and acknowledgment of the property owner giving permission to locate a collection container on real property on which collection containers are placed.

(e) A permit issued to a collection bin that meets the requirements of this chapter shall automatically renew for successive 1-year terms upon payment of a renewal fee, provided the city did not issue a written notice of violation of any provision of this chapter to the bin owner or property owner during the preceding 1-year term. A license that does not qualify for automatic renewal may be renewed upon payment of a renewal fee if the bin meets the standards of this chapter and has no open citations, unpaid fines, or unresolved violations at the time of license renewal. A permit shall not be renewed for a period of 1 year if the city issued three or more written notices of violations of this chapter against the collection bin during the preceding 12 months. The Department of Public Works shall notify the applicant in writing of the decision to deny the renewal permit and state the specific reasons for denial.

(2) *Application and review.*

(a) Any person desiring a permit pursuant to this chapter shall file with the DPW a permit fee together, which application shall contain the following information:

1. Name, address, telephone number, email, and website address (if any) of the applicant, and of each officer if a corporation or each partner if a partnership. The same information shall be provided for the collection bin operator if different from the applicant.

2. Name, address, telephone number, email, and website address (if any) of the owner of the real property on which the collection bin will be located.

3. Name, address, telephone number, email, and website address (if any), including 24-hour contact information, of the person responsible for the daily operation and management of the collection bin.

4. A signed and notarized affidavit and authorization from the property owner to allow placement of the collection bin on the property.

5. Signed and notarized acknowledgments from the property owner and from the collection bin owner acknowledging receipt of a copy of this chapter and responsibility for joint and several liability for violations of this chapter.

6. A textual description and scaled drawing or map on 8 1/2-inch by 11- inch paper or other size accepted by the city that shows:

a. The proposed location of the collection bin(s). Adequate vehicular access shall be provided to the containers for truck pick-up either via a public alley or vehicular access aisle which does not conflict with the use of off-street parking areas or entrances to or exits from principal buildings nearby and whenever possible be located in the rear of the property.

b. The location and dimensions of all parcel boundaries, buildings, driveways, sidewalks, parking spaces, easements, and landscaped areas, and the distance from each to the proposed location of the collection bin.

c. Calculation of required, existing, and proposed number of parking spaces.

d. The distance between the proposed location of the collection bin and the nearest residential property.

e. The location and distance of all collection bins within 1,000 feet of the proposed collection bin location.

f. A photograph of the collection bin to be installed.

g. A description of the locking mechanism of the collection bin.

h. A maintenance plan that includes a plan for graffiti removal, rust protection, pick up schedule, and litter and trash removal on and around the collection bin that is sufficient to prevent and/or eliminate blight-related conditions.

(3) *Maintenance and hours of operation.*

(a) Containers shall be maintained in good condition and appearance, with no damage such as holes, rust, or graffiti.

(b) The collection container operator and property owner shall maintain, or cause to be maintained, the area surrounding the containers free from any junk, noxious odor, debris and donated items.

(c) Collection containers shall be serviced not less than monthly or more frequently if containers are observed by the Planning and Community Development Department to be full. Servicing shall occur between 7:00 a.m. and 7:00 p.m. on weekdays and 9:00 a.m. and 6:00 p.m. on weekends. This servicing includes maintenance of the container, removal of collected material and abatement of any graffiti, litter, or other nuisance condition.

(d) Containers shall have an identification plate with the name, mailing address, email address, website and phone number of the operator. This plate shall be mounted near the donation chute.

(4) *Exceptions.* Notwithstanding the above regulation of this ordinance, any non-profit organization or religious institution that engages in collection of goods and materials as part of its organizational mission may maintain up to 3 accessory collection bins on its own building site. All such collection containers shall be exempt from Section 1, "Permit Required," and Section 2, "Permit Application and Review," but shall adhere to all other standards and requirements of this ordinance. The separation and setback requirements in the above shall be replaced with the following: no bin shall be placed closer than 50 feet to any residentially zoned property nor closer than 10 feet from any other non-residentially zoned property.

(5) *Violations.* A violation of any provision or requirement of this section is a civil infraction, subject to enforcement and the fines and penalties for civil infraction violations as set forth in this code, in addition to the penalties set forth herein.

(Ord. 2021-7-157, passed 7-19-2021)

§ 157.091 LOT SPLITS OR LAND DIVISIONS.

(A) The purpose of this section is to carry out the provisions of the State Land Division Act (Public Act 288 of 1996, as amended, formerly known as the Subdivision Control Act), to prevent the creation of parcels of property which do not comply with applicable ordinances and the Act, to minimize potential boundary disputes, to maintain orderly development of the community, and otherwise provide for the health, safety, and welfare of the residents and property owners of the city by establishing reasonable standards for prior review and approval of land divisions within the city.

(B) For the purpose of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

APPLICANT. A natural person, firm, association, partnership, corporation, or combination of any thereof that holds ownership interest in land whether recorded or not.

DIVIDED or DIVISION. The partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors, or assigns, for the purpose of sale or lease of more than 1 year, or of building development, that results in 1 or more parcels of less than 40 acres or the equivalent and that satisfies the requirements of State Land Division Act, §§ 108 and 109. **DIVIDE and DIVISION** do not include a property transfer between 2 or more adjacent parcels, if the property taken from a parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of the State Land Division Act, or the requirements of the other applicable local ordinance.

EXEMPT SPLIT or EXEMPT DIVISION. The partitioning or splitting of a parcel or tract of land by the proprietor thereof, or by his or her heirs, executors, administrators, legal representatives, successors, or assigns, that does not result in 1 or more parcels of less than 40 acres or the equivalent.

(C) Land in the city shall not be divided without the prior review and approval of the city in accordance with this section and the State Land Division Act; provided that the following shall be exempted from this requirement. Any person who sells or agrees to sell any lot, piece, or parcel of land which has been split or divided from an existing parcel of land without final approval by the Assessor or the Assessor's designee shall be subject to a fine not to exceed \$1,000.00 in accordance with Section 26.430.264 of the State Land Division Act; provided that the following shall be exempt from this requirement:

(1) A parcel proposed for subdivision through a recorded plat pursuant to the State Land Division Act;

(2) A lot in a recorded plat proposed to be further divided in accordance with the State Land Division Act and Chapter 156 of this code; or

(3) An exempt split as defined in this section, or other partitioning or splitting that results in parcels of 20 acres or more if each is not accessible and the parcel was in existence on March 31, 1997 or resulted from exempt splitting under the Act.

(D) An applicant shall file an application for Land Division and all of the following information and documentation with the Assessor's office; these applications shall be reviewed and approved by the following administrative officials before making any division either by deed, land contract, lease for more than 1 year, or for building development.

(1) *Officials.*

- (a) The Assessor;
- (b) The Road Department;
- (c) The Water and Sewer Department;
- (d) The Zoning Administrator;
- (e) The Planning and Zoning Administrator; and
- (f) The Controller Department.
- (g) The City Treasurer;
- (h) The County Treasurer.

(2) *Information and documentation.*

- (a) A completed application on a form as may be provided by the City Assessor's Office;
- (b) Proof of fee simple ownership of the land proposed to be divided;

(c) A tentative parcel map drawn to scale, prepared by a registered civil engineer or a registered land surveyor, including an accurate legal description of each proposed division, and showing the boundary lines, approximate dimensions, and the accessibility of each division for vehicle traffic and public utilities; the drawing shall contain the following information.

1. All existing buildings and structures on the site, and building and structures located on abutting property within 50 feet of the lot to be divided with set backs.

2. Boundaries of any water body, floodplain, wetland, drainage way and woodlot.

3. Boundaries of all proposed divisions, with complete dimensions; area of each proposed resultant parcel.

4. Proposed locations and dimensions of any easements.

(d) Proof that all standards of the State Land Division Act and this ordinance have been met;

(e) Detailed information about the terms and availability of the proposed division rights transfer if a transfer of division rights is proposed in the land transfer; and

(f) A fee to cover the costs of review of the application and administration of this ordinance and the State Land Division Act. The amount of the fee shall be established and amended from time to time by resolution to the City Council.

(E) The following procedure for review of application for land division approval shall apply:

(1) The unanimous approval of all 8 city and county officials referenced in subparagraph (D) above shall be required to approve a land division;

(2) The city shall approve or disapprove the land division applied for within 15 business days after receipt of a complete application conforming to this ordinance's requirements and the State Land Division Act, and shall promptly notify the applicant of the decision, and if denied, the reasons for denial;

(3) (a) Any applicant aggrieved by a denial of a lot split application may, within 30 days of the decision, appeal the decision to the City Council, which shall consider and resolve the appeal by a majority vote of the Council, or by the appellate designee, at its next regular meeting or session. The meeting or session shall be scheduled to afford sufficient time for a written notice to be sent to the applicant not less than 20 days prior to the meeting. The notice shall show the time, date, and place of the meeting and the appellate hearing;

(b) The City Council shall not have the authority to grant variances to the requirements of the zoning ordinance provision as they may relate to lot sizing and set back requirements.

(4) The City Assessor, under the direction of the Clerk, shall maintain an official record of all approved and accomplished land divisions or transfers;

(5) Approval of a division is not determination that the resulting parcels comply with other ordinances or regulations; and

(6) The city and the city's officers, employees, and consultants shall not be liable for damages resulting from approval of a land division if building permits for construction on the parcels are subsequently denied because of inadequate water supply, sewage disposal facilities, requirements of this ordinance, and violations of other ordinance, or any other reason, and any notice of approval shall include a statement to this effect.

(7) All property taxes and bills due to the City or County Treasurer must be current before final approval will be given.

(F) Applications for a proposed land division shall be approved by the city if the following criteria are met:

(1) All parcels created by the proposed division(s) have a minimum width as specified by this ordinance for the zoning district in which the subject property is located, as amended from time to time;

(2) All those parcels shall contain a minimum area as specified by this ordinance for the zoning district in which the subject property is located, as amended from time to time; and

(3) For parcels greater than 1 acre in area, the ratio of depth to width of any parcel created by the division does not exceed a 4 to 1 ratio exclusive of access roads, easements, or non-development sites. For parcels equal to or less than 1 acre in area, the ratio of depth to width of any parcel created by the division does not exceed a 3 to 1 ration exclusive of access roads, easements, or non-development sites. The depth of a parcel created by a land division shall be measured as described in this ordinance. The width to depth ratio requirement may be appealed in accordance with the procedure described in subsection (E)(3) above in the following circumstances:

(a) Unusual shape or configuration or excessive depth of the parent parcel;

(b) Narrow or other unusual configuration of the parent parcel;

(c) Existing building placement or site improvements will not accommodate the required width to depth ratio;

(d) Unusual topographic, wetland, geologic, or other natural features make the required width to depth ratio impractical; or

(e) Any other feature(s) determined to be appropriate for consideration by the city's representative.

(G) The following constitutes the consequences of noncompliance with land division approval requirements:

(1) Any division of land in violation of any provision of this section shall not be recognized as a land division of the city tax roll and no construction thereon which requires the prior issuance of a building permit shall be allowed. The city shall further have the authority to initiate injunctive or other relief to prevent any violation or continuance of any violation of this section; and

(2) An unlawful division or split shall also be voidable at the option of the purchaser and shall subject the seller to forfeiture of all consideration received or pledged therefore, together with any damages sustained by the purchaser, recoverable in an action at law.

§ 157.092 SITE PLAN REVIEW.

(A) The following provisions in this section shall apply to all site plan review procedures unless otherwise provided in this ordinance. The procedures of this section shall be minimum requirements, and additional procedures may be required by this ordinance or by the Planning Commission.

(B) Zoning review (rather than site plan review) is required whenever there is a change of ownership or change of use within a multiple tenant space having previously received site plan approval, so long as the use does not differ from an approved use for that zoning. In instances where this applies, the Department of Public Works or authorized representative is hereby authorized to make the review and issue an approval or disapproval. Any interested party may appeal any decision made during this zoning review to the Planning Commission within 7 days of notification of the decision.

(C) (1) Administrative site plan review (rather than site plan review) is required whenever there is a change of ownership, or change of use within the parameters of a permitted use within that zoning district when exterior construction is not being done or the construction of an enclosed structure to be used exclusively for storage provided that the structure does not exceed the following size limitations. Where the parcel is less than 5 acres, the structure cannot exceed 2% of the area of the subject parcel. Where the parcel exceeds 5 acres, the structure cannot exceed 2% of the first 5 acres plus ½% per acre, but in no event shall the structure exceed 10,000 square feet in total size. In the event the structure does exceed these size limitations then site plan review shall be required. Administrative site plan review is also applicable to the construction of structures used for recreational purposes that are unenclosed except for columns supporting the roof, or exterior construction that does not require a building permit.

(2) The Director of the Department of Public Works, City of Burton, or his authorized representative, is hereby authorized to make the review and issue an approval or disapproval. Any interested party may appeal any decision made during the administrative site plan review of the Director of the Department of Public Works or his designate to the Planning Commission within 7 days of notification of the decision.

(D) Site plan review with Planning Commission approval is required when there is a change of use in conjunction with exterior construction that requires a building permit, additional use of an attached building or portion of building with a prior approved site plan on file of a use permitted in the same zoning district, development of a property, or construction of a previously developed property, except as provided in subsections (B) and (C) hereof. Whenever a site plan review is required by the provisions of this ordinance, 12 copies of the site plan to an architectural or engineering scale, including all items required together therewith, shall be submitted to the Planning Commission to permit study of all elements of the plan. The Planning Commission may prepare forms and require the use of such forms in site preparation.

(E) A copy of the site plan shall be distributed by the Planning Commission to the City Fire Chief, Police Chief, Attorney, Engineer, Planning Consultant, and other individuals and agencies as deemed necessary by the Planning Commission.

(F) The following information shall accompany all plans submitted for review:

(1) A legal description of the property under consideration;

(2) A map indicating the gross land area of the development, the present zoning classification thereof, and the zoning classification and land use of the area surrounding the proposed development, including the location of structures and other improvements;

(3) A fully dimensioned map of the land showing topographic information a contour interval of 2 feet or less, if requested by the City Engineer;

(4) A statement of the adverse effects, if any, upon any property in the city which may result from the proposed development;

(5) A general development plan with at least the following details shown to scale and dimensioned:

(a) Location of each existing and each proposed structure in the development area, the use or uses to be contained therein, the number of stories, gross building areas, distances between structures and lot lines, setback lines and approximate location of vehicular entrances and loading points;

(b) All streets, driveways, service aisles, and parking areas, including general layout and design of parking lot spaces;

(c) All pedestrian walks, malls, and open areas for parks and recreation;

(d) Location and height of all walls, fences, and screen plantings, including a general plan for the landscaping of the development and the method by which landscaping is to be accomplished and be maintained;

(e) Types of surfacing, such as paving, turfing, or gravel, to be used at the various locations;

(f) A grading plan of the area; and

(g) The location and capacity of private or public water and sanitary sewerage services, storm drains, and solid waste disposal facilities serving the site.

(6) Plans and elevations of 1 or more structures, indicating proposed architecture and construction standards;

(7) Such other information as may be required by the city to assist in the consideration of the proposed development, such as signs and lighting.

(8) A statement of financial responsibility, including the posting of bonds or cash to ensure the installation of the improvements required by the city as a condition to the development.

(G) (1) The purpose of site plan review is to determine compliance with the provisions set forth herein and to promote the orderly development of the city, the stability of land values and investments, and the general welfare, and to help prevent the impairment or depreciation of land values and development by the erection of structures or additions or alterations thereto without proper attention to siding and appearances.

(2) In order that buildings, open space, and landscaping will be in harmony with other structures and improvements in the area, and to ensure that no undesirable health, safety, noise, and traffic conditions will result from the development, the Planning Commission shall determine whether the site plan meets the following criteria, unless the Planning Commission determines that 1 or more of the following criteria are inapplicable:

(a) The vehicular transportation system shall provide for circulation throughout the site and for efficient ingress and egress to all parts of the site by fire and safety equipment. (Basis for Burton City Council Side-Street Paving Requirements). The Planning Commission shall consider the following factors in exercising its discretion over site plan approval regarding traffic:

1. Whether traffic access to the site is such that vehicular congestion or other impairment of traffic may result from access to and from the site. Consideration will also be given to traffic patterns, curb cut locations, and access for adjacent development and for development across street;

2. Whether the traffic circulation features within the site and location of automobile parking areas are designed to ensure safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets; and

3. Whether there is a need, after consultation with city, county, and state agencies as may be necessary, for a requirement of acceleration, deceleration, or bypass lineage to serve the particular site.

(b) Pedestrian walkway systems shall be provided to connect the areas of the site, and to connect the site with schools and shopping areas and other public gathering areas. Pedestrian walkways shall be provided as deemed necessary by the Planning Commission for separating pedestrian and vehicular traffic. (Basis for Burton City Council Sidewalk Construction Requirement).

(c) Recreation and open space areas shall be provided;

(d) The site plan shall comply with the district requirements for minimum floor space, height of building, lot size, yard space, density, and all other requirements as set forth in Appendix A of this ordinance, unless otherwise provided in this ordinance;

(e) The requirements for greenbelt, fencing, walls, and other protective barriers shall be complied with as provided in § 157.087, § 157.088, § 157.089;

(f) The site plan shall provide for adequate storage space for the use therein, including, where necessary, storage space for recreational vehicles; and

(g) The site plan shall comply with all requirements of the applicable zoning district, unless otherwise provided in this ordinance.

(H) The site plan shall be reviewed by the Planning Commission and approved, approved with any conditions the Planning Commission deems necessary to carry out the purpose of the ordinance and other regulations of the city, or disapproved. Any interested party shall have the right to appeal to the Zoning Board of Appeals any decision of the Planning Commission within 7 days after the decision of the Planning Commission.

(I) Following the approval of a site plan by the Director of the Department of Public Works or his or her designate or by the Planning Commission, the Zoning Administrator may issue a building permit and shall ensure that development is undertaken and completed in conformance with the approved plans.

(J) The building permit may be revoked in any case where the conditions of the permit have not been or are not being complied with. The Zoning Administrator shall give the permittee notice of intention to revoke the permit at least 7 days prior to the revocation of the permit. The permittee may appeal the revocation of the building permit to the Planning Commission within 7 days of the revocation of the permit.

(K) Every site that requires site plan review approval shall be designed to provide for a 5-foot concrete sidewalk along entire road frontage. This sidewalk is required within any right-of-way abutting a parcel of land or platted lot requiring a site plan review. Unless determined to be required by the Planning Commission during site plan review, sidewalks shall not otherwise be required for interior streets in a platted subdivision.

(L) Once site plan approval has been granted by the City's Planning Commission, an applicant has a period of 1 year from that date to obtain the mandatory building or site permit. Failure to do so will result in the site plan approval being revoked.

(M) In the event that construction is not begun within 1 year from the date of the issuance of the building and site permits, the site plan approval shall be revoked, after which time no further consideration of the proposed development may be taken until a new site plan has been approved subject to the requirements of § 157.045(D). Application may be made to the City Council for a 1-year extension of the site plan approval.

(N) Every site that requires zoning review, administrative site plan review, or site plan review approval shall be designed to provide for a numeric address with a minimum of 6" high, black or white numbers on the front face of the building visible from the street. (example: 1234).

§ 157.093 SINGLE-FAMILY CLUSTERING OPTION.

(A) The intent of this section is to permit, through design innovation, flexibility in the development of single-family residential housing patterns on sites where the conventional subdivision approach to residential development would either destroy the unique environmental significance of the site, or where a transitional type of residential development is desirable.

(B) To accomplish this purpose, the following modifications to the single-family residential standards of this ordinance may be permitted, subject to the conditions herein imposed.

(1) The area to be set aside for open space (including usable recreation areas, open space, and watercourses) accomplished through application of the single-family cluster option shall represent at least 15% of the total horizontal area of the site in an R-1A or R-1B district, and at least 25% in an SE district, and shall be distributed throughout the development.

(2) The overall permitted unit density within an unplatted parcel which qualifies for consideration under either § 157.093(B)(1) or § 157.093(B)(2) shall not exceed the following dwelling unit densities by district, averaged over the entire area included within the site.

Zoning District	Dwellings Per Acre
SE	2.8
R-1A	3.5
R-1B	4.0

(3) Under this section, the attaching of single-family homes in clusters, or the detaching of single-family homes in clusters, shall be permitted subject to the following conditions:

(a) The attaching of single-family homes within a cluster shall be permitted when those homes are attached either through a common party wall or garage wall which does not have over 50% of an individual wall or more than 25% of the total exterior walls of the living area of a single-family home in common with the wall or walls of the living area of an adjoining home; or by means of an architectural detail which does not form interior room space; or through a common party wall in only the garage portion of adjacent structures;

(b) The detaching of single-family homes within clusters shall be permitted provided those homes shall be spaced not less than 6 feet apart when opposing dwelling unit walls contain no openings, and not less than 10 feet apart when opposing dwelling unit walls contain openings. The distance between opposing garage walls within a cluster shall meet local fire codes, except that in no case shall those walls be less than 6 feet apart;

(c) The maximum number of homes in a cluster shall be subject to review by the Planning Commission, except that in no case shall a cluster contain less than 2 homes or more than 4 homes; and

(d) No structure within a cluster shall be located closer than 25 feet to any interior private street, drive, or public right-of-way, or in the case of any peripheral property line, not less than 25 feet. Clusters of single-family homes shall be arranged on the site so that none shall face directly into a freeway, principal arterial, major thoroughfare, nonresidential district, or nonresidential use.

(4) Each cluster of attached or detached single-family homes shall be separated from any other cluster of single-family homes by a distance determined by the number of homes in opposing clusters as set forth in the following scale; except that the Planning Commission, after review of site development plans, may modify the strict application of the distance in those instances where it is found that a natural amenity would be destroyed or topographical or soil conditions limit a practical dimensional separation of clusters.

Total Homes in Opposing Clusters	Minimum Distance Between Clusters (Front and Rear)	Minimum Distance Between Clusters (Side)
8	100	75
7	85	75
6	75	60
5	65	60
4	55	50

(5) An applicant seeking use of the single-family cluster option shall submit a site plan to the Planning Commission for consideration. The Planning Commission, in making its review, shall find that the site possesses at least 1 of the requirements for qualifications as outlined in § 157.093(B)(1) before approving the application. The Planning Commission shall conduct its review in accordance with the public hearing requirements set forth and regulated in § 157.177(D) of this code.

(6) The site plan shall be prepared as follows. Site plans, in addition to providing all data at § 157.092(F), shall provide the following:

- (a) The structural outline (building envelope) of all structures proposed on the site;
- (b) Architectural renderings of building facade elevations within a typical cluster;

(c) The areas to be dedicated as open space and recreational use, showing access, location, and any improvements. Assurance of the permanence of the open space and its continued maintenance shall be submitted for review and approval by the City Attorney. The City Attorney shall review and render an opinion with respect to:

- 1. The proposed manner of holding title to the open space;
- 2. The proposed manner of payment of taxes;
- 3. The proposed method of regulating the use of open land;

4. The proposed method of maintenance of property and the financing thereof; and
 5. Any other factor relating to the legal or practical problems of ownership and maintenance of the open land.
- (d) The location of access drives, streets, and off-street parking areas, sidewalks, trash receptacles, and the like; and
 - (e) The location, extent, and type of landscaping in accordance with the requirements of § 157.088 of this code.

(7) The applicant shall submit as a part of his or her site plan proposed building elevations and typical floor plans. Building elevation drawings shall be drawn to scale and need only be a sample of development throughout the site. Where more than 1 type of structural design is intended, sample elevation and corresponding floor plans for each type shall be submitted.

§ 157.094 PLANNED SHOPPING CENTER.

(A) All developers of proposed planned shopping centers shall submit a market analysis suitable for the size center proposed, showing the need for a shopping center in the location requested and the inadequacy of existing shopping facilities to meet demands.

(B) For these purposes, the market analysis shall contain the following determinations:

- (1) Determination of the trade area of the proposed shopping center;
- (2) Determination of trade area population, present and future;
- (3) Determination of effective buying power in the trade area; and
- (4) Determination of net potential customer buying power for stores in the proposed shopping center.

§ 157.095 EXTERIOR LIGHTING.

(A) All outdoor lighting in use districts used to light the general area of a specific site shall be shielded to reduce glare into adjacent residentially used dwellings and shall be so arranged in all use districts, except R-1A, R-1B, and SE, to reflect lights away from all adjacent residential single-family zoned districts.

(B) All outdoor lighting in all use districts shall be directed toward and confined to the ground areas of lawns or parking lots.

(C) All lighting in nonresidential districts used for the external illumination of buildings, so as to feature those buildings, shall be placed and shielded so as not to interfere with the vision of persons on adjacent highways or adjacent property.

(D) Illumination of signs shall be directed or shaded downward so as not to interfere with the vision of persons on the adjacent highways or the adjacent property.

(E) All illumination of signs and any other outdoor feature 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.

§ 157.096 STATIONS; SATELLITE RECEIVING DISHES.

(A) Dish type satellite signal receiving stations (hereafter "stations"), subject to the following regulations, may be located within the city.

(B) Stations shall be maintained in the rear yard whenever possible, and set back at least 5 feet from all lot lines and 10 feet from rear yard lot lines. The siting of stations shall be regulated by the Federal Communication Commission rules and regulations as they may be promulgated and amended from time to time.

(C) The height of the ground mounted station, should the dish antenna be turned perpendicular to the ground, shall not extend above 15 feet; and the maximum diameter of any dish antenna shall not exceed 12 feet.

(D) Stations may be roof mounted on structures, provided they are anchored in an approved manner outlined by the Building Code.

(E) All roof mounted stations shall be viewed to be a portion of a building with regard to height determination subject to the height limitations of each zoning district as outlined in Appendix A, Schedule of Regulations.

(F) The Zoning Board of Appeals of the city may grant variances to this ordinance when, in its discretion, enforcement of this ordinance will result in practical difficulties and unnecessary hardships on person, firms, or corporations affected hereby. A hearing shall be held pursuant to the procedures set forth in § 157.154 of this code.

§ 157.097 RESIDENTIAL STRUCTURES; ORIENTATION ON LOTS.

(A) All dwelling structures shall be located on their lots in such a manner that the dwelling's front entrance shall be in a similar location to the entrance location of other homes in the neighborhood in which it is located. The front entrance shall be located in the wall facing the front yard of the dwelling, or not less than 25% of the total side wall distance from the front wall, on a wall facing a side yard of the dwelling.

(B) All dwelling structures shall have windows located on the wall facing the front yard and exterior doors either on the front and rear or front and side as generally found in homes in the neighborhood in which it is to be located.

§ 157.098 KEEPING OF CHICKENS.

(A) Notwithstanding other regulations contained within the city's Zoning Ordinance (Chapter 157 of the Code of Ordinances of the City of Burton), and subject to the regulations set forth in this section, chickens may be owned, kept and possessed within the boundaries of certain non-agriculturally zoned areas within the City of Burton as a permitted accessory use.

(B) (1) Any person who keeps chickens on non-agriculturally zoned property shall first obtain a permit. An application shall be submitted to the Department of Public Works and a fee paid as shall be established, and from time to time be amended, by resolution of the Burton City Council. Initially this fee shall be set at \$25.

(2) Permits shall expire and become invalid upon the expiration of a period of 5 years. Any person wishing to continue to house chickens shall obtain a new permit on or before the expiration date of the previous permit.

(3) Permits shall be issued for property zoned SE (Suburban Estate Residential), R-1A (Single Family Residential), R-1B (Single Family Residential), or, R-1C (Single Family Residential).

(4) Notwithstanding the issuance of a permit by the city, private restrictions on the use of property shall remain enforceable and take precedence over a permit. Private restrictions include, but are not limited to, deed restrictions, condominium master deed restrictions, neighborhood association by-laws and covenant deeds. A permit issued to a person whose property is subject to private restrictions that prohibit the keeping of hens is void. The interpretation and enforcement of the private restriction is the sole responsibility of the private parties involved.

(5) No permit shall be issued to any person who shall have been judicially determined to have violated any of the provisions of this section without obtaining the affirmative vote of the City Council.

(6) (a) Permits are non-transferable and do not run with the land. Permits shall provide a limited license to conduct the activity as an accessory use, but no vested zoning rights shall arise from the issuance of a permit.

(b) Permits do not grant any right or authority to conduct commercial activities. Accordingly, the sale of eggs or the slaughtering of chickens at the permitted site shall not be allowed and shall result in the revocation of any existing permit.

(c) This section shall not regulate the keeping of chickens upon agriculturally zoned property where the raising of poultry is a permitted principal use when conducted in compliance with the Michigan Right to Farm Act and the Generally Accepted Agricultural Management Practices promulgated thereunder.

(7) No permit shall be issued to any person intending to house chickens upon any lot less than 1/2 acre unless such permit shall receive special use approval by the City Planning Commission pursuant to § 157.177.

(C) All persons receiving a permit to house chickens shall comply with all of the following requirements:

(1) No more than 6 female chickens (hens) may be kept.

(2) No male chickens (roosters) may be kept.

(3) Any such chickens must be provided a covered shelter which shall be located in the "rear yard" as that term is defined in § 157.006 of the Code of Ordinances of the City of Burton.

(4) All shelters for the keeping of hens shall be constructed, repaired and maintained to prevent rats, mice or other rodents from being harbored underneath, within or within the walls of the shelter.

(5) The shelter shall be maintained in a sanitary manner, free from offensive odors.

(6) All feed and other items associated with the keeping of chickens shall be stored and secured in such a manner as to prevent access by mice, rats and other rodents.

(7) No person shall be permitted to slaughter chickens upon the property where chickens are kept pursuant to this section.

(8) Shelters housing chickens must be kept a minimum of 10 feet from any property line and minimum of 30 feet from any neighboring residential or commercial building.

(D) Any violation of the requirements set forth herein shall result in the immediate revocation of any permit granted pursuant to this section.

§ 157.099 COMMERCIAL MEDICAL MARIJUANA TRANSACTION FACILITIES.

It is the intent of this section to regulate any commercial medical marijuana transaction facilities by the following requirements:

(A) *Operational limitations.*

(1) A commercial medical marijuana transaction facility shall only operate between 8:00 a.m. and 8:00 p.m. Monday through Saturday and 12:00 noon and 6:00 p.m. Sunday.

(2) A commercial medical marijuana transaction facility shall comply at all times with each and every provision of the State of Michigan Medical Marijuana Act of 2008 (M.C.L.A. §§ 333.26421, *et seq.*) and House Bill 4209, 4210 and 4827.

(3) Any permitted activities conducted by a commercial medical marijuana transaction facility must be done inside a fully enclosed structure or building that is kept secured with locks to prevent unintended or uninvited access.

(4) Persons under the age of 18 years of age are not permitted to be on the property of any commercial medical marijuana transaction facility unless they possess a valid Medical Marijuana Registry Card issued by the State of Michigan or other state.

(5) Advertising and/or marketing for a commercial medical marijuana transaction facility, viewed from the exterior, shall not appeal to or have the effect of appealing to minors. This shall include but is not limited to signage, flyers, banners, etc. as permitted in §§ 153.01 *et seq.* of the City Code of Ordinances.

(6) Any owners and/or operators of any commercial medical marijuana transaction facility who violates these sections shall be liable for all costs associated with the investigation, prosecution and enforcement of that violation.

(B) Site plan requirements.

(1) Any person who wished to operate any commercial medical marijuana transaction facility shall submit an application for site plan review to the City of Burton as set forth in § 157.092, consistent with the zoning of the property, showing required locational limitations as set forth in § 157.043(C)(7), § 157.046 (B)(5), (B)(6), (B)(7), (B)(9), and (B)(10) as they apply, shall pay a nonrefundable fee as shall be established, and from time to time be amended by resolution of the Burton City Council, and which shall include the following:

- (a) Security system details which shall include, at the minimum, audible and silent alarms and video surveillance cameras.
- (b) Details regarding the building electrical system, power demands of specialized lighting and other necessary equipment, and method proposed to prevent excessive heat build-up and risk of fire within the building.
- (c) Ventilation equipment details, including fresh air intake and filtration of exhaust air to prevent offensive odors from leaving the site.
- (d) Proposed methods for controlling insects within the building and preventing insects from becoming a nuisance or health hazard, off the site.
- (e) A description of the operation of the commercial medical marijuana transaction facility in sufficient detail to permit the city to determine if the operation, as described would be lawful and fully compliant with the State of Michigan Medical Marijuana Act of 2008 (M.C.L.A. §§ 333.26421, *et seq.*) and House Bill 4209, 4210 and 4827.

(2) Once the application is approved and within 30 days, the applicant must then submit any further documentation necessary to receive a certificate of occupancy which shall include but is not limited to building permits, inspections, and audits as deemed necessary by the Department of Public Works. At this time the applicant must also pay an annual, nonrefundable license fee as shall be established, and from time to time be amended by resolution of the Burton City Council.

(3) Annual renewal of the application is required for any commercial medical marijuana transaction facility and must comply with § 157.099(E).

(4) All applicants must provide a copy of the State of Michigan approved operating license before certificate of occupancy can be issued.

(5) Any change of ownership of the property and/or facility or change of use will be considered a new application for all purposes of this ordinance, with the exception of § 157.099(F). In the case in which the existing facility has not vacated the new application will be secured from any new locational limitation.

(C) Periodic inspections. All approved commercial medical marijuana transaction facilities shall submit and allow authorized city zoning and building inspection and/or law enforcement personnel to make unannounced, periodic inspections for purposes of verifying compliance with all requirements of this ordinance and section, and any reasonable conditions placed upon any special land use approval.

(D) Existing facilities. Commercial medical marijuana transaction facilities (also known as "medical marijuana dispensaries" and "medical marijuana grow facilities") that have been approved to operate prior to the enactment of this ordinance shall remain approved provided that the facility comply with the following:

(1) Within 90 days of the enactment of this ordinance, the applicant shall submit an application for site plan review to the City of Burton as set forth in § 157.099 (B)(1) - (B)(3) and the applicant must pay an annual, nonrefundable license fee as shall be established, and from time to time be amended by resolution of the Burton City Council.

(2) Within 90 days of the acceptance of state operating licenses in accordance with M.C.L.A. § 333.27101, the applicant must apply to the state for an operating license as appropriate for the use.

(a) Medical marijuana dispensary - must apply for a medical marijuana provisioning center and;

(b) Medical marijuana growing facility - must apply for a medical marijuana growing facility.

(3) Once the State of Michigan operating license is secured, a copy must be submitted to the Department of Public Works and a new certificate of occupancy may be issued.

(4) Any change of ownership of the property and/or facility or change of use will be considered a new application.

(E) Annual renewal. A site plan approval shall be issued for a 1-year period and is renewable annually.

(1) Except as set forth in this ordinance, the Department of Public Works shall renew a license if all of the following requirements are met:

(a) The applicant submits a renewal application provided by the City of Burton and pay an annual, nonrefundable license fee as shall be established, and from time to time be amended by resolution of the Burton City Council; and

(b) The application is received by the city on or before the expiration date of the current approval.

(2) It is the sole responsibility of the applicant to apply for renewal prior to the expiration. Upon or after the date of expiration the City of Burton shall notify the applicant at the last known address on file advising them they have 30 days to apply for renewal and pay any applicable late fees and the annual non-refundable fee. Failure to renew 30 days from date notice was mailed will revoke the facilities certificate of occupancy and require any future application to be considered new.

(3) Renewal shall be considered 1-year from the date in which the annual fee is paid and the site plan is approved.

(4) In its decision on an application for renewal, the City of Burton shall consider any input from the building official, code enforcement officer, fire department and/or police department.

(F) *Securing locational limitations.* Applications are considered on a first come basis for purpose of required locational limitations as set forth in § 157.043(C)(7), § 157.046 (B)(5), (B)(6), (B)(7), and (B)(8). Consideration is only taken when the complete application is submitted to the City of Burton and any required fees are paid in full. Consideration may be taken when there is a pending application to the Zoning Board of Appeals or Planning Commission, as appropriate. Application for a state operating license does not secure any position for locational limitations.

(Ord. 2017-7-157, passed 12-4-2017)

§ 157.100 HOME OCCUPATIONS.

The intent of this section is to ensure that any home occupation is compatible with other permitted uses in residential districts and to maintain and preserve the residential character of the surrounding neighborhood by the following requirements:

(A) A home occupation permit may be granted by the Department of Public Works within a single-family residential dwelling unit when a home occupations application, provided on forms furnished by the city, has been submitted subject to all of the following conditions and provided all of such conditions are agreed to by the applicant.

(1) No person other than members of the family residing on the premises shall be engaged in such occupation. Non-resident persons shall not be employed.

(2) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25% of the total first floor area of the dwelling unit (exclusive of an attached garage, breezeway, and enclosed or unenclosed porches) shall be used for the purposes of the home occupation and the home occupation shall be carried out completely within such dwelling. No accessory building (attached or detached) shall be used in the home occupation.

(3) There shall be no change in the outside appearance of the structure or premises, or other visible evidence of the conduct of such home occupation other than 1 sign that shall comply with requirements at Chapter 153;

(4) No home occupation shall be conducted upon or from the premises, which would constitute a nuisance or annoyance to adjoining residents by reason of noise, dust, glare, heat, smoke, fumes, odor, vibrations or electrical disturbances. There shall be no discharge of polluting materials, fluids, or gases into the ground or surface water, soil or atmosphere.

(5) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood. Any need for parking generated by the conduct of such home occupation shall be provided by an off-street parking area, located in other than in a required front or side yard setback area. There shall be no deliveries to or from a home occupation with a vehicle with a rated capacity of greater than 1 ton.

(6) There shall be no sale of any goods manufactured elsewhere in connection with such home occupation. The outdoor storage of goods and materials shall be prohibited. No interior displays shall be visible from the exterior of a dwelling unit used for the purposes of a home occupation.

(7) The home occupation shall not be open to the public earlier than 8:00 a.m. or later than 8:00 p.m.

(8) No more than 1 home occupation per dwelling unit shall be permitted.

(9) No home occupation may be carried out without a valid permit issued by the Building Official. Home occupation permits shall be reviewed and obtained annually. Fees for any required reviews, public hearings and permits shall be established by resolution of the City Council.

(B) When in the opinion of the Zoning Administrator any proposed or existing home occupation that will not or does not currently comply with the specific items as listed in division (A) above, a home occupation application or renewal shall be submitted for review and approval through the City Planning Commission for a Special Use Permit. Home occupations reviewed and approved by the Planning Commission would be subject to compliance with the additional divisions below. The Planning Commission shall conduct a public hearing in compliance with the city's public hearing notification requirements for a Special Use Permit prior to approving or renewing a home occupation permit.

(1) No persons other than family members of the family residing on the premises, or up to 3 non-family members not residing on the premises, shall be engaged in such home occupation.

(2) No more than 2 home occupations per dwelling unit shall be permitted.

(3) The use of an attached or detached accessory structure shall be limited to 30% of the total first floor area of the dwelling unit exclusive of attached garages, breezeways and enclosed or unenclosed porches.

(4) There shall be no change in the outside appearance of the structure or premises, or other visible evidence of the conduct of such home occupation other than 1 sign that shall comply with requirements at Chapter 153;

(5) Home occupations approved for a Special Use Permit by the Planning Commission shall be renewed annually through the Building Department. In the event that complaints have been received by the Building Department on a home occupation, the Building Official may require an additional public hearing prior to renewal consideration by the Planning Commission. Fees for any required reviews, public hearings and permits shall be established by resolution of the City Council.

(C) (1) All home occupation permits administratively approved and issued by the Zoning Administrator under division (A) above shall be forwarded to the Planning Commission within 30 days of the date of issuance. When in the opinion of the Planning Commission a home occupation may not be in compliance with the requirements of division (A), as issued by the Zoning Administrator, the Planning Commission, by a majority vote, may require that the licensee appear at the next regular scheduled meeting of the Planning Commission to address any concerns.

(2) After the hearing set forth in division (C) (1) above, if the Planning Commission concludes the licensee cannot, or will not, comply with all of the requirements of division (A) above, the Planning Commission may revoke an administratively approved home occupation permit.

(D) Home occupation approved for a Special Use Permit by the Planning Commission may be revoked by the Planning Commission after notice to the licensee at least 15 days prior to a hearing by the Planning Commission called to consider the revocation of the permit.

§ 157.101 MARIJUANA ESTABLISHMENTS.

It is the intent of this section to regulate any marijuana establishments by the following standards:

(A) Operational limitations.

(1) A marijuana establishment shall only operate between 8:00 a.m. and 8:00 p.m. Monday through Saturday and 12:00 noon and 6:00 p.m. Sunday.

(2) A marijuana establishment shall comply at all times with each and every provision of the State of Michigan, Michigan Regulation and Taxation of Marihuana Act (MRTMA).

(3) Any permitted activities conducted by a marijuana establishment must be done inside a fully enclosed structure or building that is kept secured with locks to prevent unintended or uninvited access.

(4) Persons under the age of 21 years of age are not permitted to be on the property of any marijuana establishments unless they possess a valid Medical Marijuana Registry Card issued by the State of Michigan or other state the marijuana establishment is co-located with an approved medical marijuana transaction facility.

(5) Advertising and/or marketing for a marijuana establishment, viewed from the exterior, shall not appeal or have the effect of appealing to minors, this shall include but is not limited to signage, flyers, banners, etc. as permitted in § 153.10.

(6) Any owners and/or operators of any marijuana establishments who violates these sections shall be liable for all costs associated with the investigation, prosecution and enforcement of that violation.

(7) Unless otherwise permitted through co-location with another commercial medical marijuana transaction facility and/or marijuana establishment, no license will be approved on a property that has any other approved uses.

(B) Site plan requirements.

(1) Any person who wished to operate any marijuana establishments shall submit an application for site plan review to the City of Burton as set forth in § 157.092, consistent with the zoning of the property, showing required locational limitations as set forth in § 157.043(C)(10), § 157.046(B)(11) (B)(12), (B)(13), (B)(14), (B)(15), and (B)(16) as they apply, shall pay a nonrefundable fee as shall be established, and from time to time be amended by resolution of the Burton City Council, and which shall include the following:

(a) Security system details which shall include, at the minimum, audible and silent alarms and video surveillance cameras.

(b) Details regarding the building electrical system, power demands of specialized lighting and other necessary equipment, and method proposed to prevent excessive heat build-up and risk of fire within the building.

(c) Ventilation equipment details, including fresh air intake and filtration of exhaust air to prevent offensive odors from leaving the site.

(d) Proposed methods for controlling insects within the building and preventing insects from becoming a nuisance or health hazard, off the site.

(e) A description of the operation of the commercial marijuana establishments in sufficient detail to permit the city to determine if the operation, as described would be lawful and fully compliant with the Michigan Regulation and Taxation of Marihuana Act (MRTMA).

(2) Once the application is approved and within 30 days, the applicant must then submit any further documentation necessary to receive a certificate of occupancy which shall include but is not limited to building permits, inspections, and audits as deemed necessary by the Department of Public Works. At this time the applicant must also pay an annual nonrefundable license fee as shall be established, and from time to time be amended by resolution of the Burton City Council.

(3) Annual renewal of the application is required for any marijuana establishments and must comply with § 157.101(D).

(4) All applicants must provide a copy of the State of Michigan approved operating license before certificate of occupancy can be issued.

(5) Any change of ownership of the property and/or facility or change of use will be considered a new application for all purposes of this ordinance, with the exception of § 157.101(E). In the case in which the existing facility has not vacated the new application will be secured from any new locational limitation.

(6) A licensed marijuana establishment shall maintain a clearly legible sign, not less than 18 inches by 24 inches in size, and white background with black lettering in color, reading "No Loitering" at or near each public entrance. The sign shall also display the ordinance number as the following design:

NO LOITERING

Ordinance 144.08(B)(1)(c)

(C) *Periodic inspections.* Prior to the start of operations all marijuana establishments shall submit and allow authorized city zoning and building inspection and/or law enforcement personnel to make unannounced, periodic inspections for purposes of verifying compliance with all requirements of this ordinance and section, and any reasonable conditions placed upon any special land use approval. Once operations begin, all marijuana establishments shall submit and allow authorized city zoning and building inspection and/or law enforcement personnel to make inspections in accordance with applicable codes.

(D) *Annual renewal.* A marijuana establishment approval shall be issued for a 1-year period and is renewable annually.

(1) Except as set forth in this ordinance, the Department of Public Works shall renew a license if all of the following requirements are met:

(a) The applicant submits a renewal application provided by the City of Burton and pay an annual, nonrefundable license fee as shall be established, and from time to time be amended by resolution of the Burton City Council; and

(b) The application is received by the city on or before the expiration date of the current approval.

(2) It is the sole responsibility of the applicant to apply for renewal prior to the expiration. Upon or after the date of expiration the City of Burton shall notify the applicant at the last known address on file advising them they have 30 days to apply for renewal and pay any applicable late fees and the annual nonrefundable fee. Failure to renew 30 days from date noticed mailed will revoke the establishment's certificate of occupancy and require any future application to be considered new.

(3) Renewal shall be considered 1-year from the date in which the annual fee is paid.

(4) In its decision on an application for renewal, the City of Burton shall consider any input from the Building Official, Code Enforcement Officer, Fire Department and/or Police Department.

(E) *Securing locational limitations.* Applications are considered on a first come basis for purpose of required locational limitations as set forth in § 157.043(C)(9) and (C)(10), § 157.046 (B)(11), (B)(12), (B)(13), (B)(14), (B)(15), (B)(16) and (B)(17). Consideration is only taken when the complete application is submitted to the City of Burton and any required fees are paid in full. Consideration may be taken when there is a pending application to the Zoning Board of Appeals or Planning Commission, as appropriate. Application for a state operating license does not secure any position for locational limitations.

(F) *Special consideration for temporary marijuana event permits.*

(1) It shall be unlawful on commercial or industrial property, without first obtaining a permit from the city's Zoning Board of Appeals, for any person or firm to conduct or to take part in, or for the landowner of any private land to permit upon his or her land, an establishment that allows consumption of marijuana products on the premises of a non-residential location and charges a fee for entry, sells good or services while individuals are consulting on the premises, or requires membership for entry shall acquire a temporary marijuana event license.

(2) Any cease of operations order issued under the provisions of this ordinance will include a penalty in an amount as established by resolution of the City Council.

(3) Permit for any of these activities shall be known as a "Temporary Marijuana Event Permits".

(4) All applications for an temporary marijuana event permits under this ordinance shall conform to the requirements set forth in the city's zoning ordinance, Chapter 157 of this code, as amended, for applications to the Zoning Board of Appeals, including form, signatures, and notice requirements, and to the rules and regulations of the Board of Appeals relating thereto. Applications must include the following:

(a) The address of the location where the temporary marijuana event will be held.

(b) The name of the temporary marijuana event.

(c) A diagram of the physical layout of the temporary marijuana event. The diagram shall clearly indicate all of the following:

1. Where the temporary marijuana event will be taking place on the location grounds.
2. All entrances and exits that will be used by participants during the event.
3. All marijuana consumption areas.
4. All marijuana retail areas where marijuana products will be sold.
5. Where marijuana waste will be stored.

(d) The dates and hours of operation for which the temporary marijuana event permit is being sought.

(5) Any permits issued by the Zoning Board of Appeals shall only be issued for a single day or up to 7 consecutive days. No temporary marijuana event permit will be issued for more than 7 days.

(6) The applicant must secure approval from the Zoning Board of Appeals before a written attestation will be authorized to the State of Michigan. It is the applicant's sole responsibility to ensure the deadlines for applications are met.

(Ord. 2019-10-157, passed 9-16-2019)

§ 157.102 TEMPORARY LAND USES.

(A) *Statement of purpose.* It is the intent of this section to permit and regulate temporary sales and uses in the commercial and industrial areas when the sale/use is intended to be for a limited period of time and not designed to be an alternative to occupying a

permanent structure. Further to promote the economic well-being of the community by creating an alternative to the traditional uses and encourage the use of underused land. Finally, to provide for exemptions from strict regulations during community events.

(B) *Permitted uses.* The following types of temporary uses are permitted in conjunction with a commercial or industrial zone or use of the property.

- (1) Temporary roadside stands.
- (2) Seasonal sales.
- (3) Sidewalk sales.
- (4) Special events.
- (5) Mobile food vending.

(C) *Regulations.* All temporary land uses are required to meet at a minimum the following:

(1) No temporary use shall be built, erected, or operated on the highway right-of-way nor so close thereto as to encourage or promote the use of the highway right-of-way for parking or standing of customers. All temporary uses shall provide adequate off-street parking areas which shall be readily accessible from the highway abutting thereto.

(2) The premises shall be kept in a clean and sanitary condition at all times.

(3) Temporary uses must have written permission of the owner of the property.

(4) The principal use of the property must still be able to accommodate the parking requirements for that use.

(5) All temporary uses shall obtain a permit from the city's Department of Public Works upon submission of an application for such a permit unless specifically stated exempt in this chapter.

(6) Applications for temporary use permits must be submitted on a form approved by the Department of Public Works not less than 15 days prior to the intended set up date. Must include a drawing of all items to be located on the property for the purpose of the use.

(7) A permit fee in the amount as set by the City Council, and amended by resolution from time to time shall be paid at the time of the submission of the application, and a clean-up fee in the amount as set by the City Council, and amended by resolution from time to time shall be paid at the time of approval of the permit. The clean-up fee shall be refundable in whole or in part in the event the permittee returns the premises to its original condition at the conclusion of the activities. The fees established in this subsection may be amended from time to time by resolution of the City Council. Any violation notice enforcement will be deducted from the cleanup bond before the refund is released, but shall not preclude any other recovery by the city for violation or damages arising therefrom.

(8) Any person, firm or organization may appeal either the necessity of posting a bond, or the amount of the bond required by the city's Department of Public works directly to the Burton City Council, which shall have the authority to reduce or eliminate the bond upon good cause shown.

(D) *Operational regulations.* Temporary use permit shall comply, unless specified as follows:

(1) Temporary roadside stands as follows:

(a) Tents, stand, truck, or other are permitted in connection with any permitted, accessory, temporary or special use with the following requirements:

1. No permit will be issued for more than 10 consecutive days for the temporary use from the date of sale as specified on the permit, unless as approved by the Planning Commission as part of a special land use permit.

2. No enclosure shall be allowed to remain for a period of more than 15 consecutive days from the date of sale as specified on the permit, unless as approved by the Planning Commission as part of a special land use permit.

(b) All enclosures shall comply with the bulk, space and setback requirements applicable to accessory uses pursuant to the Zoning Ordinance.

(c) Items to be presented must be new and prepackaged at a separate location.

(2) Seasonal sales as follows:

(a) Such sales shall be limited to a period not to exceed 30 consecutive days, including set up and take down of any enclosures and materials.

(b) Plant displays need not comply with the setback requirements of the Zoning Ordinance.

(c) All refuse or debris resulting from such sales shall be wholly contained on the premises and removed from the premises after the end of the sale.

(3) Sidewalk sales as follows:

(a) Tents, trailers and other temporary structures are not permitted and no sales or display of merchandise is permitted in the parking lot.

(b) Sidewalk sale merchandise may only be located on the sidewalk directly in front of the store having the sale.

(c) Display of items for sale shall not impede foot traffic. A path of 4-feet wide shall be reserved for pedestrians.

(d) Sales may not exceed 2 consecutive weeks in duration. Two sidewalk sales are permitted per calendar year for the commercial property.

(e) Flammable or hazardous items are prohibited.

(4) Special events, as follows: All approved special events as defined in § 157.006 shall be exempt from additional permitting as long as the temporary use is in conjunction with the event and approved by the designated event sponsor, including but not limited to, location, dates and times.

(5) Mobile food vending, as follows:

(a) The provisions of this ordinance apply to mobile food vehicles engaged in the business of cooking, preparing and distributing food or beverage with or without charge upon or in public and private restricted spaces. This ordinance does not apply to vehicles which dispense food and that move from place to place and are stationary in the same location for no more than 15 minutes at a time, such as ice cream trucks, or food vending pushcarts and stands located on sidewalks.

(b) Permit application shall include the following:

1. Name, signature, phone number, email contact and business address of the applicant.
2. A description of the preparation methods and food product offered for sale including the intended menu.
3. Information on the mobile food vehicle to include year, make and model of the vehicle and dimensions, which shall not exceed 30 feet in length and 10 feet in width.
4. Information setting forth the proposed hours of operation, area of operations, plans for power access, water supply and wastewater disposal.
5. Copies of all necessary license or permits issued by the Genesee County Health Department, including a copy of the "letter of intent" provided to Genesee County.

(c) All mobile food vehicle vendors shall offer a waste container for public use which the vendor shall empty at its own expense. All trash and garbage originating from the preparation of mobile food vehicles shall be collected and disposed of off-site by the operators each day. Spills of food or food by-products shall be cleaned up, and no dumping of gray water on the street is allowed.

(d) Mobile food vendors shall comply with the city's noise ordinance, sign ordinance and all other city ordinances.

(e) A vendor shall not operate a mobile food vehicle within 500 feet of any fair, festival, special event or civic event that is licensed or sanctioned by the city unless the vendor has obtained permission from the event sponsor.

(f) No permit will be issued for more than 10 consecutive days for the mobile food vending from the date of sale as specified on the permit, unless as approved by the Planning Commission as part of a special land use permit.

(Ord. 2020-1-157, passed 5-1-2020)

OFF-STREET PARKING AND LOADING REQUIREMENTS

§ 157.110 GENERAL PARKING REQUIREMENTS.

Off-street parking in conjunction with all land and building uses shall be provided as herein prescribed.

(A) For the purpose of this ordinance, 300 square feet of lot area shall be deemed a parking space for 1 vehicle, including access aisle, except that the standard shall be 325 square feet where parking is perpendicular to the access aisle, and except that 180 square feet of lot area which has a direct means of ingress and egress from an alley or street may also be deemed a parking space.

(B) When units or measurements determining the number of required parking spaces result in requirement of a fractional space, any fraction up to and including 1/2 shall be disregarded and fractions over 1/2 shall require 1 parking space.

(C) The minimum number of off-street parking spaces shall be determined in accordance with the following table in § 157.111. For uses not specifically mentioned therein, off-street parking requirements shall be interpreted by the Board of Zoning Appeals from requirements for similar uses.

(D) Any area once designated as required off-street parking shall never be changed to any other use unless and until equally required facilities are provided elsewhere. Off-street parking existing at the effective date of this ordinance in connection with the operation of an existing building or use shall not be reduced to an amount less than would hereinafter be required for that building or use.

(E) The off-street parking may be provided either by individual action or by a parking program carried out through public action, whether by a special assessment district or otherwise.

(F) Required off-street parking shall be for the use of occupants, employees, visitors, and patrons and shall be limited in use to motor vehicles. The storage of merchandise, motor vehicles for sale, or the repair of vehicles is prohibited. All off-street parking, whether public or private, for nonresidential uses shall be either on the same lot or within 300 feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot.

(G) Residential off-street parking space shall consist of a parking strip, garage, or a combination thereof and shall be located on the premises it is intended to serve and not closer than 3 feet from any street lot line.

(H) Nothing in this ordinance shall be construed to prevent collective provision of off-street parking facilities for 2 or more buildings or uses, provided those facilities collectively shall not be less than the sum of the requirements for the various individual uses computed separately in accordance with the table.

(l) In stadiums, sports arenas, churches, and other places of assembly in which patrons or spectators occupy benches, pews, or other similar seating facilities, each 24 inches of the seating facilities shall be counted as 1 seat for the purpose of determining requirements for off-street parking facilities under this ordinance.

§ 157.111 REQUIRED OFF-STREET PARKING SPACES; MINIMUM.

The amount of required off-street parking space for new uses or buildings, additions thereto, and additions to existing buildings as specified above shall be determined in accordance with the following table, and the space so required shall be stated in the application for a building permit and shall be irrevocably reserved for this use, or shall comply with the initial part of this section.

<i>Use Category</i>	<i>Specific Use</i>	<i>Number of Minimum Parking Spaces</i>
<i>Use Category</i>	<i>Specific Use</i>	<i>Number of Minimum Parking Spaces</i>
Business and commercial	Automobile serv. stations	2 for each lubrication stall, rack, or pit, and 1 for each employee
Business and commercial	Auto wash	1 for each 1 empl.
Business and commercial	Beauty parlor or barber shop	3 spaces for each of the first 2 beauty or barber chairs, and 1 space for each additional chair
Business and commercial	Bowling alleys	7 for each 1 bowling lane
Business and commercial	Convenience store with gasoline	1 for each 200 sq. ft. of gross floor area, 1 space per employee; the area on each side of a gas pump constitutes a parking space "2 spaces/pump"
Business and commercial	Dance halls, pool or billiard parlors, roller or ice skating rinks, exhibition halls and assembly halls without fixed seats	1 for each 3 seats, or 1 for each 100 sq. ft. of gross floor area
Business and commercial	Drive-in establishments	1 for each 40 feet of gross floor area, with a minimum of 25 parking spaces
Business and commercial	Establishments for sale and consumption on the premises of beverages, food, or refreshments	1 for each 100 sq. ft. of gross floor area
Business and commercial	Furniture and appliances, household equipment, repair shops, showroom of a plumber, decorator, electrician, or similar trade, shoe repair, and other similar uses	1 for each 1,000 sq. ft. of floor area, exclusive of the floor occupied in processing or manufacturing, for which requirements see industrial establishments below

<i>Use Category</i>	<i>Specific Use</i>	<i>Number of Minimum Parking Spaces</i>
<i>Use Category</i>	<i>Specific Use</i>	<i>Number of Minimum Parking Spaces</i>
Business and commercial	Laundromats and coin operated dry cleaners	1 for each 2 washing machines
Business and commercial	Miniature golf courses	3 for each 1 hole, plus 1 for each 1 employee
Business and commercial	Mortuary establishments	1 for each 100 sq. ft. of gross floor area
Business and commercial	Motel, hotel, or other commercial lodging establishments	1 for each 1 occupancy unit, plus 1 for each 1 employee, plus extra spaces for dining rooms, ballrooms, or meeting rooms
Business and commercial	Motor vehicle sales and service establishments, trailer sales and rental, boat showrooms	1 for each 400 sq. ft. of gross floor area of sales room

Business and commercial	Open air businesses	1 for each 600 sq. ft. of lot area
Business and commercial	Restaurant, carry-out	1 for each 150 sq. ft. of gross floor area
Business and commercial	Retail stores, except as otherwise specified herein	1 for each 200 sq. ft. of gross floor area
Business and commercial	Shopping center of clustered commercial	5 for each 1,000 sq. ft. of gross floor area
Business and commercial	Toning and tanning salons	1.5 for each workout machine and tanning booth, plus 1 for every employee
Business and commercial	Video stores	1 for each 200 sq. ft. of gross floor area
Industrial	Industrial or research establishments	5, plus 1 for every 1.5 employees in the largest working shift. Space on-site shall also be provided for all construction workers during periods of plant construction

<i>Use Category</i>	<i>Specific Use</i>	<i>Number of Minimum Parking Spaces</i>
<i>Use Category</i>	<i>Specific Use</i>	<i>Number of Minimum Parking Spaces</i>
Industrial	Wholesale establishments	5, plus 1 for every 1 employee in the largest working shift, or 1 for every 2,000 sq. ft. of gross floor area, whichever is greater
Institutions	Churches, temples, or synagogues	1 for each 3 seats, based on maximum seating capacity in the main unit of worship
Institutions	Elementary and junior high schools	1 for each 1 teacher, administrator, and 1 for each 10 students, in addition to the requirements of the auditorium
Institutions	Fraternities	1.5 parking spaces to every 2 persons based upon the capacity of the houses
Institutions	Golf courses open to the general public, except miniature or par 3 courses	6 for each 1 golf hole, and 1 for each 1 employee
Institutions	Hospitals	2 for each bed, plus 1 for every 3 staff
Institutions	Private clubs or lodge halls	1 for each 3 persons allowed within the maximum occupancy load as established by local county or state fire, building, or health codes
Institutions	Private golf clubs, swimming pool clubs, tennis clubs, or other similar uses	1 for each 2 member families or individuals
Institutions	Sanitariums, convents, homes for the aged, convalescent homes, children's homes	1 per 600 sq. ft. of gross floor area
Institutions	Senior high schools	1 for each 1 teacher, administrator, and 1 for each 10 students, in addition to the requirements of the auditorium
Institutions	Sororities	1 parking space for every 2 persons based upon the capacity of the houses
Institutions	Stadium, sports arena, or similar place of outdoor assembly	1 for each 3 seats or 6 feet of benches

Use Category	Specific Use	Number of Minimum Parking Spaces
Use Category	Specific Use	Number of Minimum Parking Spaces
Institutions	Theaters and auditoriums (indoor)	1 for each 3 seats, plus 1 for each 2 employees
Offices	Banks, savings and loan offices	1 for each 200 sq. ft. of gross floor area
Offices	Business offices or professional offices except as indicated in the following item for medical or dental uses	1 for every 200 sq. ft. of gross floor area
Offices	Medical or dental clinics, professional offices of doctors, dentists, or similar professionals	10 for the first doctor, plus 1 for each 300 sq. ft. of gross floor area
Residential	Boarding and rooming house	1 for each sleeping room
Residential	Housing for the elderly	1 for every 2 living units, and 1 for each employee
Residential	Residential, single-family and 2-family	2 for each dwelling unit
Residential	Residential, multiple-family	2 for each dwelling unit
Residential	Trailer park and mobile home courts	2 for each trailer or mobile home site, and 1 for each employee of the trailer or mobile home court

§ 157.112 OFF-STREET PARKING LOT; LAYOUT, CONSTRUCTION, AND MAINTENANCE.

(A) Wherever a parking lot is built as required off-street parking, the parking lot shall be laid out, constructed, and maintained in accordance with the following requirements.

(B) The building of a parking lot is subject to the same requirements as for a building permit. The Zoning Administrator, in reviewing the application, may request the findings of the City Engineer on the basis of the requirements set forth in section (C)(1) through (C)(10) below.

(C) (1) Each parking space shall constitute a net land area of at least 180 square feet. The total parking lot space, including access lanes, shall constitute at least 300 square feet of land area per parking space.

(2) Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for vehicles (P-1 parking district only).

(3) Where the parking lot abuts a residential district, the required setback of parking spaces shall be as follows.

Abutment	Required Setback of Parking Spaces
Across the street and opposite with residential lots fronting on that street	10 feet from the street lot line
Contiguous common frontage in same block	10 feet from the street lot line
Rear lot line	None
Side lot lines	2 feet from that side lot line

(4) The land between the setback line and the lot line in a parking lot is, for the purposes of this ordinance, called a "buffer strip." There shall be bumper stops or wheel chocks provided so as to prevent any vehicle from projecting over the buffer strip. The ground of the buffer strip shall only be used for the purpose of plant materials. All parking areas, except for single- and 2-family dwellings, shall be screened on all sides abutting a residential district or a street. This screening shall consist of an ornamental fence or planting hedge not less than 3 feet or more than 4 feet in height, of a type which will obscure vision at all seasons from adjoining property. In the event that a hedge is used, the minimum height shall be achieved within 3 years of initial planting.

(5) Where buffer strips are not required, bumper stops or wheel chocks shall be provided, so located as to prevent any vehicle from projecting over the lot line.

(6) The parking lot shall be drained to eliminate surface water.

(7) The surface of the parking lot, including drives and aisles, except the buffer strips, shall be constructed of a concrete or bituminous concrete surfacing. Lighting shall be arranged to reflect away from residential buildings, residential districts, and streets.

(8) Parking structures shall be built to satisfy off-street parking requirements, when located in commercial or industrial districts, subject to the area, height, bulk, and placement regulations of the districts in which located. (See Appendix A).

(9) Every parcel of land hereafter used as an automobile or trailer sales area or as an automobile service station shall be subject to the above requirements of this section.

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

Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length	Total Width of 1 Tier of Spaces Plus Maneuvering Lane	Total Width of 2 Tiers of Spaces Plus Maneuvering Lane
0 (parallel parking)	12 feet	8 feet	23 feet	20 feet	28 feet
30 to 53	13 feet	9 feet	20 feet	32 feet	52 feet
54 to 74	18 feet	9 feet	21 feet	39 feet	60 feet
75 to 90	25 feet	9 feet	19 feet	44 feet	63 feet

(11) All shopping center developments shall have direct access to a primary road as determined by the City Planning Commission. No regular public access shall be made through a residential local street.

§ 157.113 DRIVE-THROUGH FACILITIES; OFF-STREET WAITING SPACE.

(A) An off-street waiting space is defined as an area 10 feet wide by 24 feet long, shall not include the use of any public space, street, alley, or sidewalk, and shall be located entirely within the commercial zoning district.

(B) On the same premises with every building, structure, or part thereof, erected and occupied for the purpose of serving customers in their automobiles by means of a service window or similar arrangement where the automobile engine is not turned off, there shall be provided 5 off-street waiting spaces for each service window.

(C) Self-serve motor vehicle wash establishments shall provide 4 off-street waiting spaces for each washing stall. Motor vehicle wash establishments, other than self-service, shall provide 10 waiting spaces for each washing stall. A drying lane 50 feet long shall also be provided at the exit of each washing stall in order to prevent undue amounts of water from collecting on the public street.

§ 157.114 OFF-STREET LOADING AND UNLOADING.

(A) *Adequate space required.* On the same premises with every building, structure, or part thereof, erected and occupied for manufacturing, storage, warehousing, retailing, display, including a department store, a wholesale store, a market, hotel, motel, hospital, mortuary, laundry, dry cleaning, or other uses, similarly involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading, and unloading services adjacent to the opening used for loading and unloading, designed to avoid interference with public use of the street or alleys.

(B) *Commercial and industrial districts except C-4.*

(1) The loading and unloading space shall be an area in minimum 10 feet by 40 feet with a 14-foot height clearance, and shall be provided according to the following table.

Gross Floor Area	Loading and Unloading Spaces Required
0 - 2,000 sq. ft.	None
2,000 - 20,000 sq. ft.	1 space
20,000 - 100,000 sq. ft.	1 space, plus 1 space for each 20,000 sq. ft. in excess of 20,000 sq. ft.
100,000 - 500,000 sq. ft.	5 spaces, plus 1 space for each 40,000 sq. ft. in excess of 100,000 sq. ft.
Over 500,000 sq. ft.	15 spaces, plus 1 space for each 80,000 sq. ft. in excess of 500,000 sq. ft.

(2) No loading space shall be located closer than 50 feet from any residentially zoned district unless located within a completely enclosed building or enclosed on all sides facing a residential zoning district by a solid masonry wall or ornamental fence of a type approved by the Board of Zoning Appeals not less than 6 feet in height.

(C) *C-4, planned shopping center district.*

(1) One off-street loading space for standing, loading, and unloading shall be provided for each 25,000 square feet of aggregate gross floor space for all buildings in this district. Such a space is defined as an area of appropriate dimensions, at least 50 feet in depth, 12 feet in width, with an overhead clearance of not less than 14 feet, exclusive of access, platform, or maneuvering area, to be used exclusively for the loading and unloading of merchandise.

(2) All truck loading and unloading facilities shall be designed with appropriate means of truck access to a street or alley as well as maneuvering areas and shall not block pedestrian or drive line of vision or visible from the front entrance to the shopping center. In addition, parking, loading, or service areas used by motor vehicles shall be located entirely within the lot lines of the shopping center and shall be physically separated from public streets.

NONCONFORMING USES AND STRUCTURES

§ 157.125 EXISTING NONCONFORMING USES AND BUILDINGS; REGULATIONS.

Any lawful use of the land or buildings existing at the date of passage of this ordinance and located in a district in which it would not be permitted as a new use under the regulations of this ordinance, is hereby declared to be a nonconforming use and not in violation of this ordinance; provided, however, that a nonconforming use shall be subject to, and the owner comply with, the regulations in this ordinance.

§ 157.126 NONCONFORMING USES OF LAND; LIMITATIONS.

Where at the time of passage of this ordinance lawful use of land exists which would not be permitted by the regulations imposed by this ordinance, and where that use involves no individual structure with an assessed value exceeding an amount as set by the City Council, and amended by resolution from time to time, the use may be continued so long as it remains otherwise lawful, provided:

(A) No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance;

(B) No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by the use at the effective date of adoption or amendment of this ordinance;

(C) If any such nonconforming use of land ceases for any reason for a period of more than 1 year, the land shall conform to the regulations specified by this ordinance for the district in which the land is located; and

(D) No additional structure not conforming to the requirements of this ordinance shall be erected in connection with the nonconforming use of land.

§ 157.127 NONCONFORMING USES OF STRUCTURES; LIMITATIONS.

If lawful use involving individual structures with an assessed value in an amount as set by the City Council, and amended by resolution from time to time, or of structure and premises in combination, exists at the effective date of adoption of this ordinance that would not be allowed in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

(A) No existing structure devoted to a use not permitted by this ordinance 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;

(B) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for that use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside that building;

(C) 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 proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. Whenever a nonconforming use has been changed to a conforming use, or to a use permitted in a district of greater restrictions, it shall not thereafter be changed to a nonconforming use; and

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

§ 157.128 NONCONFORMING STRUCTURES; LIMITATIONS.

Where a lawful structure exists at the effective date of adoption of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, that structure may be continued as long as it remains otherwise lawful, subject to the following provisions:

(A) No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, except that the extension of any established nonconforming setback building line (such as foundation wall, parking lot edge), does not violate the intent of this provision even though the extension may result in the addition of structure or parking lot square footage; and

(B) Any nonconforming structure or portion thereof may be altered to decrease its nonconformity.

(C) If any such nonconforming structure ceases being used for any reason for a period of more than 6 months, any subsequent use of the structure shall conform to the regulations specified by this ordinance for the district in which the structure is located.

§ 157.129 NONCONFORMING LOTS OF RECORD.

(A) In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this ordinance, a single-family dwelling and customary accessory building may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance. This provision shall apply even though the lots fail to meet the requirements for area or width, or both, that are generally applicable in the district; provided that yard dimensions and other requirements, not involving area or width or both, of the lot shall conform to the regulations for the district in which the lot is located.

(B) If 2 or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established

by this ordinance, the lands involved shall be considered to be an undivided parcel for the purposes of this ordinance, and no portion of that parcel shall be used or occupied which does not meet lot width and area requirements established by this ordinance, nor shall any division of the parcel be made which leaves remaining any lot width or area below the requirements stated in this ordinance.

(C) Administrative clarification of 1-29-1987: The extension of any established nonconforming setback building line (foundation wall/parking lot edge), does not violate the intent of this provision, which results in the addition of structure or parking lot square footage.

§ 157.130 REPAIRS AND MAINTENANCE; LIMITATIONS.

On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, to an extent not exceeding 25% of the current city assessed value of the nonconforming structure or nonconforming portion of the structure as the case may be, provided that the cubic content existing when it became nonconforming shall not be increased. If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to a lack of repairs and maintenance, and is declared by the Building Official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.

§ 157.131 RECONSTRUCTION OF DAMAGED NONCONFORMING STRUCTURES.

Nothing in this ordinance shall prevent the reconstruction, repair, or restoration and the continued use of any nonconforming building or structure damaged by fire, collapse, explosion, acts of God, or acts of public enemy, subsequent to the effective date of this ordinance, provided that the restoration and resumption shall take place within 6 months of the time of the damage and that it be completed within 1 year from time of the damage, and provided further that the use be identical with nonconforming use permitted and in effect directly preceding the damage. Where pending insurance claims require an extension of time, the Zoning Administrator may grant a time extension, provided that the property owner submit a certification from the insurance company attesting to the delay. Until that time when the debris from the fire damage is fully removed, the premises shall be adequately fenced or screened from access by children who may be attracted to the premises. No fee shall be charged for an appeal under the provisions of this section.

§ 157.132 DISCONTINUED NONCONFORMING USE; FORFEITURE OF PRIVILEGE.

When nonconforming use of property is discontinued through vacancy, lack of operation, or other similar condition, and upon a showing of intent of the owner or holder of the nonconforming use status to discontinue said use, for a period of 6 months or more, thereafter no right shall exist to maintain on that property a nonconforming use unless the Board of Zoning Appeals grants that privilege within 6 months after the discontinuance. No nonconforming use, if changed to a use permitted in the district in which it is located, shall be resumed or changed back to a nonconforming use.

§ 157.133 NONCONFORMING STRUCTURE; CHANGE OF USE.

The use of a nonconforming building or structure may be changed to another use permitted in the most restricted district in which that nonconforming use is permitted. Where the use of a nonconforming building or structure is hereafter changed to a use permitted in a more restricted district, it shall not thereafter be changed to a use which is not permitted in a more restricted district. The proposed use shall be subject to all the requirements applying to that proposed use in the most restricted district in which the nonconforming use to be changed is permitted.

§ 157.134 EXTENSION, ENLARGEMENT, AND MOVING; PROHIBITIONS.

No nonconforming use of any land or structure shall hereafter be enlarged or extended. No nonconforming building or structure shall be moved in whole or in part to another location unless that building or structure and the off-street parking spaces, yard, and other open spaces provided are made to conform to all the regulations of the district in which the building or structure is to be located.

§ 157.135 ACQUISITION OF NONCONFORMING STRUCTURES BY CITY FOR REMOVAL; HEARING.

(A) The Planning Commission may from time to time recommend to the City Council the acquisition of such private property as does not conform in use or structure to the regulations and restrictions of the various districts defined in this ordinance, and the removal of that use or structure. The Planning Commission shall submit its reasons and estimates of cost and expenses of the acquisition and removal of the nonconformity and probable resale price of the property to be acquired after removal of the nonconformity as obtained from the appropriate city department, board, or commission. The Planning Commission shall recommend that portion of the difference between the estimated cost of acquisition and removal of the nonconformity and the probable resale price which in its opinion should be assessed against a benefitted district.

(B) Whenever the City Council has under advertisement the acquisition by purchase, condemnation, or otherwise as provided by law of any nonconforming building, structure, or use, a preliminary public hearing thereon shall be held before the City Council. Not less than 15 days before the hearing, a notice of time, place, and purpose of the public hearing shall be published in a paper circulating in the city and the City Clerk shall send by mail addressed to the respective owners of any such properties at the addresses given in the last assessment roll, a written notice of time, place, and purpose of the hearing. If the cost and expense or any portion thereof is to be assessed to a special district, the City Assessor shall be directed to furnish the City Council with a tentative special assessment district and the tentative plan of assessment, the names of the respective owners of the property in that district, and addresses of those owners in the last assessment roll. The City Clerk shall also send the notice to the respective owners in the tentative assessment district.

(C) Whenever the City Council, after a public hearing as required in the preceding section, shall declare by resolution that proceedings be instituted for the acquisition of any property on which is located a nonconforming building, structure, or use in accordance with the laws of the state, the City Charter, this ordinance, and other applicable ordinances of the city, the City Clerk shall send by registered mail a certified copy of the resolution to the respective owners of the properties and to the owners of the properties in any special assessment district, at the address given in the last assessment roll.

(D) Upon the passing of title to the private property so acquired as provided in the preceding section to the city, the City Council shall cause the discontinuance or removal of the nonconforming use or the removal, demolition, or remodeling of the nonconforming structure. The City Council shall thereafter order the property sold or otherwise disposed of, but only for a conforming use. The City Council shall confirm the cost and expense of the project and report any assessable cost to the City Assessor, who shall then prepare an assessment roll in the manner provided for in the City Charter, this code, and other applicable ordinance of the city. Such an assessment roll may, in the discretion of the City Council, be in 1 or more but not to exceed 10 annual installments.

§ 157.136 CERTIFICATE OF OCCUPANCY; RECORD OF NONCONFORMING USES.

(A) At any time after the adoption of this ordinance, should the city become aware of a nonconforming use, the owner of the nonconforming use shall be notified by the City Clerk of the provisions of this section, and that his or her property constitutes a nonconforming use. Within 30 days after receipt of the notice, the owner shall apply for and be issued a certificate of occupancy for the nonconforming use. The application for this certificate shall designate the location, nature, and extent of the nonconforming use, and other details as may be necessary for the issuance of the certificate of occupancy. If the owner of a nonconforming use fails to apply for a certificate of occupancy within 30 days after receipt of the foregoing notice, the use ceases to be nonconforming and is hereby declared to be in violation of this ordinance. The City Clerk and the City Attorney shall take appropriate action to enjoin the violation.

(B) If the Zoning Administrator shall find, upon reviewing the application for a certificate of occupancy, that the existing use is illegal or in violation of any other ordinance or law, or if he or she finds that the building for which the certificate is requested has been constructed or altered for the existing use or any other use without full compliance with the Building Code or the zoning ordinance in effect at the time of construction or alteration, he or she shall not issue the certificate of occupancy but shall declare the use to be in violation of this ordinance.

(C) After the adoption of this ordinance, or any amendments thereto, the Zoning Administrator shall prepare a record of all known nonconforming uses and occupations of lands, buildings, and structures, including tents and trailer coaches, existing at the time of the ordinance or amendment. This record shall contain the names and addresses of the owners of record of the nonconforming use and of any occupant, other than the owner, the legal description of the land, and the nature and extent of use. The list shall be available at all times in the office of the City Clerk.

§ 157.137 NONCONFORMING SIGNS.

(A) It is the intent of this section to recognize that the eventual elimination, as expeditiously as it is reasonable, of existing signs that are not in conformity with the provisions of this ordinance, is as much a subject of health, safety, and welfare as is the prohibition of new signs that would violate the provisions of this ordinance. It is also the intent of this section that any elimination of nonconforming signs shall be effected so as to avoid any unreasonable invasion of established private property rights.

(B) Any sign, billboard, commercial advertising structure, or similar object which lawfully existed and was maintained at the time this ordinance became effective may be continued although the use does not conform with the provisions of this ordinance, provided that it shall not be:

- (1) Changed to another nonconforming sign;
- (2) Structurally altered as to prolong the life of the sign;
- (3) Expanded;
- (4) Reestablished after its discontinuance for 90 days; or
- (5) Reestablished after damage or destruction if the estimated expense of reconstruction exceeds 50% of the appraised replacement cost.

§ 157.138 PLANS ALREADY FILED.

In any case where plans and specifications for a building or structure have been filed, which would conform with the zoning regulations effective at the date of the filing but not with the regulations of this ordinance, and where a building permit for the building or structure has been issued and construction work started at the effective date of this ordinance, the work may proceed, provided it is completed within 1 year of that date.

BOARD OF ZONING APPEALS

§ 157.150 CREATION.

(A) There is hereby established a Board of Zoning Appeals, which shall perform its duties and exercise its powers as provided in Public Act 207 of 1921, as amended, being M.C.L.A. §§ 125.581 - 125.590, in such a way that the objectives of this ordinance shall be observed, public safety secured, and substantial justice done. The Board of Zoning Appeals shall consist of not less than 5 members appointed by the City Council. Appointments for the first year respectively, so as nearly as may be possible to provide.

(B) Thereafter each member shall be appointed and hold office for the full 3-year term. The first member shall be the chairperson of the Planning Commission, the second member shall be a member of the City Council appointed by the City Council, and the remaining members shall be appointed by the City Council.

(C) The City Council may appoint not more than 2 alternate members to the Board of Zoning Appeals for 3-year terms. The alternate members so appointed shall be called on a rotating basis to sit as regular members of the Board in the absence of a regular member. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reason of conflict of interest. The alternate member shall serve in any case before the Board through its conclusion and until a final decision or resolution has been made on that case. The alternate member shall have the same voting rights as a regular member of the Board of Zoning Appeals.

§ 157.151 MEETINGS.

All meetings of the Board of Zoning Appeals shall be held at the call of the chairperson, and at those times as the Board of Zoning Appeals may determine. All meetings of the Board of Zoning Appeals shall be open to the public. The Board of Zoning Appeals shall keep minutes of its proceedings, showing the vote of each member on each question, or if absent or failing to vote, indicating that fact, and shall keep records of its findings, proceedings at hearings, and other official actions, all of which shall be immediately filed in the office of the City Clerk and shall be a public record.

§ 157.152 APPEALS; SPECIAL APPROVALS.

An appeal may be taken to the Board of Zoning Appeals by any person, firm, or corporation, or by any officer, department, board, or bureau affected by a decision of the Zoning Administrator. These appeals shall be taken within that time as shall be prescribed by the Board of Zoning Appeals by general rule, by filing with the Zoning Administrator and with the Board of Zoning Appeals a notice of appeal, specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board of Zoning Appeals all of the papers constituting the record upon which action appealed from was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board of Zoning Appeals after the notice of appeal shall have been filed with him or her, that by reason of facts stated in the certificate, a stay would, in his or her opinion, cause imminent peril of life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order which may be granted by a court of record. Request for special approval may be taken to the Board of Zoning Appeals by any person, firm, or corporation having an interest in the subject matter thereof by filing with the Zoning Administrator and with the Board of Zoning Appeals a notice thereof. The Board of Zoning Appeals shall select a reasonable time and place for the hearing of the appeal or request for special approval and give due notice thereof to the parties and shall render a decision on the appeal without unreasonable delay. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney.

§ 157.153 HEARING; NOTICE.

(A) The Board of Zoning Appeals shall make no recommendation in any specific case until after a public hearing, conducted by the Board of Zoning Appeals, has been held.

(B) Notice of the hearing of the appeal shall be given pursuant to Section 103 of Act No. 110, Public Acts of 2006, the Michigan Zoning Enabling Act.

§ 157.154 APPEALS AND VARIANCES; BOARD POWERS AND DUTIES.

(A) The Board of Zoning Appeals as herein created, is a body of limited powers.

(B) The Board of Zoning Appeals shall have the following specific powers and duties concerning appeals and requests for variances:

(1) To hear and decide appeals where it is alleged there is an error of law in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this ordinance, and to hear and decide appeals where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this ordinance so that the spirit of the ordinance shall be observed, public health and safety secured, and substantial justice done;

(2) In hearing and deciding appeals, the Board of Zoning Appeals shall have the authority to grant such variances as may be in harmony with the general purposes and intent of this ordinance, so that public health, safety, and welfare are secured, and substantial justice done, and may:

(a) Interpret the provisions of the ordinance in such a way as to carry out the intent and purpose of the plan, as shown upon the Zoning Map fixing the use districts, accompanying this ordinance, where the street layout actually on the ground varies from the street layout as shown on the Map;

(b) Permit the erection and use of a building or use of land for public utility purposes in any zoning district and waive height restrictions when the Board considers it necessary for the general public welfare;

(c) Permit the modification of the off-street automobile parking space or loading space requirements where, in the particular instance, the modifications will not be inconsistent with the purpose and intent of those requirements;

(d) Permit modification of the height, lot area, yard, setbacks, floor area, and lot width regulations as may be necessary to secure an appropriate improvement of a lot which is of such a shape or size, or so located with relation to surrounding development or physical characteristics, that it cannot otherwise be appropriately improved without that modification, provided that modification of lot area regulations shall be permitted only in instances where the nature of the soil and drainage is such that there is sufficient area for safe water supply and sanitary disposal of waste (unless central water distribution or sanitary sewerage are provided). Whenever the Board of Zoning Appeals determines that the same are necessary in order to render a decision, it may require the appellant to submit a topographical survey or the results of percolation tests certified by the City Engineer or other registered engineer or land surveyor; or

(e) Permit temporary buildings and uses for periods not exceeding 1 year.

(3) (a) In consideration of all appeals and all proposed variances under this ordinance, the Board of Zoning Appeals shall, before granting any appeals or variance in a specific case, first determine that the proposed variance:

1. Involves unnecessary hardship for a use variance and practical difficulty for a non-use variance which precludes the reasonable use of the property, and involves exceptional and unique circumstances inherent in the property itself or in the immediately surrounding area not found in other areas of the same zoning district;

2. Will not impair an adequate supply of light and air to adjacent property or increase the congestion in public streets;

3. Will not increase the hazard of fire or flood, or endanger the public safety;

4. Will not unreasonably diminish or impair established property values within the surrounding area;
5. Will not in any other respect impair the public health, safety, comfort, morals, or welfare of the inhabitants of the city; and
6. Will not alter the essential character of the neighborhood.

(b) The concurring vote of a majority of the members of the Board of Zoning Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant any matter upon which it is authorized by this ordinance to render a decision. Nothing herein contained shall be construed to give or grant to the Board of Zoning Appeals the power or authority to alter or change this ordinance or the Zoning Map, that power and authority being reserved to the City Council in the manner provided by law.

(4) In exercising the above powers, the Board of Zoning Appeals may reverse, or affirm wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the Zoning Administrator from whom the appeal is taken.

§ 157.155 INFORMATION REQUIREMENTS; CONDITIONS ON APPROVAL.

The Board of Zoning Appeals may require the appellant or applicant requesting a variance or special approval to submit all necessary surveys, plans, or other information the Board may reasonably require. The Board of Zoning Appeals may impose conditions or limitations in granting a variance or special approval as it may deem necessary to comply with the spirit and purposes of this ordinance.

ADMINISTRATION AND ENFORCEMENT

§ 157.170 ENFORCEMENT; STOP WORK ORDER.

The provisions of this ordinance shall be administered and enforced by the Zoning Administrator or any other employees, inspectors, and officials as the Zoning Administrator may delegate to enforce the provisions of the ordinance. Upon notice that work is being done contrary to the provisions of or without a permit required by this ordinance, the work shall be immediately stopped. The stop work order shall be in writing and shall be posted on the site or be given to the owner of the property involved, the owner's agent, or the person doing the work. The work may resume only after approval from the Building Department of the city. Any person who shall continue to work after a stop work order is issued shall be in violation of this ordinance.

§ 157.171 DUTIES OF ZONING ADMINISTRATOR.

(A) The Zoning Administrator shall have the power to grant building, site, and occupancy permits and to make inspections of buildings, sites, or lots necessary to carry out his or her duties in the enforcement of this ordinance. It shall be unlawful for the Zoning Administrator to approve any plans or issue a building, site, or occupancy permit for any excavation or construction until he or she has inspected those plans in detail and found them in conformity with this ordinance. To this end, the Zoning Administrator shall require that every application for a permit for excavation, construction, moving, or alteration or change in type of use or the type of occupancy, be accompanied by written statement and plans or plats drawn to scale, in triplicate (site plan review - 12 copies), and showing the following in sufficient detail to enable the Zoning Administrator to ascertain whether the proposed work or use is in conformance with this ordinance:

- (1) The actual shape, location, and dimensions of the lot;
- (2) The shape, size, and location of all buildings or other structures to be erected, altered, or moved and of any buildings or other structures already on the lot;
- (3) The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate; and
- (4) Other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this ordinance are being observed as required in previous sections (i.e., site plan review, lot splits, and the like).

(B) If the proposed excavation, construction, moving, alteration, or use of the land as set forth in the application are in conformity with the provisions of this ordinance, the Zoning Administrator shall issue a building or site permit. If any application for these permits is not approved, the Zoning Administrator shall state, in writing, on the application, the cause for disapproval. Issuance of a permit shall in no case be construed as waiving any provisions of this ordinance.

(C) Whenever an application for a building or site permit indicates the necessity for constructing an on-site sewage disposal system or water well system on the premises, the Zoning Administrator shall not issue the permit unless the County Health Department shall have approved the site for the construction of those facilities.

(D) The Zoning Administrator is under no circumstances permitted to grant exceptions to the meaning of any clause, order, or regulation contained in this ordinance to any person making application to excavate, construct, move, alter, or use buildings, structures, or land within the city. The Zoning Administrator shall record all nonconforming uses existing at the effective date of this ordinance.

§ 157.172 PERMIT REQUIREMENTS.

The following shall apply in the issuance of any permit.

(A) *Permits required.* It shall be unlawful for any person to commence excavation for, construction of any building or structure, structural changes or repairs in any existing building or structure, or moving of an existing building, without first obtaining a building or site permit from the Zoning Administrator or Building Official. No permit shall be issued for construction, alteration, or remodeling of any building or structure until an application has been submitted in accordance with the provisions of this ordinance showing that the construction proposed is in compliance with the provisions of this ordinance, with the Building Code, and with other applicable ordinances.

(1) No plumbing, electrical, drainage, or other permit shall be issued until the Zoning Administrator or Building Official has determined that the plans and designated use indicate that the structure and premises, if constructed as planned and proposed, will conform to the provisions of this ordinance.

(2) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

ALTERATION or REPAIR. Of an existing building or structure, shall include any changes in structural members, stairways, basic construction type, kind or class of occupancy, light or ventilation, means of egress and ingress, or any other changes affecting or regulated by the Building Code, the housing law of the state, or this ordinance, except for minor repairs or changes not involving any of the aforementioned provisions.

(B) *Permits for new use of land.* A building permit or site permit shall also be obtained for the new use of land, whether the land is presently vacant or a change in land use is proposed.

(C) *Permits for new use of buildings or structures.* A building permit or site permit shall also be obtained for any change in use of an existing building or structure to a different class or type.

§ 157.173 CERTIFICATES OF OCCUPANCY.

(A) It shall be unlawful to use or permit the use of any land, building, or structure for which a building permit and site permit is required and to use or permit to be used any building or structure hereafter altered, extended, erected, repaired, or moved until the Building Official and/or Zoning Administrator shall have issued a certificate of occupancy stating that the provisions of this ordinance have been complied with.

(B) The following provisions shall apply.

(1) *Certificate validity.* The certificate of occupancy, as required for new construction or of renovations to existing buildings and structures in the Building Code, shall also constitute a certificate of occupancy.

(2) *Records of certificates.* A record of all certificates of occupancy shall be kept in the office of the Building Official and/or Zoning Administrator and copies of the certificates of occupancy shall be furnished upon request to a person or persons having a proprietary or tenancy interest in the property involved.

(3) *Certificates for accessory buildings to dwellings.* Accessory buildings or structures to dwellings shall not require a separate certificate of occupancy, but rather, may be included in the certificate of occupancy for the principal dwelling, building, or structure on the same lot when the accessory buildings or structures are completed at the same time as the principal use.

(4) *Temporary certificates.* Certificates of temporary occupancy may be issued for a part of a building or structure prior to the occupation of the entire building or structure, provided that the certificate of temporary occupancy shall not remain in force more than 120 days, nor more than 5 days after the building or structure is fully completed and ready for occupancy, and provided further that those portions of the building or structure are in conformity with the provisions of this ordinance.

(5) *Application for certificates of occupancy.* Any person applying for a site permit or building permit shall at the same time apply to the Building Official and/or Zoning Administrator, in writing, for a certificate of occupancy. It shall be the duty of that person to notify the Building Official and/or Zoning Administrator upon completion of the building or structure. The Building Official and/or Zoning Administrator shall, within 5 business days after actual receipt of that notification, inspect the building or structure, and if he or she shall determine that the building or structure or part thereof or the proposed use of the premises is in conformity with this and other applicable ordinances and laws, the Building Official and/or Zoning Administrator shall determine that a violation exists, he or she shall not issue a certificate of occupancy and shall forthwith notify the applicant of that refusal and the cause therefor.

§ 157.174 BUILDING PERMIT; FINAL INSPECTION.

The recipient of any building permit and site permit for the construction, erection, alteration, repair, or moving of any building, structure, or part thereof shall notify the Building Official and/or Zoning Administrator or Public Works Director immediately upon the completion of the work authorized by that permit for a final inspection.

§ 157.175 FEES.

Fees for inspections and the issuance of permits or certificates or copies thereof required or issued under the provisions of this ordinance shall be collected by the Zoning Administrator or Public Works Director in advance of the issuance of the permits or certificates. The amount of the fees shall be established by the City Council and shall cover the cost of inspection and supervision resulting from the enforcement of this ordinance.

§ 157.176 AMENDMENTS.

The City Council may, upon recommendation from the Planning Commission, on a motion or petition from the Commission, amend, supplement, or change the regulations of the district boundaries of this ordinance as established herein, subsequently pursuant to the authority and procedure set forth in Public Act 207 of 1921, as amended, being M.C.L.A. §§ 125.581 - 125.590. Any applicant desiring to have any change made in this ordinance shall, with his or her petition for that change, deposit a fee as determined by the City Council with the City Treasurer at the time that the petition is filed to cover the publication and other miscellaneous costs for the change.

§ 157.177 SPECIAL APPROVALS; PLANNING COMMISSION POWERS AND DUTIES.

The Planning Commission, as herein created, shall have the following specific powers and duties concerning special approvals.

(A) *Purpose.* In hearing and deciding upon special approvals, the Planning Commission shall base its actions on the theory that the development and execution of a comprehensive zoning ordinance is founded upon the division of the city into districts within which

districts the use of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are variations in the nature of special uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts without consideration in each case of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location. These special uses fall into 2 categories:

- (1) Uses either municipally operated or operated by publicly regulated utilities or uses traditionally affected with a public interest; and
- (2) Uses entirely private in character but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.

(B) *Authorization.* The special approval of specific land uses and activities, as required under §§ 157.035(C), 157.036(C), 157.043(C), 157.044(C), 157.046(C), and 157.047(C), may be authorized by the Planning Commission pursuant to the requirements of this section.

(C) *Application.* An application for special approval for a land use shall be filed and processed in the manner prescribed for application for site plan review in § 157.092 and shall be in that form and accompanied by that information as shall be established from time to time by the Planning Commission. Any application for special land use approval shall be filed simultaneously with an application for site plan review for the subject use.

(D) *Notice of request for special approval.* Notice of a request for special approval of a land use shall be in the form of 1 notice published in a newspaper of general circulation in the city, plus a notice sent by mail or by personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within 300 feet of the boundary of the use in question, and to the occupants of all structures within 300 feet, except that the notice shall be given not less than 5 and not more than 15 days before the application will be considered.

(1) If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than 1 occupant of a structure, except that if a structure contains more than 1 dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, 1 occupant of each unit or spatial area shall receive notice.

(2) In the case of a single structure containing more than 4 dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure. The notice shall:

- (a) Describe the nature of the special land use request;
- (b) Indicate the property which is the subject of the special land use request;
- (c) State when and where the special land use request will be considered;
- (d) Indicate when and where written comments will be received concerning the request; and
- (e) Indicate that a public hearing on the special land use request may be requested by a property owner or the occupant of a structure located within 300 feet of the boundary of the use being considered for a special use.

(E) *Hearing.* At the initiative of the Planning Commission, or upon the request of the applicant for special approval of a land use, or a property owner or the occupant of a structure located within 300 feet of the boundary of the use being considered, a public hearing shall be held with notice as provided in subsection (D), before a decision on the special approval request is made. If the applicant or the Planning Commission requests a public hearing, only notification of the public hearing need be made and no notice of request for special approval, as provided in subsection (D), is required. A decision on a special approval request which is based on discretionary grounds shall not be made unless notification of the request for special approval, or notification of a public hearing on a special approval request is given as required by this section.

(F) *Standards.* No special approval shall be granted by the Planning Commission unless the special use:

- (1) Will reasonably promote the use of land in a socially and economically desirable manner for those persons who will use the proposed land use or activity, for those landowners and residents who are adjacent, and for the city as a whole;
- (2) Is compatible with adjacent uses of land;
- (3) Is so designed, located, and proposed to be operated that the public health, safety, and welfare will be protected;
- (4) Can be adequately served by public services and facilities without diminishing or adversely affecting public services and facilities to existing land uses in the area;
- (5) Will reasonably protect the natural environment and help conserve natural resources and energy;
- (6) Is within the provisions of uses requiring special approval as set forth in the various zoning districts herein, is in harmony with the purposes and conforms to the applicable regulations of the zoning district in which it is to be located, and meets applicable site design standards for the particular use; and
- (7) Is related to the valid exercise of the city's police power and purposes which are affected by the proposed use or activity.

(G) *Approval.* Planning Commission may deny, approve, or approve with conditions, requests for special approval of a land use. The decision on a special approval shall be incorporated in a statement of conclusions relative to the specific land use under consideration. The decision shall specify the basis for the decision, and any conditions imposed. If, within 15 days of the decision of the Planning Commission, there is an objection by the applicant or by a property owner or occupant of a structure within 300 feet of the special use being considered, then the matter shall be referred to the City Council for review and action.

(H) *Record.* The conditions imposed with respect to the special approval of a land use or activity shall be recorded in the record of the special approval action and shall remain unchanged except upon the mutual consent of the Planning Commission and the landowner. The Planning Commission shall maintain a record of changes granted in conditions.

§ 157.999 PENALTY.

(A) The violation of any provision of the zoning ordinance shall be deemed a municipal civil infraction.

APPENDIX A: SCHEDULE OF REGULATIONS

Zoning District	Minimum Lot Width (Ft.)	Minimum Lot Area (Sq. Ft.)	Maximum Lot Coverage (%)	Maximum Building Height		Minimum Yard, Unobstructed (Ft.)				Minimum Floor Area Per Dwelling Unit (Sq. Ft.)
				Stories	Ft.	Front	1 Side	2 Sides	Rear	
C-1	-	k	40	2	30	25 ^b	m	m	25 ⁿ	-
C-2	-	k	40	2	30	30 ^{l,b}	m	m	25 ⁿ	-
C-3	-	k	40	2	30	35 ^{l,b}	20	40	25 ⁿ	o
C-4, community shopping center	-	6 acres	30	2	-	30 ^l	25 ^m	m	25 ⁿ	-
C-4, neighborhood shopping center	-	1 acre	30	2	-	25 ^l	20 ^m	m	25 ⁿ	-
C-4, regional shopping center	-	10 acres	30	4	50	100 ^l	50	100	50 ⁿ	-
HRM	h	1 acre	15	10	100	j,b	j	j	j	g
M-1	-	-	50	2.5	35	35 ^b	20	40	35	-
M-2	-	-	50	2.5	35	50 ^b	30	60	50	-
P-1	-	-	100	-	30+	20 ^{r,b}	10 ^s	20	-	-
R-1A with public sewer	85	10,625	35	2.5	35	30	10	20	35	1,000
R-1A ^q without public sewer	100 ^u	15,000	35	2.5	35	35 ^b	15	30	45	(1,000)
R-1B with public sewer	75	9,000	35	2.5	35	25	10	20	30	1,000
R-1B without public sewer	100 ^u	12,000	35	2.5	35	35 ^b	15	30	40	(1,000)
R-1C with public sewer	60	7,200	35	2.5	35	20	5	15	30	800
R-1C without public sewer	100 ^u	12,000	35	2.5	35	35	15	30	35	800
RM	200 ^u	2 acres ^{d,e}	35	2.5	35	35 ^b	25 ^f	50 ^f	35	g
RM-1	200 ^u	2 acres	35	2.5	35	35 ^b	25 ^f	50 ^f	35	g
RMH	400 ^u	-	30	1	15	35 ^b	25	50	35	-
R-O	-	k	40	2 ^p	30	30 ^b	20	40	30	-
SE ^q	150 ^u	43,560	30	2.5	35	50 ^b	20	40	50	1,200
SE with public sewer	100	15,000	30	2.5	35	50	20	40	50	1,200

FOOTNOTES TO SCHEDULE OF REGULATIONS

a. The minimum floor area per dwelling unit shall not include areas of basements, breezeways, unenclosed porches, terraces, attached garages, attached sheds, or utility rooms.

b. In all residential, office through industrial districts, the required front yard setback shall not be used for off-street parking, loading, or unloading, and shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping, plant materials, or vehicle access drives, as directed by the Planning Commission. Steps and wooden handicapped ramps shall also be permitted to intrude into required front yard setback space.

c. Except where otherwise provided in this ordinance, all exterior side yards abutting a street shall be provided with a setback equal to the front yard setback requirement of the district in which located and all regulations applicable to a front yard shall apply, except further, where a nonresidential district abuts a residential district, the exterior side yard setback requirement shall not be less than the minimum front yard setback requirement of the abutting residential district, but may be more depending on the applicable setback requirement of the nonresidential district.

d. Density calculation for the RM district indicated shall be based upon the area of the parcel exclusive of:

- (1) Publicly designated properties;
- (2) Public or utility easements;
- (3) Lands reserved for nonresidential purposes, except that designated recreation space being considered for public dedication may be included in the density calculation; and
- (4) Land not physically usable for residential purposes, such as ravines and swamp lands.

e. Minimum land area required for each dwelling unit in the RM district shall be:

RM Dwelling Unit Size	Minimum Land Area (Sq. Ft.)	
	Apartments	Townhouses
Efficiency or 1-bedroom unit	3,000	4,200
Two-bedroom unit	4,200	5,400
Three-bedroom unit	5,400	6,200
Four- or more bedroom units	6,200	6,200

f. For every lot on which a multiple, row, or terrace dwelling is erected, there shall be provided a side yard on each side of the lot, as indicated in the schedule. Each side yard shall be increased beyond the yard spaces indicated by 1 foot for each 10 feet or part thereof by which the length of the multiple, row, or terrace dwelling exceeds 40 feet in overall dimension along the adjoining side lot line.

g. Required minimum floor area for each dwelling unit shall be:

Dwelling Unit Size	Minimum Floor Area (Sq. Ft.)	
	Apartment	Townhouses
Efficiency	450	-
One-bedroom unit	600	-
Two-bedroom unit	850	600
Three-bedroom unit	1000	800

h. Lot width and depth is based upon lot area requirements.

i. Minimum land area required for each dwelling unit in the HRM district shall be:

HRM Dwelling Unit Size	Minimum Land Area (Sq. Ft.)
Efficiency or 1-bedroom unit	1,400
Two-bedroom unit	1,700
Three-bedroom unit	1,900
Four- or more bedroom unit	2,100

j. The minimum front, side, and rear yard requirements shall be 40 feet. For every 5 feet the building exceeds 40 feet in height, the yard requirement shall be increased by 1 foot. Where 2 or more buildings are erected on the same lot, the yard spaces between those buildings shall be at least 40 feet.

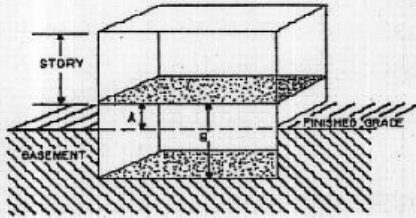
k. Every lot in the R-O, C-1, C-2, and C-3 districts, used as a business, shall have an area sufficient in size to comply with the requirements pertaining to the particular use with an adequate and safe water supply and a safe and adequate sewage disposal system as established by standards required by the State or County Health Department rules and regulations. In no case shall a business lot be less than 4,000 square feet in area.

l. Where existing front setback line has been established by existing commercial buildings occupying 40% or more of the frontage within the same block, that established setback shall apply.

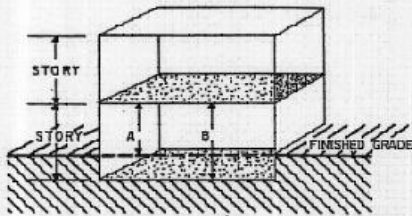
- m. In a C-1 or C-2 district, side yards are not required along interior side lot lines if all walls abutting or facing those lot lines are of fireproof construction and wholly without windows or other openings, but if the side wall is not of fireproof construction, or if fireproof construction but containing windows or other openings, a 10-foot side yard shall be provided.
- n. Where an alley separates the C-1, C-2, and C-3, and C-4 commercial districts from any residential district, the full alley width may be counted as part of the required yard.
- o. Where motels are permitted in the C-3 district, a minimum of 250 square feet of floor area per motel unit shall be provided.
- p. The City Council may approve waivers in the regulations for the R-O district in regard to area, height, and placement requirements after a written advisory recommendation has been received from the Planning Commission, provided the following conditions are met:
- (1) No structure shall exceed 10 stories or 100 feet in height;
 - (2) The location of the proposed site shall reflect the intent and purpose of the land use plan;
 - (3) The proposed site shall have at least 1 property line abutting a major thoroughfare. All ingress and egress to the site shall be directly onto the thoroughfare;
 - (4) The minimum yard width between buildings and adjoining lot lines and between unconnected buildings on the same lot shall be at least 40 feet plus 5 feet for each story in the building; and
 - (5) Off-street parking shall be provided in accordance with the requirements of §§ 157.110*et seq.* of this code.
- q. Cluster subdivisions (as in § 157.093) approved in SE and R-1A districts shall permit lot sizes and widths of lesser areas and dimensions as provided for under § 157.035(B)(5) for the SE district, and § 157.036(B)(6) for the R-1A district, and as regulated by § 157.093 of this code.
- r. Where a P-1 district is contiguous to a residentially zoned district which has a common frontage on the same block with the P-1 district, and wherein residential structures have been erected, there shall be provided a yard space equal to the average setback of homes in the block on the same side of the street.
- Where the P-1 district is contiguous to a residentially zoned district which has a common frontage in the same block with the P-1 district, and wherein residential structures have been erected having a front yard of greater than 20 feet in depth, there shall be provided a yard space equal in depth to the minimum distance of any residential structures so located, or to the minimum distance required by those restrictions, except in cases where residential structures have been erected at the rear lots. In those cases, the yard space shall not be less than 20 feet in depth and a protective wall as set forth in § 157.048(I).
- s. Where a P-1 district (on ground level) is contiguous to side lot lines of premises in a residentially zoned district, there shall be provided a side yard not less than 10 feet in width between the side lot lines and the parking area.
- Where the P-1 district lies across a street and opposite a residentially zoned district where the side lot lines are contiguous to that street, there shall be provided a yard space not less than 10 feet in depth. When the parking structure (5 ft. - 3 off) is contiguous to side lot lines of a residentially zoned or used district, there shall be provided a minimum side yard of 15 feet between those side lot lines and the structure.
- t. Permitted height of any parking structure shall not exceed 30 feet. For every 1 foot the parking structure exceeds 10 feet in height, the yard requirements shall be increased by 1 foot beyond the minimum 15-foot requirement.
- u. Shall be measured as road frontage.

APPENDIX B: IMAGES

BASEMENT & STORY DEFINITION

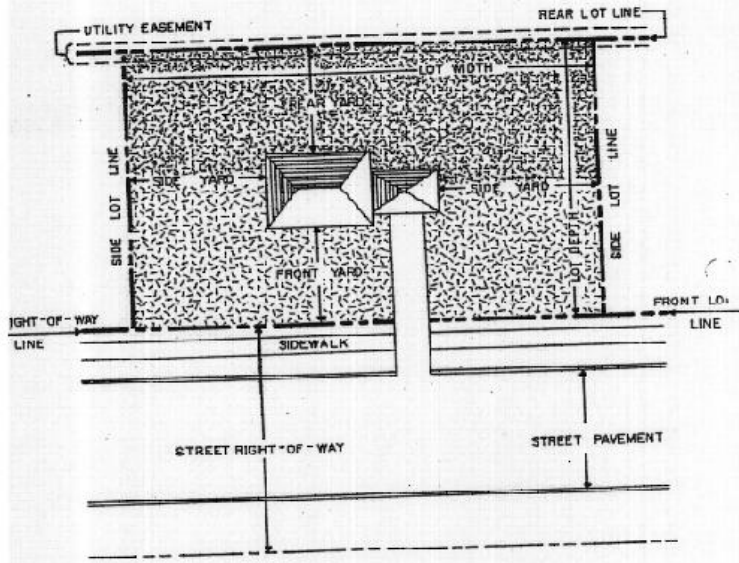


IF THE AVERAGE OF "A" IS EQUAL TO OR LESS THAN 1/2 OF "B", THIS IS A BASEMENT.



IF THE AVERAGE OF "A" IS GREATER THAN 1/2 OF "B" THIS IS A STORY.

LOT TERMS

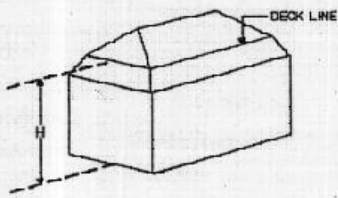


PREPARED BY: CITY OF BURTON D.P.W.

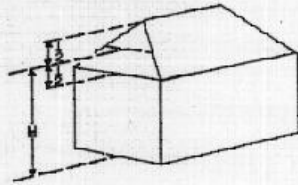
1/16/79

BUILDING HEIGHT REQUIREMENTS

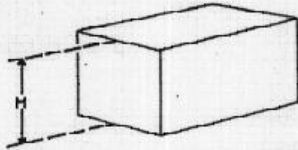
H = HEIGHT OF BUILDING



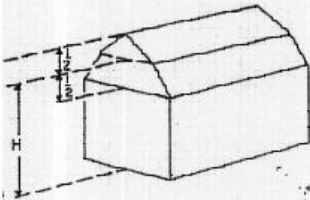
MANSARD ROOF



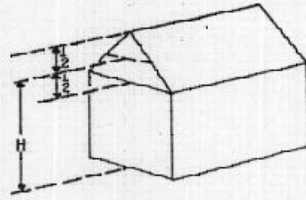
HIP ROOF



FLAT ROOF



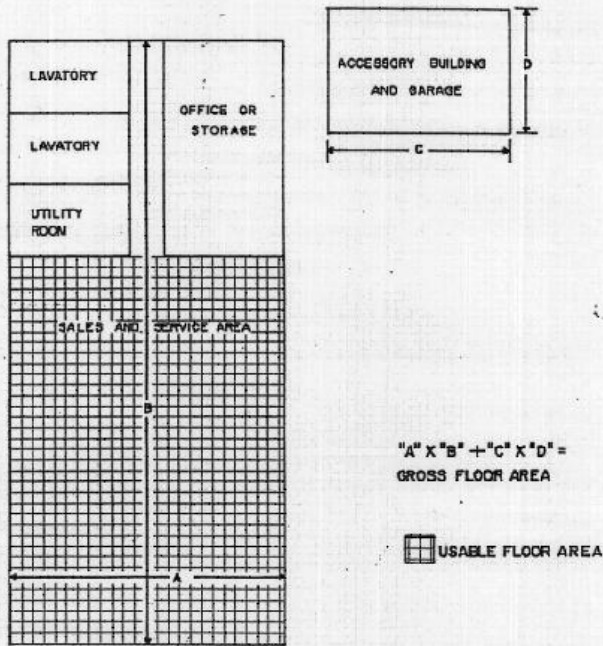
GAMBREL ROOF

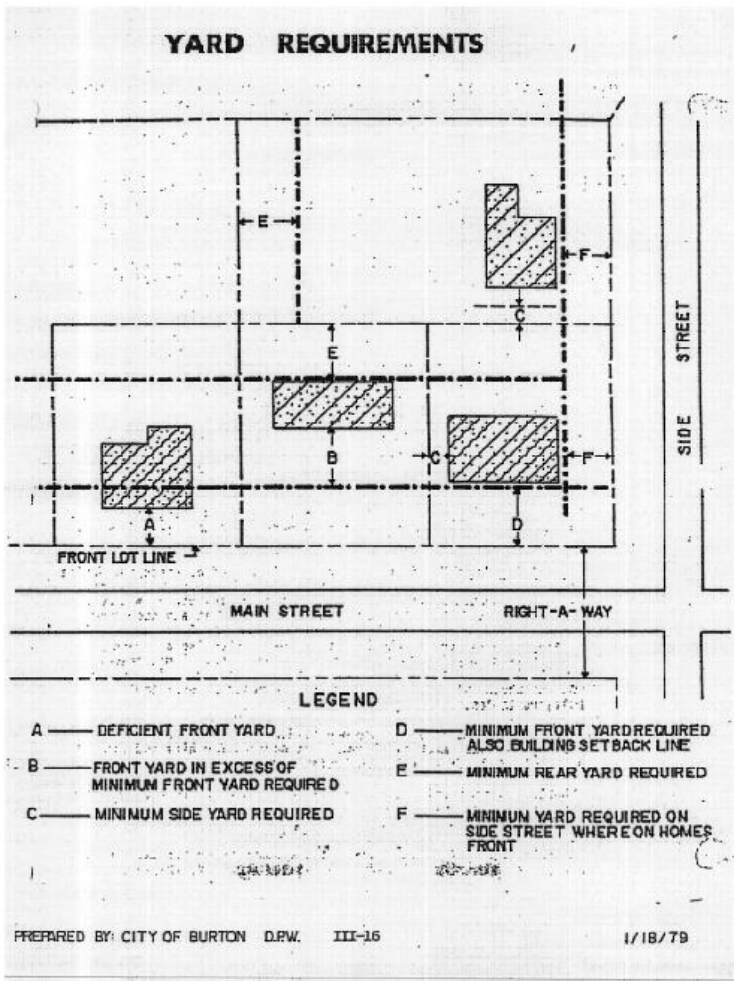


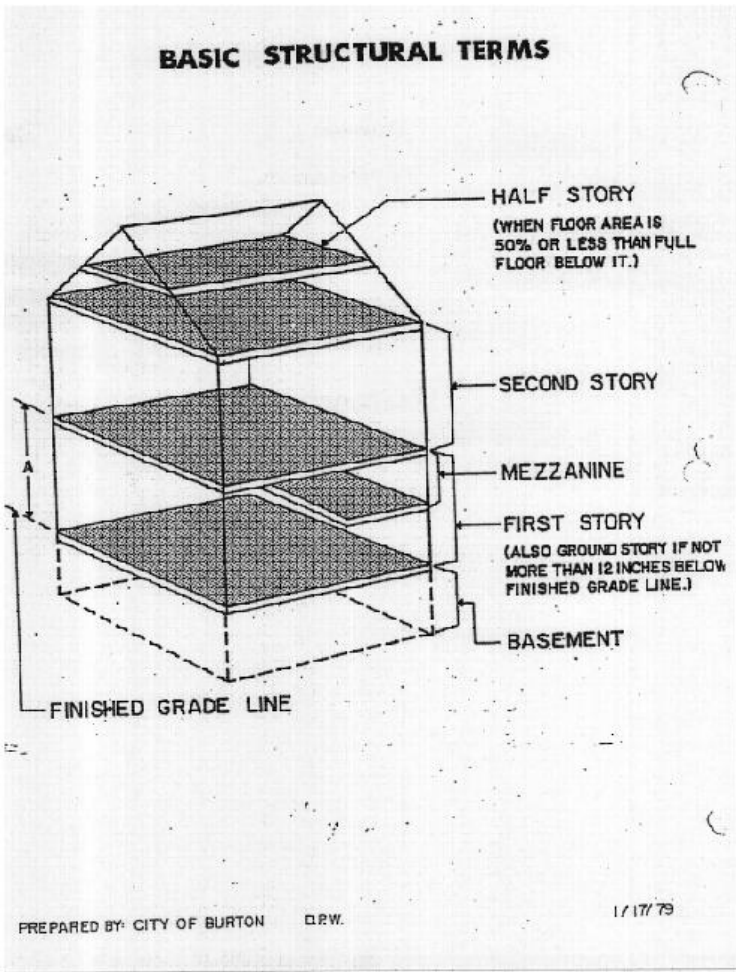
GABLE ROOF

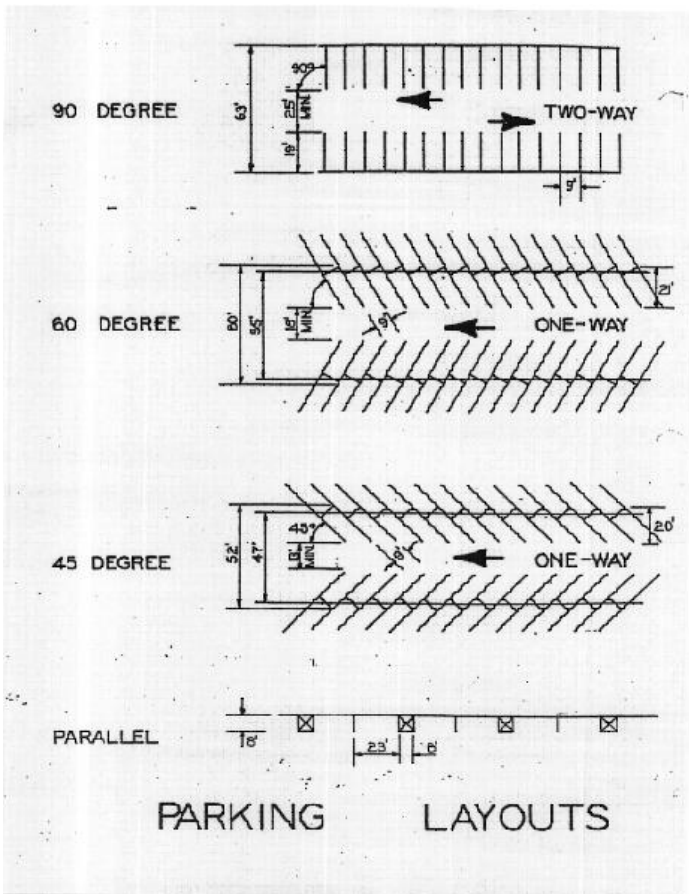
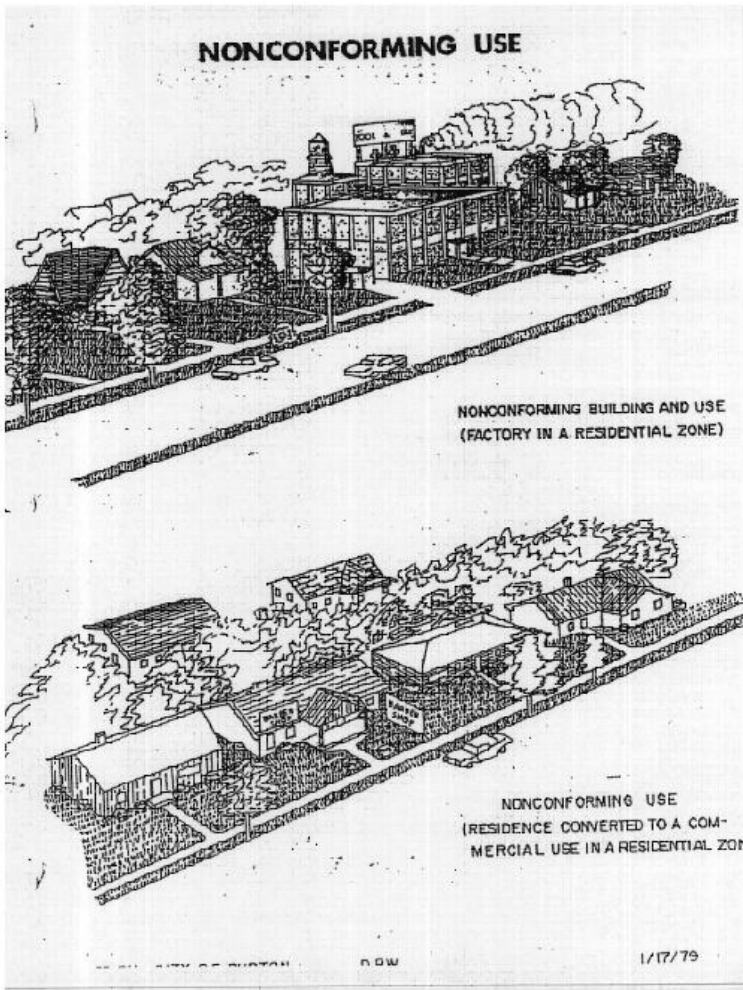
1/15/79

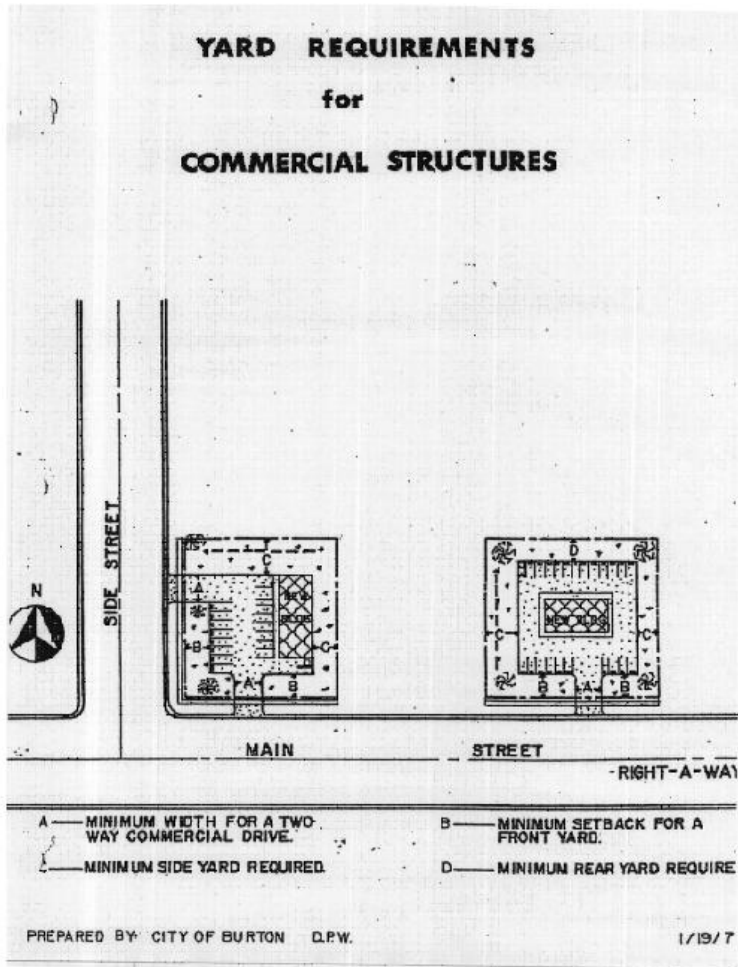
FLOOR AREA TERMINOLOGY











APPENDIX C: USE MATRIX

PU = Permitted Use SU = Special Use WR = With Restrictions	C-1 - Local Business	C-2 - General Business	C-3 - Highway Oriented	C-4 - Plan ned Shop ping	RO - Restricted Office	M-1 - Light Industrial	M-2 - General Industrial	R-1A - Single Family Resi dential	R-1B - Single Family Resi dential	R-1C - Single Family Resi dential	RM - Multiple Family Resi dential	SE - Suburban Estate Resi dential	HRM - High Rise / Multiple Family Resi dential	RMH - Mobile Home Park
PU = Permitted Use SU = Special Use WR = With Restrictions	C-1 - Local Business	C-2 - General Business	C-3 - Highway Oriented	C-4 - Plan ned Shop ping	RO - Restricted Office	M-1 - Light Industrial	M-2 - General Industrial	R-1A - Single Family Resi dential	R-1B - Single Family Resi dential	R-1C - Single Family Resi dential	RM - Multiple Family Resi dential	SE - Suburban Estate Resi dential	HRM - High Rise / Multiple Family Resi dential	RMH - Mobile Home Park
Accessory Structure to Principal	PU	PU	PU	PU		PU	PU	PU	PU	PU	PU	PU	PU	PU
Apartments											PU		PU	
Arcade		SU	SU											
Assembly Halls			PU											
Assisted Living Homes	PU	PU	PU		PU						PU		PU	
Automobile Repair		SU	SU			SU	PU							
Banks / Credit Union	PU	PU	PU	PU	PU									

Beauty Parlor or Barber	PU	PU	PU	PU		SU	PU							
Bowling Alley		SU	SU											
Carry out Restaurant	PU	PU	PU	PU			SU							
Cemetery (20 Acres Required)								SU	SU	SU	PU	SU	PU	
Churches	PU	PU	PU		PU			SU	SU	SU	PU	SU	PU	PU
Convalescent Homes	PU	PU	PU		PU						PU		PU	
Daycare Center	PU	PU	PU		PU			SU	SU	SU	PU	SU	PU	PU
Dog Kennel						SU	PU							
Dwelling, Multi Family											PU		PU	
Dwelling, Single Family								PU	PU	PU	PU	PU	PU	
Fabrication						PU	PU							
Family Care Center (less than 6)								PU	PU	PU	PU	PU	PU	PU
Farm Animals (5 Acres Required)								PU	PU	PU		PU		
Furniture/appliance repair shop		PU	PU	PU										
Gasoline Station		PU	PU	WR										
Golf Courses (5 Acres Required)								SU	SU	SU	PU	SU	PU	
Gym		PU	PU	PU										
High Rise Multi-Family													PU	
Home Occupation								PU	PU	PU	PU	PU	PU	
Hospitals		SU	SU								PU		PU	
Housing for Elderly	PU	PU	PU		PU						PU		PU	
Industrial Park						SU	PU							
Junk Yard							SU							
Landscaping Yard							SU							
Laundromats / Dry Cleaning	PU	PU	PU	PU		PU	PU							
Manufacturing – Automobiles							PU							
Manufacturing - not automobiles						PU	PU							
Medical / Dental Offices or Clinics	PU	PU	PU		PU									
Medical Marijuana Club		SU	SU			PU	PU							
Medical Marijuana Dispensary		SU	SU			PU	PU							
Medical Marijuana Grow Facility						PU	PU							
Mobile Homes / Parks														PU
Motel, Hotel or Lodging			PU			SU	PU							

Office - Professional (not medical)	PU	PU	PU	PU	PU									
Open Air Business			SU			PU	PU							
Open Storage Yards – Contractor							SU							
Photography Studio	PU	PU	PU	PU	PU									
Planned Unit Development								WR	WR		PU		PU	
Private Clubs (5 Acres Required)								SU	SU	SU	PU	SU	PU	
Recreational use – Indoor			SU			PU	PU							
Recreational use - Outdoor		SU	SU											
Recreational Vehicles Sales			PU			SU	PU							
Restaurant - Completely Enclosed	PU	PU	PU	PU		SU	PU							
Restaurant with a Drive Thru		SU	SU	WR										
Retail Stores	PU	PU	PU	PU										
Schools – Private	PU	PU	PU		PU									
Schools – Public	PU	PU	PU		PU			PU	PU	PU	PU	PU	PU	PU
Self-Storage Facility						SU	PU							
Shopping Center – Mall				PU										
Tailor	PU	PU	PU	PU	PU									
Tanning Salons		PU	PU											
Theaters - Completely Enclosed				PU										
Theaters - Drive-in						SU	PU							
Tool and Die Shop						PU	PU							
Towing Facility							SU							
Townhouses											SU			
Vehicle Sales – Inside			PU			PU	PU							
Vehicle Sales - Outdoor			SU			PU	PU							
Veterinarian Hospital		SU	SU											
Warehouse		SU	SU			PU	PU							
Welding							PU							
Wholesale Establishment		SU	SU			PU	PU							