

A	
Accessory Buildings	3-11
Administration and Enforcement	15-1
Amendments	14-1
Amusement Enterprises, transient	11-39
Apartments (upper floors of commercial buildings)	11-1
Automobile Service Stations	11-1
Automobile Wrecking and/or Junk Yards	11-1
Automobiles Outdoor Sales Space (new and used)	11-13
B	
Berm Standards	10-5
Buffer Zones	10-2
Building Appearance	3-17
Building Permits	15-6
Building Regulations	3-1
C	
Carnivals	11-39
Cemetery	11-12
Change in Tenancy or Ownership	5-3
Circuses	11-39
City Clerk	15-3
City Commission	15-3
Clear Vision Zone	3-13
Clinics	11-4
Cluster Subdivisions	11-2
Conditional Use Permit	9-1
Condominiums	12-1
Conflicting Laws, Ordinances, Regulations or Restrictions	1-1
Country Clubs	11-17
Curb Cuts and Driveways	3-14
D	
Definitions	2-1
Design Standards	11-1
Destruction of Structure	5-2

Downtown Overlay Zone	4-3
Drive-In Theaters	11-2
Driveways locations	3-14
Driveways, residential surface	3-2
Dumpster Enclosure	3-17
E	
Enforcement	15-5
Essential Services	3-14
Excavations and Dangerous Holes	3-4
Exceptions to Yard and Lot Area Requirements	3-10
F	
Farm Equipment Outdoor Sales Space	11-13
Fences	3-7
Fence, temporary	3-8
Fire Stations	11-2
Front Yards	3-10
G	
Golf Courses	11-17
Grading	3-14
Green Belts	10-6
H	
Home Occupation	11-3
Hospitals	11-4
House Trailers Outdoor Sales Space	11-13
I	
Industrial Park	11-5
K	
Kennels, Commercial & Residential	3-16

L	
Landscape Standards	10-1
Lot Area	3-10
Lot Grades	3-13
Lot Measurements	3-4
Lot Width	3-10
M	
Medical Marihuana	11-4
Mobile Home Park	11-6
Motel	11-11
Multiple Family Structures	11-12
N	
Non-Conforming Dwelling	3-4
Non-Conforming Lot	5-2
Non-Conforming Structure	5-1
Non-Conforming Use	5-1
Nursing Homes	11-4
O	
Off-Street Parking and Loading Space Requirements	7-1
Outdoor Sales Space	11-12
Overlay Zone/Residential/Commercial Transition Zone	4-2
P	
Parking in C-1	7-7
Parking in C-2	7-7
Parking in IBP	7-7
Performance Standards	3-15
Personal Construction Authority	3-14
Planned Unit Developments	11-13
Planning Commission	15-2
Plant Material Specifications	10-6
Public Parks	11-17
Purpose	1-1

R	
Rear Yards	3-10
Religious Institutions and other places of assembly	11-45
Residential/Commercial Transition Zone	4-2
Rules of Construction	2-1
S	
Sanitariums	11-4
Schools, public, private & parochial	11-45
Sexually Oriented Business	11-17
Shopping Centers	11-37
Side Yards	3-10
Single Family Home Standards	3-2
Site Plans	8-1
Storage Facilities	11-38
Storage in Front Yard	7-1
Structure Completion	3-14
Subdivisions, cluster	11-2
T	
Table of Dimensional Requirements	4-15
Table of District Purposes	4-6
Table of Uses	4-7
Temporary Residences	3-4
Temporary Uses, travel trailer, mobile home	11-39
Tennis Courts	11-17
Travel Trailers Outdoor Sales Space	11-13
Trees	10-7
Trees Not Permitted	10-9
V	
Variances	13-2
Violations and Penalties	15-5
W	
Water Towers	11-2
Wind Energy Turbines, Small Structure Mounted	11-39

Y	
Yard and Lot Area Requirements	3-4
Yards	3-6
Z	
Zoning Administrator	15-1
Zoning Board of Appeals	13-1, 15-2
Zoning Districts	4-1
Zoning District Map	4-1
Zoning Permit Application	15-4
Zoning Permit Required	15-3

TABLE OF CONTENTS

ARTICLE 1	1-1
	Purpose	1-1
	Interpretation.....	1-1
	Conflicting Laws, Ordinances, Regulations or Restrictions.....	1-1
ARTICLE 2	DEFINITIONS	2-1
ARTICLE 3	GENERAL PROVISIONS.....	3-1
	Scope.....	3-1
	Building Regulations	3-1
	Construction or Contracts under Permits Issued Prior to this Ordinance	3-2
	Single Family Home Standards	3-2
	Temporary Residences	3-4
	Excavations and Dangerous Holes	3-4
	Non-conforming Dwelling.....	3-4
	Yard and Lot Area Requirements.....	3-4
	Residential Yard Fences.....	3-7
	Exceptions to Yard and Lot Area Requirements.....	3-10
	Front Yards on Lots Running Through the Block	3-11
	Accessory Buildings.....	3-11
	Clear Vision Zone.....	3-13
	Lot Grades	3-13
	Grading	3-13
	Curb Cuts and Driveways.....	3-13
	Essential Services	3-14
	Structure Completion	3-14
	Personal Construction Authority	3-14
	Performance Standards	3-14
	Kennels	3-16
	Dumpster Enclosure	3-17
	Building Appearance.....	3-17

ARTICLE 4	DISTRICT REGULATIONS	4-1
	Zoning Districts.....	4-1
	Zoning District Map	4-1
	Zoning District Map - Boundaries.....	4-2
	Overlay Zone/Residential/Commercial Transition Zone.....	4-2
	Downtown Overlay Zone	4-3
	Table of District Purposes	4-6
	Table of Uses.....	4-7
	Table of Dimensional Requirements	4-15
ARTICLE 5	NON-CONFORMING	5-1
	Purpose	5-1
	Non-Conforming Use.....	5-1
	Non-Conforming Structure	5-1
	Non-Conforming Lot.....	5-2
	Destruction of Structure	5-2
	Maintenance	5-3
	Change in Tenancy or Ownership	5-3
ARTICLE 6	RESERVED	6-1
ARTICLE 7	OFF-STREET PARKING AND LOADING/UNLOADING.....	7-1
	Storage in Front Yard.....	7-1
	Off Street Parking and Loading Space Requirements.....	7-1
ARTICLE 8	SITE PLAN REVIEW	8-1
	Intent	8-1
	Major vs Minor Site Plans	8-1
	When Site Plans are Required	8-1
	Procedures	8-2
	Standards for Approval.....	8-4
	Appeal of Site Plan Decision.....	8-5
	Expiration of Site Plan Approval.....	8-5
	Revocation of Site Plan Approval.....	8-6

	Performance Guarantees	8-6
	Revisions to Approved Site Plan	8-7
ARTICLE 9	CONDITIONAL USE PERMIT	9-1
	Intent	9-1
	Procedures and Guidelines.....	9-1
	Expiration of Conditional Use Permit	9-3
	Revocation of Permit	9-4
	Changes to Conditional Use Permit.....	9-4
	Performance Guarantees	9-4
ARTICLE 10	LANDSCAPE STANDARDS.....	10-1
	Intent	10-1
	Application	10-1
	Minimum Buffer Zones	10-2
	Green Belts Required along the Public Right of Way.....	10-6
	Landscaping of Property	10-6
	Plant Material Specifications.....	10-6
	Existing Tree Preservation Incentives	10-9
	Minimum Standards for Installation and Maintenance	10-10
	Enforcement	10-11
ARTICLE 11	DESIGN STANDARDS	11-1
	Apartments (In the Upper Floors of Commercial Buildings)	11-1
	Automobile Service Stations	11-1
	Automobile Wrecking and/or Junk Yards.....	11-1
	Cluster Subdivisions	11-2
	Drive-In Theaters	11-2
	Fire Stations and Water Towers	11-2
	Home Occupation	11-3
	Medical Marihuana.....	11-4
	Hospitals, Sanitariums, Clinics, Nursing and Rest Homes and Charitable	
	Institutions for Human Care.....	11-4
	Industrial Park	11-5

	Mobile Home Park.....	11-6
	Motel	11-11
	Multiple Family Structures.....	11-12
	Municipal, Denominational and Private Cemeteries	11-12
	Outdoor Sales Space for Sale of New and Used Automobiles, Farm	
	Equipment, House Trailers, and Travel Trailer	11-13
	Planned Unit Developments.....	11-13
	Public Parks, Golf Courses, Country Clubs, Tennis Courts, and Similar	
	Recreational Uses	11-17
	Sexually Oriented Business	11-17
	Shopping Centers.....	11-37
	Storage Facilities	11-38
	Temporary Uses	11-39
	Small Structure Mounted Wind Energy Turbines	11-39
	Religious Institutions & Other Places of Assembly; Public, Private & Parochial Schools	11-45
ARTICLE 12	CONDOMINIUMS	12-1
	Intent	12-1
	Review Requirements.....	12-1
	Zoning Ordinance Standards	12-1
	Condominium Design Requirements.....	12-3
	Survey Requirements	12-3
ARTICLE 13	ZONING BOARD OF APPEALS.....	13-1
	Creation of Zoning Board of Appeals	13-1
	Meetings.....	13-1
	Powers of the Zoning Board of Appeals.....	13-2
	Variances	13-2
	Appeals	13-3
	Interpretation.....	13-3
	Time Limits.....	13-4
	Conditions	13-4
	Performance Guarantees	13-5

ARTICLE 14	AMENDMENTS	14-1
	Purpose	14-1
ARTICLE 15	ADMINISTRATION AND ENFORCEMENT	15-1
	Zoning Administrator.....	15-1
	Planning Commission	15-2
	Zoning Board of Appeals.....	15-2
	City Commission.....	15-3
	City Clerk	15-3
	Zoning Permit.....	15-3
	Enforcement	15-5
	Building Permits	15-6
	Transfer of Ownership	15-6
ARTICLE 16	RESERVED	
ARTICLE 17	VALIDITY/REPEAL/VESTED RIGHTS/EFFECTIVE DATE	17-1
	Severability	17-1
	Savings Clause	17-1
	Repeal.....	17-1
	Effective Date.....	17-1

ARTICLE 1

§1.01 PURPOSE

The purpose of this Ordinance is to promote the public health, safety, morals, and general welfare; to encourage the use of lands in accordance with their character and adaptability; and to limit the improper use of land; to avoid the overcrowding of population; to provide adequate light and air; to lessen congestion on the public roads and streets; to reduce hazards to life and property; to facilitate adequate provisions for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements; and to conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and properties, and with reasonable consideration, among other things, to the character of each district, its peculiar suitability for particular uses, the conservation of property values and natural resources, and the general and appropriate trend and character of land, building, and population development, as studied and recommended within a general plan by the Clio City Planning Commission, and endorsed, and regulations adopted, therefore, by the Clio City Commission.

§1.02 INTERPRETATION

The provisions of this Ordinance shall be considered as minimum standards and requirements within each respective zoning district and shall not preclude the establishment of higher, or more restrictive standards, or requirements for the authorization of any conditional use permit, where such higher or more restrictive standards or requirements are found necessary by the City Planning Commission to attain the intent of this Ordinance.

§1.03 CONFLICTING LAWS, ORDINANCES, REGULATIONS OR RESTRICTIONS

Conflicting laws of a more restrictive nature are not affected or repealed by this Ordinance. The provisions of this Ordinance shall be considered as minimum, and such conflicting laws of a more restrictive nature shall supersede any provisions of this Ordinance. Where there are conflicting laws of a less restrictive nature, or those conflicting in other ways than degrees of restrictiveness, the requirements of this ordinance shall be applied.

ARTICLE 2
DEFINITIONS

§2.01 RULES OF CONSTRUCTION

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

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

§2.02 ACCESSORY STRUCTURE

A detached structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.

§2.03 ACCESSORY USE

A use on the same lot with, and of a nature customarily incidental and subordinate to, the principal use.

§2.03.5 ADAPTIVE REUSE

A conversion of a building into a use other than that for which it was designed, such as changing a warehouse into gallery space or housing. (Ord. 517, passed 6-7-2021)

§2.04 ADULT FOSTER CARE FAMILY

A private residence licensed under PA 218 of 1979 for six or fewer adults to be provided with foster care for five or more days a week for two or more consecutive weeks. The adult foster care family home licensee is a member of the household and an occupant of the residence.

§2.05 ADULT FOSTER CARE, LARGE GROUP HOME

A facility licensed under PA 218 of 1979 to provide foster care for at least thirteen (13) but not more than twenty (20) adults.

§2.06 ADULT FOSTER CARE, MEDIUM GROUP HOME

A facility licensed under PA 218 of 1979 to provide foster care for at least seven (7) but no more than twelve (12) adults.

§2.07 ADULT FOSTER CARE, SMALL GROUP HOME

A facility licensed under PA 218 of 1979 to provide foster care for six (6) or fewer adults.

§2.08 ALLEY

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

§2.10 AREA, SALES

Sales area shall only include that area customarily open and accessible to the public.

§2.11 AUTOMOBILE REPAIR FACILITIES

General repair, engine rebuilding, or additional mechanical repair, reconditioning of motor vehicles, collision service, such as body, frame, or fender straightening and repair, overall painting, and vehicle rust-proofing.

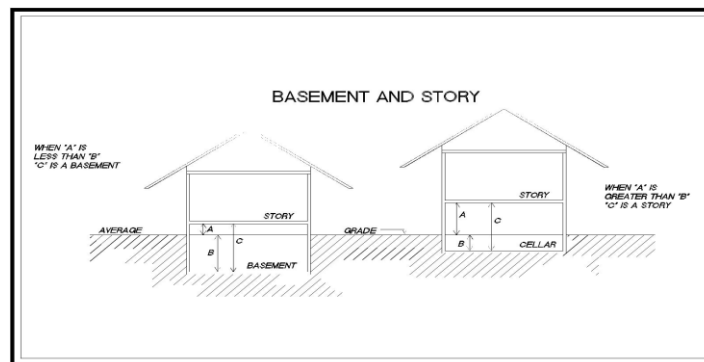
§2.12 AUTOMOBILE SERVICE STATIONS

A building or structure designed or used for the retail sale of fuel (stored only in underground tanks), lubricants, air, water and other operating commodities for motor vehicles, aircraft or boats, and including the customary space and facilities for the installation of such commodities on or in such vehicles, and including space for facilities for the storage, minor repair, or servicing, but not including bumping, painting, refinishing, major repairs and overhauling, steam cleaning, rust-proofing, where the primary use of the premises is such, or high speed washing thereof. The term covers such uses as quick oil change facilities and muffler/brake replacement facilities provided no major repairs as described above are undertaken.

§2.13 BASEMENT

That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story. (See Figure 2-1)

Figure 2-1



§2.14 BED & BREAKFAST INNS

A dwelling having one kitchen and used for the purpose of providing one meal daily; that being breakfast, and lodging for pay or compensation of any kind to any persons other than members of the family occupying such said dwelling.

§2.15 BLOCK (FACE)

A block face is defined as and consists of those properties fronting along an existing right-of-way and located between the intersection of existing streets, or between intersections and dividers such as rivers, railroads, and other similar natural or man-made features.

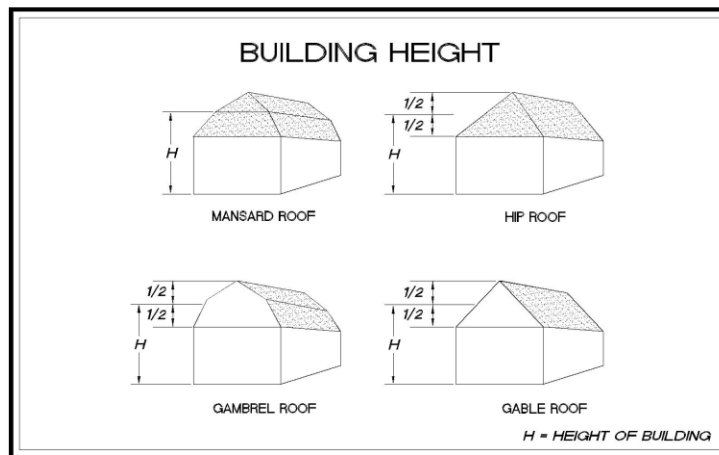
§2.16 BUILDING

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

§2.17 BUILDING HEIGHT

The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall. (See Figure 2-2)

Figure 2-2



§2.18 BUILDING PERMIT

An authorization issued by the Building Inspector to move, demolish, erect, or alter a structure within the city as described in the City Building Code.

§2.19 BUSINESS SERVICES

Establishment providing services such as printing, copying, mailing, and other similar business support services. (Ord. 446, passed 6-18-2012)

§2.20 CITY

The City of Clio, Genesee County, Michigan.

§2.21 CITY COMMISSION

The City Commission of the City of Clio, Genesee County, Michigan.

§2.22 CITY PLANNING COMMISSION

The Clio City Planning Commission as established by the Clio City Commission under provisions of the Municipal Planning Commission Act, being Act 285, Public Acts of 1931, as amended.

§2.23 CLINIC

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

§2.24 CLUB

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

§2.25 CONDITIONAL USE

A conditional use is a use of land for an activity which, under usual circumstances, would be detrimental to other land uses permitted within the same district, but which is permitted because of circumstances unique to the location of the particular use and which use can be conditionally permitted without jeopardy to uses permitted within such district.

§2.26 CONDITIONAL USE PERMIT

An authorization approved by the City Planning Commission to use a parcel of land and/or structure for a conditional use.

§2.27 CONDOMINIUM

The individual ownership of a unit or parcel of real property within a multi-unit parcel or structure.

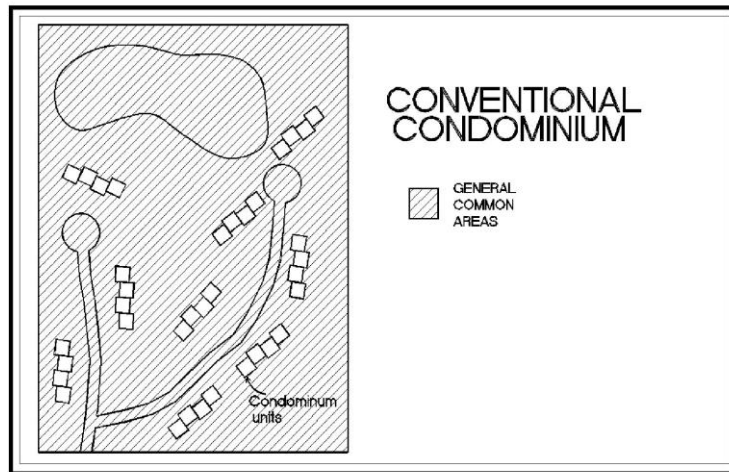
§2.28 CONDOMINIUM, CONTRACTIBLE

A condominium project from which any portion of the submitted land or building may be withdrawn in accordance with this act.

§2.29 CONDOMINIUM, CONVENTIONAL

A development in which ownership interest is divided under the authority of the Condominium Act (Pa 59 of 1978) and in which the condominium unit consists primarily of the dwelling or other principal structure and most of the land in the development is part of the general common area. (see Figure 2-3)

Figure 2-3



§2.30 CONDOMINIUM, CONVERSION

A condominium project containing condominium units, some or all of which were occupied before the filing of a notice of taking reservations under Section 71 of the Condominium Act, Pa 59 of 1978.

§2.31 CONDOMINIUM, EXPANDABLE

A condominium project to which additional land may be added in accordance with the Condominium Act, Pa 59 of 1978.

§2.32 CONDOMINIUM, GENERAL COMMON AREAS

Portions of the condominium development owned and maintained by the condominium association.

§2.33 CONDOMINIUM, LIMITED COMMON AREAS

Portions of the condominium development other than the condominium unit itself reserved for the exclusive use of less than all of the co-owners of the condominium development.

§2.34 CONDOMINIUM, MASTER DEED

The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and including those items required in Section 8 of the Condominium Act, Pa 59 of 1978.

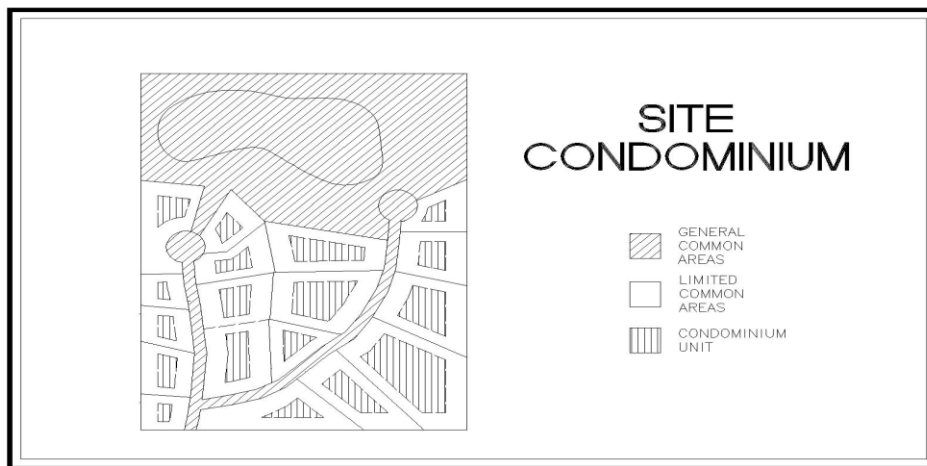
§2.35 CONDOMINIUM, OWNER OCCUPIED

Ownership and occupancy of a single dwelling unit within a multiple unit structure or structures by a single family.

§2.36 CONDOMINIUM, SITE

A development in which ownership interest is divided under the authority of the Condominium Act (Pa 59 of 1978) and in which the condominium unit consists of a building site, with or without structures, which along with associated limited common area, constitutes the equivalent of a lot. (see Figure 2-4)

Figure 2-4



§2.37 CONDOMINIUM SUBDIVISION PLAN

Means drawings and information prepared pursuant to Section 66 of the Condominium Act, Pa 59 of 1978.

§2.38 CONDOMINIUM UNIT

That portion of the condominium project designed and intended for separate ownership and use.

§2.39 CONVALESCENT OR NURSING HOME

A licensed structure with sleeping rooms where persons are housed or lodged and are furnished with meals, nursing and medical care.

§2.40 CUL-DE-SAC

A street terminated at one end, with a turning radius.

§2.41 DAY CARE CENTER

A facility, other than a private residence, receiving one or more preschool or school age children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. Child care center or day care center includes a facility which provides care for not less than two consecutive weeks, regardless of the number of hours of care per day.

§2.42 DAY CARE HOME, FAMILY

A private home in which not more than six children are received for care and supervision for a period of less than 24 hours per day. The six child limitation includes children under seven years old in the resident family and shall not include more than 2 children under 1 year old.

§2.43 DAY CARE HOME, GROUP

A private home in which not less than seven or more than twelve children are received for care and supervision for a period of less than 24 hours per day, and shall not include more than 2 children under 2 years old.

§2.44 DECORATIVE FENCE

A temporary structure used to enhance or accent the yards to protect the landscaping of the site.

§2.45 DISTRICT, ZONING

Each part, or parts of the City of Clio for which specific zoning regulations are prescribed.

§2.46 DRIVE-IN

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

§2.47 DRIVE-THRU

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

§2.47.5 DWELLING UNIT

Dwelling Unit. One (1) room or rooms connected together, constituting a separate, independent housekeeping unit for owner occupancy or rental or lease, and physically separated from any other rooms or dwelling units which might be located within the same structure. A dwelling unit shall contain independent kitchen, bathroom, sleeping, and living facilities, and shall be designed for

and occupied by one (1) family only.

Dwelling Unit, Accessory. A dwelling unit that is an integral part of a single-family dwelling or included in a detached accessory building that is incidental and subordinate to the primary single-family or two-family dwelling on the same lot.

Dwelling, Multiple-Family. A building, not including a manufactured home, designed for or occupied as three (3) or more dwelling units with separate cooking and utility facilities for each. Examples include a townhome, garden apartment, loft, triplex, fourplex, and so forth.

Dwelling, Single-Family. A detached building, including a manufactured home, designed for or occupied as one (1) dwelling unit with common cooking and utilities.

Dwelling, Two-Family. A detached building, not including a manufactured home, designed for or occupied as two (2) dwelling units, with separate cooking and utilities for each unit. Examples include a side-by-side duplex, up-and-down duplex, etc.

Live-Work Unit. A mixed-use dwelling unit consisting of both a commercial and residential function. It is intended to be occupied by a business operator who lives in the same structure that contains the commercial activity or industry.
(Ord. 517, passed 6-7-2021)

§2.52 ENTERTAINMENT ESTABLISHMENT

Any establishment (indoors or outdoors) where entertainment, either passive or active is provided for the pleasure of the patrons, either independent or in conjunction with any other use. Such entertainment includes but is not limited to vocal and instrumental music, dancing, karaoke, comedy, acting, and motion pictures. Live entertainment does not include the term adult entertainment facility or adult entertainment establishment.

§2.53 ENTERTAINMENT, LIVE

A musical, theatrical, dance, karaoke, or comedy act performed by one or more persons. Any form of dancing by patrons and guests at an eating or drinking establishment or bar is live entertainment. Live entertainment does not include the term adult entertainment facility or adult entertainment establishment.

§2.54 ESSENTIAL SERVICES

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

§2.55 ESSENTIAL SERVICE STRUCTURE

A building or large structure such as an electrical substation used to provide an essential service.

§2.56 EXCAVATION

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

§2.57 FAMILY

One or more persons related by blood, marriage, adoption or guardianship living as a single housekeeping unit.

§2.58 FAMILY, FUNCTIONAL

A group of people having a relationship which is functionally equivalent to a family. The relationship must be of a permanent and distinct character with a demonstrable and recognizable bond characteristic of a cohesive unit. Functional family does not include any society, club, fraternity, sorority, registered student organization, association, lodge, organization, or group of students or other individuals where the common living arrangement or basis for the establishment of the housekeeping unit is temporary.

§2.59 FENCE

A structure erected to act as a boundary marker or erected with the purpose of restricting access to or from a lot or parcel of land, whether enclosing all or part of said lot or parcel.

§2.61 TEMPORARY FENCE

A temporary structure, in any zoning district, intended to act as a boundary marker or erected with the purpose of restricting access to or from a lot or parcel of land, whether enclosing all or part of said lot parcel for a period of time not to exceed 30 days.

§2.62 FLOOD PLAIN, 100 YEAR

That area of land adjoining lake or watercourse which will be inundated by a flood with a 1% chance of occurring in any given year.

§2.63 FLOOR AREA

Floor area shall constitute the total floor area occupied by a use and measured to include all space primarily or incidentally for such use.

§2.64 FLOOR AREA, USABLE (For the purpose of computing parking)

That area used for or intended to be used for the sale of merchandise or services, or for use to serve the patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, or for utilities or sanitary facilities, shall be excluded from this computation of "Usable Floor Area." Measurement of usable floor area shall be the sum of horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

§2.65 FRONT BUILDING LINE

The line established by the front wall of the primary structure for the main living area of the residence, (but not including the garage), and extending to each side lot line.

§2.66 FRONT LOT LINE

In the case of an interior lot, the line separating said lot from the street. In the case of a corner lot or double frontage lot, the line separating said lot from that street which is designated as the front street in the plat or as the address of the property in question.

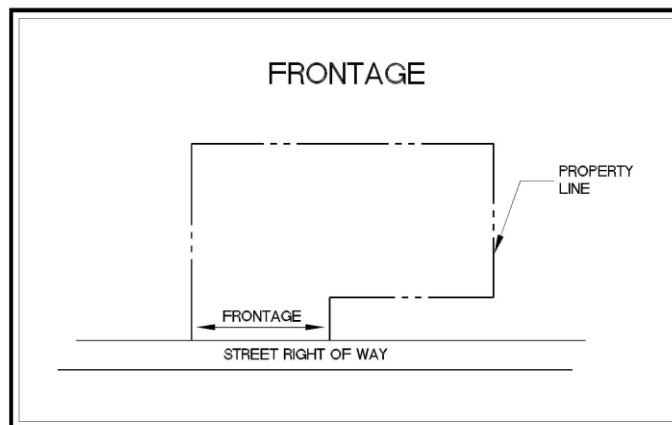
§2.67 FRONT SIDE LOT LINE

The line which extends from the front lot line to the front building line and which is established by the primary structure on the property.

§2.68 FRONTAGE

The lands and distance thereof of any lot fronting on one (1) side of a street between intersecting or intercepting streets, or between a street and another right-of-way, waterway, end of a dead end street or city boundary, measured along the street line. (See Figure 2-5)

Figure 2-5



§2.69 GRADE

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

§2.70 HOME OCCUPATION

An occupation conducted in a dwelling unit.

§2.71 JUNK YARD

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

§2.72 KENNEL

Any person who shall own or keep upon his premises four (4) or more dogs other than dogs under four (4) months of age, shall be deemed the operator of a dog kennel. It shall be unlawful to operate a dog kennel within the City of Clio without having first secured a license to operate kennel in compliance with the provisions of Article 3 §3.20 and §3.21 of the Zoning Ordinance.

§2.73 LOADING SPACE, OFF-STREET

Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in the computation of required off-street parking space.

§2.74 LOT

Any parcel of land, the area of which complies with requirements of this Ordinance.

§2.75 LOT AREA

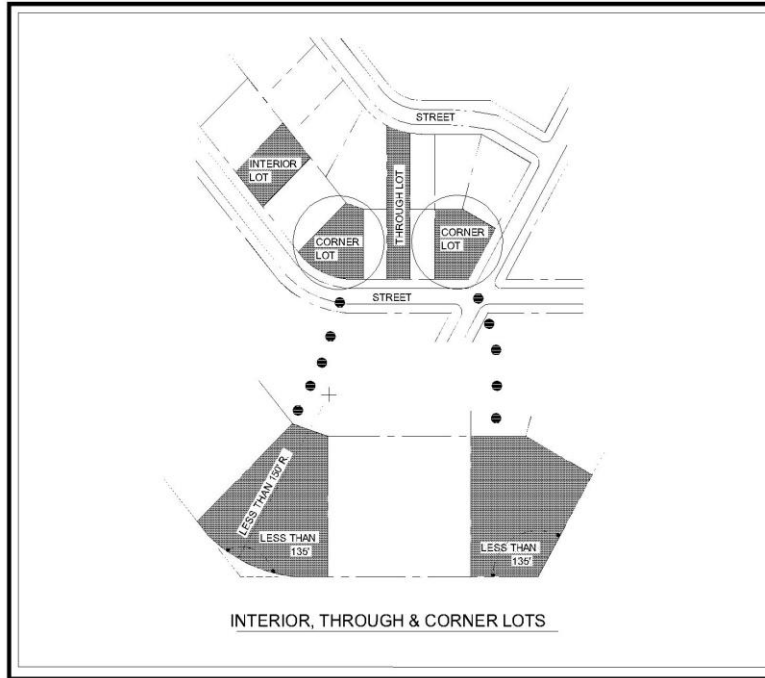
The total horizontal area within the lot lines of the lot.

§2.76 LOT, CORNER

Any lot having at least two (2) contiguous sides abutting upon a street, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five (135) degrees. A lot abutting upon a curbed street or streets shall be considered a corner lot if the tangents to the curve,

at its points of beginning within the lot or at the points of intersection of the side lot or at the points of intersect at an interior angle of less than one hundred thirty-five (135) degrees. (See Figure 2-6)

Figure 2-6



§2.77 LOT COVERAGE

Determined by dividing that area of a lot which is occupied or covers the total horizontal projected surface of all principal and accessory structures by the gross area of the lot.

§2.78 LOT DEPTH

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

§2.79 LOT, INTERIOR

Any lot other than a corner lot.

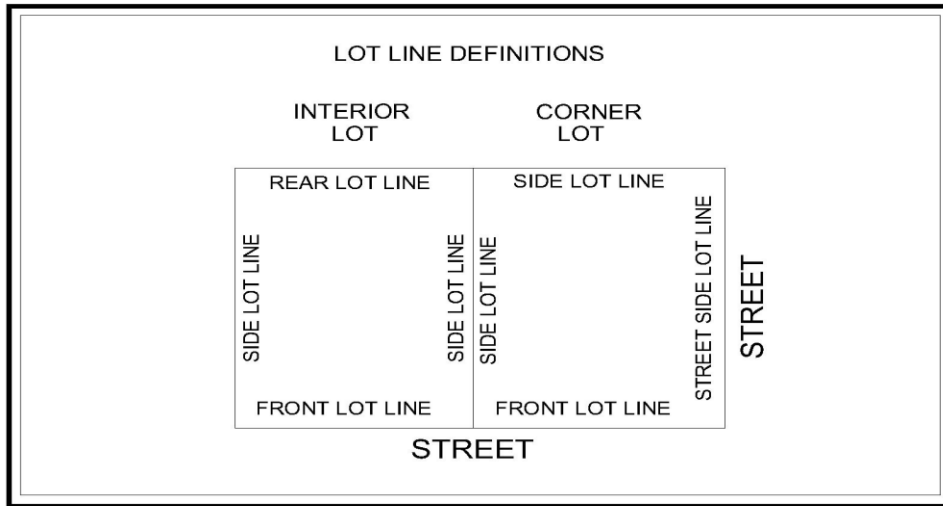
§2.80 LOT LINES

Any line bounding a lot:

- A. Front Lot Line: The line separating the lot from the street; in the case of a corner lot, the line separating the narrowest side of the lot from the street. If both sides are of equal length, the front yard by the designation of the front yard on the plat or by the applicants designation at the time they apply for a zoning permit. (see Figure 2-7) In the case of a through lot, the lines separating the lot from both streets are front lot lines.

- B. Rear Lot Line: The line opposite to and most distant from the front line; in irregularly shaped lots, it shall be the straight line entirely within the lot, ten (10) feet long, parallel to and most distant from the front lot line. (see Figure 2-7)

Figure 2-7



- C. Side Lot Line: Any line other than front or rear lot lines. (see Figure 2-7)
- D. Street or Alley Lot Line: Any line separating a lot from a street or alley. (see Figure 2-7)

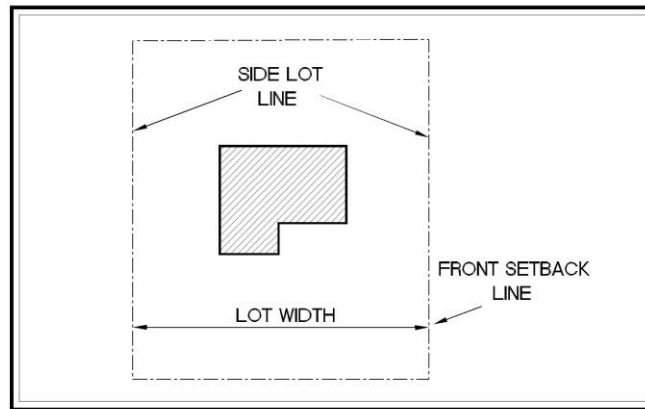
§2.81 LOT, THROUGH

Any interior lot having frontage on two more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all sides of said lots adjacent to streets shall be considered frontage, and front yards shall be provided as required. (See Figure 2-6)

§2.82 LOT WIDTH

The straight line distance between the side lot lines, measured at the two points where the minimum front yard setback intersects the side lot lines. (See Figure 2-8)

Figure 2-8



§2.83 LOT, ZONING

A single tract of land, located within a single block, which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control.

A zoning lot shall satisfy this Ordinance with respect to area, size, dimensions, and frontage as required in the district in which the zoning lot is located. A zoning lot therefore, may not coincide with a lot of record as filed with the County Register of Deeds, but may include one or more lots of record.

§2.84 LOT OF RECORD

A parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or in common use by the Municipal or County Officials, and which actually exists as so shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

§2.85 MAIN BUILDING

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

§2.86 MAIN USE

The principal use to which the premises are devoted and the principal purpose for which the premises exist.

§2.87 MAJOR THOROUGHFARE

An arterial street which is intended to serve as a large volume traffic way for both the immediate municipal area and the region beyond, and is designated as a major thoroughfare, parkway,

freeway, expressway, or equivalent term of the Major Thoroughfare Plan to identify those streets comprising the basic structure of the Major Thoroughfare Plan.

§2.88 MANUFACTURED HOME

A factory built, single-family structure that is manufactured under the authority of 42 U.S.C. Sec. 5401, the National Manufactured Home Construction and Safety Standards Act, is transportable in one or more sections, is built on a permanent chassis, and is used as a place of human habitation; but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site and which does not have wheels or axles permanently attached to its body or frame.

§2.89 MASTER PLAN

Future Land Use Plan for the City of Clio.

§2.89.5 MIXED-USE

Multiple functions within the same building through superimposition or adjacency, or in multiple buildings by adjacency.

§2.90 MOBILE HOME

A structure, transportable in 1 or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and including the plumbing, heating, air conditioning, and electrical systems contained in the structure, as defined in the Mobile Home Commission Act, PA 96 of 1987.

§2.91 MOBILE HOME PARK

A lot, parcel or tract of land under the control of a person upon which 3 or more mobile homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment or facility used or intended for use incident to the occupancy of a mobile home, as defined in the Mobile Home Commission Act, PA 96 of 1987.

§2.92 MODULAR HOME

A dwelling unit constructed on-site in accordance with the (state or municipal) code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation.

§2.93 MOTELS

Groups of furnished rooms or separate structures providing sleeping and parking accommodations for transient tourist trade. Units shall provide for overnight lodging and are offered to the public

for compensation, and shall cater primarily to the public traveling by motor vehicle.

§2.94 MUNICIPALITY

The City of Clio.

§2.95 NON-CONFORMING BUILDING

A building or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto and that does not conform to the provisions of the Ordinance in the district in which it is located.

§2.96 NON-CONFORMING 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 district in which it is located.

§2.97 NUISANCE FACTORS

An offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as: (a) noise, (b) dust, (c) smoke, (d) odor, (e) glare, (f) fumes, (g) flashes, (h) vibrations, (I) shock waves, (j) heat, (k) electronic or atomic radiation, (l) objectionable effluent, (m) noise of a congregation of people, especially at night, (n) passenger traffic, (o) invasion of non-abutting street frontage by traffic.

§2.98 NURSERY, PLANT MATERIALS

A space, building, or structure, or combination thereof, for the storage of live trees, shrubs, or plants offered for retail sale on the premises, including products used for gardening or landscaping.

§2.99 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 three (3) vehicles.

§2.100 OPEN FRONT STORE

A business establishment so developed that service to the patron may be extended beyond the walls of the structure, not requiring the patron to enter the structure. The term "Open Front Store" shall not include automobile repair stations or automobile service stations.

§2.101 OPEN SPACE/ON-SITE RECREATION

The sum total of the natural environment to be found in a given region, city or town. Functions include:

- A. Establishment and enhancement of recreational opportunities.
- B. Establishment and promotion of an orderly urban or suburban development through the preservation of the landscape.
- C. Maintenance of natural processes and scenic resources through conservation.

Open space alone, or with parks and recreation activities, which provide physical and emotional outlets critical to human behavior and essential to community development.

§2.102 PARKING SPACE

An area of definite length and width, said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the storage or parking of permitted vehicles.

§2.103 PAWN SHOPS

A place of business which offers loans to individuals using their personal property as collateral or security.

§2.104 PLANNED UNIT DEVELOPMENT

An integrated and coordinated development of various residential land uses, with or without retail stores, service stations, drugstores, personal service offices, and restaurants, but excluding any manufacturing or wholesale activity, and developed in accordance with the conditions as prescribed under provisions of this Ordinance.

§2.105 PRIVACY SCREEN

A sight-obscuring structure, erected adjacent to or around, but not limited to, a patio, deck, courtyard area, swimming pool or outdoor hot tub, designed to screen, but not enclose, the area behind it or within its confines.

§2.106 PROPERTY OWNER

Person or entity who owns the land upon which a fence is erected.

§2.107 PUBLIC UTILITY

A person, firm, or corporation, municipal department, or board of commission duly authorized to furnish and furnishing under Federal, State, or Municipal regulations to the public: gas, steam,

electricity, sewage disposal, communication, telegraph, transportation, or water.

§2.108 REAR BUILDING LINE

The line established by the main wall of the rear of the building, extending to each side lot line.

§2.109 REAR LOT LINE

The lot line opposite the front lot line.

§2.109.5 RELIGIOUS INSTITUTION

Any building, together with its accessory buildings and uses, that is used for non-profit purposes by an established religious organization holding either tax exempt status under Section 501(c)(3) of the Internal Revenue Code or under the state property tax law, where such building is primarily intended to be used as a place of worship. The term “religious institution” includes, but is not necessarily limited to, church, temple, synagogue, and mosque. (Ord. 466, passed 3-17-2014)

§2.110 RESTAURANTS, CONVENTIONAL

An establishment serving prepared food or beverages for consumption on the premises and which may or may not include accessory take-out services.

§2.111 RESTAURANTS, DRIVE-IN

An establishment serving prepared food or beverages for consumption on the premises and which may or may not include accessory take-out services. These establishments differ from conventional sit-down and drive-through restaurants because the food served to the patron is brought by foot to his/her automobile and consumed therein or may have facilities to handle walk-up customers.

§2.112 RESTAURANTS, DRIVE-THRU

An establishment serving prepared food or beverages for consumption off the premises or in some cases on premises and so developed that its principal form of service delivery is to patrons driving up in an automobile and then receiving their meal from a window in the side of the building. (Ord. 446, passed 6-18-2012)

§2.113 RETAIL USES WITH INDUSTRIAL CHARACTER

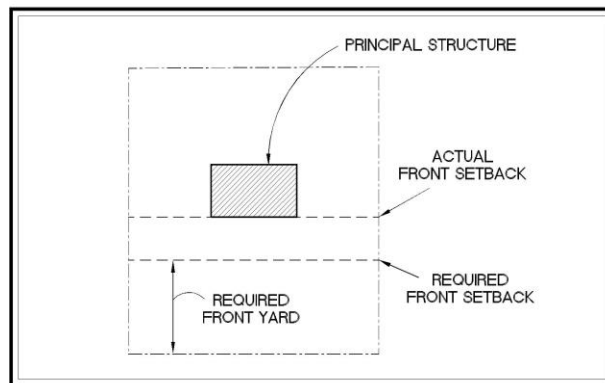
Uses such as but not limited to upholsterer, cabinet maker, outdoor sales of boats, house trailers or automobile garages, agricultural implements which have outdoor storage or other activities of an industrial character.

§2.114 SETBACK, ACTUAL

The minimum horizontal distance between the principal building, excluding steps and unenclosed porches and the lot line. In the case of a front lot line, the setback will be measured from the curb or the edge of the traveled roadway.

§2.115 SETBACK, REQUIRED

The minimum front, rear and side setbacks as required by the ordinance. In the case of a lot on a cul-de-sac or curvilinear street, the setback shall be measured from the midpoint of the lot width at the curb or the edge of the traveled roadway. (See Figure 2-9)Figure 2-9



§2.116 SEXUALLY ORIENTED BUSINESSES

An adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, sexual encounter center or massage parlor.

§2.117 SHOPPING CENTER

A group or groups of three (3) or more commercial establishments developed in accordance to an overall plan and designed and built as an interrelated project.

§2.118 SIDE LOT LINE

Any lot lines other than the front lot lines or the rear lot lines.

§2.119 SIDEWALK LINE

The edge of the established sidewalk nearest the lot line.

§2.120 SIGN

Any device designed to inform or attract the attention of persons not on the premises on which the sign is located; excepting, however, the following which shall not be included within this definition:

- A. Signs not exceeding one (1) square foot in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations.
- B. Flags and insignia of any government, except when displayed in connection with commercial promotion.
- C. Legal notices; identification, informational; or directional signs erected or required by governmental bodies.
- D. Integral decorative or architectural features of building, except letters, trademarks, moving parts or moving lights.
- E. Signs pertaining to and guiding traffic and parking on private property, but bearing no advertising matter.

§2.121 SIGN AREA

The area of a sign consisting of the entire surface of any regular geometric form, or combinations 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 such area.

§2.122 SIGN, OFF-SITE

A sign other than an on-site sign.

§2.123 SIGN, ON-SITE

A sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises.

§2.124 STANDARD SHEET

A sheet which measures 8 2" x 11" or consists of multiples of such dimensions such that a larger sheet can be folded into such dimensions.

§2.125 STORY

That part of a building included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling above. A story thus defined shall not be counted as a

story when more than fifty (50) percent, by cubic content, is below the height level of the adjoining ground. (See Figure 2-1 on page 2-3)

§2.126 STREET

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

§2.127 STRUCTURE

Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences, billboards, and poster panels.

§2.131 TATTOO PARLORS

Also referred to as a tattoo shop, tattoo studio, or tattoo parlor operated for the purpose of applying permanent tattoos (dermal pigmentation) and/or body piercing to clients for a fee.

§2.132 TEMPORARY STRUCTURE

Any structure of canvas, cloth or tarp with tubular frames including portable carports and other similar structures and pods used for temporary storage purposes. (*amended by Ord 509, 12-16-19*)

§2.133 TEMPORARY OUTDOOR USE

A use carried out in an open area or uncovered or temporary structure, which is disbanded when the designated time period, activity, or use for which the temporary structure was erected, has ceased.

§2.134 TRAVEL TRAILER

A portable vehicular unit primarily designed for travel and/or recreational use, which may also contain facilities for overnight lodging, but which does not exceed the legal limit established in the motor vehicle code. This term also includes folding campers and truck-mounted campers, but not mobile homes.

§2.135 TRAVEL TRAILER PARK

A park licensed under the provisions of the Trailer Coach Park Act of 1959, being Act 243, Public Acts of 1959, as amended, and being designed specifically to permit the parking of travel trailers.

§2.136 USE

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

§2.137 VARIANCE

An authorization permitting change in the requirements of this ordinance by the Zoning Board of Appeals in cases where the general requirements of this ordinance and the literal enforcement of such would result in a practical difficulty upon the variance applicant.

§2.138 WIRELESS COMMUNICATION FACILITIES

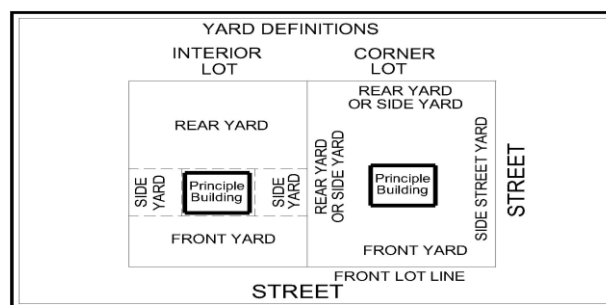
All facilities, structural, attached, or accessory, related to the use of the radio frequency spectrum for the purposes of transmitting or receiving radio signals and includes telephone devices and exchanges, microwave relay towers, radio frequency spectrum, but excluding radio and television towers. This definition includes support structures. (Ord. 446, passed 6-18-2012)

§2.139 YARDS

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

- A. Front Yard: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.
- B. Rear Yard: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage.
- C. Side Yard: An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building.

Figure 2-10



§2.140 ZONING ADMINISTRATOR AND/OR CODE ENFORCEMENT OFFICER

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

§2.141 ZONING BOARD OF APPEALS

The Board of Appeals as provided under provisions of the City and Village Zoning Act, being Act 207, Public Acts of 1943, as amended, with powers and duties as defined in those statutes, except as modified herein.

§2.142 ZONING PERMIT

Written verification from the City Zoning Administrator or their designee, that a proposed land use, new construction, addition, or excavation or grading of property complies with the terms of this ordinance. The instances where a zoning permit is required are outlined in Section 15.01B.

ARTICLE 3 GENERAL PROVISIONS

§3.01 SCOPE

Except as otherwise provided in this Ordinance, no structure, or part thereof, shall hereafter be erected, constructed, reconstructed, or altered in any manner; and no structure, land, premises, or part thereof, shall be used for a purpose and no open space surrounding any structure shall be reduced or encroached upon, no existing lots or parcels divided other than as permitted by the provisions of this Ordinance, for the district in which such structure, land or premises is located.

§3.02 BUILDING REGULATIONS

- A. No structure shall be erected, altered, or moved into this city except in conformity with all of the regulations pertaining to such structure and pertaining to the district within which such structure is located, or to be located.
- B. Nor shall any such structure be erected, altered, destroyed, or moved into this city without having been issued previously a zoning permit authorizing such erection, alteration, demolition, or movement.
- C. No building permit shall be issued unless a site plan showing compliance with all requirements of this Ordinance has been approved by the zoning administrator or, in the case of a use requiring approval of the City Planning Commission, approval by such City Planning Commission, or, in the case of an existing structure, a finding by the zoning administrator that the structure is in conformance with all existing ordinances and regulations, or the alteration after moving will permit compliance with all such ordinances and regulations; provided, however, nothing in this section shall prevent the issuance of a zoning permit for a variance duly granted by the Zoning Board of Appeals.
- D. No structure shall hereafter be erected or altered (1) to exceed the height or bulk; (2) to accommodate, or house a greater number of families; (3) to occupy a greater percentage of lot area; (4) to have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required; or in any other manner contrary to the provisions of this Ordinance.
- E. No part of a yard, or other open space, or off street parking or loading space, required for or in connection with any land use or structure, for the purpose of complying with this Ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other land use or structure, except as otherwise specifically permitted under provisions of this Ordinance.
- F. No yard, or lot existing at the time of passage of this Ordinance, shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

- G. Construction within the 100 year flood plain shall comply with the requirements of the city's building code.
- H. In all districts, no temporary structure as defined herein shall be erected or moved onto a lot or parcel and used as a temporary structure for more than one-hundred and eighty (180) days in any period of 365 consecutive days unless the temporary structure is expressly authorized by the zoning administrator and provided that the temporary structure meets the following standards:
1. No temporary structure may be located within any front, side, or rear yard required setback area for any parcel in the City.
 2. No temporary structure may exceed fourteen (14) feet in height and shall be at least ten (10) feet in distance from any other separate structure on the same lot and shall not be closer than six (6) feet to any lot line.
 3. No temporary structure shall be erected, stored, or used for a period of more than one-hundred and eighty (180) days in any period of 365 consecutive days. *(amended by Ord 510, 12-16-19)*

§3.03 CONSTRUCTION OR CONTRACTS UNDER PERMITS ISSUED PRIOR TO THIS ORDINANCE

Any structure for which a zoning permit has been issued and construction of the whole, or a part of which has been started, or for which a contract or contracts have been entered into pursuant to a zoning permit issued prior to the effective date of this Ordinance, may be completed and used in accordance with the plans and applications on which said zoning permit was granted, provided the construction permitted by such permit shall have been prosecuted and completed within one year from the date of issue of such zoning permit.

§3.04 SINGLE FAMILY HOME STANDARDS

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

- A. The dwelling shall be firmly attached to an approved foundation measuring a minimum of 42" deep and 8" wide extending around the perimeter of the dwelling constructed on the site in accordance with the city building inspector or code;
- B. If the dwelling is a mobile home as defined in this ordinance, In addition to the requirement above, the property owner shall ensure that the home is installed pursuant to the manufacturer's set-up instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission and any permit required by the State of Michigan. In addition, no dwelling shall have exposed wheels, towing mechanism, undercarriage or chassis. No storage shall be allowed in any crawl space or foundation area which is not a standard basement;
- C. All dwellings shall comply with the minimum width and square footage required in the zoning district it is located in;

- D. The driveway and parking area for the single family residence shall have an asphalt or concrete surface or suitable permanent hard surface;
- E. The dwelling must be aesthetically compatible in design and appearance to homes in the area it is located in. It shall be the responsibility of the zoning administrator to determine if this standard is met. Any party with an interest in the decision may appeal the decision of the zoning administrator. The determination of compatibility shall be based on the character, design and appearance of residential dwellings outside of mobile home parks within 300 feet of the subject dwelling. The determination of compatibility shall be based on compliance with the following standards:
1. The dwelling shall have a combination of roof overhang and pitch comparable to the overhang and pitch of homes typically found in the neighborhood in which it is to be located but in no case shall it be less than a 4:12 pitch with a minimum of a 1 foot overhang.
 2. The dwelling shall have a chimney that is constructed of a material compatible with modern building standards.
 3. The dwelling shall have steps and/or porches which provide access to exterior doors, which are permanently attached to the ground and to the structure, and which are comparable to steps and/or porches of homes typically found in the neighborhood in which it is located.
 4. The dwelling and roof shall be covered with a material which is in composition, color, texture, malleability, direction of joints, and method of fastening to the structure comparable to those typically found in the neighborhood in which it is to be located.
 5. The dwelling shall have windows located on the front, and shall have exterior doors either on the front and rear or front and side as generally found in homes in the neighborhood in which it is to be located.
 6. The orientation of the dwelling's front entrance shall be similar to the orientation of homes in the neighborhood in which it is located.
 7. A dwelling may be approved as aesthetically compatible in design and appearance to homes in the neighborhood in which it is to be located, even if all of the above conditions do not exist, provided it is determined that the dwelling and/or its site have other design features which make it aesthetically compatible to homes in the district. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as energy conscious devices such as solar energy, view, unique land contour or relief from the common or standard designed home.
- F. The dwelling must comply with all pertinent building and fire codes. In the case of a dwelling that is a mobile home, as defined by the United States Department of Housing and Urban Development (HUD), the dwelling shall comply with the standards for mobile home construction as contained in HUD regulations entitled Mobile Home Construction and Safety Standards (24 CFR 3280), effective June 15, 1976, as amended and must have the red and silver seal certifying that it was constructed in compliance with federal code; and

- G. The foregoing standards shall not apply to a mobile home park located in a licensed mobile home park or used as a temporary structure as provided in Section 3.05 Temporary Residences of the city zoning ordinance, except to the extent required by state law or otherwise specifically required in the ordinances of the City of Clio pertaining to such parks.

§3.05 TEMPORARY RESIDENCES

- A. A mobile home or travel trailer may be used as a temporary residence during reconstruction of a residence made uninhabitable by fire or other disaster by issuance of a temporary housing permit by the zoning administrator. The permit is valid for a period of six (6) months and may be extended up to an additional six (6) months by the zoning administrator if progress is demonstrated in repair of the home.
- B. A mobile home or construction trailer may be used as a temporary residence on the site of new commercial or multi-family residence development to permit on-site security during construction, but not for a period of more than a year.
- C. Travel trailers in an approved travel trailer park may also be used as a temporary residence.
- D. Except as provided above, no mobile home, travel trailer, tent, basement, cellar or similar structure shall be used as a residence.

§3.06 EXCAVATIONS AND DANGEROUS HOLES

- A. The construction, maintenance or existence within the city of any unprotected, unbarricaded, open or dangerous excavations, holes, pits, or wells, which constitute or are reasonably likely to constitute a danger or menace to the public health, safety or welfare, are hereby prohibited. Any excavation within the city shall require issuance of a zoning permit. Excavations are to be properly protected and warning signs posted in such a manner as may be approved by the Building Inspector. This section shall not apply to natural bodies of water or to ditches, streams, reservoirs, or other major bodies of water created or existing by authority of the State of Michigan, the County, the city, or other governmental agency.

§3.07 NON-CONFORMING DWELLING

No cellar, garage, or any incompletely constructed structure in use as a dwelling at the effective date of this Ordinance shall be used as a dwelling for more than eighteen (18) months following said date, unless such structure has been brought to a state of external completion in conformity with the regulations of this Ordinance relative to dwellings in the district in which said structure is located.

- A. No structure constructed after the effective date of this Ordinance shall be used as a dwelling unless such structure has been completed as a dwelling and an occupancy permit issued for such structure.

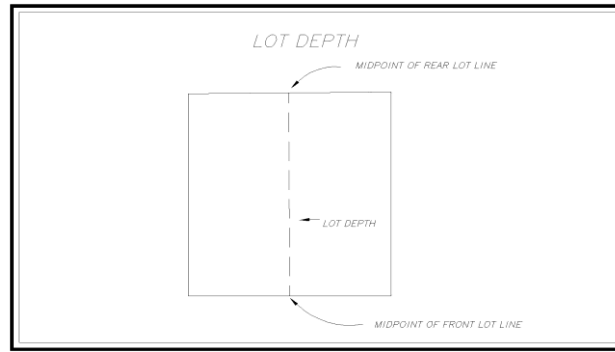
§3.08 YARD AND LOT AREA REQUIREMENTS

- A. Lot Measurements: No area shall be counted as accessory to more than one principal structure or use, and no area necessary for compliance with the open space requirements for one principal structure or use shall be included or counted in the calculation of the open space accessory to any other principal structure or use. In the determinations of a land area where a structure is to be

erected, altered, or used, no road right-of-way shall be included in the computation of the required minimum land area.

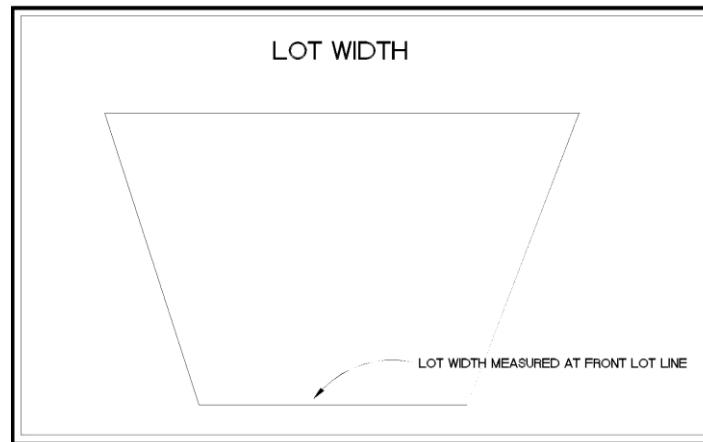
1. Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points to the side lot lines in front and the rearmost points of the side lot lines in the rear. (See Figure 3-1)

Figure 3-1



2. Width of a lot shall be the distance along a straight line connecting side lot lines and measured across the lot between side lot lines at their foremost points (where they intersect with the front lot line) and this line shall not be less than eighty (80) percent of the required lot width, except in the case of lots on the turning circle of cul-de-sac, where the eighty (80) percent requirement shall not apply. (See Figure 3-2)

Figure 3-2



3. The front of a lot shall be the portion nearest the street and, for the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and setbacks shall be provided as required in this Ordinance.

B. Dimension Criteria:

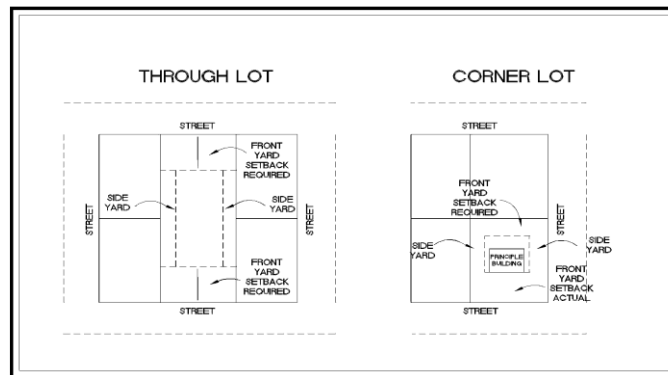
1. Height Limitations: The limitations affecting the height of structures shall not apply to the appurtenant appendages and structures such as parapet walls not exceeding three (3) feet in height, chimneys, smokestacks, church spires, flagpoles, radio or TV towers,

masts and aerials, penthouse for mechanical equipment, and water tanks; provided, however, such appendages and structures shall comply with all other provisions of this or any other applicable Ordinance.

2. Yards: All front, side and rear yard setbacks shall be the minimum perpendicular distance measured from the principal structure, excluding all projections not exceeding three (3) feet in length from the structure wall, nor measuring three (3) feet in width to the respective front, side, or rear lot line;
 - a. No construction or growth of vegetation shall be allowed in any portion of yard which is within twenty-five (25) feet of the curb or edge of pavement or traveled roadway which materially impedes vision across such portion of yard between the heights of thirty (30) inches and eight (8) feet; all of which shall be measured from the centerline elevation of abutting streets; provided, however, this provision shall not affect any yard area where the natural ground elevation is more than four (4) feet above the centerline elevation. It is the purpose of this paragraph to provide conditions under which adequate clear vision is provided for entering and exiting driveways.
 - b. In all districts except the C-1 District, no fence, wall, shrubbery, sign, or other obstruction to vision above a height of thirty (30) inches from the established street grades shall be permitted within the triangular area formed at the inter-section of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of twenty-five (25) feet from their point of intersection. Fences are not permitted in the IBP District unless approved by the Planning Commission. (Ord. 447, passed 6-18-2012)
 - c. In any district where a lot runs through a block from street to street and where a front yard is required, such front yard shall be provided along each street lot line.
 - d. In the case of through lots, side yards shall extend from the setback lines of required front yards. In the case of corner lots, yards remaining after full front yards have been established shall be considered side yards and comply with applicable requirements for side yards. (See Figure 3-3)

3-6

Figure 3-3



3-6

- e. Width of a required side yard shall be measured in such a manner that the yard established is a strip of at least the minimum width required by district regulations.
- f. Depth of a required rear yard shall be measured in such a manner that the yard established is a strip of at least the minimum depth required by district regulations.

3. Residential Yard Fences: Definitions

DECORATIVE FENCE: A temporary structure used to enhance or accent the yards to protect the landscaping of the site.

FENCE: A permanent structure erected to act as a boundary marker or erected in any zoning district with the purpose of restricting access to or from a lot or parcel of land, whether enclosing all or part of said lot or parcel.

FRONT BUILDING LINE: The line established by the front wall of the primary structure for the main living area of the residence, (but not including the garage), and extending to each side lot line.

FRONT LOT LINE: In the case of an interior lot, the line separating said lot from the street. In the case of a corner lot or double frontage lot, the line separating said lot from that street which is designated as the front street in the plat or as the address of the property in question.

FRONT SIDE LOT LINE: The line which extends from the front lot line to the front building line and which is established by the primary structure on the property.

PROPERTY OWNER: Person or entity who owns the land upon which a fence is erected.

PRIVACY SCREEN: A sight-obscuring structure, erected adjacent to or around, but not limited to, a patio, deck, courtyard area, swimming pool or outdoor hot tub, designed to screen, but not enclose, the area behind it or within its confines.

REAR BUILDING LINE: The line established by the main wall of the rear of the building, extending to each side lot line.

REAR LOT LINE: The lot line opposite the front lot line.

REQUIREMENT FOR ALL DISTRICTS: Any temporary fence shall not be allowed to stand for a period of time in excess of 30 days. Before a temporary fence is erected the owner of the parcel, or his designee, shall obtain a permit from the building inspector. If the fence is erected to protect the public health or safety, such permits may be renewed by the building inspector for additional 30 day periods as necessary.

RESIDENTIAL YARD FENCES: Fences or walls of not more than six (6) feet in height may be constructed in residential districts within a required rear or side yard, and not more than forty-eight (48) inches in height within a required front yard, e.g., along the property line. These provisions shall not be construed to alter or affect the clear vision zones provided for above in subsections B., 2. (a. and b.) of this section. Any front property line may be fenced with a decorative type fence, not to exceed (30) thirty inches in height and shall not violate any of the clear vision zone provisions of this Ordinance as herein above referred to. Residential yard fences, other than decorative fences, require a building permit.

SIDE LOT LINE: Any lot lines other than the front lot lines or the rear lot lines.

SIDEWALK LINE: The edge of the established sidewalk nearest the lot line.

TEMPORARY FENCE: A temporary structure, in any zoning district, intended to act as a boundary marker or erected with the purpose of restricting access to or from a lot or parcel of land, whether enclosing all or part of said lot parcel for a period of time not to exceed 30 days.

4. Permit Required:

The erection, construction or substantial rebuilding of any permanent fence shall be performed within all municipal codes and shall require a building permit. Substantial rebuilding is reconstruction of more than fifty (50%) percent of the structure, a change in the height of the structure, or a change from existing material within a 12 month period. Any person desiring to construct a fence for which a permit is required as defined in this chapter shall first apply to the City Building Inspector for a permit. A permit fee shall be required as presently established or as hereafter prescribed by resolution of the City Commission. Application for the permit shall include any and all information requested by the Building Inspector to determine whether or not the construction of such a fence will violate any portion of this Code or of the adopted Master Plan or any statute of this State. Decorative type fences may be erected without a permit provided that the fence does not exceed the height criteria of this Ordinance. Decorative fences used as boundary markers need to conform to the height requirements of this Ordinance and will require a permit.

5. Requirements for all Districts:

- a. No fence shall have barbed wire, razor wire nor be of any masonry material.
- b. A fence shall not be erected in excess of 48 inches along the front lot line and not more than 48 inches along the front side lot line up to the established front building lines of the primary structure within the front yard nor greater than 72 inches along the side lot line or rear lot line. The fence shall be at least one foot from the front lot line, or where appropriate, the sidewalk line. The location of the fence may not pose a danger or create a visual barrier in the front yard, a blind driveway or which would diminish a view at an intersection or violate the Clear Vision Zone, Section 3.12 City of Clio Zoning Ordinance. (Ord 490, 10-17-16)
- c. There shall be a maximum of one fence per property line for each property owner. No portion of a fence shall project beyond the property owner=s property line nor shall a dead space be created between fences. The property owner, upon which the fence is erected, shall be responsible for maintenance of the fence. Ownership of a fence shall be determined by the fence permit applicant as follows:
 1. By a search of building permits issued to his and adjacent properties; or,
 2. By mutual agreement of the adjacent property owners.
- d. All boundary line fences erected require a boundary line agreement with all affected adjacent property owners. If a boundary line fence agreement with all adjacent property owners affected cannot be reached, then a registered survey shall be required before a permit may be issued. In the absence of a maintenance agreement, then the party erecting the fence shall be responsible for its repair and maintenance.
- e. All fences erected must include a plot plan that shows a drawing of the location of the fence and its relationship to all affected structures and property lines as well as its height, length, design and type of material to be used for construction.
- f. All decorative type fences, not to exceed thirty-six (36) inches in height, may be erected along the front lot line without the requirement of a permit.
- g. A barricade fence shall not be erected across the front lot line.
- h. All fences erected shall comply with the City of Clio Zoning Ordinance including but not limited to Section 3.08 Yard and Lot Area Requirements and Section 3.09 Exceptions to Yard and Lot Area Requirements.
- i. Any fence having an unfinished side, (e.g: stockade fence), shall be installed so that the finished side of the fence shall be facing adjacent properties or the street, unless otherwise agreed to, in writing, by the affected parties.

j. Privacy screen structures shall not exceed six feet in height above the surface of the deck, pool, or other area to be screened. Privacy screen structures exceeding six feet above grade require a permit.

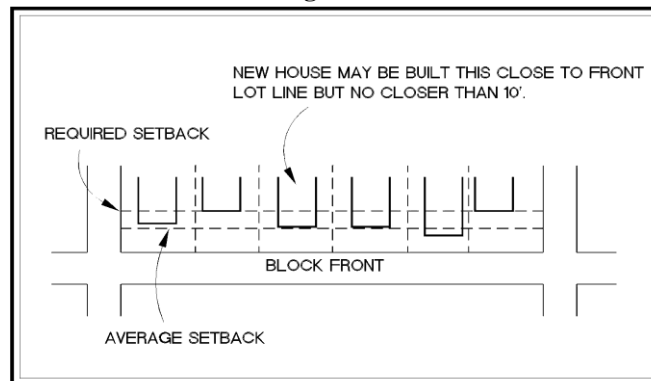
k. No fence shall be erected closer than one foot to any established sidewalk line.

§3.09 EXCEPTIONS TO YARD AND LOT AREA REQUIREMENTS

Lot area and yard requirements normally required within this Ordinance may be changed upon the approval of a variance by the Zoning Board of Appeals, in accordance with the provisions of Section 13.04 and subject to the following provisions:

- A. Lot Width: A single family dwelling may be constructed on any officially platted and recorded lot which is less than the minimum width required by this Ordinance provided that the structures and setbacks comply with all other requirements herein. If two or more non-conforming lots of record are under common ownership, they must be treated as one lot if so doing reduces the non-conformity.
- B. Lot Area: A single family dwelling may be constructed on any officially platted and recorded lot which has less than the minimum area required by this Ordinance, provided that the structure and setbacks shall comply with all other requirements of this Ordinance. If two or more non-conforming lots of record are under common ownership, they must be treated as one lot if so doing reduces the non-conformity.
- C. Front Yards: In all residential districts, the front yard requirements may be less than the required front yard requirements of the district it is located in, provided that it is not less than the average depth of existing developed front yards on lots within two hundred (200) feet of said lot and within the same block face, and not less than ten (10) feet. (See Figure 3-4)

Figure 3-4



D. Side Yards:

- 1. The required combined width of side yards on existing lots prior to the date of this Ordinance and with a width of less than that specified within the residential district provisions affecting the district in which such lot is located may be reduced six (6) inches

for each foot or major fraction thereof by which the width of such lot is less than the required district provisions; provided that the minimum side yard shall not be less than five (5) feet and the combined width of both side yards shall not be less than fifteen (15) feet.

2. The least width of a required side yard may be measured to the centerline of any adjoining alley, but no structure shall be erected within fifteen (15) feet of the alley line.

E. Rear Yards:

1. Any platted and recorded lot with less than one hundred twenty (120) feet of depth and located in any residential district may have six (6) inches deducted from the required rear yard depth, for every foot the lot is less than one hundred twenty (120) feet deep, provided no rear yard shall be less than twenty-five (25) feet.
2. The required rear yard depth may be measured to the center line of any adjoining alley, but no building shall be erected within fifteen (15) feet of the alley line.

§3.10 FRONT YARDS ON LOTS RUNNING THROUGH THE BLOCK

In any district where a lot runs through a block from street to street and where a front yard is required, such front yard shall be provided along each street lot line, not a side street lot line.

§3.11 ACCESSORY BUILDINGS

A. Non-Residential Districts:

1. Any part of a detached accessory building shall be at least fifty-five (55) feet from any front line when the adjoining lot is located in a residential district.
2. Accessory buildings may be erected as a part of or connected to the principal building but in either case shall be considered a part of the principal building, provided all yard requirements for a principal building are complied with.

B. Residential Districts:

1. No accessory building shall be erected in other than a rear yard.
2. Accessory buildings shall not exceed fourteen (14) feet in height and shall be at least ten (10) feet distance from any other separate structure on the same lot and shall not be closer than (6) feet to any lot line. Accessory buildings will be sided in a material comparable to the principal structure or other buildings in the neighborhood.
3. When the rear line of a corner lot abuts the side line of an adjoining lot in a residential district, no accessory building shall be within six (6) feet of such abutting lot line nor closer to the side street lot line than the front yard setback of the principal building on the adjoining lot, but in no case shall the setback be less than twenty-five (25) feet.

4. When the rear line of a corner lot abuts the rear line of any other lot or is directly across an alley therefrom, no accessory building shall be closer to the side street lot line of the corner lot than the side street yard setback of the principal building on the corner lot, but in no case shall the setback be less than twenty-five (25) feet.
5. Accessory buildings may be erected as a part of the principal building or may be connected thereto by a breezeway or similar structure, and in either case shall be considered a part of the principal building, provided all yard requirements of this Ordinance for a principal building are complied with.

C. Accessory Buildings and Uses for Religious Institutions and Other Places of Assembly

Buildings and uses accessory to a religious institution and other places of assembly shall be permitted subject to the following regulations:

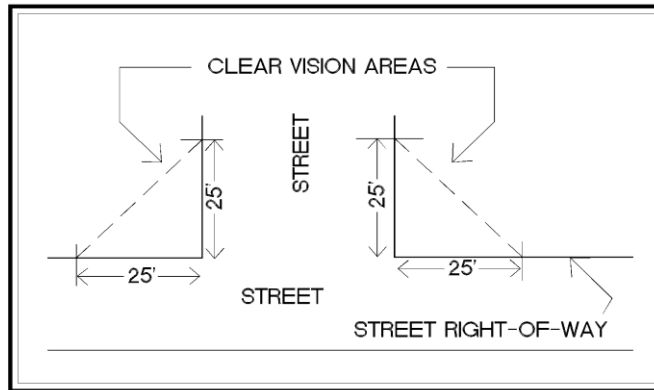
1. Permitted Accessory Buildings and Uses. Accessory buildings and uses associated with religious institutions and other places of assembly are permitted, included but not necessarily limited to, housing for the principal worship leader, classrooms, a garage for storage of site maintenance equipment, and a separate assembly hall for social and educational gatherings.
2. Setbacks. Accessory buildings and structures shall comply with the minimum setback requirements that apply to the principal building.
3. Distance between Detached Buildings. A minimum distance of ten (10) feet shall be provided between any accessory building and any other building on the site.
4. Height. Accessory buildings shall comply with the maximum height standards for the district in which they are located, except that accessory garages may not exceed fourteen (14) feet in height.
5. Location on the Site. Accessory buildings shall be located no closer to the front lot line than any portion of the principal building.
6. Prohibited Uses. Because their intensity of use is in conflict with the level of activity expected in surrounding and nearby residential neighborhoods, the following uses shall be prohibited in residential districts:
 - a. Outdoor parking, storage, or repair of buses. Structures intended for the repair or maintenance of buses may be permitted, subject to conditional use approval.
 - b. Movie theaters, bookstores, and other commercial uses open to the general public.

- c. Commercial indoor recreational activity centers open to the general public.
(Ord. 467, passed 3-17-2014)

§3.12 CLEAR VISION ZONE

In all districts except the C-1 District, no fence, wall, shrubbery, sign, or other obstruction to vision above a height of thirty (30) inches from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of twenty-five (25) feet from their point of intersection. (See Figure 3-5)

Figure 3-5



§3.13 LOT GRADES

- A. All structures shall be constructed or located with a ground elevation such as to provide a sloping grade to cause the surface drainage to flow away from the walls of such structures.
- B. Grades on any lot upon which new construction or earth movement is to be carried out shall be related to existing grades and drainage systems such as to provide adequate drainage and not jeopardize such existing drainage systems, and shall be approved by the Building Inspector and such other authorities having jurisdiction over such systems.

§3.14 GRADING

No premises shall be filled or graded so as to discharge surface runoff on abutting premises in such a manner as to cause ponding or surface accumulation of such run-off on those abutting premises or in a manner that increases the rate of runoff coming off the premises being graded or filled.

§3.15 CURB CUTS AND DRIVEWAYS

Curb cuts and driveways may be located only upon approval by the Planning Commission and such other county and state authorities as required by law; provided, however, such approval shall not be given where such curb cuts and driveways shall cause an unreasonable increase in traffic hazards.

§3.16 ESSENTIAL SERVICES

Nothing in this Ordinance shall prohibit the provision of essential services, provided that the installation of such service does not violate any other applicable provision of this Ordinance or state law. All essential service facilities not otherwise subject to site plan and conditional use permit review procedures as provided within this Ordinance, shall be subject to the review and approval of the City Planning Commission prior to the issuance of a building permit. This provision shall not apply to facilities designed to provide service to an individual single family unit from a distribution or collection line. Review under the provisions of the Subdivision Control Act of 1967 shall suffice as review for new subdivisions.

§3.17 STRUCTURE COMPLETION

All structures shall be completed on the outside in conformance with the building code and with finish materials; such as wood, brick, or brick veneer, shingle, concrete or similar, performance tested within one (1) year after construction is started unless an extension for not more than one (1) additional year is granted by the Building Inspector as provided elsewhere in this Ordinance. When a part of the building is ready for occupancy, a temporary occupancy permit may be issued, provided that the premises comply with health and fire standards, required under this Ordinance or any other ordinance, regulations or statutes.

§3.18 PERSONAL CONSTRUCTION AUTHORITY

Nothing in this Ordinance shall be construed as prohibiting an owner, tenant, occupant, or land contract vendee from doing his or her own building, erecting, altering, plumbing, electrical installation, etc., provided the minimum requirements of City Ordinance, the State Electrical and Plumbing Codes of the State of Michigan, and the applicable Genesee County Health Department regulations are complied with.

§3.19 PERFORMANCE STANDARDS

All uses within the City of Clio shall conform to the following performance standards:

- A. No individual or individuals shall cause, suffer, or allow to be discharged in the atmosphere from any source, smoke the shade or appearance of which is equivalent to or greater than the density described in No. 2 of the Ringelmann Chart; provided, however, that smoke the shade or appearance of which is equivalent to but not darker than No. 2 of the Ringelmann Chart for a period or periods aggregating four (4) minutes in any thirty (30) minutes shall be permitted and provided further, that smoke, the shade or appearance of which is equivalent to but not darker than No. 3 of the Ringelmann Chart for a period or periods aggregating three (3) minutes in any fifteen (15) minutes shall also be permitted when building a new fire or when breakdown or malfunctioning of equipment occurs such as to make it evident that the emission was not reasonably preventable.
- B. At no point on the boundary of any non-industrial district shall the sound pressure level of any operation exceed the described levels in the designated octave bands below:

<u>Octave Band in Cycles Per Second</u>	<u>Maximum Permitted Sound Level in Decibels</u>
1 to 75	72
75 to 150	67
150 to 300	59
300 to 600	52
600 to 1200	46
1200 to 2400	40
2400 to 4800	34
Above 4800	32

- C. There shall be no emission of odorous matter in such quantities as to be offensive at lot boundary lines.
1. Any process which may involve the creation of emission of any odors shall be provided with a secondary safeguard system, so that control will be maintained if the primary safeguard system should fail.
 2. There is hereby established as a guide in determining such quantities of offensive odors, Table III (Odor Thresholds) in Chapter 5, "Air Pollution Abatement Manual" copyright 1951 by Manufacturing Chemists' Association, Inc., Washington, D.C.
- D. Any operation producing intense glare or heat shall be performed within an enclosed building or behind a solid fence in such a manner as to be completely imperceptible from any point beyond the lot lines of the lot upon which the source of such glare or heat is located.
- E. No vibration which is discernible to the human sense of feeling shall be perceptible at any point beyond the lot line of the lot upon which the source of such vibration is located.
- F. There shall be no activities which emit dangerous or harmful radioactivity. There shall be no electrical disturbance (except from domestic household appliances) adversely affecting the operation of any equipment located beyond the property of the creator of such disturbance.
- G. The storage and handling of flammable liquids, liquefied petroleum, gases, and explosives shall comply with the State Rules and Regulations as established by Public Act. No. 207 of 1941, as amended.
- H. All outdoor storage facilities for fuel, raw materials, and products and all fuel; and all raw materials and products stored outdoors shall be enclosed by a fence adequate to conceal the facilities from any adjacent properties.
- I. No materials or wastes shall be deposited upon a lot in such a form or manner that may be transferred off the lots by natural forces or causes.

- J. All material or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise be attractive to rodents or insects shall be stored outdoors only in closed containers.

§3.20 KENNELS, COMMERCIAL

Kennels, Board Commercial seven (7) dogs or more, are permitted as a Conditional Use Permit in the C-2 District and in the Industrial I-District provided:

- A. The facility shall be licensed by the Genesee County Department of Animal Control.
- B. Kennels housing dogs shall be a minimum of three hundred (300) feet from a residential zoning district.
- C. All dog runs must be enclosed and have a concrete surface.
- D. The applicant must identify an acceptable method of disposing of the animal waste.
- E. The facility shall meet the requirements of the Genesee County Animal Control Ordinance.
- F. Penalty: Any person who fails to allow an inspection as required herein or fails to obtain a certification as required herein shall be guilty of a misdemeanor as established by the Code of Ordinances of the City of Clio.

§3.21 KENNELS, RESIDENTIAL

Kennels, Boarding Private four to six (4-6) dogs are permitted by Conditional Use Permit in the R-1, R-3 and R-4 Zoning Districts provided:

- A. All dogs within the facility shall be licensed by the Genesee County Department of Animal Control and the facility shall comply with operational standards of the county.
- B. Kennels (including dog runs) housing dogs shall be a minimum of fifty (50) feet from side or rear lot lines. No kennel shall be allowed in the front yard area of any residence.
- C. All dog runs must be enclosed and have a concrete surface.
- D. The facility shall meet the requirements of the County Dog Control Ordinance.
- E. The Planning Commission may upon application by the owner modify the requirements of subsection B and C based on the specific characteristics of the use requested including but not limited to the granting of a temporary permit to keep more than four (4) dogs for a period of time not to exceed thirty (30) days.
- F. Penalty: Any person who fails to allow an inspection as required herein or fails to obtain a certification as required herein shall be guilty of a misdemeanor as established by the Code of Ordinances of the City of Clio.

§3.22 DUMPSTER ENCLOSURE

Trash dumpsters or other similar trash containers (not including temporary containers) shall be kept inside an enclosed building or shall be screened from view the adjacent properties and the street by a fence or wall or other visual barrier at least six (6) feet high. Any dumpster stored outside shall be located in a side or rear yard. (Ord. 447, passed 6-18-2012)

§3.23 BUILDING APPEARANCE

The following standards apply to new structures or changes to existing structures other than single-family and duplex residences and their accessory structures.

- A. All electrical or mechanical equipment or similar fixtures mounted on a roof or extending above the roof line shall be screened from street grade in a manner which is architecturally compatible with other structures in the area.
- B. Exterior walls of buildings visible from any street that abuts the site must consist of face brick, decorative pre-cast concrete panels, integral finished masonry construction, decorative factory finished metals, glass, wood or their equivalent design to provide an attractive façade that is architecturally integrated with the remainder of the site. (Ord. 447, passed 6-18-2012)

ARTICLE 4
DISTRICT REGULATIONS

§4.01 ZONING DISTRICTS

For the purpose of this Ordinance all of the unincorporated area of the City is divided into the following Use Zoning Districts:

- R-1, Single-Family Residential District
- R-2, Two-Family Residential District
- R-3, Low-Rise Residential District
- R-4, High-Rise Residential District
- MH, Mobile Home Park District
- CR-MU, Community Residential and Mixed-Use District
- CBD, Central Business District
- GC, General Commercial District
- I, Industrial District
- IBP, Industrial Business Park District
- REC, Recreation District

§4.02 ZONING DISTRICT MAP

The land areas and sizes of dwellings assigned to these districts, the designation of same, and the boundaries of said districts are shown on the map hereto attached and made part of this Ordinance, said map being designated as the Zoning District Map showing use districts and building districts in the City of Clio and said map and the proper notations, references and other information shown thereon shall be as much a part of this Ordinance as if the matters and information set forth by said map were all fully described herein.

- A. The Official Zoning Map shall be identified by the signature of the Mayor attested by the City Clerk, and bearing the seal of the City under the following words:

"This is to certify that this is the OFFICIAL ZONING MAP referred to in ARTICLE IV, SECTION 400, of the Zoning Ordinance of the City of Clio, Michigan," together with the date of the adoption of this Ordinance. Said map shall be deposited in the City Clerk's vault when not in actual use.
- B. If in accordance with the provisions of this Ordinance and the laws of the State of Michigan, changes are made in District boundaries or other matter portrayed in the Official Zoning Map, such changes shall be made on the Official Zoning Map promptly after the amendment has

been approved by the City Commission, together with an entry on the Official Zoning Map as follows:

"On _____, by official action of the City Commission, the following change(s) were made in the Official Zoning Map, (brief description of the nature of the change)" which entry shall be signed by the Mayor and attested by the City Clerk. No amendment to this Ordinance which involves matter portrayed on the Official Zoning Map shall become effective until after such change and entry has been made on said map.

It shall be the responsibility of the City Clerk to inform the Zoning Administrator of any zoning changes which will alter boundary configurations or district designations on the existing map. After having been informed of such changes, the Zoning Administrator or his/her assistant shall enter those changes onto an official copy of the zoning district map.

- C. No changes of any nature shall be made on the Official Zoning Map or matter shown thereon except in conformity with the provisions set forth in this Ordinance. Any unauthorized change of what so ever kind by any person or persons shall be considered in violation of this Ordinance and punishable as provided in this Ordinance.
- D. Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map above described and deposited in the vault of the City Clerk shall be the final authority.
- E. In determining other similar uses as determined by the Planning Commission, the Planning Commission shall consider the operational characteristics of the proposed use in comparison with uses permitted in the proposed district (traffic generation, noise, hours of operation, off-site impacts, etc.) as well as the NAICS code of the proposed and permitted uses. If the Planning Commission determines that a use is similar to a use permitted by Conditional Use Permit in a particular district, the new use will also require a Conditional Use Permit.

§4.03 ZONING DISTRICT MAP - BOUNDARIES

The boundaries of these districts are hereby established as shown on the map entitled "Zoning Map," City of Clio, Genesee County, Michigan, which accompanies and is hereby made a part of this Ordinance. Except where specifically designated on said map, the district boundary lines are intended to follow lot lines, the center lines of creeks, streams or rivers, the center lines of streets or alleys, the center lines of streets or alleys projected, railroad right-of-way section lines or the corporate limit line, all as they existed at the time of the enactment of this Ordinance; except as otherwise specifically described; but, where a district boundary line does not coincide with lot lines, said boundary lines shall be dimensioned on the Zoning Map.

§4.04 CENTRAL BUSINESS DISTRICT (CBD)

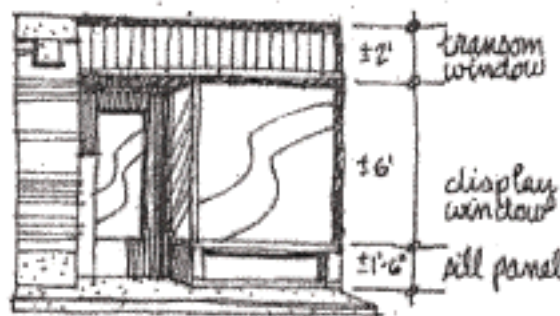
The boundaries of the Central Business District, as designated on the adopted Zoning Map, generally include those properties fronting West Vienna Street between Mill Street and the railroad tracks.

The intent of the CBD is to ensure that redevelopment occurs in a manner that preserves and enhances Clio's small-town character and walkable environment, as envisioned by the adopted May 19, 2008 Blue Prints Plan. This will be accomplished by ensuring that buildings are appropriately related to one another and that any redevelopment compliments the existing architecture of the buildings, enhances the pedestrian orientation of the area, and maintains streetscape design that enriches the street as a place of pedestrian comfort and beauty. The goals of the following regulations are to promote infill development, encourage adaptive reuse of existing buildings and communicate the community's vision of the downtown. This includes the following standards for which the City shall apply to future development or redevelopment in the CBD.

- 1: Development shall be consistent with the underlying zoning district except where modified by this section.
- 2: The proportion of proposed buildings shall respect the proportions established by the existing buildings and storefronts.
- 3: New or redeveloped buildings shall use windows and doors, storefronts and rooflines to create/maintain a consistent rhythm of building elements.
- 4: The building shall be setback no more than 3 feet from the front lot line and shall be on the side lot line to create a 'wall of buildings', unless other setbacks are approved as part of the Planned Unit Development (PUD) option in this overlay zone.
- 5: Buildings shall have flat roofs or a parapet screening a pitched roof. Buildings shall have a defined storefront area framed by the building.
- 6: Building material for visible walls shall be limited to brick, stucco limestone, flat metal panels and flush wood painted panels. Subtle highlights should be incorporated such as rowlock, soldier, and header courses. The storefront area shall contain less textural materials such as glass, and wood. Windows, doors, column, cornice and bracket elements shall be of wood, metal, or fiberglass. Field stone and vinyl siding are prohibited.
- 7: Front and main entrance doors to be used by the public should be prominent while not overpowering. They shall contain a large glass light. Secondary doors on the front of the building should complement without competing. Secondary doors or service doors on the rear or side of a building shall be solid flush doors and shall contain only small vision panels when necessary.
- 8: A minimum of 30% of the first floor should be transparent, with glass windows or doors. Reflective or glass tinted more than 40% shall not be allowed.

- 9: Second floor windows should be double hung style. White vinyl windows are prohibited.
- 10: Awnings are permitted. Awnings shall be simple straight fabric style. Structural canopies and mansard roofs are not allowed unless they are documented to be part of the historical architectural character of the building. All awnings shall have a minimum of 10' of clearance above the sidewalk or at the transom or cornice level (see figure), shall not conflict with city or private infrastructure within the right-of-way, and shall extend at least 3' out from the building

Figure



- 11: The exterior color of new construction including brick, wood and other architectural details shall be consistent with the historical architectural style of surrounding buildings, and the colors generally associated with the architectural style and era.
- 12: Building lighting shall be indirect, with the light source hidden from direct pedestrian and motorist view. When feature lighting that serves to provide architectural detail as well as lighting visibility is proposed such lighting shall be shaded gooseneck fixtures, or lights consistent with the style of the building.
- 13: Existing unpainted brick shall not be covered or painted. Building materials shall not be power washed or sand blasted if it is harmful to the exterior building materials, violates the goals of the Blueprints program or compromises the structural integrity of the building.
- 14: Signs shall comply with the City of Clio Sign Ordinance.
- 15: Planned Unit Development Option – Within the Downtown Overlay Zone a property owner may request modification of these requirements and those of the underlying zoning district. Approval of any modifications may be made by the Planning Commission following a public hearing that follows the requirements in Article 9 –

Conditional Use Permits. The Planning Commission may impose conditions as part of their PUD approval. The Planning Commission may permit uses not specifically permitted in the underlying district as part of the PUD approval. In order to qualify for PUD approval, the applicant must demonstrate that the proposed site plan:

- a. Is consistent with the purpose of the zoning ordinance and the Downtown Overlay Zone
- b. Does not negatively impact the public health, safety and welfare
- c. Provides a public benefit unavailable without the modifications to ordinance requirements proposed as part of the PUD.

16: Any building, sign or other appurtenant structure in existence as of the effective date of this ordinance and constructed in accordance with the ordinances and applicable laws in effect as of the date of its construction shall be deemed to be non-conforming building. They shall be allowed to remain if maintained as part of a business.

§4.05 TABLE OF DISTRICT PURPOSES

District	Purpose
Residential Uses	
R-1, Single-Family Residential District	Intended for single-family, detached dwelling units and accessory uses that compliment a low-density, traditional neighborhood character.
R-2, Two-Family Residential District	Intended for single-family detached and two-family attached dwelling units and accessory uses, including accessory dwelling units, either attached or detached, when such developments maintain a single-family neighborhood character.
R-3, Low-Rise Residential District	Intended for areas characterized by low-density, small scale multiple-family housing types (such as attached residential structures with densities between 3-4 dwelling units, including triplexes, fourplexes and townhouses) to serve as a transition between the downtown core, the R-2 and R-1 districts, and major throughfares.
R-4, High-Rise Residential District	Intended for areas suitable for higher-density residential (5 or more attached dwelling units) where open space and other amenities are available to residents.
MH, Mobile Home Park District	To provide areas suitable for mobile home park development.
CR-MU, Community Residential and Mixed-Use District	To permit a mixed-use of uses with single-family, multiple-family residential and neighborhood serving commercial facilities.
Commercial / Industrial Uses	
CBD, Central Business District	To permit a variety of traditional commercial, administrative, financial, civic, cultural, residential, entertainment, and recreational activities in an effort to provide a harmonious mix of activities that serve to enhance the downtown core of Clio. This District is characterized by flexible land uses with multiple story mixed-use buildings that are intended to encourage pedestrian activity.
GC, General Commercial District	To accommodate a mixture of commercial and residential land uses. This District is also intended to preserve existing residential properties, promote cottage residential and medium-density residential development, and to allow for compatible commercial activities to provide an interesting and varied land use pattern and to avoid encouraging strip business development.

I, Industrial District	To provide for areas suitable for light industrial and warehousing operations, and with property standards some heavier industrial uses.
IBP, Industrial Business Park District	To provide for a range of light industrial and heavy commercial and office uses appropriate for the Clio Industrial Business Park.
Public / Recreation	
REC, Recreation District	To provide for public recreation facilities, open space and similar uses.

§4.06 TABLE OF USES

Use	Zoning Districts										
	R-1	R-2	R-3	R-4	MH	REC	CR-MU	CBD	GC	I	IBP
Accessory Dwelling Unit (Attached)	C	P*					P*				
Accessory Dwelling Unit (Detached)	C	P*					P*				
Accessory (Non-Habitable) Structures	P	P	P	P	P	P	P	P	P	P	P
Adult Foster Care Family Home (1-6 Persons)	P	P	P	P			P				
Adult Day Care Home (1-6 Persons)	P	P	P	P			P				
Adult Foster Care Small Group Homes (1-6 Persons)	P	P	P	P			P				
Agricultural Implements, Retail Sales, Service, Rentals									P		
Amusements, Commercial Including Dance Halls, Bowling Alleys, Billiard Or Pool Halls, Skating Rinks, Shooting Galleries, Games Of Skill And Science, And Miniature Golf Courses									P	C	
Animal Hospital/Clinic (Household Pets)							C		P	P	P
Arcades, Indoor Recreational Facilities For The Playing Of Electronic And/Or Mechanical Amusement Devices And/Or Technical Games Of Skill Or Science, Typical Of Penny Arcades							C	C	P		
Art Galleries, Museums And The Like							P	P	P		
Assembly Of Electrical Appliances, Electronic Instruments And Devices, Radios, Including The Manufacture Of Small Parts, Such As Condensers, Transformers, Crystal Holders, And The Like										P	P
Automobile Wrecking And/Or Junk Yards										C	
Automobile Car Wash									P		
Automobile Service Stations For The Sale Of Gasoline, Oil And Accessories									C		
Automobile Sales And Rentals, New And Used, Including Motorcycles, Truck, Recreational Vehicles, Trailers And Farm Equipment, Both Indoors And Outdoors									C	P	
Awning Sales And Service									P		

Banking And Loan Institutions, Without A Drive Thru							P	P	P		
Barber And Beauty Shops							P	P	P		
Bars, Cocktail Lounges And Taverns							C	C	C		
Baseball Or Football Stadium										P	
Bed And Breakfast	C	C	P	P			P	P	P		
Beer, Wine, And Liquor, Retail Sales							C		P		
Bicycle Shops							P	P	P		
Blacksmith Shop Or Machine Shop, Wrought Iron Shop, Excluding Punch Presses Over 20 Ton Rated Capacity, Drop Hammer, And Automatic Screw Machine										P	P
Blast Furnace Or Coke Oven										C	
Boiler Works										C	
Breweries, Distilleries And Wineries							C	C	C	C	C
Brick, Tile Or Terra Cotta Manufacture										C	P
Building Contractors Without Storage Yard Or Plant									P	P	C
Building Material Sales Yard, Including But Not Limited To Rock, Sand, Gavel, And The Like (Excluding Concrete Mixing) And Retail Lumber Yard Including Incidental Millwork										P	
Bus Stations									C		
Business And Professional Offices (Including Sample Rooms)				C			P	P	P	P	P
Cluster Subdivisions	C	C	C	C							
Coal Yard										P	
Computer Services And Data Processing Centers										P	P
Contractor Equipment Storage Yard, Plant Or Centers										P	C
Dance / Physical Fitness Studios							P	C	P		
Day Care Nurseries							C		C		
Distribution Plants, Parcel Delivery Service, Ice And Cold Storage Plants										P	P
Draying, Freighting Or Trucking Terminals										P	

Drop Forge Industries, Manufacture Or Forgings With Power Hammers										C	
Drugstores / Pharmacies, Without A Drive-Thru							P	P	P		
Dwelling, Single-Family	P	P	P	P			C				
Electric And Electronic Appliance, Retail Sales And Service									P		
Contractor Facilities, Including Electrical, Plumbing									P	P	P
Family Day Care Home (1-6 Children)	P	P	P	P			P				
Fat Rendering, Except As Incidental Use										C	
Fire Stations And Water Towers	C	C	C	C		C	C		C		
Fitness Center / Gym							P	C	P	C	
Food Markets And Supermarkets							P	C	P		
Food Processing, Smoking, Curing, Or Canning										C	C
Freight Yards / Classification Yards										C	
Frozen Food Lockers, Incidental To A Permitted Use									P	P	C
Funeral Homes / Mortuaries							C		P		
Golf Driving Ranges						C			C		
Heating And Air Conditioning, Sales And Service									P		
Home Occupation	P	P	P	P			P	P	P		
Hospitals, Sanitariums, Clinics, Nursing And Rest Homes And Charitable Institutions For Human Care	C	C	C	C			C		P		
Hotels / Motels									C		
Kennels			C	C	C		C		C	C	
Laboratories, Experimental Or Testing										P	P
Laundromats							P		P	P	
Laundry (Industrial), Dry Cleaning And Dyeing Works And Carpet Or Rug Cleaning							P		P	P	
Live Entertainment (As An Accessory Or Principal Use To The Following Uses, Including But Not Limited To; Restaurants, Bars, Taverns, Pubs, Entertainment Establishments & Similar Uses)							C	C	C		

Live / Work Unit							P	P	C		
Machine Shops, Incidental To A Permitted Use									P	P	P
Manufacture, Assembly, Compounding, Processing, Packaging, Treatment Or Testing Of Products Such As Cement										P	P
Manufacture / Storage Of Acid, Acetylene Gas, Gas, Explosives, Cement, Lime, Gypsum, Or Plaster Of Paris, Iron Or Steel Fabrication										C	
Major Repair Garage, Engine And Body Repair, Steam Cleaning And Undercoating When Conducted On The Site Shall Be Within A Completely Enclosed Building									C	P	C
Meat Markets (No Butchering)							P	P	P		
Medical / Dental Clinics							C	C	P		
Medical Office And Research Facilities (Includes Auxiliary Or Accessory Laboratory)										P	P
Metal Plating, Buffing And Polishing										P	C
Mobile Home Parks					P						
Multiple-Family Dwelling Unit			P	P			C	C			
Municipal Administration Buildings, Community Center Buildings, Including Libraries	C	C	C	C		P	P	P	P		
Municipal, Denominational And Private Cemeteries	C	C	C	C		C	C		P		
Music Studios							C		P		
Newspaper Publishing									P		
Nursery (With Retail Sales)							P		P		
Oil Drilling And Production Of Oil, Gas, Or Hydro Carbons										C	
Outdoor Amusement Parks (Including Temporary Facilities) Including But Not Limited To Games Of Skill And Science, Merry-Go-Rounds, Ferris Wheel, Penny Arcade, Shooting Gallery									C	P	
Outdoor Dining Area / Cafe							P	P	P		
Painting And Enameling Shops, Incidental To A Permitted Use									P	P	P
Pawn Shops										C	

Plastic Manufacture											C	
Plumbing Service										P	P	
Plumbing Or Sheet Metal Shop											P	P
Plumbing Contractors										P		
Public Utility Buildings, Telephone Exchange Buildings, Electric Transformer Stations And Substations And Gas Regulator Stations With Service Yards, But Without Storage Yards								C		P	P	P
Public Utility Service Yard Or Electrical Receiving Transforming Station											P	
Private Parks, Golf Courses, Country Clubs, Tennis Courts, And Similar Recreational Uses	C	C	C	C				P		P	P	
Professional Services Such As Photographic, Shoe Repair, Tailoring								P	P	P		
Public Park	P	P	P	P	P	P		P	P	P		
Public, Private And Parochial Schools (Regulated To The Extent Permitted By Michigan State Law)	P	P	P	P				P				
Radio And Television, Retail Sales And Service								P		P		
Radio And Television Stations (Including Transmitters, Aerials And Masts)										C	C	C
Railroads, Including Switching, Storage, Freight Yards, Sidings And Repair Shops										C	C	
Recycling Facilities												C
Religious Institutions And Other Places Of Assembly	P	P	P	P				C		C		
Restaurants								C	P	P	P	P
Restaurants, Drive-Thru										C	C	
Retail Sales Including But Not Limited To: Furniture, Optical Goods, Hardware And Paint, Pets, Sporting Goods, Home Goods, Clothing, Bakery, Printing, Novelties, Musical Instruments, Antiques, Books, Confectionery And Delicatessen Products, Flowers, Etc.								P	P	P		
Retail Uses With Industrial Character											P	C

Rock, Sand, Gravel, Distribution, Excavation Or Crushing, Quarry And Stone Mills, Salt Works, Rolling Mills										C	
Seasonal Outdoor Sales (3 Weeks Or Less)							P	P	P		P
Seasonal Outdoor Sales (3 Weeks Or More)							C	C	C		C
Sexually Oriented Businesses											C
Shopping Centers									C		
Signs Shall Be Permitted In Accordance With The Provisions Of The City Sign Ordinance	P	P	P	P	P	P	P	P	P	P	P
Smelting Of Copper, Zinc, Or Iron Ore And Other Materials And The Manufacture Of Rubber, Paint Oil (Including Linseed), Shellac, Turpentine, Lacquer, Solidum Compounds, Etc.										C	
Storage Facilities (Excluding Outside Storage)									C	P	
Storage Facilities (With Outside Storage)										C	
Stove Or Shoe Polish Manufacture										C	
Tattoo Parlors									C	C	
Taxi Cab Stations									P		
The Manufacturing Of And Maintenance Of Signs, Sheet (Light) Metal Products, Musical Instruments, Toys, Novelties, Pottery / Ceramic Products, Etc.										P	P
The Manufacturing, Compounding, Processing, And Packaging Or Treatment Of Bakery Goods, Candy, Cosmetics, Dairy Products, Drugs, Perfumes, Pharmaceuticals, Toiletries, Or Merchandise Form Previously Prepared Materials										P	P
Theaters (Indoor)									P		
Theater (Drive-In)									C		
Trade Schools, Colleges	C	C	C	C			C		C		
Triplex / Fourplex / Townhouse With Four (4) Or Less Dwelling Units			P	P			P				
Townhouses With Five (5) Or More Dwelling Units				P			P				
Two-Family Residential Structures (Attached)		P	P	P			P				

Upper Story Dwelling Unit**							P	P	C		
Vehicle Assembly, Painting, Upholstering, Rebuilding, Conditioning, Body And Fender Work, Repairing, Tire Recapping Or Retreading, Battery Manufacture										C	
Veterinary Animal Hospital (Including Farm Animals)										P	
Vocational And Technical Training Facilities										P	P
Wholesale And Warehousing Businesses, Storage Buildings, Resale Shops, Commercial Laundries, Cleaning Establishments And Frozen Food Lockers										P	P
Wholesale Storage Of Petroleum										C	C
Wind Energy Turbines, Small Structure Mounted	P	P	P	P	P	P	P		P	P	P
Wool Nulling Or Scouring										C	C

**Permitted with a single-family or two-family unit only*

***Located above a commercial or office use*

§4.07 TABLE OF DIMENSIONAL REQUIREMENTS

Zoning District	Minimum Lot Size	Minimum Lot Width	Minimum Lot Depth	Setbacks				Maximum Bldg. Height		Minimum Dwelling Size
				Front	Size (one)	Side (both)	Rear	Ft.	Stories	
R-1	7,200	60	120	25' a,b	5'c	10'	35'	25'	2½	960
R-2	7,200	60	120	25' a,b	5'c	10'	35'	25'	2½	960
R-3	7,200	60	120	25' d,b	5'e	10'	35'	25'	2½	--
R-4	7,200	60	120	25' d,b	5'e	10'	35'	30'	3	--
MH	10 ac.	--	--	25'	15'	--	35'	25'	2½	--
REC	--	--	--	--	g,h	--	25', i	50'	--	--
CR-MU	--	--	--	-- r	g,h	--	25', i	50'	--	--
GC	--	--	--	50'	-- j, I	--	25' k,m	50'	--	--
IBP	--	--	--	50'	15'	30'	25', q	--p	--	--
I	3 ac. min.	--	--	75'	25'	--	75', o	-- p	--	--

Footnotes to the Table of Dimensional Requirements:

- a) The maximum variation in setback in any one block shall not exceed ten (10) feet.
- b) Where the lots have double frontage, the required front yard shall be provided on both streets.
- c) The side yard adjacent to a side street shall be the same as the front yard setback and in no case less than twenty (20) feet.
- d) The maximum variation in setback in any one block shall not exceed eight (8) feet.
- e) The side yard adjacent to a side street shall be the same as the front yard setback and in no case less than ten (10) feet.
- f) No building shall be erected or altered so as to be closer to the street right-of-way than the mean number of feet of other buildings located in the same block on the same side of the street.

- g) Any lot which borders on a residential district shall be provided with a side yard of not less than ten (10) feet.
- h) Any walls of structures facing an interior side lot line containing windows or other openings shall be provided a side yard of not less than ten (10) feet.
- i) In addition to the setback, a six (6) foot screened fence is required when the rear lot line is adjacent to a residential zoning district.
- j) Any side lot line adjacent to a residential district will provide a 50' side yard, including a 15' buffer strip planted with evergreens and other suitable plantings and use for no other purposes.
- k) Any rear lot line adjacent to a residential district will provide a 25' side yard, including a 15' buffer strip planted with evergreens and other suitable plantings and use for no other purposes.
- l) No party walls between structures housing permitted uses are permitted.
- m) Where a rear yard is adjacent to a road, a rear yard setback of not less than 50' is required.
- n) Side yards adjacent to roads shall not be less than seventy-five (75) feet and side and rear yards adjacent to a residential district shall not be less than seventy-five (75) feet, which will include a 20' wide buffer strip planted with evergreens and other suitable plantings and used for no other purposes.
- o) Rear yards adjacent to roads shall not be less than seventy-five (75) feet and side and rear yards adjacent to a residential district shall not be less than seventy-five (75) feet, which will include a 20' wide buffer strip planted with evergreens and other suitable plantings and used for no other purposes.
- p) The building height shall not be greater than the distance of the building to any adjacent property line but shall also be related to the fire-fighting capabilities of the city.
- q) Any rear lot line adjacent to a residential district will provide a 25' side yard, including a 20' buffer strip planted with evergreens and other suitable plantings and use for no other purposes.

ARTICLE 5
NON-CONFORMING

§5.01 PURPOSE

Within the zoning districts established by this Ordinance there exist: lots, structures, uses of land and structures, and characteristics of use which were lawful prior to adoption of this Ordinance, but do not conform to provisions of this Ordinance or which may be made non-conforming as a result of future amendments to this Ordinance. These include structures that were granted variances under the provisions of a previous ordinance. It is the intent of this Ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is further the intent of this Ordinance that non-conformities shall not be enlarged upon, expanded or extended in a way that increases the non-conformity, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same zoning district.

§5.02 NON-CONFORMING USE

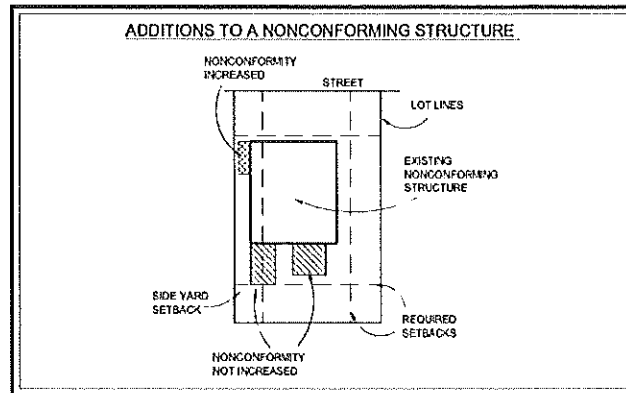
Any use of land or structure, which use was lawful or a legal non-conforming use at the time of the effective date of this Ordinance, may be continued; provided, however, such use shall not be enlarged, altered, or changed in area, activity, or content during its continuance, except as provided otherwise by proper authority, as defined herein.

- A. Any non-conforming use which has ceased its usual conduct of such business for a period of one (1) year or more shall be considered to have terminated, and may not thereafter commence operation.
- B. Any non-conforming use in a residential zoning district may only change to a use that is conforming to the district it is located in. A non-conforming use in a commercial or industrial zoning district may change to a use that, in the opinion of the Zoning Board of Appeals, is equally or less non-conforming than the current use. That determination will be made by the Zoning Board of Appeals following a public hearing which meets the notice requirements of Section 9.02E and findings of fact based on the anticipated off-site impacts of the proposed and current uses.
- C. No non-conforming use in a residential district may be enlarged by increasing the area of land or structures it occupies. A non-conforming use in a commercial or industrial district may be permitted to expand if the Zoning Board of Appeals determines that the expansion will not be detrimental to character of the area. That determination will be made following a public hearing which meets the notice requirements of Section 9.02E.

§5.03 NON-CONFORMING STRUCTURE

The use of or occupancy of a non-conforming structure, which was a lawful structure or a legal non-conforming structure at the time of the effective date of this Ordinance, may be continued; provided, however, no enlargement, change, or alteration shall be permitted upon such non-conforming structure, except upon a finding by the Zoning Administrator that such enlargement, change or alteration does not constitute an expansion of the non-conformity; and that the use within such structure is in conformity with the requirements of this Ordinance (See Figure 5-1)

Figure 5-1



- A. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any structure, or part thereof, declared to be unsafe by any official charged with providing for the public safety, and which strengthening or restoration is ordered by such official.

§5.04 NON-CONFORMING LOT

Any lot which was lawful or legally non-conforming at the time of the effective date of this Ordinance, but does not comply with all the provisions of this Ordinance may be continued in use; provided, however, a change in the location, modification, or construction of any structure on such lot shall be permitted, provided the change complies with the setback requirements of the district in which it is located.

§5.05 DESTRUCTION OF STRUCTURE

Nothing in this Ordinance shall prevent the restoration, rebuilding, or repairing of any non-conforming structure, or a structure housing a non-conforming use, which structure has been damaged by fire, acts of God, or any act of a public enemy, subsequent to the effective date of this Ordinance, in an amount up to and including sixty-five (65) percent of the replacement value of the structure as determined by the City Assessor and provided that the restoration or repairing shall have commenced and is diligently prosecuted within one (1) year after the date of destruction. A non-conforming single family residence may be replaced even if the structure is completely destroyed.

§5.06 MAINTENANCE

Nothing in this Ordinance shall prevent the renovation or repair of non-structural members, or the maintenance of a non-conforming structure made necessary by ordinary wear and tear, provided the cost per year of such repair or maintenance does not exceed twenty-five (25) percent of the value of the structure as determined by its state equalized valuation.

§5.07 CHANGE IN TENANCY OR OWNERSHIP

A non-conforming lot, structure, or use of land or structure, may be sold or change tenants without affecting its non-conforming status.

**ARTICLE 7
OFF-STREET PARKING AND LOADING/UNLOADING**

§7.01 STORAGE IN FRONT YARD

Nothing in this Ordinance shall permit the storage or parking of any vehicle or non-permanent structure within the required front yard of any lot within a residential district, except that the parking of a licensed operable passenger vehicle on a driveway located on private property shall not be prohibited.

§7.02 OFF STREET PARKING AND LOADING SPACE REQUIREMENTS

A. Off-street parking spaces shall be provided for each land use activity in accordance with the following minimum schedule.

TABLE 7-1 Off-Street Parking and Loading/Unloading		
Use	Required Number of Parking Spaces	Per Unit of Measure as Follows
Residential Uses		
a. Dwelling Unit	2	per unit unless the development project is a senior citizens housing complex in which case a minimum of 1.25 parking spaces per unit shall be required, with the ability to expand up to two spaces per unit upon demand by the City of Clio Commission.
b. Motels	1	space per rooming unit
c. Hotels	1	space per room
d. Rooming houses, fraternity houses, dormitories, etc.	2	spaces per 3 persons for whom accommodations are provided
e. Mobile home parks		(regulated by MHC)
f. Travel trailer park	1	space per site
Institutional and Public Assembly Uses		
a. Nursery, elementary and junior high schools	5	spaces plus 1 per classroom, or 1 per 10 seats in the assembly hall, whichever is greater
b. High Schools and colleges with dormitory facilities	10	spaces plus 1 per classroom plus 1 per 5 students, or 1 per 10 seats in the assembly hall, whichever is greater
c. Colleges without dormitory facilities	1	space per classroom plus 1 space per adult student, or 1 per 10 seats in the assembly hall, whichever is greater
d. Stadia and sport arena	1	space per 4 seats

**TABLE 7-1
Off-Street Parking and Loading/Unloading**

Use	Required Number of Parking Spaces	Per Unit of Measure as Follows
e. Swimming pools	1	space per 100 square feet of pool surface area
f. Assembly halls, churches, mortuaries, theaters	1	space per 5 seats of the largest assembly area
g. Hospitals	1	space per 2 beds
h. Convalescent homes, homes for the aged	1	space per 4 beds
Commercial Uses		
a. Business offices, except as otherwise specified herein	1	space per 300 square feet of floor area
b. Professional offices of architects, attorneys, accountants, engineers, real estate brokers, etc.	1	space per 300 square feet of floor area
c. Medical and dental clinics	1	spaces per 300 square feet of floor area, but not less than 5 spaces
d. Retail stores, except as other-wise specified herein	1	space per 300 square feet of gross floor area
e. Retail stores of appliances, furniture, motor vehicles, lumber and building materials	1	space per 600 square feet of sales area
f. Restaurants and bars	1	space per 200 square feet of floor area
g. Beauty or barber shops	2	per station plus 1 per 2 employees
h. Service shops	1	space per 300 square feet
i. Bowling alleys	2	spaces per alley
j. Pool rooms, bow and arrow, and other recreation facilities	1	space per 300 square feet
k. Service Stations	1	space per 200 square feet of floor area pump locations are not to be included as a parking space.
Industrial Uses		
<p>a. Parking space requirements for all industrial uses shall equal at least the employee load factor, as proposed in the application for a building permit, or at a rate of at least one space per 50 square feet, whichever appears reasonable and accurate to the City Planning Commission; provided, however, parking requirements for administrative offices shall be in addition to any such industrial use requirement.</p>		

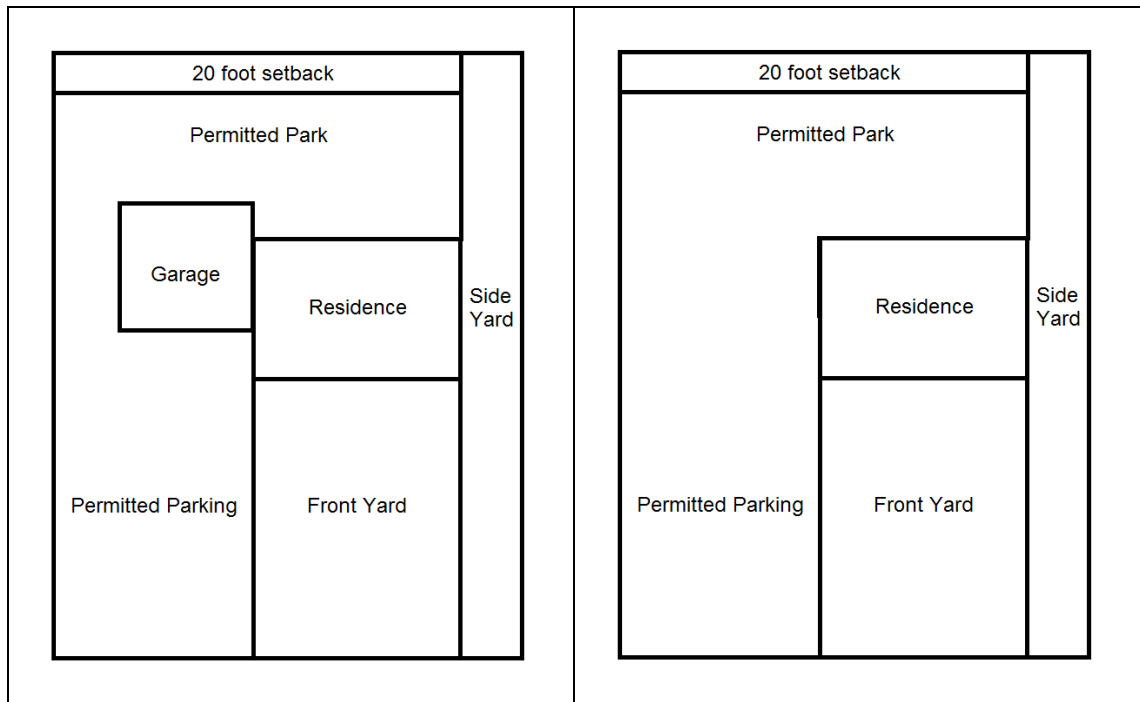
Exception

- a. The parking requirements for all uses proposed on a lot shall be cumulative, unless the City Planning Commission shall find that the parking requirements of a particular land use occur at different hours from those of other contiguous land uses, such that such particular land use parking requirements can be advantageously used during other non-conflicting hours by the other contiguous land uses, in which event the required parking spaces for such particular land uses may be reduced by the City Planning Commission to a minimum of the greatest number of spaces required for any of such contiguous land uses.
- b. During site plan review, the Planning Commission may reduce the required off-street parking otherwise required by up to 20% if they determine that such a reduction is appropriate based on information provided by the applicant.

B. Off-street Parking Regulations Within a Residential District.

- 1. All residential buildings or non-residential buildings in a residential district shall be provided with required parking areas on the same lot with the building
- 2. Such parking areas shall not be located in any front yard except a driveway or a parking area may be located in the front of an attached garage or to one side of the principal building as shown in (Fig 7-2) or in the rear yard subject to a twenty (20) foot rear yard setback.
- 3. A maximum of one (1) driveway curb cut shall be permitted accessory to each dwelling on lots with a width of less than 80 feet.

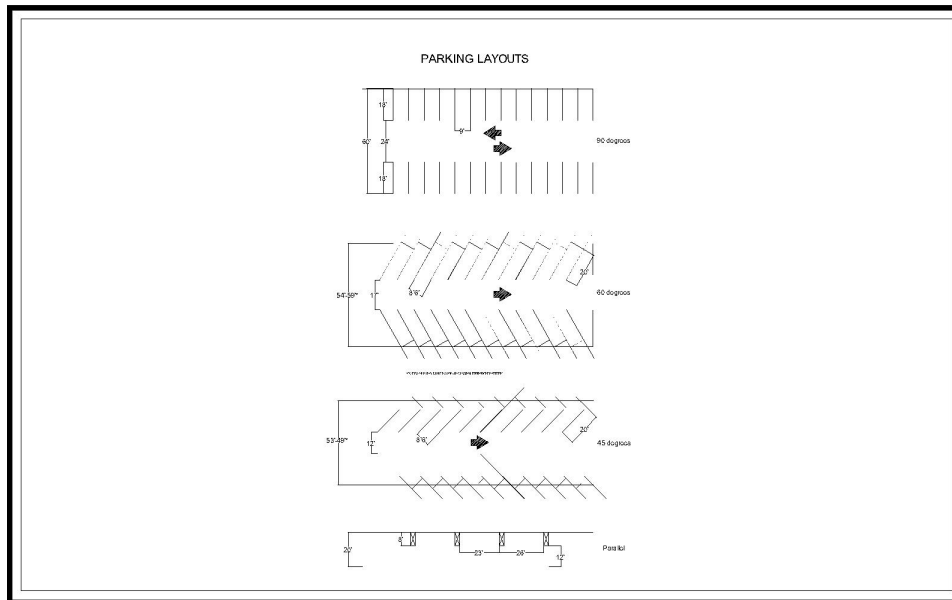
Figure 7-2



4. All parking areas, except for one (1) and two (2) family dwellings, shall be screened on all sides abutting a residential district or a street. Such screening shall consist of an ornamental fence, or planting hedge not less than three (3) feet or more than six (6) feet high of a type which will obscure vision at all seasons from adjoining property. In the event that a hedge is used, the above minimum height shall be achieved no more than three (3) years after planting.
 5. No parking area shall be used for parking or storing of any commercial vehicle exceeding one (1) ton capacity in a residential district.
 6. No commercial repair work, servicing, or selling of any kind shall be conducted on such areas, and no sign of any kind other than those indicating entrances, exits and conditions of use shall be erected thereon. No charge shall be made for parking or storage of vehicles.
 7. The establishment and operation of off-street parking areas in such parts of a residential district that is immediately adjacent to or across an alley from a business or industrial district and is intended to serve said business or industry may be authorized by the City Planning Commission subject to the conditional use provisions of Section 13.01, and subject to the following requirements:
 - a. Entrance and exit drives shall be at a distance of at least twenty (20) feet from any adjoining property line in a residential district.
 - b. All requirements of this Section shall be complied with together with any other requirements deemed necessary or desirable by the Planning Commission for the protection of the parking area and the residential district in which such parking areas are to be located. (Ord 502 passed 7-2-18; §7.02(B)(1-7))
- C. Off-street loading spaces for specified land uses shall be provided in accordance with the following requirements.
1. Retail Uses: All retail sales facilities will provide one (1) loading space. All retail sales facilities exceeding 10,000 square feet in floor area shall provide two (2) loading spaces plus one (1) loading space for each additional 30,000 square feet of floor area over 10,000 square feet.
 2. Industrial Uses: All industrial land uses shall provide one (1) loading space for each 10,000 square feet of floor area, with a minimum of not less than two (2) loading spaces.
 3. All loading spaces shall be located and designed to avoid creating traffic hazard to public use of all public rights-of-way.
- D. Design Requirements: An off-street parking and/or loading area and dimensional requirements showing compliance with this Ordinance shall be submitted to the Building Inspector for approval before the issuance of a building permit for the structure for which the parking facility and/or loading area is required.

1. Each parking space shall consist of an area not less than ten (10) feet wide by twenty (20) feet deep; provided, however, such dimensions shall be increased, when necessary, to permit safe ingress and egress thereto and provided that a 2 foot over hang allowance may be granted spaces fronting on a sidewalk. Variations in the minimum parking space area is permitted in the case of angle parking for angles less than ninety (90) degrees as shown in Figure 7-1 in Section 8.04. A stacking space shall require an area a minimum of ten (10) feet wide and twenty five (25) feet long.

Figure 7-1



2. Required off-street parking areas for three (3) or more automobiles shall have individual spaces marked, and shall be so designed, maintained, and regulated that no parking or maneuvering incidental to parking shall be on any public street, walk, or alley, and so that any automobile may be parked and maneuvered without moving or damaging another.
3. For purposes of rough computation, an off-street parking space and necessary access and maneuvering room may be estimated at three hundred (300) square feet, but off-street parking requirements will be considered to be met only when actual spaces meeting the requirements above are provided and maintained, or improved in a manner appropriate to the circumstances of the case, and in accordance with all ordinances and regulations of the City.
4. There shall be a curb or bumper rail provided wherever an off-street parking and loading area adjoins a public sidewalk or right-of-way so designed to prevent any portion of a vehicle from encroaching upon said walk or right-of-way.

5. Any lighting used to illuminate any off-street parking and loading area shall be so arranged so as to direct light away from adjoining property and streets.
6. Off-street parking and loading areas shall be surfaced with asphalt, bituminous or concrete pavement, and shall be graded and drained to dispose of all surface water into storm sewer system.
7. Any construction or rearrangement of existing drives which involve the ingress and/or egress of vehicular traffic to or from a public street shall be so arranged so as to insure the maximum of safety and the least interference with traffic upon said streets and shall be approved by the Building Inspector, in writing.
8. Fractional requirements. When units or measurements determining number of required parking spaces result in requirement of a fractional space, any fraction up to, and including one half (2) be disregarded and fractions over one half (2) require one (1) parking space.
9. Usable floor area. Calculations of usable floor area, for the purpose of determining parking requirements shall follow the definition of useable floor area in Article 2 of this Ordinance.
10. Seating capacity. As used in this article for parking requirements, seats shall mean that each twenty four (24) inches of seating facilities shall be counted as one (1) seat, except that where specifications and plans filed with the Building Inspector specify a certain seating capacity for a particular building, such specified seating capacity shall be used as the basis for required parking space.
11. Similar uses and requirements. In the case of a use not specifically mentioned, the parking requirement of a use listed in Table 7-1 that is expected to generate similar off-street parking demands will be used. The selection of a similar use will be made by the Planning Commission for developments requiring site plan review. All other cases will be handled by the Zoning Administrator.
12. Protective screening. Protective screening will be provided for parking lots as required under the provisions of Article 11 of this Ordinance.
13. Existing off-street parking at effective date of this ordinance. Off-street parking existing at the effective date of this Ordinance which serves an existing building or use, shall not be reduced to a size that is less than that required under the terms of this Ordinance.
14. Collective provisions. Nothing in this section shall be construed to prevent collective provisions of off-street parking facilities for two (2) or more buildings or principal uses, provided such facilities collectively shall not be less than the sum of the requirements for the various individual uses computed separately in accordance with this Article.

15. Joint use. Where two or more abutting parcels in any Commercial Zoning District provide paved vehicular access between hard surfaced parking areas, allowing travel from one parcel to another without use of a public street, the total number of off-street parking spaces required for each parcel may be reduced by ten percent (10%) in addition to reductions allowed by other provisions of this section.
16. Spaces reserved for parking. All approved parking spaces shall be reserved for parking only and shall not be used for storage, outdoor sales or other uses. This provision does not apply to areas within parking lots approved during site plan review for other uses such as shopping cart corrals.
17. Changes in use. For changes in use which increase the number of required parking spaces, the additional parking spaces shall be provided.
18. Parking for events. For infrequent events held at places of assembly (including but not limited to churches, clubs, and lodges) which generate a higher parking demand than normal, parking may be provided in a temporary, unimproved overflow parking area on site. Parking for such events shall not be on the street.
19. Parking in C-1. Businesses in the C-1 zoning district are not required to provide off street parking, but accessory apartments are required to have the necessary off street parking.
20. In the C-2 Zoning District, there shall be dedicated to the City an easement to be regulated by the City Commission, upon the advice and recommendation of the City Planning Commission, providing for vehicle access to adjacent parking lots to minimize the need for driveways to each land use area and thereby decreasing hazards to vehicular traffic. The advice and recommendation of the City Planning Commission shall cover the design and layout of the entire parking area, including roadways, and be based on documented findings of safe ingress and egress from the public right-of-way and maneuvering within said parking area, and such other requirements as deemed necessary to provide a safe and healthy environment for the general public.
21. Parking in IBP District. All parking required for uses in the IBP District shall be located on the lot that the use is located on. For the purposes of this requirement two or more contiguous lots of record shall be considered the same lot.

ARTICLE 8
SITE PLAN REVIEW

§8.01 INTENT

These site plan review procedures are instituted to provide an opportunity for the City Planning Commission to review the proposed use of a site in relation to drainage, pedestrian and vehicular circulation, off-street parking, structural relationships, public utilities, landscaping, accessibility, and other site design elements which may have an adverse effect upon the public health, safety, morals, and general welfare, as well as to provide for the best interests of the property owner.

§8.02 MAJOR vs. MINOR SITE PLANS

Under the terms of this ordinance, site plans are defined as either a major or minor site plan. Each type has its own approval process. Any erection, addition, alteration or moving of a building or change in the use of land or building not requiring a site plan is regulated under the zoning permit requirements of this ordinance.

§8.03 WHEN SITE PLANS ARE REQUIRED

A. Major Site Plans

Major site plans are required to be submitted under any of the following circumstances.

1. As part of an application for a conditional use permit.
2. Any change in use which requires construction of ten (10) or more additional parking spaces.
3. As part of an application for approval of a condominium development.
4. Any other construction or moving of structures except:
 - a. Single family and duplexes on individual parcels and their accessory structures.
 - b. Non-residential accessory structures under nine hundred (900) square feet.
 - c. Expansions of fewer than nine hundred (900) square feet.

B. Minor Site Plans

Minor site plans are required to be submitted under the following circumstances:

1. The construction or moving of non-residential accessory structures under nine hundred (900) square feet.

2. Expansion of structures under nine hundred (900) square feet other than single family duplex residences on individual parcels and their accessory structures

§8.04 PROCEDURES

- A. Before any building permit shall be issued for any structure other than a single family residence, duple or accessory structure to a single family residence of duplex, or any use requiring a condition use permit, a site plan drawn to a scale of 1" = 20" and placed on a standard sheet shall b submitted to the City Clerk. Said site plan either major or minor shall contain the following information:
 1. Statistical data including: number of dwelling units, size of dwelling units (e.g., 1-bedroom, 2-bedrooms, and 3-bedrooms), if any, and total gross acreage involved. In the case of mobile home parks, the size and location of each mobile home site shall be shown. In all other cases, the location, type, horsepower, fuel, dimension, and other data of all machinery to be used on the proposed site.
 2. The location of any residential structure within 100' of the lot line of the site to allow consideration of potential impact to adjacent uses.
 3. The location of any watercourses, water bodies or wetlands to determine compliance with local and state requirements.
 4. Existing and proposed contours at 2' intervals to check drainage and access issues.
 5. The location of principal and accessory buildings on the lot and the relationship of each structure to another.
 6. Vehicular traffic and pedestrian circulation features within and without the site.
 7. The location and dimensions of all off-street parking areas, including maneuvering lanes, service lanes, off-street loading spaces, and other service areas within the development and cross sections of drives and parking areas to ensure compliance with parking requirements and city design specifications.
 8. The location, dimensions, and proposed use of all on-site recreation areas, if any.
 9. The location of all proposed landscaping, fences or walls.
 10. The height and dimensions of all structures.
 11. Front, rear, and side elevation of any typical structure proposed for development.
 12. The location and capacity of private or public water and sanitary services including fire hydrant locations, storm drainage and solid waste disposal facilities (including dumpster locations) servicing the site.

13. The location, dimensions, and lighting of all signs.
 14. The location, intensity, and orientation of all lighting.
 15. The location of any outdoor storage or activity areas to determine compliance with requirements with these items and any potential off-site impacts.
 16. Designation of fire lanes, information on hazardous material stored on the site and any other information required by the City Fire Chief.
 17. A location map at a larger scale, indicating the relationship of the site to the surrounding land use.
 18. Location of any driveway in relation to already existing driveways, across from, or adjacent to the site.
 19. Shall comply with all applicable Federal, State, County and local laws, ordinance and regulations such as Soil Erosion, etc.
 20. Staked property boundary survey and property description of the parcel proposed to be developed, not more than five (5) years old. A mortgage survey shall not be substituted for the required survey.
 21. The site Plan Review Subcommittee may waive the above referenced requirements deemed not applicable for certain projects submitted by way of a minor site plan.
- B. The site plan shall be referred within five (5) calendar days after receipt by the City Clerk to the City Planning Commission Site Plan Review Subcommittee composed of three (3) Planning Commission members (appointed by the Planning Commission Chairperson), the Zoning Administrator and the City Engineer for its review and evaluation. If the site plan is not complete, it shall be returned to the applicant with a list of the missing information. The applicant may request the sub-committee waive informational requirements if he can demonstrate that the information is not necessary to determine compliance with the standards for approval of a site plan.

The site plan shall be referred within thirty (30) calendar days after receipt by the City Clerk to the City Planning Commission for its review and evaluation at its next regularly scheduled meeting.

- C. The City Planning Commission shall review and communicate its approval, disapproval, or recommended site plan modifications to the applicant and the Building Inspector within forty-five (45) calendar days after receipt of a complete site plan. In cases where modifications have been recommended, the applicant shall resubmit a site plan incorporating those modifications to the City Planning Commission for their review. Upon receipt of the modified site plan, the City Planning Commission shall evaluate the changes which have been made and if deemed acceptable, shall communicate its approval of the site plan to the applicant and the Building Inspector within forty-five (45) calendar days after receipt of the modified site plan.
- D. An applicant may request a preliminary review of a site plan by the Planning Commission, addressing all issues except compliance with engineering requirements. This review is informational only and is not binding on the Planning Commission due to the potential of additional information changing the terms of approval.

§8.05 STANDARDS FOR APPROVAL

The City Planning Commission's action for approval, approval with modifications, or disapproval, shall be based on an assessment of the following factors, as well as others that the City Planning Commission determines to be uniquely applicable to the subject proposal.

- A. The structural types and density of the proposed development are compatible with existing land use and zoning patterns within the area.
- B. Sufficient setbacks, distances between buildings, and maximum building heights are maintained to insure compatibility with existing land use and zoning patterns within the area.
- C. Vehicular traffic and pedestrian circulation features are designed so as to minimize conflicts between vehicular movement and pedestrian movement, adequate clear vision zones are provided, and ingress and egress drives are located and designed so as to minimize vehicular conflicts.
- D. All provisions of this ordinance are met including off-street parking areas and off-street loading and unloading space requirements, dimensional requirements including setbacks and lot sizes, and landscaping requirements.
- E. When appropriate, minimum areas for open space or on-site recreation, as defined within other sections of this Ordinance, shall be provided.
- F. The location and capacity of water, sanitary sewer, storm drainage, and solid waste facilities shall be adequate to serve the proposed development. Electrical, phone, cable television and similar lines shall be installed underground where appropriate.
- G. All signs shall conform to the location, intensity and dimensional requirements of the zoning district in which the proposed use is located and in accordance with the City Sign Ordinance.

- H. The location, intensity, and orientation of all lighting facilities, including lighted signs, shall be designed so as not to create an adverse effect on adjacent properties, shall provide adequate light to insure the safety of occupants of the proposed development, and shall not create a nuisance or safety hazard to pedestrians or motorists in the vicinity of the site.
- I. No proposed development shall create smoke, noise, or odors in excess of that permitted under Sections 12.11, 12.12, and 12.13.
- J. All proposed developments shall take into account any natural features which exist on the site and shall be designed to insure the maximum protection of such features.
- K. The City Planning Commission shall approve a site plan, only upon a finding that the proposed use will not, upon the facts known at the time of submission of the site plan, cause undue hardship, or create unsafe or hazardous health or safety conditions, or create a nuisance condition to the detriment of prospective occupants of the subject property, adjoining land users, or the general public.
- L. Any required modification shall be directed to the specific elimination of unsafe or hazardous health or safety conditions or the prevention of nuisance conditions, and shall be so noted.
- M. The site plan shall conform to all federal, state, county and local laws, ordinances and regulations.

§8.06 APPEAL OF SITE PLAN DECISION

The decision of the Planning Commission on a site plan may be appealed to the City Zoning Board of Appeals under provisions of Article 13.

§8.07 EXPIRATION OF SITE PLAN APPROVAL

A Site plan shall expire unless a building permit for the structures required under the Site plan is applied for within twelve (12) months of the approval of the Site plan and work is completed within one (1) year of issuance of the building permit. The Planning Commission may extend approval of the site plan for up to six (6) additional months.

§8.08 REVOCATION OF SITE PLAN APPROVAL

In any case where a site plan is constructed in a manner that violates the conditions placed on its approval or the general requirements of this ordinance, the Zoning Administrator shall schedule a public hearing before the Planning Commission following the notice requirements in Section 9.02E of this ordinance for the applicant to show cause why their site plan approval should not be revoked. If the Planning Commission determines that the property is out of compliance with the terms of its approval or this ordinance and that a procedure to bring them into compliance agreeable to the Planning Commission is not identified, the Planning Commission shall revoke the site plan approval.

§8.09 PERFORMANCE GUARANTEES

In the interest of insuring compliance with the Zoning Ordinance provisions, protecting the natural resources and the health, safety and welfare of the residents of the City of Clio and future users or inhabitants of an area for which a site plan for a proposed use has been submitted, the Planning Commission may require the applicant to deposit a performance guarantee as set forth herein. Performance guarantees shall be required in instances where an occupancy permit is requested prior to completion of all improvements on an approved site plan. The purpose of the performance guarantee is to ensure completion of improvements connected with the proposed use as required by this ordinance, including but not limited to roadways, lighting, utilities, sidewalks, drainage, fences, screens, walls, landscaping, and widening strips.

- A. Performance guarantee as used herein shall mean a cash deposit, certified check or irrevocable bank letter of credit in the amount of the estimated cost of the improvements to be made as determined by the applicant and verified by the Zoning Administrator.
- B. Where the Planning Commission requires a performance guarantee, said performance guarantee shall be deposited with the City Treasurer prior to the issuance of an occupancy permit. The City of Clio shall deposit the performance guarantee, if in the form of a cash deposit, certified check or performance bond in an interest-bearing account.
- C. An approved site plan shall also prescribe the period of time within which the improvements for which the performance guarantee has been required are to be completed. The period will begin from the date of the issuance of the building permit.
- D. In the event the performance guarantee deposited is a cash deposit or certified check, the City of Clio shall rebate to the applicant fifty (50) percent of the deposited funds when sixty (60) percent of the required improvements are completed as confirmed by the Building Inspector, and the remaining fifty (50) percent of the deposit funds when one hundred (100) percent of the required improvements are completed as confirmed by the Building Inspector. If a request is made by the applicant for a temporary certificate of occupancy without completion of required exterior improvements, the performance guarantee may be applied by said applicant to assure compliance with Zoning Ordinance standards and the specifications of the approved site plan.
- E. Upon the satisfactory completion of the improvements for which the performance guarantee was required, as determined by the Zoning Administrator, the Treasurer shall return to the applicant the performance guarantee deposited and any interest earned thereon.
- F. In the event the applicant defaults in making the improvements for which the performance guarantee was required within the time period established by the City, the City shall have the right to use the performance guarantee deposited and any interest earned thereon to complete the improvements through contract or otherwise, including specifically the right to enter upon the subject property to make the improvements. If the performance guarantee is not sufficient to allow the City to complete the improvements for which it was posted, the applicant shall be required to pay the City the amount by which the costs of completing the improvements exceeds the amount of the performance guarantee. Should

the City use the performance guarantee or a portion thereof, to complete the required improvements, any amount remaining after said completion shall be applied first to the City's administrative costs in completing the improvement with any balance remaining being refunded to the applicant. If the applicant has been required to post a performance guarantee or bond with another governmental agency other than the City of Clio to ensure completion of an improvement associated with the City of Clio's approval, the applicant shall not be required to deposit with the City of Clio a performance guarantee for that specific improvement. At the time the performance guarantee is deposited with the City and prior to the issuance of a building permit, the applicant shall enter into an agreement incorporating the provisions hereof with the City of Clio regarding the performance guarantee.

§ 8.10 REVISIONS TO APPROVED SITE PLAN

Any revisions to a proposed site plan shall be reviewed by the Site Plan Review Committee. If the committee determines the changes to be minor in scope, the committee may approve the changes if they comply with the requirements of this ordinance. Any other revisions shall be referred to the Planning Commission for its determination.

Minor site plan revisions include modifications that do not impact a specific condition of approval, do not require a variance, do not result in a net increase in building size or require additional parking spaces.

ARTICLE 9 CONDITIONAL USE PERMIT

§9.01 INTENT

These conditional use permit review procedures are instituted to provide an opportunity to use a lot for an activity which, under usual circumstances, would be detrimental to other permitted land uses and cannot be permitted within the same district, but which can be permitted under circumstances unique to the proposed location and subject to conditions acceptable to the community and providing protection to adjacent land uses. These procedures are adopted to provide guidelines for the City Planning Commission to follow in arriving at any decision over which such City Planning Commission has jurisdiction, and to provide for the public health, safety, morals, and general welfare, as well as to provide for the interest of the property owner.

§9.02 PROCEDURES AND GUIDELINES

- A. An application for the approval of a conditional use shall be made, by an owner of an interest in the land on which the conditional use is to be located or by a person with an option to buy such land, to the City Clerk accompanied by the necessary fees as established by the City Commission and documents as provided herein.
- B. The application shall be accompanied by fourteen copies of a site plan drawn to a scale of 1" = 20' and placed on a standard sheet and containing the information required on a site plan in Section §8.02 of this ordinance.
- C. The application shall be referred by the City Clerk to the City Administrator, City Zoning Administrator, City Engineer and City DPW Department and the site plan review committee not less than 21 days prior to the City Planning Commission meeting. The application will be reviewed and their comments requested on the application no less than seven (7) days prior to the City Planning Commission meeting. The Site Plan Review Committee shall review the site plan to determine that it is complete. An incomplete site plan shall be returned to the applicant with an explanation regarding the missing information.
- D. The City Clerk shall submit copies of the application along with any staff reports on the application to the City Planning Commission not less than five (5) days prior to the City Planning Commission meeting at which it will be reviewed.
- E. Public Hearing Notice
 1. The City Clerk shall post a notice of public hearing in a newspaper of general circulation within the City not less than fifteen (15) days before the next regular meeting of the City Planning Commission. The content of the notice shall describe the nature of the request, indicate the property that is the subject of the request by street address, state when and where the request will be considered and indicate when and where written comments can be received per §103 (3) of PA 110.
 2. The City Clerk shall mail, by first class mail, a copy of such notices to each resident and owner of all properties as listed on the tax roll and located within three hundred (300) feet from the property involved in the application regardless of municipal boundaries.

- F. The City Planning Commission shall hear any person wishing to express an opinion on the petition and review the conditional use permit application.
- G. The City Planning Commission shall, within 30 days of the public hearing, vote to approve or deny the Conditional Use Permit unless an extension is agreed to by the applicant.
1. The City Planning Commission's action for approval, approval with modifications, or disapproval, shall be based on an assessment of the following factors, as well as others that the City Planning Commission determines to be uniquely applicable to the subject proposal.
 - a. The site plan complies with the district regulations, general provisions and other requirements of this ordinance.
 - b. The structural types and density of the proposed development are compatible with existing land use and zoning patterns within the area.
 - c. Sufficient setbacks, distances between buildings, and maximum building heights are maintained to insure compatibility with existing land use and zoning patterns within the area.
 - d. Vehicular traffic and pedestrian circulation features are designed so as to minimize conflicts between vehicular movement and pedestrian movement, adequate clear vision zones are provided, and ingress and egress drives are located and designed so as to minimize vehicular conflicts.
 - e. Off-street parking areas and off-street loading and unloading spaces are provided in accordance to Section 7.01.
 - f. When appropriate, minimum areas for open space or on-site recreation, as defined within other sections of this Ordinance, shall be provided.
 - g. Landscaping, fences, or walls, shall be provided to insure protection of adjacent properties from noise, light, glare, or other potential adverse effects created by the proposed development.
 - h. The location and capacity of water, sanitary sewer, storm drainage, and solid waste facilities shall be adequate to serve the proposed development.
 - i. All signs shall conform to the location, intensity, and dimensional requirements of the zoning district in which the proposed use is located and in accordance with Article 6 of this ordinance.

- j. The location, intensity, and orientation of all lighting facilities, including lighted signs, shall be designed so as not to create an adverse effect on adjacent properties, shall provide adequate light to insure the safety of occupants of the proposed development, and shall not create a nuisance or safety hazard to pedestrian or motorists in the vicinity of the site.
- k. No proposed development shall create smoke, noise, or odors in excess of that permitted under Section 3.19.
- l. All proposed developments shall take into account any natural features which exist on the site and shall be designed to insure the maximum protection of such features.

The requirements defined as forementioned are to be considered as minimum standards or guidelines. The City Planning Commission may impose conditions of a more restrictive nature if such conditions are deemed necessary to make the proposed use compatible with the surrounding area or to provide for the health, safety, and welfare of the prospective occupants of the conditional use. Such reason(s) for imposing conditions of a more restrictive nature shall be noted in writing by the City Planning Commission.

- 2. In making a motion to approve, approve with conditions or deny the CUP request, the Planning Commission shall establish findings of fact as they relate to these standards.
- H. The Building Inspector shall, upon receipt of notice of approval and upon application by the applicant, accompanied by a receipt duly executed by the City Treasurer attesting to the payment of all required fees, issue a building permit for the approved conditional use, provided he has found satisfactory compliance with all condition precedents imposed by such approval.
- I. A decision by the City Planning Commission on a CUP may not be appealed to the ZBA.

§9.03 EXPIRATION OF CONDITIONAL USE PERMIT

A Conditional Use Permit shall expire unless a building permit for the structures required under the Conditional Use Permit is applied for within six (6) months of the approval of the Conditional Use Permit and work is completed within two (2) years of issuance of the building permit (unless the Conditional Use Permit provides for development in phases). In the case of a Conditional Use Permit that does not require the construction of any buildings requiring a building permit, the Conditional Use Permit will expire unless the use authorized by the Conditional Use Permit has been established within six (6) months of approval.

§9.04 REVOCATION OF PERMIT

In any case where a conditional use is constructed or operated in a manner that violates the conditions placed on its approval or the general requirements of this ordinance, the Zoning Administrator shall schedule a public hearing before the Planning Commission following the notice requirements in Section 9.02E of this article for the applicant to show cause why their permit should not be revoked. If the Planning Commission determines that the property is out compliance with the terms of its permit or this ordinance and that a procedure to bring them into compliance agreeable to the Planning Commission is not identified, the Planning Commission shall revoke the Conditional Use Permit.

§9.05 CHANGES TO CONDITIONAL USE PERMIT

Any changes to the Conditional Use Permit, including changes in the uses permitted, revisions to the conditions for approval or changes to the site plan that require Planning Commission review must follow the application, review and approval process outlined in this article.

§9.06 PERFORMANCE GUARANTEES

Performance guarantees may be required by the Planning Commission per the requirements of Section 8.07.

ARTICLE 10 LANDSCAPE STANDARDS

§10.01 INTENT

The intent of this article is to promote the public health, safety and welfare by establishing minimum standards for the design, installation and maintenance of landscaping as buffer zones between zoning districts, along roadways, between adjacent buildings and in parking lots.

The standards of this article are intended to guide and encourage the protection and enhancement of the environment through requirements for site design and the use of landscape materials. Applicants are encouraged to provide landscaping in addition to the minimum requirements of this ordinance to improve the function, appearance and value of their property.

§10.02 APPLICATION

The requirements set forth in this article shall apply to all uses for which site plan review is required under Section 8.02. No site plan or land use shall be approved unless said site plan shall show landscaping consistent with the provisions of this Article.

The Planning Commission may also determine that dimensional conditions unique to the parcel would prevent development of required buffer zones, off street parking area, landscaping or green belts. In addition, when space limitations or prevailing development patterns in the surrounding neighborhoods, justify exceptions to these requirements the Planning Commission may make a determination that an exception be granted.

The following are minimum landscape standards and nothing will preclude the developer and City from agreeing to more stringent standards. If applicable this determination will be made during site plan review.

A. Landscape Plan Required

A separate detailed landscape plan shall be required to be submitted as part of a site plan review. The landscape plan shall include, but not be limited to the following items:

1. Minimum scale of one (1) inch to fifty (50) feet.
2. Proposed plant location, spacing, size, species (common and botanical name) and necessary descriptions for use within required landscape areas.
3. Existing and proposed contours on-site and 100 feet beyond the site at intervals not to exceed two (2) feet.
4. Straight cross section including slope, height and width of berms and type of ground cover, or height and type of construction of wall or fence, including footings.

5. Significant construction details to resolve specific site conditions, such as tree wells to preserve existing trees or culverts to maintain existing natural drainage patterns.
6. Planting and staking details in either text or drawing form to ensure proper installation and establishment of proposed materials.
7. Identification of existing trees proposed to be saved including individual tree caliper size and species. Clearly reference on the plan the total number of trees proposed to be preserved, category of preserved tree caliper size and number of trees requested for credit consideration.
8. Identification of tree protection method for trees proposed to be preserved.
9. Identification of existing healthy trees over 8" caliper proposed to be removed.
10. Identification of grass and other ground cover and method of planting.
11. Clearly reference on plan total number of proposed parking spaces and number of parking lot trees.
12. Site plan review for pre-existing sites shall clearly identify the proposed building and/ or parking expansion and label the net percent site increase and calculated landscape requirement. Clearly identify proposed building entrances and curb cuts.
13. Identify areas established for storage of plowed snow during winter months to ensure that plants are not damaged by storage of snow on them.

§10.03 MINIMUM BUFFER ZONES

It is the intent of this section to provide a landscape buffer between conflicting land uses. The buffer zone is defined as the landscape area located within the required side and rear yard setbacks. Landscape requirements along the public street right of way, or front yard are addressed in Section 10.04: Greenbelts.

A. A buffer zone shall be provided within the setback between the subject site and all adjacent properties according to the table below. Walls shall typically be prohibited along a public street right of way or in a front yard unless specifically approved by the Planning Commission. The height of the wall or berm shall be measured from the surface of the parking area or land on the nonresidential side of the wall. All walls shall meet the standards described in item 10.03:B following. Buffers utilizing a combination of plant materials, berming and walls will be encouraged.

ZONING DISTRICT OF SUBJECT SITE	ZONING DISTRICT OF ADJACENT SITE			
	R-1*	R-3, R-4, RC	C-1, C-2	I
R-3, R-4, RC	B or a 4 foot high wall/fence	B or a 4 foot high wall/fence	A or a 5 foot high wall/fence**	A or 8 foot high wall/fence**
C-1, C-2	A or 6 foot high wall/fence**	A or a 5 foot high wall/fence**	None	B
I	A or 8 foot high wall/fence**	A or 8 foot high wall/fence**	B	None

A = One (1) deciduous canopy tree and, continuous visually solid hedge (during leaf period) at least 4' ht. at maturity, or one (1) evergreen tree and continuous visually solid hedge (during leaf period) at least 4' ht. at maturity, per thirty (30) linear feet along the property line. All property line distances shall be rounded upward to the nearest foot. A combination of evergreen and deciduous plant materials in the hedge will be encouraged.

B = One (1) Deciduous canopy tree and visually solid hedge (during leaf period) at least 4' ht. at maturity, or one (1) evergreen tree and visually solid hedge (during leaf period) at least 4 ft. at maturity, per forty (40) linear feet along the property line. All property line distances shall be rounded upward to the nearest foot. A combination of evergreen and deciduous plant materials in the hedge will be encouraged.

Where the adjacent property, including property across a public street or private road, is zoned or used as single family residential, the Planning Commission may require additional landscaping (trees, shrubs, wall or berm) along the property line or within the site to sufficiently screen the parking lot, vehicle headlights, loading zones, outdoor display areas, storage yards, accessory structures, or use.

** A berm will be considered when a minimum 22 ft. wide buffer strip is available for a 3 foot high berm. A berm at least three (3) feet high is permitted as part of a buffering requirements (Example: a three (3) foot fence on top of a three (3) foot berm is equivalent to a six (6) foot fence or wall). A four (4) foot high berm may be substituted for a four (4) foot high fence or wall. See Section 10.3.D for Berm Standards. No fence, berm or combination thereof shall exceed six (6) feet in height except in the industrial zone.

Home occupations approved by special use permit within the residential districts may require additional buffering, screening or landscape requirements. Requirements may be directed along the property line or within the site to ensure a harmonious effect with adjacent properties, within the residential area and to minimize the impact of a more intense use or activity

B. Parking and Storage

1. All storage areas (including areas for storage of refuse) which are visible from residential districts or public thoroughfares, shall be screened on all sides by a fence or wall no less than 6 feet in height. The fence or wall shall not allow light to penetrate through it.
2. Side yard and rear yard buffer screen: The Planning Commission may require the parking lots in the side and rear yards of parcels that are adjacent to residential uses to be screened with a hedge, wall, berm, fence or combination thereof forming a continuous screen at least fifty-two (52) inches in height above parking lot grade.

C. Wall and Fence Standards - When Buffering is Required:

For purposes of buffering, walls and fences are the same. Required walls shall comply with the standards listed below.

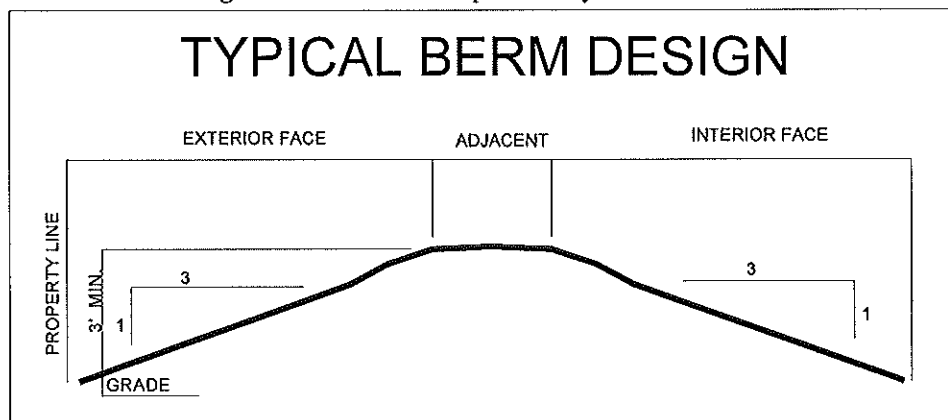
1. Walls shall be located one (1) foot within the lot line except where underground utilities interfere and or where this Ordinance requires conformance with yard setback lines. The Planning Commission, at their discretion, may approve an alternative wall location.
2. Walls shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this Ordinance, unless specifically approved by the Planning Commission.
3. Walls shall be constructed of face brick, pressure treated wood, or comparable nonporous facing materials on the exterior sides facing an affected district.
4. Walls shall be durable, weather resistant, rustproof and easily maintainable. Wood or wood products shall be high quality durable materials. Wood fences shall be sight obscuring sufficient to shield light and block blowing debris. Masonry walls may be constructed with openings which do not in any square section (height and width) exceed twenty (20) percent of the surface. Where walls are so pierced, the openings shall be spaced so as to maintain the obscuring character required and shall not reduce minimum height requirement.

5. Walls must be maintained in good condition by the property owner.
6. Curbing, bollards (posts), or plant material shall be required where parking is adjacent to walls.

D. Berm Standards

1. Required berms shall be constructed as landscaped earth mounds with a crest area at least four (4) feet in width. The exterior face of the berm shall be constructed as an earthen slope. The interior face of the berm may be constructed as a earthen slope or retained by means of a wall, terrace or other means acceptable to the Planning Commission. Whenever an earthen slope is provided, it shall be constructed with a slope not to exceed one (1) foot of vertical rise to three (3) feet of horizontal distance (1:3). (See Illustration). Free form naturalistic contouring and berm shaping is encouraged.
2. Berm slopes shall be protected from erosion by sodding or seeding. Seeded slopes shall be protected with a straw mulch held in netting until the seed germinates and a permanent lawn is established. The straw mulch is not required if the seeded slope is protected by a net that is specifically designed to control erosion. The berm area shall be kept free from refuse and debris and shall be planted with living shrubs, trees or lawn, and shall be maintained in a healthy, growing condition.
3. As part of an overall site plan, a planting and grading plan shall be prepared for the berm. Plant materials within the berm area shall be installed in accordance with the requirements for Greenbelts or Buffer Zones, depending on berm location, and plant materials contained in this section.

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§10.04 GREEN BELTS REQUIRED ALONG THE PUBLIC RIGHT OF WAY

A green belt shall be planted adjacent to the right of way, within private property, of any public street or approved private street. The green belt plantings shall be planted within the required front yard or side yard setback of the principal structure. The Planning Commission may allow such planting to be placed anywhere within the front yard if there is no front yard parking. Greenbelt requirements may overlap with Buffer Zone requirements. The green belt shall meet the following standards:

- A. The green belt shall include only living materials and planting beds, except for approved sidewalks, signs, driveways and essential services.
- B. The green belt shall include one (1) deciduous canopy tree per thirty (30) linear feet of the frontage including any openings for driveways, sidewalks, or easements.
- C. The Planning Commission may approve substitution of evergreen trees for up to fifty percent (50%) of the required green belt trees upon determining evergreens would be consistent with the existing character of the area.
- D. Greenbelt trees should be spaced consistent with the existing character of the City.
- E. Landscaping materials arrangement shall insure adequate site visibility for motorists, adequate clearance for pedestrians and vehicles and accessibility to fire hydrants. Plant materials within the twenty (20) foot site distance triangle shall not be more than thirty (30) inches in height.

§10.05 LANDSCAPING OF PROPERTY

- A. Areas between buildings and property lines and adjoining street rights-of-way, excluding improvements such as parking lots, driveways, loading areas on approved site plan shall be used exclusively for the planting and growing of trees, shrubs, lawns and other ground covering or material as approved by the Planning Commission, and shall be installed within 60 days of completion or occupancy of building, season permitting, whichever is first.
- B. Unused land area must be kept free of weeds or other unsightly plant growth, rubbish or debris and must be seeded if area is vacant for more than 1 year.

§10.06 PLANT MATERIAL SPECIFICATIONS

All plant material shall be free of disease and insects at time of planting, and conform to the American Standard for Nursery Stock of the American Association of Nurserymen ANZI Z60.1.

A. Plant material and design variety:

The overall landscape plan shall demonstrate a variety of plant material with not more than 50 % of any one species utilized throughout the design.

B. Suggested (not required) Plant Materials

TREES	minimum size at planting					
	height			caliper		
	3'	4'	6'	10'	1.75"	2.5"
EVERGREEN						
Hemlock (<i>Tsuga</i> sp.)			X			
Fir (<i>Abies</i> sp.)			X			
Pine* (<i>Pinus</i> sp.)			X			
Spruce (<i>Picea</i> sp.)			X			
Douglas-Fir (<i>Pseudotsuga menziesii</i>)			X			
NARROW EVERGREEN						
False Cypress (<i>Chamaecyparis nootkatensis</i>)		X				
Wichita Blue Juniper (<i>Juniperus scopulorum</i> 'Wichita Blue')		X				
Eastern Redcedar (<i>Juniperus virginiana</i> cvs.)		X				
Swiss Stone Pine (<i>Pinus cembra</i>)		X				
Pyramidal White Pine		X				
Pyramidal Japanese Yew (<i>Taxus cuspidata</i> "Capitata")		X				
Hick's Yew (<i>Taxus x Media</i> 'Hicksii')		X				
Arborvitae varieties (<i>Thuja occidentalis</i> cvs.)		X				
ORNAMENTAL TREES						
Flowering crabs (<i>malus</i> sp.) (disease resistant varieties only)					X	
Serviceberry (<i>Amelanchier</i> sp.)			X			

TREES	minimum size at planting					
	height			caliper		
	3'	4'	6'	10'	1.75"	2.5"
Dogwood (<i>Cornus alternifolia</i>)					X	
Hornbeam (<i>Carpinus betulus</i>)					X	
Hawthorn (thornless varieties)					X	
Magnolia (<i>Magnolia</i> sp.)			X or		X	
Flowering pears (<i>Pyrus</i> sp.)					X	
Paperbark Maple (<i>Acer griseum</i>)					X	
LARGE DECIDUOUS SHRUBS						
Honeysuckle (<i>Lonicera fragrantissima</i> only)		X				
Viburnum (<i>Viburnum</i> sp.)	X					
Mock-Orange (<i>Philadelphus virginialis</i>)	X					
Lilac (<i>Syringa</i> sp.)		X				
Privet (<i>Ligustrum</i> sp.)		X				
Amur maple (<i>Acer ginnala</i>)			X			
Dogwood (<i>Cornus alba elegantissima</i>)			X			
Cornelian Cherry (<i>Cornus mas</i>)			X			
Smoke tree (<i>Cotinus coggyria</i> and cvs.)			X			
Bayberry (<i>Myrica pensylvanica</i>)		X				
DECIDUOUS CANOPY TREES						
Oaks (<i>Quercus</i> sp.)						X
Hard Maples (<i>Acer rubru</i> , <i>A. saccharum</i> , <i>A. platanoides</i> - not within 20' of sidewalks located in public ROW)						X
Hackberry (<i>Celtis occidentalis</i>)					X	
River Birch (<i>Betula nigra</i>)				X		
Beech (<i>Fagus</i> sp.)						X

TREES	minimum size at planting					
	height			caliper		
	3'	4'	6'	10'	1.75"	2.5"
Ginkgo (male plant only) (Ginkgo sp.)					X	
Honeylocust (thornless and seedless cultivars only) (Gleditsia sp.)						X
Littleleaf Linden (Tilia cordata)						X
Ash (seedless varieties)						X

Trees Not Permitted

1. Box Elder (Acer negundo)
2. Soft Maples (Silver) (Acer saccharinum)
3. Norway Maples (Acer platanoides) (to prevent sidewalk heaving, cannot be located within 20 ft. of sidewalks in public R.O.W.)
4. American Elms (Ulmus americana)
5. Poplars, including Cottonwoods (Populus species)
6. Willows (Salix species)
7. Horse Chestnut (Nut Bearing) (Aesculus hippocastanum)
8. Tree of Heaven (Ailanthus altissima)
9. Catalpa (Catalpa species)
10. Paper Birch (Betula papyrifera)
11. Siberian Elm (Ulmus pumila)
12. Sycamore (Platanus occidentalis)

§10.07 EXISTING TREE PRESERVATION INCENTIVES

The standards outlined below are intended to encourage the preservation of quality and mature trees by providing credits, at Planning Commission approval, toward the required trees for green belts, buffer zones and within parking lots.

- A. All trees over eight (8) inches caliper shall be identified on the site plan with notations of trees to be preserved and trees to be removed.
- B. Trees intended to be preserved shall be noted with a unique symbol on the site plan and be protected during construction through the use of construction fencing at or beyond the drip line of the tree or trees to be preserved.

C. Trees to be preserved shall be considered for credit only if they are located on the developed portion of the site as determined by the Planning Commission. The Planning Commission pursuant to site plan approval may allow credit for such plant material preservation if it will maintain and encourage the intent of the ordinance. To obtain credit consideration the preserved trees shall be of a high quality and at least two (2") inches caliper.

D. Credit Consideration for preserved trees shall be:

Preserved Tree Caliper*(inches)	Number of Trees to be Credited
12 inches and over	3
8 inches to 11.99 inches	2
2 ½ inches to 7.99	1

*Caliper is the diameter of a tree trunk and shall be measured at a height six (6) inches above the existing grade up to and including four (4) inch caliper size and twelve (12) inches above the existing grade for larger sizes.

E. To protect and encourage the continued health and vitality of the preserved trees, the ground within the drip line of the trees shall be maintained in the existing natural state. Storage of soils or other materials during or after construction within the tree drip line is prohibited.

F. The minimum number of required trees shall not be reduced by less than fifty (50) percent through the use of approved tree credits. However, the Planning Commission during site plan review, may determine that existing landscaping or screening intended to be preserved would provide comparable required landscaping, buffering or screening.

§10.08 MINIMUM STANDARDS FOR INSTALLATION AND MAINTENANCE

A. Installation

Landscaping shall be installed in a sound workman like manner and conform to the American Standard for Nursery Stock ANSI Z60.1.

B. Material removal

Tree stakes, guy wires and tree wrap are to be removed by the applicant after one (1) year, unless an extension is requested by the property owner and approved by the zoning administrator.

C. Maintenance

Greenbelt areas and plant materials required by this ordinance shall be kept free from refuse and debris. Plant materials shall be maintained in a healthy growing condition, neat and orderly in appearance within three (3) years from the time of planting. Plant material that is part of a buffering element required in Section 10.3 must be permanently maintained.

§ 10.09 ENFORCEMENT

A violation of any provision of this Section or non-compliance with written notifications pertaining to this Section shall constitute a violation of this Ordinance under Section 15.02.

ARTICLE 11 DESIGN STANDARDS

§11.01 APARTMENTS (IN THE UPPER FLOORS OF COMMERCIAL BUILDINGS)

Apartments in the upper floors of commercial buildings are permitted by right in the C-1 zoning districts provided:

- A. Each apartment shall comply with the requirement for minimum size contained in Section 4.05 of this Ordinance.
- B. A minimum of two (2) off-street parking spaces shall be provided per apartment.

§11.02 AUTOMOBILE SERVICE STATIONS

Automobile service stations for the sale of gasoline, oil, and accessories, and subject to the following:

- A. The curb cuts for ingress and egress to a service station shall not be permitted at such location that will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be no less than twenty-five (25) feet from a street intersection (measured from the road right-of-way) or from adjacent residential districts.
- B. The minimum lot area shall be ten thousand (10,000) square feet, and so arranged that ample space is available for motor vehicles which are required to wait.
- C. All restroom doors shall be shielded from adjacent streets and residential districts.
- D. Major repair garage, engine and body repair, steam cleaning and undercoating when conducted on the site shall be within a completely enclosed building.
- E. Commercially used outdoor recreational space for children's amusement parks, miniature golf courses, subject to the following:
 - 1. Children's amusement parks must be fenced on all sides with a four (4) foot wall or fence.
 - 2. Adequate parking shall be provided off the road right-of-way and shall be fenced with a four-foot six inch (4'-6") wall or fence where adjacent to the use.

§11.03 AUTOMOBILE WRECKING AND/OR JUNK YARDS

Automobile wrecking and/or junk yards, subject to the following conditions:

- A. All junk yards shall be provided with a buffer of at least fifty (50) feet which buffer shall be provided adjacent to all abutting lands and rights-of-way. Such buffer shall be planted with evergreen and other suitable plants and used for no other purposes.

B. All junk yards shall be enclosed on all sides by a fence that obstructs the view from outlying areas. This fence shall have a height of not less than the height of the stored objects, but in no case less than ten (10) feet.

C. All junk yards shall be a minimum of fifteen (15) acres in size.

§11.04 CLUSTER SUBDIVISIONS

Cluster subdivisions subject to the following conditions:

A. The proposed subdivision shall consist of a tract of land at least twenty (20) acres in area.

B. The application shall be endorsed unequivocally for such development by all the owners of the tract, and procedures and documents shall be provided to assure development under a single administration and as approved by the City Planning Commission.

C. Residential densities may be at not more than 4.5 dwelling units per acre.

D. The developer shall dedicate not less than twenty (20) percent 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 of public or semi-public use. Such land may be dedicated to the City or may be reserved for private use, in which case satisfactory arrangements shall be made, acceptable to the City, for the development, operation, and maintenance of all such areas.

1. The location, extent, and purpose of areas dedicated for open space or recreational use within any subdivision shall be approved by the City Planning Commission and City 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 Register of Deeds of Genesee County simultaneously with the recording of the final plat of the subdivision.

§11.05 DRIVE-IN THEATERS

Drive-in Theaters, subject to the following conditions:

A. A setback of at least fifty (50) feet from the street right-of-way line of any existing or proposed major thoroughfare must be maintained.

B. Ingress and egress points shall be located at least fifty (50) feet from the intersection of any two (2) streets.

§11.06 FIRE STATIONS AND WATER TOWERS

Fire stations and water towers when located at least fifty (50) feet from all property lines.

§11.07 HOME OCCUPATION

A home occupation may be permitted within a single family residential dwelling, in the R-1; R-3 and R-4 Zoning Districts, subject to the following conditions:

- A. No person other than members of the family residing on the premises shall be engaged in such occupation.
- B. 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 twenty-five (25) percent of the floor area of the dwelling unit or accessory building shall be used for the purposes of the home occupation, and shall be carried out completely within such dwelling unit or accessory building.
- C. 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 one (1) sign not exceeding two (2) square feet in area, non-illuminated, and mounted flat against the wall of the dwelling.
- D. There shall be no sale of any goods manufactured elsewhere in connection with such home occupation.
- E. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be provided by an off-street area, located other than in a required front yard.
- F. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses of persons off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference with any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises. All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of the residential structure in which electrical wiring, lighting and/or watering devices support the home occupation.
- G. All applicants for a Home Occupation Permit under this section shall register with the Zoning Administrator by completing and filing a registration application with the City before the issuance of a permit by the Zoning Administrator. If the applicant is not the owner of the property, the applicant shall also provide the property owner's written approval with the application.

H. That portion of the residential structure where energy usage and heat exceeds typical residential use or where there is storage of any chemicals or fertilizers shall be subject to inspection and approval by the City of Clio Fire Code Inspector and all inspections required by the City of Clio Code of Ordinances.

I. Medical Marihuana.

The regulations of this Section are intended to ensure that home occupations remain subordinate to the residential use, the residential viability of the dwelling is maintained, and shall not be a detriment to the character and livability of the surrounding neighborhood. Subject to the provisions of this article the following home occupation may be permitted. A registered primary caregiver, in compliance with the General Rules of the Michigan Department of Public Health, the Michigan Medical Marihuana Act, P.A. 2008, Initiated Law, MCL 333.26423(d) and the requirements of the City of Clio Zoning Ordinance, shall be allowed as a home occupation. Nothing in the City of Clio Zoning Ordinance, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marihuana not in strict compliance with that Act and the General Rules. Also, since Federal law is not affected by that Act or the General Rules, nothing in this chapter, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution under Federal law. The Michigan Medical Marihuana Act does not protect users, caregivers or the owners of properties on which the medical use of marihuana is occurring from Federal prosecution, or from having their property seized by Federal authorities under the Federal Controlled Substances Act. The following requirements for a registered primary caregiver shall apply:

1. The medical use of marihuana shall comply at all times and in all circumstances with the Michigan Medical Marihuana Act and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time;
2. Not more than five (5) qualified patients registered with the State of Michigan, shall be assisted with the medical use of marihuana within any given calendar week;
3. All harvested medical marihuana plants and cultivation equipment shall be contained within the main residence in an enclosed, locked facility inaccessible on all sides and equipped with locks or other security devices that permit access only by the registered primary caregiver or qualifying patient registered with the State of Michigan.

§11.08 HOSPITALS, SANITARIUMS, CLINICS, NURSING AND REST HOMES AND CHARITABLE INSTITUTIONS FOR HUMAN CARE

Hospitals, sanitariums, clinics, nursing and rest homes and charitable institutions for human care, subject to the following procedures and conditions:

- A. The area accommodating any one of these uses shall not be less than one (1) acre in area.

- B. The building, including accessory buildings, must be located not less than fifty (50) feet from all property lines.
- C. The height of any structure shall be related to the location of the structure so as to equal the distance to any adjacent property line; provided, however, the height limitation shall be related to the capability of the fire fighting capability of the City.
- D. The area must be completely surrounded with screen planting and landscape development, the ultimate height of which shall not be less than six (6) feet. Said planting may be within the above specified setbacks.
- E. Ingress and egress to the area must be located in such a manner so as to provide maximum safety to the public utilizing this facility and the public streets. Said ingress and egress shall be hard-surfaced and properly drained.

§11.09 INDUSTRIAL PARK

Industrial park, subject to the following conditions:

- A. Permitted uses shall include all uses permitted by right within this District. Conditional uses may be permitted, subject to the Conditional Use Provisions of Article 9.
- B. The minimum required land area for an industrial park shall be five (5) contiguous acres.
- C. The development of an industrial park shall be in accordance to an overall plan for development of the park, which plan shall be approved by the City Planning Commission.
- D. The developer shall provide within the industrial park a sanitary sewage system which shall be of sufficient size and design to collect all sewage from structures within the industrial park, which system shall connect with the City's system. If public sewers are not available, the park's sanitary sewer system shall be designed so as to dispose of all sewage and shall be otherwise constructed and maintained in conformity with the statutes, ordinances, and regulations of the State of Michigan, the Genesee County Health Department, and Genesee County Drain Commissioner's Office, and the City.
- E. The developer shall provide within the industrial park a storm drainage system which shall be of sufficient size and design as will in the opinion of the City's engineer collect, carry off, and dispose of all predictable surface water run off within the industrial park all contributory areas, and shall be so constructed as to conform with the statutes, ordinances, and regulations of the State of Michigan, the Genesee County Drain Commissioner's Office and the City.
- F. All industrial park sites and structures shall be connected to the water system of the City. If a public water system is not available, the developer shall provide within the industrial park a potable water system which shall be of sufficient size and design to supply potable water to each of the structures to be erected in the development.

1. The developer shall also provide a fire hydrant within four hundred (400) feet of each structure.
 2. Such water system shall conform to the statutes, ordinances, and regulations of the State of Michigan, the Genesee County Health Department, the Genesee County Drain Commissioner's Office and the City.
- G. All industrial parks shall have direct access to a primary street as determined by the City Planning Commission.
- H. Provision shall be made for safe and efficient ingress and egress to and from public streets and highways serving the industrial park without undue congestion or interference with normal traffic flow. All points of vehicular access to and from public streets shall be located not less than two hundred (200) feet from the intersection of any public street lines with each other.
- I. No parking access and/or service area may be located closer than twenty-five (25) feet of any residential property line.
- J. Parking, loading, or service areas used by motor vehicles shall be located entirely within the boundary lines of the industrial park.
- K. Any industrial park adjoining any platted residential subdivision or multiple family structure development shall be provided with a buffer of at least twenty (20) feet which buffer shall be provided adjacent to the property line. Such buffer shall be planted with evergreen and other suitable plantings and used for no other purposes. A landscaped planting area shall also be provided along all street frontage which shall not be less than ten (10) feet in width.
- L. Lighting facilities shall be required where deemed necessary for the safety and convenience of employees and visitors. These facilities will be arranged in such a manner so as to protect abutting streets, and adjacent properties from unreasonable glare or hazardous interference of any kind.
- M. Maximum building coverage on any lot within the industrial park shall not exceed twenty-five (25) percent.
- N. Minimum lot sizes within an industrial park shall be twenty thousand (20,000) square feet.

§11.10 MOBILE HOME PARK

The minimum required lot area for a mobile home park shall be ten (10) acres.

No mobile home shall be located closer than twenty-five (25) feet to any street right-of-way line.

No mobile home, or any structure within the mobile home park, shall be located closer than fifteen (15) feet from any side lot lines.

No mobile home, or any structure within the mobile home park, shall be located closer than thirty-five (35) feet from any rear lot lines.

No structure or appurtenance thereto shall be erected to exceed a height of two and one-half (2 ½) stories, or twenty-five (25) feet, except essential service structures.

A. Site Design Requirements

1. Each mobile home site or lot shall be not less than seven thousand two hundred (7,200) square feet in area and not less than sixty (60) feet in width.
2. There shall be a side to side spacing between mobile homes of at least thirty (30) feet.
3. The end to end spacing between mobile homes shall be at least seventy (70) feet.
4. No enclosed attached or detached projection, including expandable units, shall be permitted within the thirty (30) feet side yard spacing.
5. There shall be a greenbelt planting strip, with a width of not less than twenty (20) feet, along the exterior property lines of the mobile home park.
 - a. This greenbelt may be within the minimum front, side and rear yard setbacks required.
 - b. Such greenbelt shall contain at least one (1) straight or staggered row of deciduous and/or evergreen trees, spaced not more than forty (40) feet apart, and at least three (3) rows of deciduous or evergreen shrubs, spaced not more than eight (8) feet apart, and which shrubs grow to an ultimate height of approximately twelve (12) feet. Varieties and species to be planted shall be approved in advance by the City Planning Commission.
6. There shall be a recreation area or areas at a ratio of at least ten (10) percent of the gross mobile home park area.
 - a. This area(s) may be located within the minimum setback requirements, but not within the twenty (20) feet greenbelt.
 - b. Such area(s) shall be enclosed with deciduous shrubs or evergreens.
7. All roadways or streets within the park shall include curbs and gutters and paved streets with a minimum width of twenty-eight (28) feet, measured from back of curb to back of curb. Such streets shall be of concrete or asphalt construction approved by the City's engineers, but in no event shall the specifications or design of such streets be less than that required for the City's local streets, which are hard surfaced.

8. The mobile home park shall be provided with a walk system consisting of forty-eight (48) inch minimum width concrete sidewalks along both sides of all roadways and streets within the park, and connecting to the park recreation and service facilities, plus thirty-six (36) inch minimum width walks connecting the entrance of each mobile home to the balance of the park walk system.
9. Each mobile home site shall be provided with a concrete pad, no less than twelve (12) feet in width, sixty (60) feet in length and four (4) inches in thickness, upon which the mobile home shall be located. Said pad shall include an eight (8) inch rat wall around its entire circumference. In all cases, the pad shall be at least as large as the mobile home placed thereon.
10. The grounds of a mobile home park shall be graded to drain properly into storm sewers.

B. General Requirements

1. Plans and specifications for water and sewage shall have the written approval of the City, Genesee County Health Department, and the Michigan State Health Department. Said written approval shall be submitted to the Michigan State Health Department. Said written approval shall be submitted to the City Building Inspector.
 - a. A certificate of approval from the City, the Genesee County Health Department, and the Michigan State Health Department, must also be submitted to the City Building Inspector after final inspection of the completed facilities.
 - b. No mobile home park shall be constructed or licensed, unless it shall have an approved public sewer connection to the City sewer system and an under-ground sewer provided to each mobile home site.
 - c. A central water supply system, connected to a public water supply system (if reasonably available), with water supplied to each mobile home site, shall be provided.
 - d. Fire hydrants shall be provided within three hundred (300) feet of each mobile home site.
2. No mobile home shall be occupied for dwelling purposes unless the mobile home is placed on the pad and connected to water, sanitary sewers, electricity and such other facilities as may be necessary.
3. Paved parking off the roadways or streets within the park shall be provided at the rate of at least two (2) parking spaces per each mobile home or dwelling unit, plus additional guest parking spaces equal to fifty (50) percent of the number of mobile home sites.

- a. The guest parking shall be provided in a separate area or areas within the park.
 - b. The roadways and streets within the park may be utilized for additional guest parking, provided however, that such parking will not interfere with safe vehicular and pedestrian movement, and provided that the street width permits same in accordance with P.A. 243 of the Michigan Public Acts of 1959, as amended.
 - c. Roadways and streets within the park shall be posted as to parking areas to insure compliance with this Ordinance. Cost of such posting, including signs, shall be borne by the park owner.
4. Street lighting shall be provided and paid for by the owner of the park and shall be approved as to the adequacy of illumination by the Building Inspector.
 5. Street signs shall be provided by the owner at all street intersections in accordance with City specifications and all streets shall be individually named and all lots shall be clearly and uniformly numbered.
 6. Fences on individual mobile home sites shall be uniform in height and approved by the park operator.
 7. Mobile home parks shall be located with direct access to an arterial road as determined by the City Planning Commission.
 8. There shall be a maximum of one (1) sign per entrance, which shall bear only the name of the mobile home park.
 - a. Such a sign shall have a maximum area of fifty (50) square feet and may be lighted, provided that the source of light is not visible, and not of the flashing or intermittent type.
 - b. Such a sign shall not be located within any required "setback area," and shall be wholly within the zone in which the park is located.
 9. There shall be no commercial sales or display of mobile homes within any portion of the park.
 10. All requirements as regulated by Michigan State Act. No. 243, P.A. of 1959, as amended, shall be complied with.
 11. The owner or operator of any mobile home park shall be responsible for and shall perform all street construction and street maintenance within the confines of the mobile home park, as shall be determined necessary by the City; shall be responsible for and shall perform all snow removal within the confines of the mobile home park, as shall be determined necessary by the City; shall be responsible for and shall pick up trash and

garbage within the confines of the mobile home park, and handle same in a manner approved by the City; and shall reimburse the City for all City inspection fees necessitated by the mobile home park.

12. No mobile home shall be occupied by more than one (1) family.
13. Each mobile home shall have a safe and unobstructed primary exit and shall also have an emergency exit located away from the primary exit.
14. All gas and electrical service conduits shall be underground.
 - a. Each mobile home lot shall be provided with underground gas and electrical service.
 - b. When separate meters are installed, each meter shall be located on a uniform post on the lot line.
 - c. Wiring shall comply with recommended standards of the local utility company and the City Building Code and the Michigan State Electrical Code.
15. Each mobile home site shall be provided with approved garbage containers.
 - a. The containers shall be kept in a sanitary condition at all times.
 - b. It shall be the responsibility of the mobile home park operator to insure that garbage containers do not overflow.
 - c. Exterior property areas shall be maintained free from organic and inorganic material that might become a health or fire hazard, or endanger persons or property.
 - d. Facilities for cleaning refuse receptacles shall be provided in a central location approved by the City.
16. No domestic animals or house pets shall be allowed to run at large or commit any nuisance within the limits of the mobile home park.
17. Every park shall be equipped at all times with fire extinguishing equipment in good working order, and of such type, size, number and location within the park as required by the Michigan State Fire Code.
 - a. Fire extinguishers shall bear the underwriter's label and be of such service approved by the Commissioner of the State Police.
 - b. Each fire extinguisher shall be annually examined by the park owner and kept at all times in a usable condition, in compliance with the regulations of the local fire department.

18. No business of any kind shall be conducted in any mobile homes.
19. The grounds of a mobile home park shall be graded to drain properly and to satisfactorily meet the approval of the City Engineer, the Genesee County Drain Commissioner, and the Genesee County Road Commission.
20. Skirting shall be installed on each mobile home in a manner and of materials which shall first be approved by the City of Clio Building Inspector. Such skirting must at all times provide for adequate ventilation under the mobile home.
21. Each mobile home shall be jacked up on a uniform jack which shall be supplied by the mobile home park.
22. No axles shall be removed from any mobile home, except for repairs. Further, no mobile home shall be placed on blocks, posts, or walls, or any other temporary or permanent foundations.
23. No accessory building, addition, or other building or foundation shall be attached to any mobile home or located upon any mobile home site, except for the following:
 - a. One (1) metal utility cabinet or shed may be located on any mobile home site unless prohibited by the rules and regulations of the mobile home park.
 - b. An awning of aluminum, canvas or fiberglass may be located upon any mobile home site and attached to the mobile home, unless otherwise prohibited by the rules and regulations of the mobile home park. Such awning space may be screened-in provided that the screened area shall not be greater than fourteen (14) feet in width nor shall said area be enclosed or glassed-in, except as otherwise permitted herein.
24. There shall be no storage of any kind underneath any mobile home, and each mobile home shall be maintained in a clean and presentable condition at all times.
25. All fuel for cooking and heating shall be through installations provided by a public utility to each mobile home unit.
26. No camping trailers, boats, or other large equipment shall be stored upon the mobile home site, but a separate storage area shall be provided for such purposes.

§11.11 MOTEL

Motel, subject to the following:

- A. Provided that it can be demonstrated that ingress and egress do not conflict with adjacent business uses.

- B. No kitchen or cooking facilities are to be provided, with the exception of units for the use of the manager or caretaker.
- C. Each unit shall contain not less than three hundred (300) square feet of floor area.

§11.12 MULTIPLE FAMILY STRUCTURES

The following site design standards will be required for all multiple family structures:

- A. Maximum building coverage shall not exceed thirty (30) percent of the lot area.
- B. The distance between any two (2) buildings within a multiple family structure development shall be not less than forty (40) feet.
- C. Any multiple family structure development adjoining any single family residential district or any developed non-residential district shall be provided with a buffer of at least ten (10) feet which shall be provided adjacent to the property line. Such buffer shall be planted with evergreen and other suitable plantings and used for no other purpose. A landscaped planting area shall also be provided along all street frontage which shall not be less than ten (10) feet in width.
- D. All multiple family structure developments shall be served with public sewer and water facilities.
- E. A minimum of ten (10) percent of the total lot area shall be developed for recreation and park purposes.
- F. Provision shall be made for safe and efficient egress and ingress to public streets and highways serving any multiple family structure development which shall be designed to minimize congestion and interference with normal traffic flow.
- G. The site shall be developed and facilities shall be provided in such a manner so as to insure adequate drainage.
- H. Lighting facilities shall be required where deemed necessary for the safety and convenience of residents and visitors. These facilities shall be arranged in such a manner so as to protect abutting streets and adjacent properties from unreasonable glare or hazardous interference of any kind.
- I. Provisions for serving multiple family structures by refuse collection vehicles shall be made.

§11.13 MUNICIPAL, DENOMINATIONAL AND PRIVATE CEMETERIES

Municipal, denominational and private cemeteries when occupying a site of at least twenty (20) acres and when all buildings are at least one hundred (100) feet from all property lines.

§11.14 OUTDOOR SALES SPACE FOR SALE OF NEW AND USED AUTOMOBILES,
FARM EQUIPMENT, HOUSE TRAILERS, AND TRAVEL TRAILER

Outdoor sales space for sale of new and used automobiles, farm equipment, house trailers, and travel trailers, subject to the following:

- A. Ingress and egress to the outdoor sales area shall be at least sixty (60) feet from the intersection of any two (2) streets.
- B. No major repair or major refinishing shall be done on the lot.

§11.15 PLANNED UNIT DEVELOPMENTS

Planned unit developments subject to the following conditions and provided such development is found not detrimental to the public health, safety, and general welfare of the occupants and the community.

A. Requirements regarding tract:

- 1. The minimum required land area for a planned unit development shall be sixty (60) contiguous acres.
- 2. The developer shall provide within the planned unit development a sanitary sewage system which shall be of sufficient size and design to collect all sewage from all present and proposed structures in the planned unit, shall connect with the City's system, and shall be otherwise constructed and maintained in conformity with the statutes, ordinances, and regulations of the State of Michigan, the Genesee County Health Department, the Genesee County Drain Commissioner's Office and the City of Clio.
- 3. The developer shall provide within the planned unit development a storm drainage system which shall be of sufficient size and design as will in the opinion of the City's engineer collect, carry off and dispose of all predictable surface water run-off within the development and any adjoining tributary area, and shall be so constructed as to conform with the statutes, ordinances, and regulations of the State of Michigan, the Genesee County Health Department, the Genesee County Drain Commissioner's Office, and the City of Clio.
- 4. If a public water system is not available, the developer shall provide within the planned unit development a potable water system which shall be of sufficient size and design to supply potable water to each of the structures to be erected in the development.
 - a. The developer shall provide a fire hydrant within four hundred (400) feet of each structure.

- b. Water systems shall conform to the statutes, ordinances, and regulations of the State of Michigan, the Genesee County Health Department, the Genesee County Drain Commissioner's Office, and the City of Clio.

B. Permitted Uses:

1. Single family attached or detached dwelling.
2. Multiple family structure.
3. Accessory private garage.
4. Public or private park or recreation area which may include a golf course, swimming pool, tennis court, ski slope, toboggan run, ice skating rink, and other similar recreational uses, but which may not include any use or activity which produces noise, glare, odor, air pollution, fire, or other safety hazards, smoke, fumes, or other pollutants detrimental to existing or prospective occupants or the general public.
5. Municipal building.
6. School.
7. Church, temple, synagogue, parsonage or parish house, convent.
8. Art gallery or professional office.
9. Theatre for stage productions or films, but not a drive-in theatre.
10. Studio of artist, sculptor, musician or photographer, but no goods or objects shall be sold or publicly displayed on the premises.
11. Restaurant.
12. Business activities of a local or neighborhood character, conducted within an enclosed building only, providing necessary services for the day-to-day operation of a household, and which can be supported economically by a small neighborhood area, including business of the type included in, although not limited to, the following:
 - a. Barber and beauty shop.
 - b. Cigar store.
 - c. Cleaning and dyeing distribution shop (no processing).
 - d. Dairy products, retail sales.
 - e. Delicatessen.
 - f. Drugstore.

- g. Laundry collection shop, self-service laundry and hand laundry.
- h. Local store selling, at retail, fish, fruit, food, hardware, meats (no slaughtering) and vegetables, and beer and wine under SDM license and gasoline from not more than two gasoline pumps; provided further, that such store may not exceed twelve thousand (12,000) square feet of sales floor area.
- i. Newsstand.

C. Density and Design Standards:

1. Area limitations for various uses: Within a planned unit development the following percentages of the total land area shall be devoted to the specified uses:
 - a. A maximum of eighty (80) percent for residential use; land devoted to residential use shall be deemed to include those streets, alleys, parking areas, private open spaces and courts which abut and service primarily residences or groups of residences, but it shall not include useable open space which is available for use by the general public or by persons who do not live in the residences or groups of residences immediately provided herein.
 - b. A maximum of twenty (20) percent for non-residential uses and required parking, provided, however, that open air recreational uses, other open space uses, and land devoted to streets shall not be included in determining non-residential use.
 - c. A minimum of twenty (20) percent for open air recreational uses and other useable open space.
 - 1) Usable open space shall be defined as an open area designated and developed for common use by the occupants of the development or by others for recreation (whether commercial, private, or public) courts, gardens, or household service activities such as clothes drying, which space is effectively separated from automobile traffic and parking and is readily accessible; the term shall not include space devoted to streets and parking.
2. Residential density: The density of residences shall not exceed 4.5 units per acre of the land within the development which is devoted to residential use and usable open space.
3. Lot size: There shall be no minimum lot size, no minimum setbacks, no minimum percentage of lot coverage and no minimum lot width for any unit; provided, however, that in areas of single family and/or townhouse structures which are to be sold and for which the care and maintenance of the grounds and exteriors associated with such structures will be the responsibility of the purchaser of such structure or parts of such structures, such areas shall be platted with applicable and recordable provisions of the Subdivision Regulations. For purposes of determining overall densities within the

planned unit development, the number of units located in such platted areas shall be included.

4. Height: The height of any structure within a planned unit development shall be related to the location of the structure such as to equal the distance to any adjacent property line; provided, however, the height limitation shall be related to the capability of the City and provided further, that this provision affect any structure of less than thirty-five (35) feet.
5. Location of structures: The proposed location and arrangement of structures shall not be detrimental to existing or prospective development of the neighborhood. Every single family dwelling shall have access to a public street, court, walkway, or other area dedicated to public use. No structure and no group of structures (such as semi-detached dwellings or a row of townhouses) shall be erected within twenty-four (24) feet of any other structure or group of structures.
6. Protection of open spaces: Open spaces between structures, including those spaces being used as public or private recreational areas, shall be protected by adequate covenants running with the land or by conveyances or dedications, as the City Planning Commission shall specify.
7. Roads and parking areas: The dimensions and construction of roads, alleys, and parking areas within the development, whether or not dedication of them to the City is contemplated, shall conform with all applicable state, county, and city ordinances.

D. Procedure:

1. Before any conditional use permit or building permit is issued for land or a building in a planned unit development, the developer shall obtain approval by the City Planning Commission of an overall plan for development of the land. For this purpose, he shall submit to the City Planning Commission a plan prepared by a registered community planner, or a registered architect which:
 - a. Shall state the acreages to be devoted to specific uses;
 - b. Shall set forth the proposed density of dwelling units;
 - c. Shall include a major thoroughfare plan and a public utility plan;
 - d. And shall include a separate plan showing the location of parks, open recreation areas and other open spaces, schools and other public or community uses.
2. The criteria for approval of any planned unit development shall be those which are included within the Conditional Use Permit Review Procedures Section of this Ordinance in Article 9. These criteria shall include the desirability of the planned unit development's design in terms of traffic safety, health, drain-age, densities, land use relationships or proposed uses to each other and used adjacent to the site and its overall relation to a community development plan if such a plan exists.

3. If the plan is approved by the City Planning Commission, the developer shall thereafter submit a detailed plan, containing all the information required of this Ordinance.
 - a. The City Planning Commission shall review the detailed plan to determine that it complies with this Ordinance and with the overall plan originally submitted by the developer.
 - b. Approval of any detailed plan shall lapse unless construction is started in that section within one (1) year.
 - c. No conveyance of land within the development may be made until the developer has complied with all City regulations.

§11.16 PUBLIC PARKS, GOLF COURSES, COUNTRY CLUBS, TENNIS COURTS, AND SIMILAR RECREATIONAL USES

Public parks, golf courses, country clubs, tennis courts, and similar recreational uses (including restaurants when such use is conducted within an area accessory thereto, is an integral part thereof and is entered from within the main building), and when all buildings are at least one hundred (100) feet from any property line.

§11.17 SEXUALLY ORIENTED BUSINESS

Sexually Oriented Business, provided the building housing a sexually oriented business or parking area serving it, shall not be less than 200' from a Residential 1 or Residential 3 zoning district and shall not be closer than 500' from another sexually oriented business.

A. Definitions:

1. ADULT ARCADE means any place to which the public is permitted or invited wherein coin-operated, slug-operated, or for any form of consideration, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video or laser disc players, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."

2. ADULT BOOKSTORE, ADULT NOVELTY STORE OR ADULT VIDEO STORE means a commercial establishment which, as one of its principal purposes, offers for sale or rental for any form of consideration any one or more of the following:

(a) books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; or

(b) instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities."

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as ADULT BOOKSTORE, ADULT NOVELTY STORE, or ADULT VIDEO STORE. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an ADULT BOOKSTORE, ADULT NOVELTY STORE, or ADULT VIDEO STORE so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

3. ADULT CABARET means a nightclub, bar, restaurant, or similar commercial establishment which regularly features:
 - (a) persons who appear in a state of nudity or semi-nude; or
 - (b) live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or
 - (c) films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
4. ADULT MASSAGE PARLOR is any place where, for any form or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatment or any other treatment or manipulation of the human body occurs as part of or in connection with "specified sexual activities" or where any person providing such treatment, manipulation or service related thereto, exposes "specific anatomical areas."
5. ADULT MOTEL means a hotel, motel or similar commercial establishment which:
 - (a) offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right of way which advertises the availability of this adult type of photographic reproductions; or
 - (b) offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
 - (c) allows a tenant or occupant of a sleeping room to sub rent the room for a period of time that is less than ten (10) hours.

6. ADULT MOTION PICTURE THEATER means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
7. ADULT THEATER means a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or semi-nude, or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."
8. EMPLOYEE means a person who performs any service on the premises of a sexually oriented business on a full-time, part-time or contract basis, whether or not the person is denominated an employee, independent contractor, agent or otherwise and whether or not said person is paid a salary, wage or other compensation by the operator of said business. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises.
9. ESCORT means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
10. ESCORT AGENCY means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.
11. ESTABLISHMENT means and includes any of the following:
 - (a) the opening or commencement of any sexually oriented business as a new business;
 - (b) the conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
 - (c) the additions of any sexually oriented business to any other existing sexually oriented business; or
 - (d) the relocation of any sexually oriented business.
12. HEARING means an appeal process.
13. LICENSEE means a person in whose name a license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a license; and in the case of an employee, a person in whose name a license has been issued authorizing employment in a sexually oriented business.

14. NUDE MODEL STUDIO means any place where a person who appears semi-nude, in a state of nudity, or who displays "specified anatomical areas" and is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. Nude Model Studio shall not include a proprietary school licensed by the State of Michigan or a college, junior college or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or in a structure:
- (a) that has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and
 - (b) where in order to participate in a class a student must enroll at least three days in advance of the class; and
 - (c) where no more than one nude or semi-nude model is on the premises at any one time.
15. NUDITY or a STATE OF NUDITY means the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or anal cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state.
16. PERSON means an individual, proprietorship, partnership, corporation, association, or other legal entity.
17. SEMI-NUDE or in a SEMI-NUDE CONDITION means the showing of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female buttocks. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel provided the areola is not exposed in whole or in part.
18. SEXUAL ENCOUNTER CENTER means a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:
- (a) physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
 - (b) activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.

19. SEXUALLY ORIENTED BUSINESS means an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, sexual encounter center or massage parlor.

20. SPECIFIED ANATOMICAL AREAS means:

- (a) the human male genitals in a discernibly turgid state, even if completely and opaquely covered; or
- (b) less than completely and opaquely covered human genitals, pubic region, buttocks or a female breast below a point immediately above the top of the areola.

21. SPECIFIED CRIMINAL ACTIVITY means any of the following offenses:

- (a) prostitution or promotion of prostitution; dissemination of obscenity; sale, distribution or display of harmful material to a minor; sexual performance by a child; possession or distribution of child pornography; public lewdness; indecent exposure; indecency with a child; engaging in organized criminal activity; sexual assault; molestation of a child; gambling; or distribution of a controlled substance; or any similar offenses to those described above under the criminal or penal code of other states or countries;
- (b) for which:
 - (1) less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense;
 - (2) less than five years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a felony offense; or
 - (3) less than five years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if the convictions are of two or more misdemeanor offenses or combination of misdemeanor offenses occurring within any 24-month period.
- (c) The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant or a person residing with the applicant.

22. SPECIFIED SEXUAL ACTIVITIES means any of the following:

- (a) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts, whether clothed or unclothed.

(b) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; or

(c) excretory functions as part of or in connection with any of the activities set forth in (a) through (b) above.

23. SUBSTANTIAL ENLARGEMENT of a sexually oriented business means the increase in floor areas occupied by the business by more than twenty-five percent (25%), as the floor areas exist on the date this ordinance takes effect.

24. TRANSFER OF OWNERSHIP OR CONTROL of a sexually oriented business means and includes any of the following:

(a) the sale, lease, or sublease of the business;

(b) the transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or

(c) the establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

B. Classification:

Sexually oriented businesses are classified as follows:

- (1) adult arcades;
- (2) adult bookstores, adult novelty stores, or adult video stores;
- (3) adult cabarets;
- (4) adult motels;
- (5) adult motion picture theaters;
- (6) adult theaters;
- (7) escort agencies;
- (8) nude model studios; and
- (9) sexual encounter centers.
- (10) adult massage parlors

C. License required:

1. It is unlawful:

- a. For any person to operate a sexually oriented business without a valid sexually oriented business license issued by the City pursuant to this ordinance.

- b. For any person who operates a sexually oriented business to employ a person to work for the sexually oriented business who is not licensed as a sexually oriented business employee by the City pursuant to this ordinance.
 - c. For any person to obtain employment with a sexually oriented business without having secured a sexually oriented business employee license pursuant to this ordinance.
2. An application for a license must be made on a form provided by the City.
3. All applicants must be qualified according to the provisions of this ordinance. The application may request and the applicant shall provide such information (including fingerprints) as to enable the City to determine whether the applicant meets the qualifications established in this ordinance.
4. A person, who wishes to operate a sexually oriented business, must sign the application for a license as an applicant. If a person other than an individual wishes to operate a sexually oriented business, all persons legally responsible for the operations of the sexually oriented business or who have power to control or direct its operations must sign the application for a license as applicant. Such persons include, but are not limited to, general partners, corporate officers, corporate directors, and controlling shareholder(s). Each application must be qualified under the following section and each applicant shall be considered a licensee if a license is granted.
5. The completed application for a sexually oriented business license shall contain the following information and shall be accompanied by the following documents:
 - a. If the applicant is:
 1. an individual, the individual shall state his/her legal name and any aliases and submit proof that he/she is at least 18 years of age;
 2. a partnership, the partnership shall state its complete name, and the names of all partners, whether the partnership is general or limited, and a copy of the partnership agreement, if any; and submit proof that all parties are at least 18 years of age;
 3. a corporation, the corporation shall state its complete name, the date of its incorporation, evidence that the corporation is in good standing under the laws of its state of incorporation, the names and capacity of all officers, directors and controlling stockholders, and the name of the registered corporate agent and the address of the registered office for service of process and submit proof that all parties are at least 18 years of age. If incorporated in another state, a certificate of authority to do business in the State of Michigan shall also be provided.

- B. If the applicant intends to operate the sexually oriented business under a name other than that of the applicant; he or she must state
 - 1. the sexually oriented business's fictitious name, and
 - 2. submit the required registration documents.
- C. Whether the applicant, or a person residing with the applicant, has been convicted of a specified criminal activity as defined in this ordinance, and, if so, the specified criminal activity involved, the date, place, and jurisdiction of each.
- D. Whether the applicant, or a person residing with the applicant, has had a previous license under this ordinance or any other ordinances of the City or other similar sexually oriented business ordinances from another City or county denied, suspended or revoked, including the name and location of the sexually oriented business for which the permit was denied, suspended or revoked, as well as the date of the denial, suspension or revocation, and whether the applicant or a person residing with the applicant has been a partner in a partnership or an officer, director or principal stockholder of a corporation that is licensed under this ordinance whose license has previously been denied, suspended or revoked, including the name and location of the sexually oriented business for which the permit was denied, suspended or revoked as well as the date of denial, suspension or revocation.
- E. Whether the applicant or a person residing with the applicant holds any other licenses under this ordinance or other similar sexually oriented business ordinance from another City or county and, if so, the names and locations of such other licensed businesses.
- F. The single classification of license for which the applicant is filing.
- G. The location of the proposed sexually oriented business, including a legal description of the property, street address, and telephone number(s), if any.
- H. The applicant's mailing address and residential address.
- I. A recent photograph of the applicant(s).
- J. The applicant's driver's license number,
- K. A sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared, but it must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches.

- L. A current certificate and straight-line drawing prepared within thirty (30) days prior to application by a registered land surveyor depicting the property lines and the structures containing any existing sexually oriented businesses within 500 feet of the property to be certified; the property lines of any established religious institution/synagogue, school, or public park or recreation area within 100 feet of the property to be certified. For purposes of this Section, a use shall be considered existing or established if it is in existence at the time an application is submitted.
 - M. If an applicant wishes to operate a sexually oriented business, other than an adult motel, which shall exhibit on the premises, in a viewing room or booth of less than one hundred fifty (150) square feet of floor space, films, video cassettes, other video reproductions, or live entertainment which depict specified sexual activities or specified anatomical areas, then the applicant shall comply with the application requirements set forth in Section XIV.
6. Before any applicant may be issued a sexually oriented business employee license, the applicant shall submit on a form to be provided by the City the following information:
- a. The applicant's name or any other name (including "stage" names) or aliases used by the individual;
 - b. Age, date, and place of birth;
 - c. Height, weight, hair and eye color;
 - d. Present residence address and telephone number;
 - e. Present business address and telephone number;
 - f. Date, issuing state and number of driver's permit or other identification card information; and
 - g. Proof that the individual is at least eighteen (18) years of age.
7. Attached to the application form for a sexually oriented business employee license as provided above, shall be the following:
- a. A color photograph of the applicant clearly showing the applicant's face, and the applicant's fingerprints on a form provided by the police department. Any fees or the photographs and fingerprints shall be paid by the applicant.
 - b. A statement detailing the license history of the applicant for the five (5) years immediately preceding the date of the filing of the application, including whether such applicant previously operated or is seeking to operate, in this or any other county, municipality, state, or country has ever had a license, permit, or authorization to do business denied, revoked, or suspended, or had any professional or vocational license or permit denied, revoked, or suspended. In the event of any such denial, revocation, or suspension, state the name, the name of the issuing or denying jurisdiction, and describe in full the reason for the denial, revocation, or suspension. A copy of any order of denial, revocation, or suspension shall be attached to the application.

- c. A statement whether the applicant has been convicted of a specified criminal activity as defined in this ordinance and, if so, the specified criminal activity involved, the date, place and jurisdiction of each.

D. Issuance Of Employee License:

1. Upon the filing of said application for a sexually oriented business employee license, the application shall be referred to the appropriate City departments for an investigation to be made on such information as is contained on the application. The application process shall be completed within thirty (30) days from the date the completed application is filed. After the investigation, the City shall issue a license, unless it is determined by a preponderance of the evidence that one or more of the following findings is true:
 - a. The applicant has failed to provide information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application form;
 - b. The applicant is under the age of eighteen (18) years;
 - c. The applicant has been convicted of a "specified criminal activity" as defined in this ordinance;
 - d. The sexually oriented business employee license is to be used for employment in a business prohibited by local or state law, statute, rule or regulation, or prohibited by a particular provision of this ordinance; or
 - e. The applicant has had a sexually oriented business employee license revoked by the City within two (2) years of the date of the current application. If the sexually oriented business employee license is denied, the temporary license previously issued is immediately deemed null and void. Denial, suspension, or revocation of a license issued pursuant to this subsection shall be subject to appeal as set forth in Section X.
2. A license granted pursuant to this section shall be subject to annual renewal upon the written application of the applicant and a finding by the City that the applicant has not been convicted of any specified criminal activity as defined in this ordinance or committed any act during the existence of the previous license, which would be grounds to deny the initial license application. The renewal of the license shall be subject to the payment of the fee as set forth in Section VI.
3. Within 30 days after receipt of a completed sexually oriented business application, the City shall approve or deny the issuance of a license to an applicant. The City shall approve the issuance of a license to an applicant unless it is determined by a preponderance of the evidence that one or more of the following findings is true:

- a. An applicant is under eighteen (18) years of age.
 - b. An applicant or a person with whom applicant is residing is overdue in payment to the City of taxes, fees, fines, or penalties assessed against or imposed upon him/her in relation to any business.
 - c. An applicant has failed to provide information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application form.
 - d. An applicant or a person with whom the applicant is residing has been denied a license by the City to operate a sexually oriented business within the preceding twelve (12) months or whose license to operate a sexually oriented business has been revoked within the preceding twelve (12) months.
 - e. An applicant or a person with whom the applicant is residing has been convicted of a specified criminal activity defined in this ordinance.
 - f. The premises to be used for the sexually oriented business have not been approved by the health department, fire department, and the building official as being in compliance with applicable laws and ordinances.
 - g. The license fee required by this ordinance has not been paid.
 - h. An applicant of the proposed establishment is in violation of or is not in compliance with any of the provisions of this ordinance.
4. The license, if granted shall state on its face the name of the person or persons to whom it is granted, the expiration date, the address of the sexually oriented business and the classification for which the license is issued pursuant to Section III. All licenses shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that they may be easily read at any time.
 5. The health official, fire official, and the building official, or representative of said officials, shall complete their certification that the premises is in compliance or not in compliance within twenty (20) days of receipt of the application by the City.
 6. A sexually oriented business license shall issue for only one classification as found in Section III.

E. Fees:

1. Every application for a sexually oriented business license (whether for a new license or for renewal of an existing license) shall be accompanied by a non-refundable application and investigation fee to be determined by resolution of the City Commission.

2. In addition to the non-refundable application and investigation fee required above, every sexually oriented business that is granted a license (new or renewal) shall pay to the City an annual non-refundable license fee to be determined by resolution of the City Commission, within thirty (30) days of license issuance or renewal.
3. Every application for a sexually oriented business employee license (whether for a new license or for renewal of an existing license) shall be accompanied by an annual non-refundable application, investigation fee, and non-refundable license fee to be determined by resolution of the City Commission.
4. All license applications and fees shall be submitted to the Clerk of the City.

F. Inspection:

1. An applicant or licensee shall permit representatives of the Police Department, Health Department, Fire Department, Zoning Department, or other City departments or agencies to inspect the premises of a sexually oriented business for the purpose of insuring compliance with the law, at any time it is occupied or open for business.
2. A person who operates a sexually oriented business or his agent or employee commits a misdemeanor if he refuses to permit such lawful inspection of the premises at any time it is open for business.

G. Expiration of License:

1. Each license shall expire one year from the date of issuance and may be renewed only by making application as provided in Section IV. Application for renewal shall be made at least thirty (30) days before the expiration date, and when made less than thirty (30) days before the expiration date, the expiration of the license will not be affected.
2. When the City denies renewal of a license, the applicant shall not be issued a license for one year from the date of denial. If, subsequent to denial, the City finds that the basis for denial of the renewal license has been corrected or abated, the applicant may be granted a license if at least ninety (90) days have elapsed since the date denial became final.

H. Suspension:

1. The City shall suspend a license for a period not to exceed thirty (30) days if it determines that a licensee or an employee of a licensee has:
 - a. violated or is not in compliance with any section of this ordinance;

- b. refused to allow an inspection of the sexually oriented business premises as authorized by this chapter.

I. Revocation:

1. The City shall revoke a license if a cause of suspension in Section IX occurs and the license has been suspended within the preceding twelve (12) months.
2. The City shall revoke a license if it determines that:
 - a. a licensee gave false or misleading information in the material submitted during the application process;
 - b. a licensee has knowingly allowed possession, use, or sale of controlled substances on the premises;
 - c. a licensee has knowingly allowed prostitution on the premises;
 - d. a licensee knowingly operated the sexually oriented business during a period of time when the licensee's license was suspended;
 - e. except in the case of an adult motel, a licensee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sex act to occur in or on the licensed premises; or
 - f. a licensee is delinquent in payment to the City, County, or State for any taxes or fees past due.
 - g. The applicant has had a conviction within the last five years from the date of the application or a pattern of convictions relating to the license that the applicant is applying for or has been granted.
3. When the City revokes a license, the revocation shall continue for one (1) year, and the licensee shall not be issued a sexually oriented business license for one (1) year from the date the revocation became effective. If, subsequent to revocation, the City finds that the basis for the revocation has been corrected or abated, the applicant may be granted a license if at least ninety (90) days have elapsed since the date the revocation became effective.
4. After denial of an application, or denial of a renewal of an application, or suspension or revocation of any license, the applicant or licensee may seek a prompt hearing by the city manager or his or her designee of such administrative action.

J. Hearing:

Depending upon the necessity for prompt action, the hearing shall be held in accordance with one of the following provisions:

1. If there is no immediate threat to the public health, safety or welfare, the hearing shall be held within fifteen (15) days, to determine whether the license or permit should be suspended or revoked. The holder of the license or permit shall be notified of the time, date and place of the hearing and shall be notified of the reason or reasons for the proposed suspension or revocation. The license or the permit holder shall be entitled to be represented by counsel, to submit evidence, to cross examine testifying witnesses and to make arguments concerning the factual and legal issues. The purpose of the hearing is to determine if the City followed correct procedure. The hearing officer or body shall render a written decision stating the reasons for the decision. This written decision shall be rendered within five (5) business days after the hearing.
2. If there is an immediate threat to the public health, safety or welfare, the license or permit may be suspended prior to the hearing. If a license or permit is suspended prior to the hearing, the hearing shall be commenced as soon as is practical, but in no case more than ten (10) days after the suspension. The hearing shall be held to determine whether to terminate or extend the suspension or whether the suspension should be converted into a revocation of the license or permit. The holder of the license or permit shall be notified of the reason or reasons for the already-imposed suspension and for any contemplated future action. The license or permit holder shall be entitled to be represented by counsel, to submit evidence, to cross examine testifying witnesses, and to make arguments on factual and legal issues. The hearing officer or body shall render a written decision stating the reasons for the decision. The purpose of the hearing is to determine if the City followed correct procedure. This written decision shall be rendered within five (5) business days after the hearing.
3. In any hearing held pursuant to the provisions of this ordinance, the rules of evidence shall be followed as far as practicable, but a hearing officer or body may admit and give probative effect to evidence of a type commonly relied upon by reasonably prudent people in the conduct of their affairs. Irrelevant, immaterial or unduly repetitious evidence may be excluded. Notice may be taken of facts within the general knowledge of the community.
4. Any licensee or permit holder dissatisfied with the decision of the city manager or other appropriate hearing officer or body may appeal to the City Commission provided that a written request for such an appeal shall be filed within seven (7) days of the date of the decision to be appealed. The City Commission shall schedule a hearing on the appeal to be held within seven (7) days of the receipt of the request for appeal by the City. The hearing shall be held before the City Commission or Committee thereof, as the City shall

determine. The factual record made in the hearing below shall constitute the basic record for the appeal. The City Commission may, but need not, allow the presentation of

additional evidence by a majority vote. Argument as to relevant factual and legal issues shall be permitted. The decision of the City Commission shall be by majority vote. The Commission may affirm, reverse or modify any action taken relative to a license. The decision of the City Commission shall be final.

K. Issuance of Business License:

Where proper application is made for a license or permit and the conditions, requirements and prerequisites for the issuance of the license have been met, the license applied for shall be issued by the City, provided that no cause, as that term is defined herein, exists for denial of the license.

Where proper application is made or permit and such license is denied by the City, the applicant shall have the right to appeal such a denial as provided for by law or in this ordinance. If no such provision is made for an appeal of a denial, the applicant may appeal as set out herein. For purposes of this section, denial of a license shall include refusal to issue an original license or refusal to renew or reissue an existing license. Denial shall be made only for cause as herein defined. Within ten (10) day of notification of denial of a license from the City, an applicant shall file with the City a written notice of appeal. The city manager or the city manager's designee shall set a hearing not later than ten (10) days after the filing of the notice of appeal with the City. The hearing shall be held as herein provided for except that the issue to be determined is whether the denial of the license was proper. The hearing officer shall render a written decision stating the reasons for the decision. This written decision shall be rendered within five (5) business days after the hearing.

L. Transfer of License:

A licensee shall not transfer his/her license to another, nor shall a licensee operate a sexually oriented business under the authority of a license at any place other than the address designated in the application.

M. Location of Sexually Oriented Businesses:

1. A person commits a misdemeanor if that person operates or causes to be operated a sexually oriented business in any zoning district other than C-2 or I, as defined and described in the Clio City Zoning Code.
2. A person commits an offense if the person operates or causes to be operated a sexually oriented business within 100 feet of:

- a. A church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities;
 - b. A public or private educational facility including but not limited to child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, and universities; school includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school;
 - c. A boundary of a residential district as defined in the Clio City Zoning Code;
 - d. A public park or recreational area which has been designated for park or recreational activities including but not limited to a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas, or other similar public land within the City which is under the control, operation, or management of the City park and recreation authorities;
 - e. The property line of a lot devoted to a residential use as defined in the Clio City Zoning Code;
 - f. An entertainment business which is oriented primarily towards children or family entertainment; or
 - g. A licensed premises, licensed pursuant to the alcoholic beverage control regulations of the State.
3. A person commits a misdemeanor if that person causes or permits the operation, establishment, substantial enlargement, or transfer of ownership or control of a sexually oriented business within 500 feet of another sexually oriented business.
 4. A person commits a misdemeanor if that person causes or permits the operation, establishment, or maintenance of more than one sexually oriented business in the same building, structure, or portion thereof, or the increase of floor area of any sexually oriented business in any building, structure, or portion thereof containing another sexually oriented business.
 5. For the purpose of subsection B of this Section, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as the part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a use listed in subsection B. Presence of a City, county or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this Section.

6. For purposes of subsection C of this Section, the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to the intervening structures or objects or political boundaries, from the closest exterior wall of the structure in which each business is located.
7. Any sexually oriented business lawfully operating on February 21, 2005 that is in violation of subsection A through F of this Section shall be deemed a nonconforming use. The nonconforming use will be permitted to continue for a period not to exceed one year, unless sooner terminated for any reason or voluntarily discontinued for a period of thirty (30) days or more. Such nonconforming uses shall not be increased, enlarged, extended, or altered except that the use may be changed to a conforming use. If two or more sexually oriented businesses are within 500 feet of one another and otherwise in a permissible location, the sexually oriented business which was first established and continually operating at a particular location is the conforming use and the later established business(es) is/are nonconforming.
8. A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of the sexually oriented business license, of a use listed in subsection B of this Section within 500 feet of the sexually oriented business. This provision applies only to the renewal of a valid license, and does not apply when an application for a license is submitted after a license has expired or been revoked.

N. Additional Regulations for Adult Motels:

1. Evidence that a sleeping room in a hotel, motel, or a similar commercial establishments has been rented and vacated two or more times in a period of time that is less than ten (10) hours creates a presumption that the establishment is an adult motel as that term is defined in this ordinance.
2. A person commits a misdemeanor if, as the person in control of a sleeping room in a hotel, motel, or similar commercial establishment that does not have a sexually oriented license, he rents or sub rents a sleeping room to a person and, within ten (10) hours from the time the room is rented, he rents or sub rents the same sleeping room again.
3. For purposes of subsection (B) of this section, the terms "rent" or "sub rent" means the act of permitting a room to be occupied for any form of consideration.

O. Regulations Pertaining to Exhibition of Sexually Explicit Films, Videos or Live Entertainment in Viewing Rooms:

1. A person who operates or causes to be operated a sexually oriented business, other than an adult motel, which exhibits on the premises in a viewing room of less than one

hundred fifty (150) square feet of floor space, a film, video cassette, live entertainment, or other video reproduction which depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:

- a. Upon application for a sexually oriented license, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed thirty-two (32) square feet of floor area. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six (6") inches. The City may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.
- b. The application shall be sworn to be true and correct by the applicant.
- c. No alteration in the configuration or location of a manager's station may be made without the prior approval of the City.
- d. It is the duty of the licensee of the premises to ensure that at least one licensed employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.
- e. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.
- f. It shall be the duty of the licensee to ensure that the view area specified in subsection (5) remains unobstructed by any doors, curtains, partitions, walls, merchandise, display racks or other materials and, at all times, to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to subsection (1) of this Section.

- g. No viewing room may be occupied by more than one person at any time.
 - h. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than five (5.0) foot-candles as measured at the floor level.
 - i. It shall be the duty of the licensee to ensure that the illumination described above is maintained at all times that any patron is present in the premises.
 - j. No licensee shall allow openings of any kind to exist between viewing rooms or booths.
 - k. No person shall make or attempt to make an opening of any kind between viewing booths or rooms.
 - l. The licensee shall, during each business day, regularly inspect the walls between the viewing booths to determine if any openings or holes exist.
 - m. The licensee shall cause all floor coverings in viewing booths to be nonporous, easily cleanable surfaces, with no rugs or carpeting.
 - n. The licensee shall cause all wall surfaces and ceiling surfaces in viewing booths to be constructed of, or permanently covered by, nonporous, easily cleanable material. No wood, plywood, composition board, composition board or other porous material shall be used within forty eight (48") inches of the floor.
2. A person having a duty under Subsection (1) through (14) of Subsection (A) above commits a misdemeanor if he knowingly fails to fulfill that duty.

P. Additional Regulations for Escort Agencies:

1. An escort agency shall not employ any person under the age of 18 years.
2. A person commits an offense if the person acts as an escort or agrees to act as an escort for any person under the age of 18 years.

Q. Additional Regulations for Nude Model Studios:

1. A nude model studio shall not employ any person under the age of 18 years.
2. A person under the age of 18 years commits an offense if the person appears semi-nude or in a state of nudity in or on the premises of a nude model studio.

3. A person commits an offense if the person appears in a state of nudity, or knowingly allows another to appear in a state of nudity in an area of a nude model studio premises which can be viewed from the public right of way.
4. A nude model studio shall not place or permit a bed, sofa, or mattress in any room on the premises, except that a sofa may be placed in a reception room open to the public.

R. Additional Regulations Concerning Public Nudity:

1. It shall be a misdemeanor for a person who knowingly and intentionally, in a sexually oriented business, appears in a state of nudity or depicts specified sexual activities.
2. It shall be a misdemeanor for a person who knowingly or intentionally in a sexually oriented business appears in a semi-nude condition unless the person is an employee who, while semi-nude, shall be at least ten (10) feet from any patron or customer and on a stage at least two feet from the floor.
3. It shall be a misdemeanor for an employee, while semi-nude or nude in a sexually oriented business, to solicit any pay or gratuity from any patron or customer or for any patron or customer to pay or give any gratuity to any employee, while said employee is semi-nude or nude in a sexually oriented business.
4. It shall be a misdemeanor for an employee, while nude or semi-nude, to touch a customer or the clothing of a customer.

S. Prohibition Against Children in a Sexually Oriented Business:

A person commits a misdemeanor if the person knowingly allows a person under the age of 18 years on the premises of a sexually oriented business.

T. Hours of Operation:

No sexually oriented business, except for an adult motel, may remain open at any time between the hours of ten o'clock (10:00) P.M. and ten o'clock (10:00) A.M. on weekdays and Saturdays, and ten o'clock (10:00) P.M. on Saturdays and 12:00 noon on Sundays.

U. Exemptions:

1. It is a defense to prosecution under Section XVII that a person appearing in a state of nudity did so in a modeling class operated:
 - a. by a proprietary school, licensed by the State of Michigan; a college, junior college, or university supported entirely or partly by taxation;

- b. by a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or,
- c. in a structure:
 - 1. which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and
 - 2. where, in order to participate in a class a student must enroll at least three (3) days in advance of the class; and
 - 3. where no more than one nude model is on the premises at any one time.

V. Injunction:

A person who operates or causes to be operated a sexually oriented business without a valid license or in violation of Section XII of this ordinance is subject to a suit for injunction as well as prosecution for criminal violations. Such violations shall be punishable by a fine of \$500.00 and/or ninety-three day (93) days imprisonment. Each day a sexually oriented business so operates is a separate offense or violation.

§11.18 SHOPPING CENTERS

Shopping centers, subject to a minimum lot area of two (2) acres, and provided that the general plan for the shopping center shall include specific evidence and facts showing that the developer has considered and made provision for, and the development shall be executed in accordance with the following essential conditions:

- A. The proposed development shall be constructed in accordance with an overall plan, shall be designed as a complete project covering the total area, with appropriate landscaping, and shall provide initially for the construction of a minimum of seven thousand five hundred (7,500) square feet of floor area.
- B. All structures shall be arranged in an integral development.
- C. Provision shall be made for safe and efficient ingress and egress to and from public streets and highways serving the center without undue congestion to or interference with normal traffic flow.
 - 1. All points of vehicular access to and from public streets shall be located not less than two hundred (200) feet from the intersection of any public street lines with each other.
- D. No part of any parking access and/or service area may be located closer than twenty-five (25) feet of any property line adjacent to a residential district.
- E. 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.

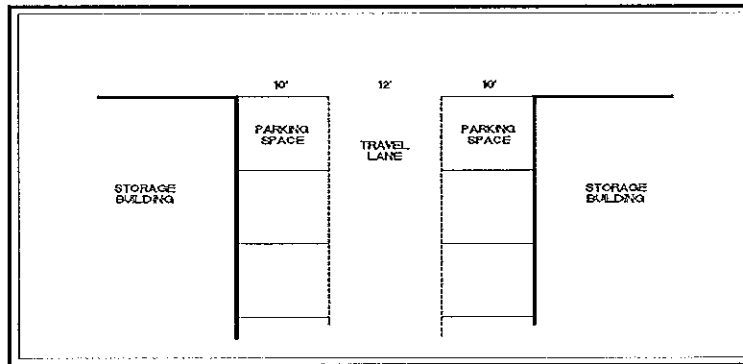
- F. Any shopping center development adjoining any residential district shall be provided with a buffer of at least fifteen (15) feet which buffer shall be provided adjacent to the property line. Such buffer shall be planted with evergreen and other suitable plantings and used for no other purposes. A landscaped planting area shall also be provided along all street frontage which shall not be less than ten (10) feet in width. All plantings shall be approved by the City Planning Commission.
- G. 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.
- H. The site shall be developed and facilities shall be provided in such a manner so as to insure adequate drainage.
- I. Lighting facilities shall be required where deemed necessary for the safety and convenience of shoppers and employees. These facilities will be arranged in such a manner so as to protect abutting streets and adjacent properties from unreasonable glare or hazardous interference of any kind.

§11.19 STORAGE FACILITIES

Storage facilities (excluding outdoor storage) are permitted by right in the I district and by Conditional Use Permit in the C-2 zoning districts; storage facilities (with outdoor storage) are permitted by Conditional Use Permit in the I zoning districts provided:

- A. Minimum parcel area for the entire development is four (4) acres.
- B. Access to the facility shall be from a Village major street or state highway.
- C. All outdoor storage areas shall be appropriately screened from surrounding property, as determined by the Planning Commission.
- D. Maximum building height shall be nineteen (19) feet.
- E. Parking for the storage leasing office and a caretakers residence shall be as outlined under this Ordinance's parking regulations. A ten (10) foot wide parking strip shall be required in front of each row of storage units and a twelve (12) foot wide travel lane provided between buildings (see Figure 11-1).

Figure 11-1



- F. Only signage related to the storage facility is permitted. Signs identifying names of businesses owning individual units are prohibited.
- G. The individual units are for storage purposes only. Other uses of the units including parts assembly, carpentry, etc. is prohibited. No overnight storage of vehicles is permitted.
- H. The storage of hazardous or flammable materials is not permitted.

§11.20 TEMPORARY USES

- A. Nothing in this Ordinance shall prevent the use of a travel trailer, a mobile home, or other similar structure, in any district as a temporary construction field office for a period not to exceed one (1) month after the structure is completed or one (1) year, whichever comes first; provided, however, such structure is not used for overnight sleeping accommodations and adequate arrangements for sanitary facilities are made; and provided further, that the temporary field office has been certified as such and conforming to this Ordinance by the Building Inspector.
- B. Circuses, carnivals, and other transient amusement enterprises may be permitted in any district, upon approval by the City Planning Commission based upon review procedures as outlined in Article 9 of this Ordinance and a finding that the location of such an activity will not adversely affect adjoining properties, nor adversely affect public health, safety, morals, and the general welfare; provided, however, the City Planning Commission may require the posting of a bond running to the City in an amount sufficient to hold the City free of all liabilities incidental to the operation of such activity and to indemnify any adjoining land owner for any damages resulting from the operation of such activity, and which damages shall be provable before a court having jurisdiction over the premises on which the damages occurred and payable through such court.

§11.21 SMALL STRUCTURE MOUNTED WIND ENERGY TURBINES

- A. This Ordinance applies to all SSMWET proposed to be constructed after the effective date of this Ordinance.

B. All SSMWETs constructed prior to the effective date of this Ordinance shall not be required to meet the requirements of this Ordinance; however, any physical modification to an existing WET that materially alters the size, type, equipment, or location shall require a permit under this Ordinance.

C. Definitions

1. Ambient Sound Level is the amount of background noise at a given location prior to the installation of a WET(s) which may include, but not be limited to, traffic, machinery, lawnmowers, human activity, and the interaction of wind with the landscape. The ambient sound level is measured on the dB(A) weighted scale as defined by the American Standards Institute.
2. Anemometer is a temporary wind speed indicator constructed for the purpose of analyzing the potential for utilizing a wind energy turbine at a given site. This includes the tower, base plate, anchors, cables and hardware, wind direction vanes, booms to hold equipment, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location.
3. Decibel is defined as unit of measure used to express the magnitude of sound pressure and sound intensity. Decibels shall be measured on the dB(A) weighted scale as defined by the American Standards Institute.
4. Decommissioning is the process of terminating operation and completely removing a *SSMWET(s)* and all related buildings, structures, foundations, access roads, and equipment.
5. Net-Metering is a special metering and billing agreement between utility companies and their customers, which facilitates the connection of renewable energy generating systems to the power grid.
6. Occupied Building is a residence, school, hospital, church, public library, business, or other building used for public gatherings.
7. Owner is the individual or entity, including their respective successors and assigns, that have an equity interest or own the *Small Structure Mounted Wind Energy Turbine (SSMWET)* in accordance with this ordinance.
8. Rotor Diameter is the cross-sectional dimension of the circle swept by the rotating blades of a WET.

9. Shadow Flicker is the moving shadow, created by the sun shining through the rotating blades of a *SSMWET*. The amount of shadow flicker created by a *SSMWET* is calculated by a computer model that takes into consideration turbine location, elevation, tree cover, location of all structures, wind activity, and sunlight.
10. Structure is any building or other structure, such as a municipal water tower that is a minimum of twelve (12) feet high at its highest point of roof and is secured to frost-footings or a concrete slab.
11. Small Structure –Mounted Wind Energy Turbine (*SSMWET*) *including vertical wind turbines* electricity through the use of equipment which includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system. A *SSMWET* is attached to a structure's roof, walls, or other elevated surface. The *SSMWET* has a nameplate capacity that does not exceed ten (10) kilowatts. The Total Height does not exceed fifteen (15) feet as measured from the highest point of the roof, excluding chimneys, antennae, and other similar protuberances.
12. Total Height is the vertical distance measured from the ground level at the base of the tower to the uppermost vertical extension of the blade, or the maximum height reached by any part of the Wind Energy Turbine (WET).
13. Wind Energy Turbine (WET) is any structure mounted, small, medium, or large wind energy conversion system that converts wind energy into electricity through the use of a Wind Generator and includes the nacelle, rotor, tower, and pad transformer, if any.

D. Temporary Uses

The following is permitted in all zoning districts as a temporary use, in compliance with the provisions contained herein, and the applicable WET regulations.

1. Anemometers

- a. The construction, installation, or modification of an anemometer tower shall require a building permit and shall conform to all applicable local, state, and federal applicable safety, construction, environmental, electrical, communications, and FAA requirements.
- b. An anemometer shall be subject to the minimum requirements for height, setback, separation, location, safety requirements, and decommissioning that correspond to the size of the WET that is proposed to be constructed on the site.
- c. An anemometer shall be permitted for no more than thirteen (13) months for a *SSMWET*.

E. Permitted Uses

A Small Structure-Mounted Wind Energy Turbine (SSMWET) shall be considered a permitted use in all zoning districts and shall not be erected, constructed, installed, or modified as provided in this Ordinance unless a building permit & electrical permit has been issued to the Owner(s) or Operator(s).

All SSMWETs are subject to the following minimum requirements:

A. Siting and Design Requirements:

1. "Upwind" turbines shall be required.
2. Visual Appearance
 - a. A SSMWET including accessory buildings and related structures shall be a non-reflective, non-obtrusive color (e.g. white, gray, black). The appearance of the turbine, tower, and ancillary facility shall be maintained throughout the life of the SSMWET.
 - b. A SSMWET shall not be artificially lighted, except to the extent required by the FAA or other applicable authority, or otherwise necessary for the reasonable safety and security thereof.
 - c. SSMWET shall not be used for displaying any advertising (including flags, streamers, or decorative items), except for identification of the turbine manufacturer.
3. Ground Clearance: The lowest extension of any blade or other exposed moving component of a SSMWET shall be at least fifteen (15) feet above the ground (at the highest point of the natural grade within thirty [30] feet of the base of the tower) and, in addition at least fifteen (15) feet above any outdoor surfaces intended for human use, such as balconies or roof gardens, that are located directly below the SSMWET.
4. Noise: Noise emanating from the operation of a SSMWET(s) shall not exceed, at any time, the lowest ambient sound level that is present between the hours of 9:00 p.m. to 9:00 a.m. at any property line of a residential or agricultural use parcel or from the property line of parks, schools, hospitals, and churches. Noise emanating from the operation of a SSMWET(s) shall not exceed, at any time, the lowest ambient noise level plus 5 dBA that is present between the hours of 9:00p.m. and 9:00 a.m. at any property line of a non-residential or non-agricultural use parcel. *As a condition of obtaining the permit, a noise level test may be required.*
5. Vibration: Vibrations shall not be produced which are humanly perceptible beyond the property on which the SSMWET is located.
6. Guy Wires: Guy wires shall not be permitted as part of the SSMWET.
7. In addition to the Siting and Design Requirements listed previously, the SSMWET shall also be subject to the following:
 - a. Height: The height of a SSMWET shall not exceed fifteen (15) feet as measured from the highest point of the roof, excluding chimneys, antennae, and other similar protuberances.

- b. Setback: The setback of the SSMWET shall be a minimum of fifteen (15) feet from the property line, public right-of-way, public easement, or overhead utility lines if mounted directly on a roof, or other elevated surface of a structure. If the SSMWET is affixed by any extension to the side, roof, or other elevated surface, then the setback from the property line or public right-of-way shall be a minimum of fifteen (15) feet. The setback shall be measured from the furthest outward extension of all moving parts.
- c. Location: The SSMWET shall not be affixed to the wall on the side of a structure facing a road.
- d. Quantity: No more than three (3) SSMWETs shall be installed on any parcel of property.
- e. Separation: If more than one SSMWET is installed, a distance equal to the height of the highest SSMWET must be maintained between the base of each SSMWET.

B. Permit Application Requirements (*Permit needed is available at City Hall*)

- 1. Name of property owner(s), address, and parcel number.
- 2. A site plan shall include maps (drawn to scale) showing the proposed location of all components and ancillary equipment of the SSMWET(s) property lines, physical dimensions of the property, existing building(s), setback lines, right-of-way lines, public easements, overhead utility lines, sidewalks, non-motorized pathways, roads and contours. The site plan must also include adjoining properties as well as the location and use of all structures.
- 3. The proposed type and height of the SSMWET to be constructed; including the manufacturer and model, product specifications including maximum noise output (measured in decibels), total rated generating capacity, dimensions, rotor diameter, and a description of ancillary facilities.
- 4. Documented compliance with the noise requirements set forth in this Ordinance.
- 5. Documented compliance with applicable local, state and national regulations including, but not limited to, all applicable safety, construction, environmental, electrical, communications, and FAA requirements.
- 6. Proof of applicant's liability insurance.
- 7. Evidence that the utility company has been informed of the customer's intent to install an interconnected, customer-owned generator and that such connection has been approved. Off-grid systems shall be exempt from this requirement.
- 8. Other relevant information as may be reasonably requested.
- 9. Signature of applicant.
- 10. In addition to the Permit Application Requirements previously listed, the SSMWET Application shall also include the proposed number of SSMWET(s).

11. A building permit fee shall be established by resolution of the Clio City Commission and shall be paid by the applicant at the time the building permit is issued to the applicant.

C. Safety Requirements:

1. If the SSMWET is connected to a public utility system for net-metering purposes, it shall meet the requirements for interconnection and operation as set forth in the public utility's then-current service regulations meeting federal, state, and industry standards applicable to wind power generation facilities, and the connection shall be inspected by the appropriate public utility.
2. The SSMWET shall be equipped with an automatic braking, governing or feathering system to prevent uncontrolled rotation, over-speeding, and excessive pressure on the tower structure, rotor blades, and other wind energy components unless the manufacturer certifies that a braking system is not necessary.
3. A clearly visible warning sign regarding voltage shall be placed at the base of the SSMWET.
4. The structural integrity of the SSMWET shall conform to the design standards of the International Electrical Commission, specifically IEC-61400-1, "Wind Turbine Safety and Design" and/or IEC 61400-2, "Small Wind Turbine Safety", IEC 61400-22 "Wind Turbine Certification", and IEC 61400-23 "Blade Structural Testing" or any similar successor standards.

D. Signal Interference:

1. The SSMWET shall not interfere with communication systems such as, but not limited to, radio, telephone, television, satellite, or emergency communication systems.

E. Decommissioning:

1. The SSMWET Owner(s) or Operator(s) shall, complete decommissioning within *six (6)* months after the end of the useful life. Upon request of the owner(s) or assigns of the SSMWET and for a good cause, the City of Clio Commission may grant a reasonable extension of time. The SSMWET will presume to be at the end of its useful life if no electricity is generated for a continuous period of *six (6)* months. All decommissioning expenses are the responsibility of the Owner(s) or Operator(s).
2. If the SSMWET Owner(s) or Operator(s) fails to complete decommissioning within the period prescribed above, the City of Clio Commission may designate a contractor to complete decommissioning with the expense thereof to be charged to the violator and/or to become a lien against the premises. If the SSMWET is not owned by the property owner(s), a bond must be provided to the City of Clio for the cost of decommissioning each SSMWET.

F. Public Inquiries & Complaints:

1. Should an aggrieved property owner allege that the SSMWET is not in compliance with the noise requirements of this Ordinance, the procedure shall be as follows:

a) Noise Complaint

- i. Notify the City of Clio Administrator in writing regarding concerns about noise level.
- ii. If the complaint is deemed sufficient by the City of Clio Administrator to warrant an investigation, the City of Clio Administrator will request the aggrieved property owner deposit funds in an amount sufficient to pay for a noise level test conducted by a certified acoustic technician to determine compliance with the requirements of this Ordinance.
- iii. If the test indicates that the noise level is within Ordinance noise requirements, the City of Clio will use the deposit to pay for the test.
- iv. If the SSMWET Owner(s) is in violation of the Ordinance noise requirements, the Owner(s) shall reimburse the City of Clio for the noise level test and take immediate action to bring the SSMWET into compliance which may include ceasing operation of the WET until Ordinance violations are corrected. The City of Clio will refund the deposit to the aggrieved property owner.

§11.22 RELIGIOUS INSTITUTIONS AND OTHER PLACES OF ASSEMBLY; PUBLIC, PRIVATE AND PAROCHIAL SCHOOLS

Religious institutions and other places of assembly, and public, private and parochial schools shall comply with the following regulations (to the extent permitted by Michigan state law):

- A. Lot Width. The minimum lot width shall be one hundred fifty (150) feet.
- B. Lot Area. The minimum lot area shall be two (2) acres.
- C. Parking Setback. Off-street parking shall be prohibited in the front setback area and within fifteen (15) feet of the rear or side property lines.
- D. Building Setbacks and Height. Such uses shall comply with the following building setback requirements for principal and accessory buildings:
 1. Front Yard: 50 feet (A front yard setback shall be required on all sides of a building where there is a public entrance.)
 2. Side Yards: 25 feet
 3. Rear Yard: 50 feet

The maximum height of the principal building shall not exceed thirty (30) feet in residential districts and fifty (50) feet in nonresidential districts. The required setbacks shall be increased by one (1) foot for each foot that a principal building exceeds these height requirements.

Steeple may exceed the maximum height requirement for the districts in which they are located and are not subject to the setback requirements in the previous paragraph. For the purposes of this section, a steeple is defined as a tower attached to and rising above the main structure of a building, usually capped with a spire.

- E. Frontage and Access. Religious institutions and other places of assembly shall be located on and have access to a major thoroughfare as designated on the City's Future Land Use Map.
- F. Landscaping. Religious institutions and other places of assembly shall comply with the landscaping requirements in Article 10. In addition, a greenbelt buffer shall be planted in the setback where a parking lot or service area (such as a trash collection area) abuts a residentially-zoned or used property. The greenbelt shall consist of evergreen trees planted a maximum of 15 feet apart.
- G. Accessory Building and Uses. Accessory buildings and uses for religious institutions and other places of assembly shall comply with the regulations in Section 3.11.C.

ARTICLE 12 CONDOMINIUMS

§12.01 INTENT

The intent of this article is to regulate the division and development of land under the Condominium Act (PA 59 of 1978) so that the development is comparable in quality of design to property divided and developed by other methods.

§12.02 REVIEW REQUIREMENTS

In order to ensure compliance with this ordinance, all condominium developments shall go through the site plan review process, including developments consisting solely of single family or duplex residences, that may otherwise not be required to prepare a site plan. In addition to the information required in Article 8, all applicants for condominium site plan review shall submit the following information.

- A. A copy of the proposed condominium master deed.
- B. A copy of the proposed condominium subdivision plan (this may replace the site plan normally required for site plan review).
- C. A copy of the proposed condominium by-laws.

§12.03 ZONING ORDINANCE STANDARDS

- A. Lot Size: In conventional condominium development, (See Figure 12-1) the condominium unit is enclosed air space, such as condominium apartments. In a conventional condominium the entire site must meet the minimum lot size requirements for the zoning district in which the parcel is located. For site condominiums developments, the condominium unit is a piece of land that is sold as a building site just as lots in a subdivision are sold. Each condominium unit in a site condominium and its associated limited common area are considered equivalent to a "lot" and must meet the minimum lot size requirements for the zoning district in which the parcel is located.
- B. Setbacks: In conventional condominium development, (See figure 12-1) the buildings must be setback from the site boundaries as required in the zoning district the parcel is located in. For site condominium developments, the setbacks shall be from the outer edge of the "lot" consisting of condominium units and their associated limited common area, and shall be consistent with the setbacks for principal structures in the zoning district in which it is located (See Figure 12-2).

Figure 12-1

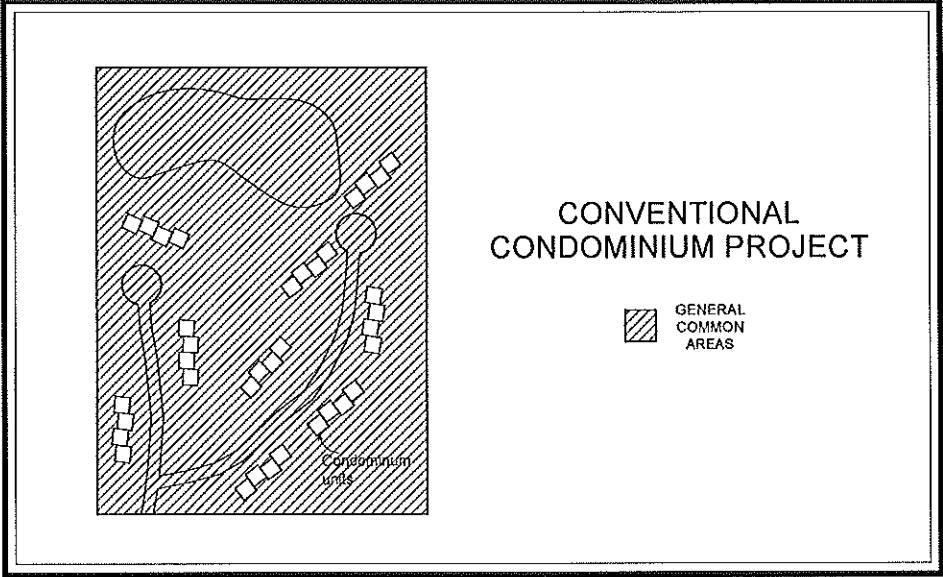
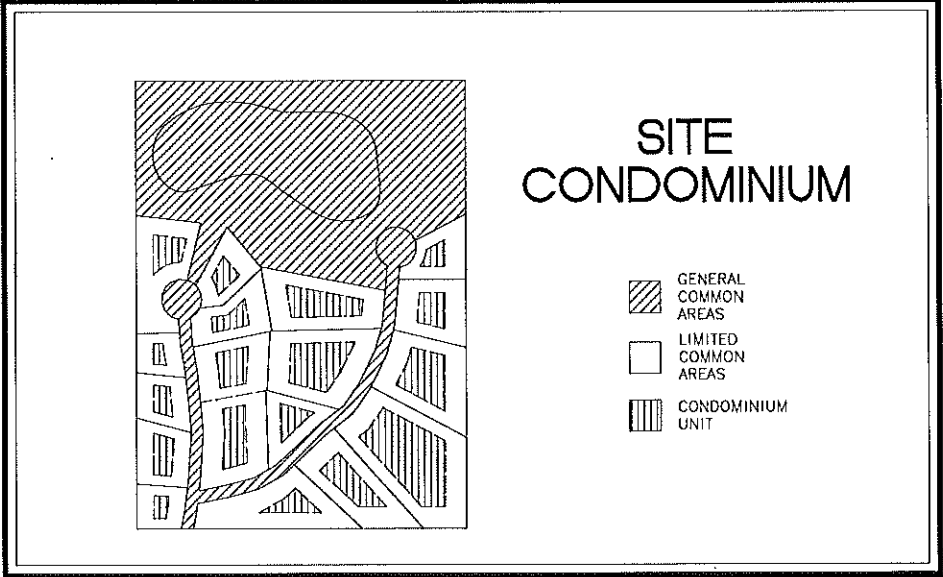


Figure 12-2



§12.04 CONDOMINIUM DESIGN REQUIREMENTS

Conventional and site condominium developments shall comply with all applicable design standards in the City of Clio Zoning Ordinance. Street standards shall be consistent with the standards adopted by the City of Clio. In addition, site condominiums shall comply with the design standards contained in the City of Clio Subdivision Control Ordinance.

§12.05 SURVEY REQUIREMENTS

Conventional condominiums shall comply with the monumenting requirements contained in the Condominium Act, PA 59 of 1978. Site condominiums shall comply with the following requirements:

- A. Monuments shall be located in the ground and made according to the following requirements, but it is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the subdivision if the angle points can be readily reestablished by reference to monuments along the sidelines of the streets.
- B. All monuments used shall be made of solid iron or steel at least ½ inch in diameter and 36 inches long and placed at the outside perimeter of the development.
- C. If the required location of a monument is in an inaccessible place, or where the locating of a monument would be clearly impractical, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the plat and referenced to the true point.
- D. If a point required to be monumented is on a bedrock outcropping, a steel rod, at least ½ inch in diameter shall be drilled and grouted into solid rock to a depth of at least eight inches.
- E. All required monuments shall be placed flush with the ground where practicable.
- F. The corner of each area consisting of a unit and the associated limited common area reserved for that unit, and treated as a "lot" under this ordinance shall be monumented in the field by iron or steel bars or iron pipes at least 18 inches long and ½ inch diameter, or other approved markers.
- G. The Planning Commission may waive the placing of any of the required monuments and markers for a reasonable time on condition that the proprietor deposits with the City cash or a certified check, or irrevocable bank letter of credit running to the City, whichever the proprietor selects, in an amount not less than \$100.00 per monument and not less than \$400.00 in total, except that lot corner markers shall be at the rate of not less than \$25.00 per marker. Such cash, certified check or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified. If the proprietor defaults, the City shall promptly require a surveyor to locate the monuments and markers in the ground as certified on the plat, at a cost not to exceed the amount of the security deposited and shall pay the surveyor.

ARTICLE 13 ZONING BOARD OF APPEALS

§13.01 CREATION OF ZONING BOARD OF APPEALS

- A. Pursuant to the provisions of and under the authority of Act 207 of the Public Acts of 1921, as amended (being MCL 125.581, et. seq.), there is created the City of Clio Zoning Board of Appeals. The Board shall adopt rules to provide for the conduct of its meetings.
- B. The City of Clio Zoning Board of Appeals consists of five (5) members. One member of the Zoning Board of Appeals must be a representative of the City of Clio Planning Commission. The members of the Zoning Board of Appeals must be electors of the City of Clio. The members of the Zoning Board of Appeals will be compensated at a rate to be determined, from time to time, by the City Commission. The Chairperson of the Zoning Board of Appeals is authorized to administer oaths and compel attendance of witnesses by §601(8), (9) and (10) and §602(1) and (2) of PA 110
- C. The terms of Zoning Board of Appeals members appointed under this ordinance shall be staggered so that not more than two terms shall come up for reappointment per year. Terms will be for 3 years. All appointed members will hold office until their successors are appointed and take office. Any person appointed to replace a member in mid-term shall fill the remainder of that term before re-appointment. All terms expire September 30. After a public hearing held by the City Commission, a member may be removed by the mayor for inefficiency, neglect of duty, or malfeasance in office.
- D. Three (3) members (regular or alternate) constitute a quorum for the transaction of business. Alternate members will be called to serve on the Zoning Board of Appeals as regular members in the absence of the regular members or when a regular member is unable to serve because of a conflict of interest. An alternate member once hearing a case will serve on the case until a final decision has been made. Alternate members hearing a case have the same voting rights as a regular member of the Board of Appeals.

§13.02 MEETINGS

- A. The concurring vote of a majority of the members on the Board is required to reverse an order, requirement, decision or determination of an administrative official or body charged with enforcing this ordinance, to approve a non-use variance or to decide in favor of an applicant on any other matter referred to it by whatever means.
- B. The Board shall meet on a date and time determined by it, but no sooner than ten (10) days nor later than forty-five (45) days after the City receives an application upon which they need to act. The City will give due notice of such application to all residents and property owners within 300 feet of the premises in question regardless of municipal boundaries. The notice will be delivered personally or by first class mail addressed to the respective owner(s) and tenant(s) at the address given in the last assessment roll at least fifteen (15) days before the date of the meeting at which the appeal will be acted upon. In such cases an affidavit of the mailing will be maintained. In all cases, the City shall send a notice of the hearing to the applicants no less than fifteen (15) days prior to the hearing. The City will post the notice of appeal in a prominent location on the premises in question. The content of the notices shall

describe the nature of the request, indicate the property that is the subject of the request by street address, state when and where the request will be considered and indicate when and where written comments can be received per §103 (3) of PA 110.

- C. At the hearing, the aggrieved party or the official, department or board may appear in person or be represented by an agent or attorney. The Zoning Board of Appeals will decide the appeal no later than sixty (60) days from the date the application was filed with the City or unless extended by the aggrieved party and the board, by mutual consent, or no later than ten (10) days after the meeting at which the appeal was considered, whichever is first unless extended by mutual agreement of the aggrieved party and the Board.
- D. The Zoning Board of Appeals must state the grounds for their decision and the Zoning Board of Appeals decision is final. However, a person having an interest affected by the Zoning Ordinance may appeal to the circuit court.
- E. The Board shall deliver by personal server or first class mail its decision to the applicant in writing within seven (7) days of the date of the meeting at which the decision was made.

§13.03 POWERS OF THE ZONING BOARD OF APPEALS

The Zoning Board of Appeals shall have the authority to:

- A. Grant variances from the requirements of this Ordinance.
- B. Interpret the zoning ordinance and the zoning map.
- C. Hear appeals of administrative decisions including approval or denial of a site plan.
- D. Permit a legal non-conforming use of land or structures to be changed to another non-conforming use under the procedures contained in Sections 5.04 and 5.05 of this Ordinance.

§13.04 VARIANCES

The Zoning Board of Appeals shall have the power to authorize variations to any requirement of this ordinance which can be expressed in terms of numbers. The Zoning Board of Appeals may not authorize a use variance. An application for a variance that is denied may not be resubmitted for one year except due to the finding of new information or a relevant change in circumstances. In consideration of all variances, the Zoning Board of Appeals shall review each case individually as to its compliance with each of the following standards and may only approve variance requests which comply with all of them:

- A. The standard for which the variance is being granted would unreasonably prevent the owner from using property for a permitted purpose or would render conformity unnecessarily burdensome.
- B. The variance would do substantial justice to the applicant as well as to other property owners in the zoning district and a lesser relaxation of the standard would not provide substantial relief and be more consistent with justice to others.

- C. The problem is due to circumstances unique to the property and not to general conditions in the area.
- D. The problem that resulted in the need for the variance was not created by the applicant or previous owners of the property.
- E. Issuance of the variance would still ensure that the spirit of the ordinance is observed, public safety secured and substantial justice done.

§13.05 APPEALS

These appeals procedures are instituted to hear and decide appeals from and review any order, requirement, decision, or determination made by an administrative official charged with the enforcement of the City Zoning Ordinance.

- A. An appeal shall be filed with the officer from whom the appeal is taken and with the City Zoning Board of Appeals, through the City Zoning Administrator specifying the grounds for the appeal.
- B. Applications for appeals of administrative actions shall be submitted to the Zoning Administrator within twenty one (21) days of the date of such actions. In the case of an action by the Planning Commission, the twenty one (21) day period starts on the day the minutes of the meeting are approved.
- C. The officer from whom the appeal is taken shall forthwith transmit to the City Zoning Board of Appeals all papers constituting the record upon which the appeal is taken.
- D. An appeal stays all proceedings in furtherance of action appealed from, unless the officer from whom the appeal is taken certifies to the City Zoning Board of Appeals after the notice of appeal shall have been filed with them, that by reason of facts stated in the certificate, a stay would in their opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the City Zoning Board of Appeals, or by the circuit court, on application, on notice to the officer from whom the appeal is taken, and on due cause shown.
- E. The City Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirements or determination appealed from and in making an order, requirement, decision or determination, shall have the powers of the officer or body from whom the appeal is taken. The ZBA shall only reverse an administrative decision if a preponderance of the evidence indicates that administrative decision did not comply with the requirements or standards of this ordinance.

§13.06 INTERPRETATION

- A. Interpretation. The Zoning Board of Appeals may interpret provisions of this ordinance as outlined below. Each such interpretation shall establish the precedent for future treatment of the issue being addressed. To achieve the objective of consistent enforcement of this Ordinance, whenever an interpretation question arises which has been addressed previously

by the Zoning Board of Appeals, the earlier interpretation shall apply without requiring further action by the ZBA. The Zoning Administrator shall keep a concise record of all interpretations made by the Zoning Board of Appeals to facilitate such reference.

1. The Zoning Board of Appeals may determine the precise location of the boundary lines between zoning districts.
2. The Zoning Board of Appeals may classify any activity which is not specifically mentioned in Article 4- District Regulations for any Zoning District as a use by right or special use provided that said classification shall be consistent with the classification of similar uses and with the purpose and intent of each Zoning District. In carrying out this interpretation, the Zoning Board of Appeals may not interpret a specific use as being included in a broader class of uses if that specific use is listed separately in other zoning districts.
3. The Zoning Board of Appeals may determine the off-street parking and loading space requirements of any use for which these requirements are not determinable using the information provided for this purpose in article 4, District Regulations.
4. The Zoning Board of Appeals may interpret any portion of this Ordinance when the Zoning Administrator is unable to clearly determine its intent or effect.

§13.07 TIME LIMITS

- A. **Deadline to commence construction/use.** A building permit for a project with a Zoning Board of Appeals approved variance shall be filed with the City Building Inspector within one (1) year from the date of Zoning Board of Appeals approval of a variance. If a building permit is not filed within one (1) year, Zoning Board of Appeals approval of the variance shall expire. In cases where construction is not required, the approved use of land or buildings must have commenced within one (1) year.
- B. **Deadline for completion.** A project with a Zoning Board of Appeals variance approved shall be completed within the time frame of the building permit issued. If an occupancy permit is not granted within the time frame of the building permit issued, Zoning Board of Appeals approval of the variance shall expire.

§13.08 CONDITIONS

- A. The Zoning Board of Appeals may place conditions on an affirmative decision when such conditions:
 1. Would ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity.
 2. Would protect the natural environment and conserve natural resources and energy.
 3. Would ensure compatibility with adjacent uses of land.

4. Would promote the use of land in a socially and economically desirable manner.
- B. In determining appropriate conditions, the Zoning Board of Appeals shall ensure that:
1. There is a rough proportionality between the cost to the developer to provide an improvement in relationship to the impact to be mitigated.
 2. There is a reasonable connection between the condition imposed and the impact it is mitigating.

§13.09 PERFORMANCE GUARANTEES

Performance guarantees may be authorized by the Zoning Board of Appeals per the requirements of Section 8.08.

ARTICLE 14 AMENDMENTS

§14.01 PURPOSE

The purpose of this article is to identify the procedures for consideration of amendments to this ordinance including the zoning map and standards for approval of an amendment.

A. Initiation of Amendments:

1. Amendment to Ordinance Text: An amendment to the Zoning Ordinance text may be initiated by the City Planning Commission, City Commission or Zoning Board of Appeals by adoption of a resolution identifying the proposed amendment language. Any proposal for an amendment to the Zoning Ordinance text may also be initiated by any qualified voter, resident in the City upon the filing with the City Clerk of a petition containing the proposed text or map change and endorsed by City electors numbering not less than five (5) percent of the number of City electors voting for the office of the governor at the last election at which a governor was elected, and accompanied by any necessary documents.
2. Amendment to Ordinance Map: Any amendment to the Zoning Ordinance map may be initiated by the City Planning Commission or City Commission by adoption of a resolution identifying the parcels proposed for the amendment, their current zoning district and proposed zoning district. Any proposal for an amendment to the Zoning Ordinance map may also be initiated by any owner of interest in the lot as to the rezoning of such lot, upon the filing of the following with the City Clerk:
 - a. An application for rezoning.
 - b. A map at a scale of not less than 1" = 50' showing the subject parcel in relation to adjoining parcels of land.
 - c. The necessary fees for such zone change.
 - d. A copy of the deed to the property.

B. Procedures:

1. The City Clerk shall give notice of the time and place of the City Planning Commission meeting at which the amendment will be heard by a publication in a newspaper of general circulation in the City.
 - a. The notice shall be published not less than fifteen (15) days from the date of such hearing.
 - b. The notice shall include a description of the nature of the request, indicate the property that is the subject of the request by street address, state when and where the request will be considered and indicate when and where written comments can be received. The notice shall also include the places and times at which the tentative text and any maps of the Zoning Ordinance may be examined.

2. The City Clerk shall further notify the applicant and all residents and owners of real property within three hundred (300) feet, regardless of municipal boundaries, of any parcel upon which a petition for amendment of zoning has been filed, of the time and place of all public hearings at which such petition for rezoning will be considered. Provided further, such notice of public hearings shall be given by first class United States mail, deposited at a United States Post Office at least fifteen (15) days prior to the date of the hearing.
3. The City Clerk shall give similar notice of the time and place of such hearing to each public utility company owning or operating any public utility or railroad within the districts or zones affected or telecommunication providers within the district or zones that registered its name and address to receive such notice.
 - a. Such notice shall be given by first class mail not less than fifteen (15) days before the public hearings.
4. The City Clerk shall give similar notice to the Vienna Township Board in cases of rezonings located within 300' of the Township limits with the City of Clio.
5. At the public hearing where the proposed zoning ordinance amendment is considered, the Planning Commission shall provide the public and the applicant with a reasonable opportunity to comment on the proposal.
6. Following the public hearing, the Planning Commission shall consider the request. At the meeting the Planning Commission may recommend approval, denial or postpone the request for further study. In making a recommendation on the proposed amendment, the Planning Commission shall consider the following:
 - a. In the case of a proposal to amend the zoning ordinance text, the Planning Commission must find:
 - 1) The change is necessary to clarify a provision of the ordinance, or
 - 2) The change is necessary to correct a mistake in the ordinance, or
 - 3) The change is necessary to implement a goal or policy of the Clio Master Plan, or
 - 4) The change is necessary to improve administration of the ordinance or to better serve the community.
 - 5) In addition to one (1) or more of the above findings, the Planning Commission must determine that the requested amendment is in compliance with the Clio Master Plan or that a mistake in the plan, or changes in conditions or City policy have occurred that are relevant to the request. If the Planning Commission recommends approval of a request that is not in compliance with the current plan due to a mistake or change in conditions or policy, it shall immediately initiate an amendment to the plan to address the identified mistake or change.

- b. In the case of a proposed zoning map amendment (rezoning) the Planning Commission must find one of the following:
 - 1) The requested amendment is in compliance with the City Master Plan or that a mistake in the plan or changes in conditions or City policy have occurred that are relevant to the request. If the Planning Commission recommends approval of a request that is not in compliance with the current plan due to a mistake or change in conditions or policy, it shall immediately initiate an amendment to the plan to address the identified mistake or change.
 - 2) The property cannot be reasonably used as it is currently zoned and the proposed request represents the most suitable alternative zoning classification based on the Master Plan.
7. The Planning Commission shall provide a record of the public hearing concerning the proposed amendment, a written recommendation, and reasons for the recommendation, to the City Commission for their consideration.
8. Prior to making a decision at the next regularly scheduled City Commission meeting, the Commission must provide a hearing to any person requesting it that owns property or is a resident within 300 feet of the subject parcel. The City Commission shall consider the proposed amendment and may take the following actions on a zoning amendment.
 - a. Approve the proposed amendment.
 - b. Deny the request.
 - c. Hold a public hearing on the matter before making the decision.
 - d. Consider changes to the proposed amendment.
9. Upon presentation of a protest petition meeting the requirements of this subsection, an amendment to a Zoning Ordinance which is the object of the petition shall be passed only by a $\frac{2}{3}$ vote of the City Commission. The protest petition shall be presented to the City Commission before final legislative action on the amendment, and shall be signed by one of the following:
 - a. The owners of at least twenty (20) percent of the area of land included in the proposed change.
 - b. The owners of at least twenty (20) percent of the area of land included within an area extending outward one hundred (100) feet from any point on the boundary of the land included in the proposed change.
 - c. Publicly owned land shall be excluded in calculating the twenty (20) percent land area requirement.
10. Following adoption of the zoning amendment, one (1) notice of adoption shall be published in a newspaper of general circulation in the City within fifteen (15) days of adoption. The notice shall include:
 - a. A summary of the regulatory effect of the amendment or the actual text of the amendment.
 - b. The place and time where a copy of the ordinance may be purchased or inspected.\

The Zoning Ordinance amendment takes effect seven (7) days after publication.

ARTICLE 15 ADMINISTRATION AND ENFORCEMENT

§15.01 ADMINISTRATION AND ENFORCEMENT

A. People Involved in the Zoning Process

The provisions of this ordinance shall be carried out by Clio City Planning Commission, the Zoning Board of Appeals, the City Commission, and the City Zoning Administrator in conformance with applicable State of Michigan enabling legislation.

1. Zoning Administrator: The Clio City Commission shall employ a Zoning Administrator to carry out day to day administration and enforcement of this Ordinance. The City Commission may designate the Building Inspector as the Zoning Administrator. Conditions of the Zoning Administrator's employment, including compensation, shall be established by the City Commission. Additional staff may be employed, under the supervision of the Zoning Administrator, to assist with administration and enforcement of this Ordinance, at the discretion of the City Commission.

The Zoning Administrator's duties shall include the following items and any other tasks that may be assigned by the City Commission or provisions of this Ordinance.

- a. Issue Permits: When all applicable provisions of this Ordinance have been met regarding any application, the Zoning Administrator shall issue a zoning permit for the proposed use. When conditions are not met, the Zoning Administrator shall consult with the applicant to determine the proper course of action.
- b. Issue Written Denial: When any application for zoning permit is denied, the Zoning Administrator shall provide the applicant with a written denial, stating the reasons for the denial.
- c. Notice of Hearings: Whenever a zoning matter is the subject of a public hearing before the Planning Commission or the Zoning Board of Appeals, the clerk shall prepare notices of the hearing and disseminate said notices as required by this Ordinance.
- d. Inspections: The Zoning Administrator shall be empowered to make inspections of buildings or premises to carry out enforcement of this Ordinance.
- e. Record Interpretations of Ordinance: The Zoning Administrator shall maintain a concise record of all interpretations of this Ordinance rendered by the Zoning Board of Appeals to fulfill requirements of Article 13, Section 13.06. This record shall be consulted whenever questions arise concerning interpretation of any provision of this Ordinance to determine whether any applicable precedents have been set.
- f. Public Information: The Zoning Administrator shall respond to inquiries and dispense information or copies of this Ordinance to make the public aware of and familiar with the provisions of this Ordinance. Public awareness and acceptance of the Zoning Ordinance will help to maintain compliance with it.

- c. Variances. The Board of Appeals shall have the power to authorize variances from any quantifiable requirements of this Ordinance where practical difficulties prevent carrying out the strict letter of this Ordinance.
 - d. Initiate Text Amendments: The Board of Appeals may initiate text amendments to the Zoning Ordinance to address issues that arise from their review of administration appeals and variance requests.
 4. City Commission: The Clio City Commission shall have the following responsibilities under this zoning ordinance.
 - a. Designate the Zoning Administrator. The City Commission has the responsibility to designate the person who shall be responsible for administration of this ordinance and to identify the people to whom the zoning administrator may delegate his authority.
 - b. Appointment of ZBA and Planning Commission Members. The City Commission shall be responsible for appointing members of the Zoning Board of Appeals and for approving the Mayor's appointments to the Planning Commission.
 - c. Establish Fees: The City Commission shall set all fees for permits and reviews required under this ordinance by resolution. The Commission may update the fees from time to time as they determine necessary.
 - d. Initiate Amendments to Zoning Ordinance: The City Commission may initiate amendments to the Zoning Ordinance text or map.
 - e. Approve/Disapprove Zoning Amendments: The City Commission shall approve or disapprove requests for amendments to the zoning ordinance following a public hearing and written recommendation by the City Planning Commission.
 5. City Clerk: The City of Clio Clerk shall have the following responsibilities under this Zoning Ordinance:
 - a. All applications shall be submitted to the Clerk who shall keep a record of all applications which have been submitted and their disposition.
 - b. The Clerk shall maintain a record of all applications and related zoning permits, including documentation for each.

B. Administrative Processes

1. Zoning Permit Required: The issuance of a zoning permit signifies compliance with the requirements of this Ordinance. A building permit signifies compliance with the requirements of the city's building code. Some improvements, such as a fence, may require a zoning permit, but not a building permit, while others such as re-roofing a building may require a building permit but not a zoning. A zoning permit must be obtained from the Zoning Administrator before any of the following activities may legally take place.
 - a. Occupancy and use of vacant land (including parking lot construction that does not require site plan approval).
 - b. Any change in the use of a parcel of land or a building.

- c. Any new construction or structural alteration of a building size or location. When erected at the same time as the principal building, accessory buildings shall not require a separate zoning permit.
 - d. Excavation or grading of property.
 - e. Interior remodeling that does not result in changes to a building size or location does not require a zoning permit.
2. Application for Zoning Permit: Application for a zoning permit shall be made ten (10) days before construction of a new or enlarged building or structure, or a new or enlarged use of a parcel, is intended to begin. Form and content of the application package shall be as specified by the following material.
 - a. Application Form. Applicants for a zoning permit shall submit a zoning application form with all requested information completely filled in.
 - b. Submission with Building Permit Application. When a building permit is also required, application for a zoning permit may be made at the same time.
 - c. Property Information. The zoning application form must be accompanied by a copy of a property survey, deed or tax records sufficient to allow identification of the parcel in the City Assessor's property maps. When the applicant is anyone other than the property owner identified by the Assessor's records, evidence of the owner's concurrence or a change in ownership must also be submitted.
 - d. Plot Plan. The zoning application form must also be accompanied by a plot plan drawn at size and scale sufficient to clearly identify:
 - 1) The exact dimensions of the parcel.
 - 2) All abutting streets, alleys or easements.
 - 3) The size, position and height of all existing and proposed buildings or structures on the property, including their setback from lot lines.
 - 4) Location, capacity and surfacing of all existing and proposed parking.
 - 5) Any other information deemed necessary by the Zoning Administrator for the proper enforcement of this Ordinance.
3. Application Review Process. On submission of an application for a zoning permit, the Zoning Administrator will review the application material. If all requirements have been met, the Zoning Administrator shall issue a zoning permit. A zoning permit shall conform to all federal, state, county and local laws, ordinances and regulations. When failure to meet any standard prohibits issuance of a permit, the problem shall be identified and the applicant advised of his or her options. In all cases, full review shall be conducted to identify all potential obstacles to issuance of a zoning permit. A decision will be made within 7 working days of receipt of a complete application. The building inspector shall not approve a building permit for a project also requiring a zoning permit until the zoning permit has been issued.

4. **Validity of Zoning Permit.** A zoning permit remains in effect for a period of one (1) year from the date it is issued. By that time, the activity authorized by the zoning permit must have begun. This means that any use of land or of an existing building must be underway, or a building permit for any new construction must have been issued and construction commenced. The validity of a zoning permit may be extended by the Zoning Administrator not more than one (1) time, for a period not to exceed one (1) additional year. Said extension must be requested in writing by the permit holder before the expiration of the initial permit period.
5. **Voiding of Zoning Permit.** If the permit holder fails to initiate the activity authorized by the zoning permit by the end of the one (1) year extension, the zoning permit is automatically null and void. Any additional rights associated with the zoning permit which have been granted by the Planning Commission or the Zoning Board of Appeals, such as Special Use Permits or variances, expire together with the zoning permit.
 - a. Any performance guarantee shall be refunded to the permit holder unless the failure to initiate activity has resulted in costs to the City which were to be covered by the guarantee. If any amount of the guarantee remains after said costs are satisfied, the balance of the guarantee shall be released and returned to the permit holder.
 - b. Re-issuance of a zoning permit which has expired requires a new zoning application form to be filed with the Zoning Administrator and processed without consideration of any previous action.

§15.02 ENFORCEMENT

- A. The Zoning Administrator shall enforce the provisions of this Ordinance.
- B. Unless otherwise provided in this code, any person, firm, or corporation, or any owner of any building, structure, or premises, or part thereof, where any condition in violation of this code shall exist or shall be created, shall be responsible for a civil infraction. A violation includes any act which is prohibited or made or declared to be unlawful or an offense by this code, or any omission or failure to act where the act is required by this code. Upon a finding of responsibility, a defendant shall be responsible for a civil fine for each infraction as provided for in this section, *infra*, plus any costs, damages, expenses, and other sanctions, as authorized under Chapter 87 of Act Number 236 of the Public Acts of 1961, as amended, and other applicable laws.
- C. For the first violation of any provision of this code, a civil fine of not less than two hundred dollars (\$200.00) plus costs shall be levied. A civil fine for the second or any subsequent violation of any provision of this code shall not be less than five hundred dollars (\$500.00) plus costs. A sanction shall be a civil fine as provided for above, plus *cost*, damages, expenses, and other sanctions, as authorized under Chapter 87 of Act Number 236 of the Public Acts of 1961, as amended, and other applicable laws. As used in this section, “second or any subsequent violation” means a second or any subsequent civil infraction violation of any provision of this code (i) committed by a person or entity within a two year period and (ii) for which the person admits responsibility or is determined to be responsible.

- D. Each day on which any violation of this code continues shall constitute a separate offense and shall be subject to penalties and sanctions as a separate offense. In addition to any remedies available at law, the city may bring an action for an injunction or other process against a person to restrain, prevent or abate any violation of any section of this code which is declared to be a civil infraction.
- E. In the event any person or entity who is found responsible fails to obey any correction order or order of mandamus which may be issued by a court, such person or entity may be required by a court of law to pay all reasonable costs and expenses which are incurred by the city in making the corrective action or actions.
- F. Other enforcement actions. The city shall have the right to obtain an order of mandamus and/or injunction so as to enforce the terms and conditions of this ordinance. All remedies which are provided by this code shall be cumulative.
(Ord. 480 passed 8-19-2015)

§15.03 BUILDING PERMITS

- A. Issuance: A building permit shall be obtained from the Building Inspector before any construction, erection, alteration, or addition to any structure may be undertaken, or before any structure is relocated into or within the City. No permit shall be valid until the required fee has been paid. For each building permit so issued, a fee shall be paid to the City Treasurer based on an affidavit of construction value as provided by the Building Inspector in accordance with the fees established by resolution of the City Commission and shall cover the cost of inspection and supervision resulting from enforcement of this Ordinance. All building permits shall expire one (1) year after the date of issue; provided that the Building Inspector may, on application, renew a permit for not to exceed one additional year, without additional charge, if a satisfactory degree of progress in construction is shown. All permits or renewals thereof shall be in writing.
- B. Violations and Cancellation of Permit:
 - 1. Should the Building Inspector determine that the construction is not proceeding according to the plan filed, or is in violation of any provision of this code, or any other applicable ordinance, regulation, or law, he shall so notify the permit holder and further construction shall be stayed until correction has been affected and approved by the Building Inspector, upon notice and request for re-inspection duly made.
 - 2. Should the permit holder fail to comply with any applicable requirements, at any stage of construction, the Building Inspector is hereby empowered to cancel the building permit issued and shall cause notice of such cancellation to be securely posted upon said construction and at a location of ready visibility. Posting of such notice shall be considered sufficient notification to the permit holder of cancellation thereof. No further work shall be undertaken, or permitted upon such construction until a new building permit shall have been issued.

3. Any permit holder whose construction shall have been stayed under subparagraph 1 above, or whole building permit shall have been canceled under subparagraph 2 above, shall not be granted any building permit for any other construction of any type whatever, until correction has been affected and approved as provided in subparagraph 1 above, or until a new building permit shall have been issued to replace the canceled building permit, as provided in subparagraph 2 above.

- C. Subdivision Control Act: No building permit shall be issued for the construction of any structure on any lot, tract, or parcel of land subdivided in violation of Act 288 of Michigan Public Acts of 1967, as amended.

§15.04 TRANSFER OF OWNERSHIP.

It shall be unlawful for the owner of any property who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such property to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the Zoning Administrator or his/her designee and shall furnish to the Zoning Administrator or his/her designee a signed and notarized statement from the grantee, transferee, mortgagee, or lessee, acknowledging the receipt of such compliance orders or notice of violation and fully accepting the responsibility without condition for making corrections or repairs required by such compliance order or notice of violation.

ARTICLE 17 VALIDITY/REPEAL/VESTED RIGHTS/EFFECTIVE DATE

§17.01 SEVERABILITY

This Ordinance and the various parts, sections, subsections, provisions, sentences, and clauses therefor are hereby declared to be severable. If any part, section, subsection, provision, sentence, or clause is adjudged unconstitutional or invalid, it is hereby declared that the remainder of this Ordinance shall not be affected thereby.

§17.02 SAVINGS CLAUSE

All proceedings pending under City of Clio Ordinance No.183, as amended, are hereby saved and such proceedings may be consummated under and according to such Ordinance. This Ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter commenced under said Ordinance or any other Ordinance specifically or impliedly repealed by the adoption of this Ordinance for offenses committed prior to the effective date of this Ordinance. All prosecutions pending at the effective date of this Ordinance and all prosecutions commenced after the effective date of this Ordinance for offenses committed prior to the effective date of this Ordinance may be continued or commenced under and in accordance with the provisions of any Ordinance in force at the time of the commission of such offense.

§17.03 REPEAL

The existing zoning regulations of the City of Clio, as amended, are hereby repealed.

§17.04 EFFECTIVE DATE

This Ordinance shall become effective on September 24, 2003.