

CHAPTER 50: ZONING *

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Statutory reference:*Authorizing City to zone, MSA § 5.2832***ARTICLE I. IN GENERAL****§ 50-1 DEFINITIONS.**

For the purposes of this chapter, the following words and phrases shall have the meanings ascribed to them by this section.

ACCESSORY AMUSEMENT USE. Any nonresidential establishment in which three or fewer mechanical amusement devices (excluding pool tables and billiard tables) for hire are located, as regulated in §§ 12-24 through 12-37 of this Code of ordinances.

ACCESSORY BUILDING. A building or portion of a building subordinate to a main building on the same lot that is occupied by or devoted exclusively to an accessory use.

ACCESSORY STRUCTURE. A detached structure on the same lot as, and customarily incidental and subordinate to, the principal structure.

ACCESSORY USE. A use which is clearly incidental to or customarily carried on in connection with the principal use on the same lot or on a different lot to which the use has been extended.

ACREAGE. Any tract or parcel of land which has not been subdivided or platted.

ADDITION. An extension or increase in floor area or height of a building or structure.

ADULT. A person having arrived at the legal age of adulthood as defined by Michigan law.

ADULT DAY CARE or DAY SERVICES CENTER. A facility that provides social or recreational programs, health services, supervision or other care for functionally or cognitively impaired adults principally during daytime hours, not more than 32 hours a day or more than six days per week. This definition includes adult day health care centers but does not include nursing homes, homes for the aged, hospitals or other facilities that routinely provide medical treatment or overnight care.

ADULT ENTERTAINMENT USES. Any use that provides services, materials or entertainment to adults involving specified sexual activities or specified anatomical areas. **ADULT ENTERTAINMENT USES** include, but are not limited to, the following.

(1) **ADULT BOOKSTORE.** An establishment that devotes more than an incidental portion of its floor area to the sale or display of pornography. Establishments that display, sell or rent such material within an enclosed area that is accessible only to adults and that comprises no more than 5% of the floor area shall not be included within this definition.

(2) **ADULT MOVIE THEATER OR ARCADE.** A building used for presenting pornographic motion pictures or visual images by any means or device.

(3) **ADULT NIGHTCLUB.** Any establishment featuring live performances by nude or semi-nude dancers, entertainers, waitstaff or other persons.

(6) **ADULT NOVELTY BUSINESS.** Any establishment that sells devices designed for sexual stimulation.

(7) **ADULT PERSONAL SERVICE ESTABLISHMENT.** Any establishment that provides massages, baths, tattoos or similar services, or that arranges, solicits or provides escorts, dates, models, unlicensed therapists, companions or entertainers, either on or off the premises. The following are not included within the definition of an **ADULT PERSONAL SERVICES ESTABLISHMENT**:

- a. Establishments that routinely provide any such services by a licensed or certified health professional or massage therapist acting within the standards and scope of a generally recognized health profession or organization;
- b. Public or non-profit organizations such as schools, parks and community recreation centers;
- c. Studios, clubs and gymnasiums offering continuing instruction in martial or performing arts or providing facilities for organized athletic activities to the general public;
- d. Hospitals, nursing homes, medical clinics and medical offices; and
- e. Barber shops, beauty parlors, health spas and salons that administer massage only to the neck, shoulder, scalp and face or by a licensed or certified therapist acting within the standards of a generally recognized licensing or certifying organization.

(8) **RESTRICTED ADULT BUSINESS.** Any adult entertainment use that is customarily open only to adults.

ADULT FOSTER CARE FACILITY. A licensed establishment that provides foster care to adults, including aged, mentally ill, developmentally disabled or physically handicapped adults who require supervision on an ongoing basis but who do not require continuous nursing care. **ADULT FOSTER CARE FACILITY** does not include nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation centers, or residential centers for persons released from or assigned to a correctional facility.

(1) **ADULT FOSTER CARE FAMILY HOME.** A private residence with the approved capacity to receive six or fewer adults to be provided with foster care for five or more days a week and for two or more consecutive weeks. The **ADULT FOSTER CARE FAMILY HOME** licensee must be a member of the household and an occupant of the residence.

(2) **ADULT FOSTER CARE LARGE GROUP HOME.** An adult foster care facility with approved capacity to receive at least 13 but not more than 20 adults to be provided supervision, personal care and protection, in addition to room and board, for 24 hours a day, five or more days a week and for two or

more consecutive weeks for compensation.

(3) **ADULT FOSTER CARE SMALL GROUP HOME.** An adult foster care facility with the approved capacity to receive 12 or fewer adults who are provided supervision, personal care and protection, in addition to room and board, for 24 hours a day, five or more days a week and for two or more consecutive weeks for compensation.

ALLEY. Any roadway, other than a city street, affording a secondary means of access to abutting property, and not intended for general traffic circulation.

ALTERATION. Any change, addition or modification in construction or use: any change in the structural members of a structure, such as walls or partitions, columns, beams or girders.

APARTMENT. A room or suite of rooms arranged and intended as a dwelling unit for a single family or a group of individuals living together as a single housekeeping unit: typically intended for rental use or as an individual unit in a collection of units cooperatively owned by its occupants.

APARTMENT BUILDING. A building used or arranged for rental occupancy or co-operatively owned by its occupants, having three or more attached single-family or single-dwelling units, with a yard, compound, service or utilities in common.

APARTMENT, EFFICIENCY. A dwelling unit in a multifamily building, consisting of not more than one habitable room, together with kitchen or kitchenette and sanitary facilities.

APARTMENT HOTEL. An apartment house which furnishes services for the use of its tenants which are ordinarily furnished by hotels.

ARCADE OR AMUSEMENT CENTER. Any establishment that contains four or more mechanical amusement devices and whose principal use is providing entertainment through such devices.

ARCHITECTURAL FEATURES. Architectural features of a building or a structure include, but are not limited to, cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys and decorative ornaments.

AUTOMOBILE OR TRAILER SALES AREA. An open area, other than a street, used for the display, sale or rental of new or used motor vehicles or trailers in operable condition.

AUTOMOBILE REPAIR, MAJOR. A structure or use devoted to the general repair, rebuilding or reconditioning of motor vehicles or engines, including collision service; body, frame or fender straightening and repair; or overall painting and undercoating.

AUTOMOBILE REPAIR, MINOR. A structure or use providing limited motor vehicle repair and service, such as minor dent repair; detailing; lubrication; radiator or fuel system flushing, and installation of motor vehicle parts and accessories such as spark plugs, batteries, tires, mufflers and belts.

AUTOMOBILE SERVICE STATION or FILLING STATION. A place where gasoline or other motor fuel, lubricants, tires, batteries, accessories and supplies for operating and equipping motor vehicles, including greasing and oiling, and, if within an enclosed building, incidental brake, muffler, and similar services, but not including any operation named under "automobile repair, major."

AUTOMOBILE WRECKING. The dismantling or disassembling of used motor vehicles or trailers or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

BASE FLOOD. The flood having a 1% chance of being equaled or exceeded in any given year.

BED AND BREAKFAST OPERATION. A use which is subordinate to the principal use of a dwelling unit as a single-family dwelling unit and a use in which transient guests are provided a sleeping room and a meal or meals in return for payment for a limited time.

BOARD. The City of Flint Board of Zoning Appeals.

BOARDING OR LODGING HOUSE. A dwelling or part thereof where meals or lodging or both, are provided for compensation. A **BOARDING HOUSE** is to be distinguished from a hotel, motel, bed and breakfast establishment, or a convalescent, nursing or group home.

BUILDING. Any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals or property. When such a structure is divided into separate parts by one or more unpierced walls extending from the group up, each part is deemed a separate building, except as regards minimum side yard requirements as provided by this chapter.

BUILDING FRONT LINE. A line that coincides with the face of the building nearest the front line of the lot. This face includes sun parlors and enclosed porches, but does not include steps. This line shall be parallel to the front lot line and measured as a straight line between the intersection points with the side yard. For the purposes of this section, the **FRONT LINE** shall be the front setback line.

BUILDING HEIGHT. The vertical distance measured from the established finished 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 a terrace, the height shall be measured from the average finished ground level of the terrace at the building wall.

BULK STATION. A place where crude petroleum and petrochemical liquids such as gasoline, naphtha, benzene, benzal and kerosene are stored for wholesale purposes and where the aggregate capacity of all storage tanks is more than 6,000 gallons.

CEMETERY. Land used or intended to be used for the burial of the human dead, including columbariums, crematories, mausoleums and mortuaries, if operated in connection with, and within the boundaries of the **CEMETERY**.

CHANGE IN USE. A use different from the previous use of a site. A different use shall first be determined on the basis of the zoning districts in which the respective uses are first permitted, either as a principal use permitted outright or a principal conditional use. A further difference of use shall be determined on the basis of uses listed in the subheadings of each zoning district, such as retail services, eating and drinking places, automotive services. Changes within subheadings are not considered a **CHANGE IN USE**. If an existing structure is vacant, the last occupant shall determine use.

CHILD CARE CENTER. A facility, other than a private residence, receiving one or more preschool or school age children for care for periods less than 24 hours a day, and where the parents or guardians are not immediately available to the child. The term includes a facility that provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The term also includes any facility referred to as day care center, day nursery, nursery school, drop-in center and parent cooperative preschool. A **CHILD CARE CENTER** does not include a Sunday school, Vacation Bible

School, or religious instructional class operated by a religious organization where children are in attendance for not greater than three hours per day for an indefinite period or not greater than eight hours per day for less than one month per year.

CLINIC. A place used for the care, diagnosis and treatment of persons in need of medical or surgical attention, but who are not kept overnight on the premises. See also **VETERINARY CLINIC**.

CLUB. A nonprofit association that maintains, owns, hires or leases a building or space in a building or which furnishes to its members and/or guests any premises or place where members and/or guests may engage in the drinking of alcoholic liquor for any fee, cover charge, donation or other charge that may reasonably construed as consideration. Also, the building owned or leased by such a group.

COLLECTOR STREET. A street that provides both land access and traffic movement in the local district.

CO-LOCATION. The ability to attach wireless antenna to existing structures such as towers, rooftops, utility lines, church spires and the like.

COMMISSION. The City of Flint Planning Commission.

COMMON LAND. A parcel or parcels of land together with the improvements thereon, the use, maintenance and enjoyment of which are intended to be shared by the owners and occupants of the individual building units in a planned unit development.

COMMUNITY DEVELOPMENT PROJECT. Any residential development which conforms to the requirements and standards of the community development project regulations of this chapter.

CONDITIONAL USE. A use that, because of special requirements or characteristics, may be allowed in a particular zoning district only after review by the Planning Commission and granting of conditional use approval with such conditions as necessary to make the use compatible with other uses permitted in the same district or vicinity.

CONFORMING. In compliance with the regulations of the pertinent zoning district.

CONVALESCENT OR NURSING HOME. A building where infirm or incapacitated persons are furnished lodging, shelter, meals, nursing, personal care or limited medical attention on a regular basis for compensation. Such a facility provides limited assistance but not the degree of care and treatment provided by a hospital or skilled nursing center.

COUNTY. The County of Genesee, Michigan.

COURT. An open, unoccupied space on the same lot or parcel with a building and bounded on two or more sides with walls of the building.

COURT, INNER. Any court other than an outer court.

COURT, OUTER. A court which extends directly to and opens for its full width on a street or other permanent space, or on a required yard, at least 20 feet wide.

COVERAGE. The part of a lot or parcel of land occupied by one or more structures.

CUL DE SAC. A street terminating at one end with a turning radius.

DAY CARE CENTER. See **CHILD CARE CENTER**.

DEVELOPMENT. The construction of a new structure on a lot, the relocation of an existing structure on a lot, or the use of open land for a new use.

DIRECT ACCESS. Access not requiring trespass over adjacent property or rights-of-way.

DISTRICT. An area of the City with specific zoning regulations as defined in this chapter.

DRIVE-IN. See **RESTAURANT**.

DWELLING. Any building or portion thereof used for human habitation, exclusive of tents, campers, trailers, portable buildings and mobile homes or other buildings without a permanent foundation.

(1) **ATTACHED.** A dwelling unit attached to two or more dwelling units by common vertical walls.

(2) **DETACHED.** A dwelling unit that is not attached to any other dwelling unit by any means.

(3) **SEMI-DETACHED.** A dwelling unit attached to one other dwelling unit by a common vertical wall, with each dwelling unit located on a separate lot. Also commonly known as a **DUPLEX**.

(4) **STACKED RANCH.** A two-story building divided horizontally and vertically by common party walls and floors into eight or fewer single-story dwelling units, each unit having an independent pedestrian entrance either directly to the outside or through a common vestibule, and integral individual garages.

(5) **TOWNHOUSE.** A building divided vertically by common walls into four to 12 attached dwelling units with independent entrances to both the front yard and the back yard or garage, and having no unit located above another unit.

(6) **MULTIPLEX.** A building divided vertically into three or more separate dwelling units having independent entrances either directly to the outside or through a common vestibule.

DWELLING GROUP. A group of two or more detached dwellings located on a parcel of land in one ownership and having any yard or court in common.

DWELLING, MULTIFAMILY. A building containing three or more dwelling units.

DWELLING, SINGLE-FAMILY. A building designed for residential use containing not more than one dwelling unit.

DWELLING, TWO-FAMILY. A building containing not more than two dwelling units.

DWELLING UNIT. One or more rooms connected together with kitchen and sanitary facilities designed for residential use by one family or housekeeping unit and physically separated from any other room or dwelling unit in the same structure.

EASEMENT. That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner of the property.

ENVIRONMENTAL AREA. An area that the Department of Natural Resources has determined is necessary for the preservation and maintenance of wildlife, water, soil, open space or forest resources.

ERECT. To build, construct, alter, reconstruct or otherwise perform any physical operation intended to result in the placement of a structure on the premises, including excavation, backfill, drainage and the like.

ESSENTIAL SERVICES. The construction or maintenance of gas, electrical, steam, sewer, water, or other utility systems, equipment and accessories, whether underground or overhead, that are reasonably necessary for furnishing adequate utility services to the public.

ESTABLISHMENT. Any business or enterprise that utilizes any building, structure, premises, parcel, place or area.

EXCEPTION. A modification of the requirements of this chapter, specifically permitted herein, which is necessary to avoid undue hardship in the practical application of the provisions of this chapter. An **EXCEPTION** is not a variance.

FAMILY.

(1) An individual or group of two or more persons related by blood, marriage or adoption, together with foster children and servants of the principal occupants, with not more than two additional unrelated persons who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit.

(2) A collective number of individuals domiciled together in one dwelling unit having demonstrable and recognizable bond characteristic of a cohesive unit, whose relationship is of a continuing nontransient domestic character and who live together as a functional family in a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or other similar determinable period.

FAMILY DAY CARE HOME. A private home in which one but not more than six minor children are received for care and supervision for periods less than 24 hours a day, unattended by a parent or legal guardian, excepting children related to an adult member of the family by blood, marriage or adoption. **FAMILY DAY CARE HOMES** include homes that give care to an unrelated minor child for more than four weeks during a calendar year.

FENCE. A wall composed of posts carrying boards, rails, pickets or wire, or to iron structures consisting of a vertical or horizontal bars or of open work.

FENCE, DECORATIVE. An open or semi-open fence, ornamental in nature, not intended to provide a permanent barrier to passage or for screening. **DECORATIVE FENCING** does not include chain link fencing.

FLOOD INSURANCE RATE MAP (FIRM). The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY. The official report of the Federal Insurance Administration providing flood profiles, the flood insurance rate maps, and the water surface elevation of the base flood.

FLOOR AREA. The sum of the horizontal area of the several floors of a building measured from the interior faces of the exterior walls for residential dwellings. The **FLOOR AREA** measurement shall not include area of basements, stairways, unfinished attics, attached garages, breezeways, enclosed or unenclosed porches, or utility rooms. For commercial uses, the **FLOOR AREA** measurement shall not include areas used or intended to be used principally for storage or processing; hallways, stairwells; elevator shafts; floor space used for mechanical equipment or utilities; attic space having headroom of seven feet, ten inches or less; interior balconies, mezzanines; or sanitary facilities in addition. Any space devoted to off-street parking or loading shall not be considered **FLOOR AREA**.

FLOOR AREA, GROSS. The sum of the horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. The **GROSS FLOOR AREA** of a building shall not include the basement floor area except when more than half of the basement is above grade.

FLOOR AREA, GROUND. The horizontal area of the first floor of a building other than a cellar or basement.

FRONT, LOT. The side of a lot that abuts a public street. For corner lots, the front is the shortest side that abuts a street. Where buildings exist on the lot, the **LOT FRONT** may be established by the orientation of the buildings. Otherwise the principal entrance shall determine the front of the lot.

FRONTAGE. The distance along the boundary between any lot or parcel of property and a highway, public right-of-way or waterway.

GARAGE. A structure or use devoted to the storage or care of motor vehicles. A commercial **GARAGE** is a structure or use where motor vehicles are equipped for operation, repaired, or stored for remuneration, hire or sale. This definition excludes a structure or use principally devoted to the storage of motor vehicles for scrap or salvage purposes or for sale as scrap or salvage material.

GRADE. The highest point of the ground contacting any portion of the basement or foundation of a building.

GROUP DAY CARE HOME. A private home in which seven but not more than 12 minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, excepting children related to an adult member of the family by blood, marriage or adoption. **GROUP DAY CARE HOMES** include homes that give care to an unrelated minor child for more than four weeks during a year.

HEALTH CARE FACILITY. Any facility or institution that provides mental or physical health care services, including diagnosis, treatment, rehabilitation or preventive care and that allows overnight stays.

HOME FOR THE AGED. A supervised personal care facility, other than a hotel, adult foster care facility, hospital, nursing home or county medical care facility, that provides room, board and supervised personal care to 21 or more unrelated, nontransient individuals 60 years of age or older. **HOME FOR THE AGED** includes a supervised personal care facility for 20 or fewer individuals 60 years of age or older if the facility is operated in conjunction with and as a distinct part of a licensed nursing home.

HOME OCCUPATION or **BUSINESS.** An occupation that is traditionally and customarily carried on within a dwelling and that is clearly incidental and secondary to the use of the dwelling as a residence.

HOSPITAL. An institution for the diagnosis, treatment or care of aged, sick or injured people. The term **HOSPITAL** shall include sanatoriums but not nursing homes, rest homes or convalescent homes.

HOTEL. A building or part of a building, with a common entrance or entrances, in which dwelling or rooming units are used primarily for transient occupancy, and in which one or more of the following services are offered: maid service, furnishing of linen, telephone, secretarial or desk service, and bellboy service. A **HOTEL** may include a restaurant or cocktail lounge, public banquet halls, ballrooms or meeting rooms as accessory uses.

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

INDUSTRIAL PARK. A planned industrial development on a tract of land containing an internal road network suitable for trucks and employee traffic and supplied with water, sewer, electric and natural gas lines.

JUNK. Any refuse, waste material or item that has ceased to have value for its originally intended use, including salvaged material, metal, machinery, motor vehicles or motor vehicle parts.

JUNKYARD. A place where waste, discharged or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled, including auto wrecking yards, house wrecking yards, used lumber yards, and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building and not including vehicle tow yards and impound lots, pawn shops and establishments for the sale, purchase or storage of used furniture and household equipment, used cars in operable condition or salvaged materials incidental to manufacturing operations.

KENNEL. Any structure or premises on which four or more dogs or cats over four months of age are kept.

LOADING SPACE. An off-street space within a building or on the same lot with a building or group of buildings for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials, such space having direct and unobstructed access to a street or alley.

LODGE. See **CLUB**.

LOT. A parcel of land intended for a single principal use together with accessory uses permitted in this chapter and having determined by lot lines.

LOT AREA. The total area included within lot lines. Where a lot line lies in part of a street, the **LOT AREA** shall not include that part of the lot in the street proper.

LOT, CORNER. A lot located at the intersection of two streets or a lot bounded on two sides by a curving street, any two chords of which form an angle of 135 degrees or less as measured on the lot side. The point of intersection of the street lot lines is the corner. In the case of a **CORNER LOT** with a curved street line, the corner is that point on the street lot line nearest to the point of intersection of the tangents described above.

LOT COVERAGE. The part or percent of the lot area occupied by structures.

LOT DEFINITIONS. See Appendix: Compiled Illustrations, Illustration 50-1, "Typical lot definitions," at the end of this chapter.

LOT DEPTH. The horizontal straight-line distance between the front and rear lot lines, measured along the median between side lot lines.

LOT, DOUBLE FRONTAGE. Any interior lot having frontage on two approximately parallel streets, as distinguished from a corner lot. See **LOT, THROUGH**.

LOT, FLAG. A lot not meeting minimum frontage requirements and where access to the public road is by a narrow, private right-of-way or driveway.

LOT, INTERIOR. A lot other than a corner lot.

LOT LINES. The property lines bounding a lot as defined herein.

(1) **FRONT LOT LINE.** The shortest lot boundary abutting a public street.

(2) **REAR LOT LINE.** The lot boundary opposite and most distant from the front lot line. In the case of irregularly shaped lots, a line ten feet in length parallel to and at the maximum distance from the front lot line that is entirely within the lot shall be considered the **REAR LOT LINE** for the purpose of determining required rear yard spacing.

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

LOT OF RECORD. A parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds; a lot which actually exists in a subdivision plat as shown on the records of the County Register of Deeds; or a lot or parcel described by metes and bounds, the description of which has been so recorded. Whenever an owner uses two or more recorded lots as a single building site, or combines two or more lots on any recorded plat in the records of the Assessor or Treasurer, the combination of lots shall be deemed to be a single **LOT OF RECORD** for the purposes of this chapter.

LOT, THROUGH. Any interior lot having frontage on two approximately parallel streets, as distinguished from a corner lot. In the case of a row of two or more double frontage lots, all yards of the lots adjacent to streets shall be considered front yards, and setbacks shall be provided as required in this chapter.

LOT WIDTH. The horizontal straight-line distance between the side lot lines, measured along the median between the front and rear lot lines.

LOT, ZONING.

(1) A single tract of land, located within a single block, which, at the time of filing for a zoning 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.

(2) A **ZONING LOT** shall satisfy this chapter with respect to area, size, dimensions and frontage as required in the district in which the zoning lot is located. A **ZONING LOT** therefore may not coincide with a lot of record as filed with the County Register of Deeds, but may include one or more lots of record. Two or more adjacent lots may only be treated as a **ZONING LOT** if they cannot be combined into one tax parcel by the City.

MAJOR STREET PLAN. The major street plan for the City as adopted by the Planning Commission, establishing the location and official right-of-way width of principal streets and highways in the City.

MAJOR THOROUGHFARE. A large volume traffic way intended for traffic from the immediate municipal area and the regions beyond.

MANUFACTURED HOME. A factory built single-family structure that meets the National Manufactured Home Construction and Safety Standards Act, commonly known as the HUD (United States Department of Housing and Urban Development) Code. See **MOBILE HOME**.

MANUFACTURED HOME PARK. See **MOBILE HOME PARK**.

MARGINAL ACCESS DRIVE. A street that is parallel to and adjacent to a primary street and that is designed to provide access to abutting properties so that these properties are somewhat sheltered from the effects of the through traffic on the primary street and so that the flow of traffic on the primary street is not impeded by direct driveway access from a large number of abutting properties.

MEZZANINE. An intermediate level or levels in any story with an aggregate floor area of not more than one-third of the floor area of the room or space in which it is located.

MINI STORAGE FACILITY. A building or group of buildings where separate, locking units are leased to customers for the storage of personal property.

MOBILE HOME. Any structure built on a chassis and designed to be used without a permanent foundation as a dwelling when connected to the required utilities and which is, or is intended to be, attached to the ground to another structure, or to a utility system on the same premises for more than 30 consecutive days, but does not include a recreational vehicle.

(1) *Type A.* New mobile homes certified as meeting HUD mobile home construction and safety standards.

(2) *Type B.* Used mobile homes certified as meeting HUD mobile home construction and safety standards or standards contained under State of Michigan Act 230 of the Public Acts of 1972, being MCLA §§ 125.1501 et seq., and MSA §§ 5.2949(1) et seq., as amended, found on inspection to be in good condition.

(3) *Type C.* Used mobile homes certified as meeting HUD mobile home construction and safety standards or standards contained under Act 230 of the Public Acts of 1972, being MCLA §§ 125.1501 et seq., and MSA §§ 5.2949(1) et seq., as amended, found on inspection to be in poor condition and unsafe and/or unfit for residential occupancy.

(4) *Type D.* Used mobile homes not certified as meeting HUD mobile home construction and safety standards or not meeting standards contained under State of Michigan Act 230 of the Public Acts of 1972, being MCLA §§ 125.1501 et seq., and MSA §§ 5.2949(1) et seq., as amended.

MOBILE HOME PARK. Any parcel of land or part thereof used or offered for use as a location for three or more mobile homes on a continual, non-recreational basis together with any building, structure, enclosure, street, equipment or facility used or intended for use incident to the occupancy of a mobile home.

MODULAR HOME. A dwelling manufactured in a factory in separate units that comply with applicable State construction codes and that are designed for transport by separate carrier to the build site for assembly on a permanent foundation. **MODULAR HOMES** shall be considered site-built homes.

MOTEL. A series of attached, semi-detached or detached rental units with individual entrances providing convenient access to off-street parking areas and that are rented for overnight lodging primarily to the public traveling by motor vehicle.

MOTOR HOME. Any vehicle built and licensable for use on public streets and highways that has been constructed or adapted for use as a dwelling or sleeping place for one or more persons. See **TRAVEL TRAILER**.

MOTOR HOME PARK. A park designed specifically to accommodate the use of motor homes and travel trailers as dwellings. Also commonly referred to as a **TRAILER PARK** or **RV PARK**.

NONCONFORMING BUILDING. A building or portion thereof lawfully existing at the effective date of this chapter, that does not conform to the regulations of the zoning district in which it is located.

NONCONFORMING LOT. Any lot, outlot or parcel of land which, through a change in the law, no longer conforms to the provisions of the zoning district in which it is located.

NONCONFORMING STRUCTURE. A structure which, through a change in the law, no longer conforms to the provisions of this chapter.

NONCONFORMING USE. A use that was valid when begun but which, through a change in the law, no longer conforms to the regulations of the zoning district in which it is carried on.

NUISANCE. A thing or practice causing or having potential to cause annoyance such as noise, dust, dirt, smoke, fly ash, odor, glare, fumes, flashes, vibration, shock waves, heat, electronic or atomic radiation, effluent crowd noise, traffic or trespass of persons or objects, whether or not the thing or practice constitutes a legal nuisance subject to forcible abatement.

NURSERY. A structure or use where live trees, shrubs or plants are grown, tended or stored and offered for retail sale, including products used for gardening or landscaping, but not including a structure or use principally for the sale of fruits, vegetables or Christmas trees.

NURSERY SCHOOL. See **CHILD CARE CENTER**.

NURSING HOME. A nursing facility that provides organized nursing care and medical treatment to seven or more individuals suffering or recovering from illness, injury or infirmity, including a County medical care facility, but excluding a hospital or a facility created by Act 152 of the Public Acts of 1985, as amended, being MCLA §§ 36.1 to 36.12 of the Michigan Compiled Laws.

OFF-STREET PARKING LOT OR FACILITY. A structure or use providing parking spaces for more than five motor vehicles along with adequate drives and aisles for maneuvering, as prescribed by the regulations of the zoning district in which the off-street parking is located.

OPEN AIR BUSINESS USE. Any retail business that sells goods that are displayed or otherwise merchandised outside an enclosed building, including automobile sales areas, nurseries, parking lot sales, camper sales and other similar uses.

OPEN FRONT STORE. An establishment designed to provide service to customers beyond the walls of the building, not requiring the patron to enter the building. The term **OPEN FRONT STORE** shall not include auto repair stations or gas stations.

OPEN SPACE. Any unoccupied space, open to the sky, on the same lot or parcel of land as a building. Designated parking is not **OPEN SPACE**.

OUTDOOR ADVERTISING. Any sign used to advertise a good, service or activity that is not primarily produced or sold on the premises where the sign is located.

PARKING SPACE. A permanently surfaced area of not less than 180 square feet (nine feet by 20 feet), either within a structure or in the open, exclusive of driveways or access drives, for the parking of a motor vehicle.

PENNY ARCADE. Any nonresidential establishment in which four or more mechanical amusement devices (excluding pool tables or billiard tables) for hire are located, as regulated in §§ 12-24 through 12-37 of this Code of ordinances.

PLANNED INDUSTRIAL DISTRICT. Any industrial development which conforms to the requirements and standards of the planned industrial district regulations of this chapter.

PLANNED SHOPPING CENTER (INTEGRATED NEIGHBORHOOD or COMMUNITY SHOPPING CENTER). Any commercial development which conforms to the requirements and standards of the integrated neighborhood or community shopping center regulations of this chapter.

PORNOGRAPHY. Any media that has more than an incidental portion of its content depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” and that is intended to provide sexual gratification or arousal.

PRINCIPAL USE. The main use to which the premises are devoted.

PRIVATE ROAD. A road for ingress and egress to more than one parcel of property that is not part of a subdivision created under State Act 288, Public Acts of 1967, as amended.

PUBLIC BUILDING. Buildings that are financed largely by public funding and are available for public use, as distinguished from buildings that are government financed, but are intended for private use; e.g., public housing.

PUBLIC FACILITY. Any facility other than a recreation area which is maintained by public funds, including, but not limited to, libraries, museums, administrative offices, and fire and police stations. This definition does not include schools, community hospitals or any facility involving outdoor storage.

PUBLIC UTILITY. A person, firm, corporation, municipal or County department, or council or commission duly authorized to furnish to the public, and that is so furnishing, gas, steam, electricity, sewage disposal, telegraph, telephone, transportation or water under Federal, State or municipal regulations.

RECREATION AREA. Any parcel of land, whether natural or improved, public or private, designated solely for indoor or outdoor recreational activities.

RECREATION FACILITY, PRIVATE. Any privately owned commercial recreation facility, including golf courses, riding stables, race courses, bowling alleys, clubs, lodges and other similar facilities.

RECREATION FACILITY, PUBLIC. Any publicly owned and maintained recreation facility available to the general public, with or without a fee.

RECREATIONAL VEHICLE. A vehicle designed for use on streets and highways that serves as temporary living quarters for recreational purposes, whether self-propelled or attached to another vehicle, including motor homes, pickup campers, travel trailers and tent trailers.

RESTAURANT. An establishment whose principal business is the sale of foods, desserts or beverages to customers in a ready-to-consume state.

(1) **CARRY-OUT RESTAURANT.** A restaurant where food and beverages are served in disposable containers for consumption primarily off the premises.

(2) **DINE-IN RESTAURANT.** A restaurant where food and beverages are served for consumption primarily within the restaurant building.

(3) **DRIVE-IN RESTAURANT.** A restaurant designed to serve food and beverages to customers within their motor vehicles for consumption on the premises and outside the restaurant building.

(4) **FAST FOOD RESTAURANT.** A restaurant where food and beverages are served in disposable containers for consumption either inside the restaurant building or off the premises.

RIGHT-OF-WAY. A street, alley or other thoroughfare or easement permanently established for the passage of persons or vehicles.

SELF-STORAGE FACILITY. See **MINI STORAGE FACILITY**.

SERVICE AREA. An outdoor area connected with a commercial use devoted to loading and unloading operations and for the receipt and temporary storage of goods, materials and equipment.

SETBACK. The minimum distance a structure or any portion thereof must be located from the lot lines.

SIGN. Any outdoor structure or display whose principal purpose is to convey a message or to identify the location of or direct attention to an object, product, place, activity, person, institution, organization or business. A **SIGN** shall not include any display of official court or public notices, nor shall it include the flag of a political unit or school.

SPECIAL FLOOD HAZARD AREA. An area of land subject to a 1% or greater chance of flooding in any given year as determined by the Federal Flood Insurance Study.

SPECIFIED ANATOMICAL AREAS. Less than completely and opaquely covered human genitals, pubic region, buttock, female nipple and areola, and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES. Acts of human masturbation, sexual intercourse, sodomy, and fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

STORY. The portion of a building, included between the upper surface of a floor and the upper surface of the floor above or the upper surface of the roof rafters or ceiling joists if there is no floor above.

STORY, FIRST. The lowest story or the ground story of any building the floor of which is not more than 12 inches below the average contact ground level at the exterior walls of the building; except, that any basement or cellar used for residence purposes, other than for a janitor or caretaker or his or her

family, shall be deemed the **FIRST STORY**.

STORY, HALF. An uppermost story lying under a sloping roof having a floor area of at least 200 square feet with a minimum head clearance of seven feet, six inches.

STREET. A public right-of-way, other than an alley, intended for travel by motor vehicles, which is a principal means of access to abutting property.

STREET LINE. The street right-of-way line.

STRUCTURE. Anything constructed or erected, including a building, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground.

TELEVISION SATELLITE DISH. Any device capable of receiving television signals from satellites.

TEMPORARY BUILDINGS, USES. A building, structure or use permitted to exist during construction of the main structure or use or during special events.

TOURIST HOME. A building or part thereof, other than a hotel, boarding house, lodging house or motel, where lodging is provided by a resident family in its home for compensation, mainly for transients.

TRAILER PARK. See **MOTOR HOME PARK** and **MOBILE HOME PARK**.

TRAVEL TRAILER. A vehicle designed for towing on streets and highways that is used as a temporary dwelling, office or business.

USE. The purpose for which land or a building or structure is arranged, designed or intended, or for which either land or a building or structure is, or may be, occupied or maintained.

VARIANCE. A deviation from the zoning provisions of this chapter granted when strict enforcement would cause undue hardship or practical difficulties owing to circumstances unique to the property for which the variance is granted. A **VARIANCE** is not an exception.

VETERINARY CLINIC. A building where animals are examined and treated by a veterinarian.

WIRELESS TELECOMMUNICATION FACILITY. All structures and equipment involved in transmitting and receiving telecommunications signals from mobile communication sources, such as private and commercial mobile radio service facilities, personal communication services (PCS) towers, and cellular telephone towers. Not included are AM/FM radio antennas, television antennas, satellite dishes and licensed amateur radio facilities.

(1) **ANTENNA.** The device through which wireless telecommunication signals are transmitted or received, as authorized by the Federal Communications Commission.

(2) **EQUIPMENT SHELTER.** The structure in which the equipment for receiving and transmitting wireless communications is housed.

(3) **STEALTH DESIGN.** Camouflaging telecommunication facilities to minimize their visibility and blend them in with their surroundings.

(4) **TOWER.** A structure intended to support telecommunications transmission and receiving equipment such as monopoles, freestanding lattice structures and guyed lattice structures.

YARD. An open space, other than a court, on a lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise provided in this chapter.

YARD, FRONT. A yard extending across 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.

YARD, REAR. A yard opposite the front yard extending across 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.

YARD, SIDE. A yard extending from the front yard to the rear yard, the width of which is the minimum horizontal distance between the side lot line and the nearest point of the main building.

YARD, SIDE, LEAST WIDTH, HOW MEASURED. Such width shall be measured from the nearest side lot line and, in case the nearest side lot line is a side street lot line, from the right-of-way line of the existing street; provided, that if the proposed location of the right-of-way line of such street as officially established differs from that of the existing street, then the required side yard least width shall be measured from the right-of-way of such street so established.

ZONING ADMINISTRATOR. The administrative official designated by the City of Flint with the responsibility for administering and enforcing this chapter and related ordinances.

ZONING CERTIFICATE. A document authorizing buildings, structures or uses consistent with the terms of this chapter and for the purpose of carrying out and enforcing its provisions.

ZONING DISTRICT. An area of the City in which certain structures, buildings and uses are permitted or prohibited, as set forth in this chapter, that is intended to protect and preserve the character of certain areas, to prevent the establishment of incompatible uses in close proximity to each other, and to regulate and provide for necessary and objectionable uses.

(Ord. 2046, passed 4-11-1968; Ord. 2829, passed 3-22-1982; Ord. 2832, passed 5-10-1982; Ord. 2845, passed 7-26-1982; Ord. 2910, passed 4-23-1984; Ord. 2972, passed 9-23-1985; Ord. 3015, passed 11-10-1986; Ord. 3053, passed 4-11-1988; Ord. 3275, passed 4-25-1994; Ord. 3465, passed 12-11-2000; Ord. 3660, passed 7-11-2005; Ord. 3705, passed 4-14-2008)

§ 50-2 INTERPRETATION AND PURPOSE OF CHAPTER.

In their interpretation and application of the provision of this chapter shall be held to be the minimum requirements adopted for the promotion of the public health, safety and welfare. To protect the public, among other purposes, such provisions are intended to provide for adequate light, pure air, safety from fire and other danger, undue concentration of population and ample parking facilities.

(Ord. 2046, passed 4-11-1968)

§ 50-3 CONSTRUCTION OF CHAPTER.

It is not intended by this chapter to repeal, abrogate, annual or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this chapter, or with private restrictions placed upon property by covenant, deed or other private agreement, or with restrictive covenants running with the land to which the City is a party. Where this chapter imposes a greater restriction upon land, buildings or structures than is imposed or required by such existing provisions of law, ordinance, contract or deed, the provisions of this chapter shall control.

(Ord. 2046, passed 4-11-1968)

§ 50-3.1 SEVERABILITY.

This chapter (i.e., the “City of Flint Zoning Ordinance,” as amended) and the various parts, sections, subsections and clauses thereof, are hereby declared to be severable. If any part, sentence, paragraph, subsection or clause is adjudged unconstitutional or invalid, it is provided that the remainder of the this chapter shall not be affected thereby. If any part, sentence, paragraph, subsection, section or clause is adjudged unconstitutional or invalid as applied to a particular property, building or other structure, it is hereby provided that the application of such portion of this chapter to other property, buildings or structures shall not be affected thereby.

(Ord. 3062, passed 7-11-1988)

§ 50-3.2 CONSTRUCTION OF CONDITIONS AND LIMITATIONS.

Whenever any condition or limitation is included in an order authorizing a planned unit development or any special land use permit, variance, grading permit, zoning compliance permit, certificate of occupancy, site plan approval or any other zoning approval, it shall be conclusively presumed that the authorizing officer or body considered such condition or limitation necessary to carry out the spirit and purpose of this chapter or the requirement of some provision thereof, and to protect the public health, safety and welfare, and that the office or body would not have granted the authorization to which the condition of limitation pertains except in the belief that the condition or limitation was unlawful.

(Ord. 3062, passed 7-11-1988)

§ 50-4 DISTRICTS ESTABLISHED.

The City is hereby divided into 16 zoning districts as follows:

A-1	Single-family low density district
A-2	Single-family medium density district
B	Two-family district
B-1	Townhouse district
C-1	Multifamily walk-up apartment district
C-2	Multifamily high density apartment district
D-1	Office district
D-2	Neighborhood business district
D-3	Community business district
D-4	Metropolitan business district
D-5	Metropolitan commercial service district
D-6	General and highway commercial-service district
E	Heavy commercial-limited manufacturing district
F	Intermediate manufacturing district
G	Heavy manufacturing district

(Ord. 2046, passed 4-11-1968; Ord. 2770, passed 6-9-1980; Ord. 3048, passed 10-12-1987)

§ 50-5 CONFORMITY OF BUILDINGS AND LAND.

No building, structure or premises shall be used or occupied; no building or part thereof or other structure shall be erected, raised, removed, placed, reconstructed, extended, enlarged or altered; and no lot shall be split, combined or otherwise modified except in conformity with the regulations specified in this chapter for the district, as shown on the official map, in which it is located, except as provided for in §§ 50-143 through 50-148. This provision shall not prohibit two or more adjacent lots from being treated as a zoning lot as defined in this chapter if they cannot be combined into one tax parcel by the City.

(Ord. 2046, passed 4-11-1968; Ord. 3706, passed 4-14-2008)

§ 50-6 COMPLIANCE WITH THE HEIGHT, YARD AND OCCUPANCY REQUIREMENTS.

No building, structure or premises shall be erected, altered or used so as to produce greater height, smaller yards or less unoccupied area, and no building shall be occupied by more families than prescribed for the building, structure or premises for the district in which it is located.

(Ord. 2046, passed 4-11-1968)

§ 50-7 USE OF YARD, COURT OR OPEN SPACE TO FULFILL REQUIREMENTS OF MORE THAN ONE BUILDING.

No yard, court or open space, or part thereof, shall be included as a part of the yard, court or open space similarly required for any other building, structure or dwelling under this chapter.

(Ord. 2046, passed 4-11-1968)

§ 50-8 STANDARDS FOR HEIGHTS, AREAS, YARDS AND THE LIKE.

Height, area, yard and other limits on requirements for controlling the size of buildings and the open spaces about them as set forth in Tables A and B for each of the zoning districts, set forth in § 50-89. Additional standards and regulations are set forth in the following sections concerning districts, height modification and off-street parking and loading requirements.

(Ord. 2046, passed 4-11-1968; Ord. 2140, passed 7-7-1969; Ord. 2503, passed 6-9-1975)

§ 50-8.1 APPEARANCE STANDARDS.

In any district which is or shall become built up or developed to such degree that preservation or maintenance of its particular character or general harmony of design carries special value to the general public, or bears substantially upon the economic well-being or the people of the district and the City, no building or structure shall be erected, nor any existing building or structure altered, the appearance of which upon completion of the work shall detract materially from that special value or economic well-being; provided, that this section shall not apply to any case where the weight of the restraint upon private ownership is shown to be greater than the benefit to the public of its enforcement.

(Ord. 2046, passed 4-11-1968)

§ 50-8.2 INTERIM REGULATIONS PENDING ADOPTION OR URBAN RENEWAL PLANS.

In any officially designated urban renewal areas, as defined in the Federal Housing Law, all uses within such area shall be conditional uses, notwithstanding any other provision of the district regulations contained in this chapter, commencing on time with the date of the resolution of the local public agency requesting Federal funding of a designated area, and ending on the date of final approval of the area renewal plan, or the expiration of 12 months, whichever be shorter period of time. All applications for building permits for new construction in such areas shall be referred to the Zoning Board of Appeals by the Building Inspector for action pursuant to § 50-160. No such application may be granted unless the Board shall affirmatively find that approval thereof does not or will not conflict with, obstruct or unduly interfere with the development of the area renewal plan, or the renewal program of the City.

(Ord. 2247, passed 2-15-1971)

§ 50-8.3 SITE PLAN REVIEW.

(a) *Generally.*

(1) a. These site plan review procedures are designed and instituted to promote the public health, safety and general welfare. This promotion of health, safety and welfare can be accomplished by:

1. Encouraging the use of land in accordance with its character and adaptability and avoiding overcrowding;
2. Providing adequate light and air;
3. Lessening congestion on the public roads and streets;
4. Reducing hazards to life and property; and
5. Conforming public services with the most advantageous uses of land, resources and properties.

b. Other considerations shall be the character of each site, its peculiar suitability for particular uses; the conservation of property values and natural resources; the general and appropriate trend and character of land, building and population development to the present use and character of the surrounding area.

(2) These site plan review procedures provide an opportunity for the Planning Commission of the City to review the proposed use and development of a site to determine compliance with existing ordinances relating to zoning, drainage, pedestrian and vehicular circulation, off-street parking, building 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 interests of the property owner.

(b) *Developments and uses requiring site plan review.* A building permit shall not be issued for any structure until a site plan has been reviewed and approved by the Planning Commission. Every site plan submitted to the Planning Commission shall conform to the requirements of this section.

(c) *Exceptions.* A site plan shall not be required for the following developments:

- (1) Single-family detached residential developments involving fewer than three dwelling units to be constructed by a single developer within 202 feet along the same street;
- (2) Interior alterations, renovation or repair projects not involving a change in use;
- (3) Addition, deletion, expansion, change, or conversion to a single-family dwelling or to an existing development, building, structure or use, which does not require additional off-street parking and which does not constitute an increase or decrease of 1,500 square feet or 20%, whichever is less, in the size of the building, structure or use area;
- (4) Temporary structures, temporary parking or storage areas requiring permits as approved by the Building Code Board of Appeals; or
- (5) Interior structural, mechanical and electrical work, maintenance, demolition or combination thereof.

(d) *Information required on plans.* The Planning Commission may waive any of the following requirements of information to be included on the site plan, provided that sufficient clarity and detail is shown on the drawings to indicate the nature and character of the development and/or use:

- (1) An engineered site plan drawing with a legend showing every symbol used on the plan and its meaning;
- (2) Developer name, address and telephone number;
- (3) Date of site plan preparation and subsequent revisions;
- (4) North arrow;
- (5) Scale of not less than one inch equals 40 feet, if the subject site is less than three acres in size, or one inch equals 100 feet, if the subject site is three acres or more in size;
- (6) Name, address and telephone number of the registered architect, engineer or land surveyor responsible for preparation of the site plan;
- (7) The legal description of the lot;
- (8) Vicinity map showing the site in relationship to streets, drainage courses, bodies of water and railroad lines;
- (9) Dimensions of all property lines;
- (10) The area of the lot stated in acres or, if less than an acre, in square feet;
- (11) Existing zoning and land use within the boundaries of the site and of properties abutting the site;
- (12) Relationship of the subject site to abutting properties and buildings within 100 feet if the proposed site is part of a larger site, the boundaries of the total site shall be indicated and the intended use of the remaining portions of the site;
- (13) Existing and finished grade elevations using two-foot contours;
- (14) Front, rear and side elevations of proposed building;
- (15) Any anticipated increase in dust, odor, smoke, fumes, noise, lights or other objectionable features;
- (16) Percentage of land covered by buildings and percentage reserved for open space;
- (17) Location and dimensions of all existing and proposed principal and accessory buildings on the subject site, including height of proposed structures in feet and stories;
- (18) Front, rear and side yard requirements for the zoning district in which the site is located;
- (19) Actual front, rear and side yard setbacks to all existing and proposed structures on the site;
- (20) In a residential development, the number of dwelling units, type of units, area per unit, and number of rooms;
- (21) Location and width of any public or private rights-of-way or easements upon or contiguous to the site, whether they will be created, continued, relocated or abandoned; and the grade and type of construction of any rights-of-way or easements upon the site;
- (22) Location of all existing and proposed parking areas, including location and typical dimensions of regular and handicapped spaces, with a schedule of parking needs;
- (23) Location and dimensions of maneuvering lanes, driving lanes, curb-cuts, loading areas, service lanes and other service areas;
- (24) Vehicular and pedestrian circulation, including ingress and egress;
- (25) Acceleration, deceleration and passing lanes where required;
- (26) Location and detail of site lighting, including location, type and height of existing and proposed exterior lighting;
- (27) Buffer treatment of parking areas;
- (28) Location and width of existing and proposed sidewalks on or bordering the subject site;
- (29) Location of all existing and proposed utilities;
- (30) Location, height and type of all existing and proposed walls or fences;
- (31) Cross-section drawings of proposed walls, berms or fences;
- (32) Existing driveways within 200 feet of the site;
- (33) Dumpster pad location, screening and details;
- (34) Location and dimensions of outdoor storage areas;
- (35) Detailed planting plan and schedule of plant materials, including an inventory of existing and proposed vegetation on the site;
- (36) Basic indication of existing and proposed drainage patterns and structures, including location and nature of any streams, drains, wetlands, unstable soils or fences designed to prevent soil erosion and a general description of method and location of storm water detention;
- (37) Location, dimensions and content of all signage;
- (38) A statement indicating the existing and intended use of the lot and structures upon it;
- (39) Any ancillary improvements proposed to remedy or prevent problems created by the development; and
- (40) Any other information concerning the subject site or adjacent lots that the Planning Commission determines is reasonably necessary to ensure compliance with this chapter.

(e) *Preliminary review.* Two copies of the site plan along with a site plan application and required fee shall be submitted to the Planning Official for preliminary review to ensure compliance with all City ordinances. In addition, the preliminary review shall ensure that a complete site plan has been submitted to the Planning Commission for its consideration. The designated planning official shall have a minimum of 15 business days to review the site plan and provide feedback to the applicant.

(f) *Final review.* After receiving feedback on the preliminary review, the applicant shall supply the City with 18 copies of the revised site plan, three of which shall be signed and sealed by a registered engineer architect or surveyor. The matter shall then be placed on the Planning Commission's agenda for consideration.

(g) *Planning Commission review.* The approval, denial, or approval with limitations, conditions, modifications or alterations of a site plan by the Planning Commission shall be based upon the following standards.

- (1) Approval, denial, or approval with limitations, conditions, modifications or alterations is consistent with the intent and purposes of this section.
- (2) Existing streets, highways, walkways, intersections, road widths, traffic-control devices, deceleration lanes, service drives, entrance and exit driveways and parking areas provide proper access and circulation of traffic and are safe and convenient for pedestrian and vehicular traffic.
- (3) The planned use and structures are compatible with the zoning district in which they are located, and are appropriate and in harmony with the appearance and essential character of the district.
- (4) The planned use and structures are not hazardous or disturbing to existing or intended uses in the same general area.
- (5) The planned use will not be objectionable by reason of excessive smoke, dust, light, glare, noise, vibration, odors or other objectionable features.
- (6) The planned use and structures are adequately served by existing public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewage facilities, and schools.
- (7) The planned use and/or structure complies with all applicable provisions of this chapter, unless a variance has been granted by the Zoning Board of Appeals.
- (8) The planned structure is accessible by emergency vehicles.

(h) *Amendments to approved site plan.* Minor changes to or deviations from an approved site plan may be approved by the Planning Official. The Planning Commission shall be notified of any such changes at its next regularly scheduled meeting. If the Planning Official concludes that the proposed changes are so substantial as to necessitate review by the Planning Commission, then another site plan review application shall be submitted to the Planning Commission with the appropriate fee.

(i) *Expiration of approvals.* The holder of an approved the plan must obtain a building permit from the City Building Official within one year after the date of issuance of the approved site plan. If such action is not taken within one year, the approved site plan shall be void and a new site plan application and appropriate fee shall be required. The Planning Commission may extend the period of site plan approval on request for up to one year, provided a request for the extension is made before the site plan expires.

(j) *Building permits.* The City Building Official shall not issue a building permit for construction until receiving a copy of the approved site plan and site plan application from the Planning Commission or Planning Official.

(Ord. 2412, passed 11-5-1973; Ord. 2458, passed 10-14-1974; Ord. 3043, passed 8-24-1987; Ord. 3080, passed 10-24-1988; Ord. 3427, passed 2-8-1999; Ord. 3485, passed 1-28-2002; Ord. 3634, passed 2-14-2005)

§ 50-8.4 BUILDING OFFICIAL TO ACT WITHIN 15 DAYS.

The Building Official shall act upon all such applications on which he or she is authorized to act by the provisions of § 50-8.3 within 15 days after they are filed in full compliance with all the applicable requirements. He or she shall either issue a zoning certificate within the 15 days or shall notify the applicant in writing of his or her refusal of such certificate and the reasons therefor. Failure to notify the applicant in case of refusal within 15 days shall entitle the applicant to zoning certificate, unless the applicant consents to an extension of time.

(Ord. 2458, passed 10-14-1974)

§ 50-9 ZONING CERTIFICATE — REQUIRED; ISSUANCE; CONSTRUCTION OR EXCAVATION PERMITS.

(a) It shall be unlawful for any owner, lessee or tenant to use or permit the use of any structure, building or land, or part thereof, created, erected, changed, converted or enlarged, wholly or partly, until a zoning certificate, which is a part of the building permit, shall have been issued by the Building Inspector. The zoning certificate shall show that the building or premises or a part thereof, and the proposed use thereof, are in conformity with the provisions of this chapter. It shall be the duty of the Building Inspector to issue a zoning certificate; provided, that he or she is satisfied that the structure, building or premises, and the proposed methods of water supply and disposal of sanitary wastes, conform with all the requirements of this chapter.

(b) No permit for excavation or construction shall be issued by the Building Inspector, unless the plans, specifications and the intended use conform to the provisions of this chapter.

(Ord. 2046, passed 4-11-1968; Ord. 2412, passed 11-5-1973)

§ 50-10 SAME — APPLICATION.

(a) Every application for a zoning certificate, which is part of the building permit, shall be accompanied by plans in duplicate drawn to scale, in black line or blue print, showing the actual shape and the dimensions of the lot to be built upon or to be changed in its use, in whole or in part; the exact location, size and height of any building or structure to be erected or altered; in the case of a proposed new building or structure of proposed alteration of an existing building or structure which would substantially alter its appearance, drawings or sketches showing the front, side and rear elevations of the proposed building or structure, or of the structure as it will appear after the work for which a permit is sought shall have been completed; the existing and intended use of each building or structure or part thereof; the number of families or dwelling units the building is designed to accommodate; and, when no buildings are involved, the location of the present use and proposed use to be made of the lot; and such other information with regard to the lot and neighborhood lots as may be necessary to determine applicable standards and provide for the enforcement of this chapter. One copy of the plans shall be returned to the owner when the plans shall have been approved by the Building Inspector, together with such zoning certificate as may be granted.

(b) In every case where the lot is not provided and is not proposed to be provided with public water supply or the disposal of sanitary wastes by means of public sewers, the application shall be accompanied by a certificate of approval of the Director of Health of the City of the proposed method of water supply or disposal of sanitary waste.

(Ord. 2046, passed 4-11-1968)

§ 50-11 SAME — ACTIONS BY BUILDING INSPECTOR.

The Building Inspector shall act upon all such applications on which he or she is authorized to act by the provisions of this chapter within 30 days after they are filed in full compliance with all the applicable requirements. He or she shall either issue a zoning certificate within 30 days or shall notify the applicant in writing of his or her refusal of the certificate and the reasons therefor. Failure to notify the applicant in case of such refusal within the 30 days shall entitle the applicant to a zoning certificate, unless the applicant consents to an extension of time.

(Ord. 2046, passed 4-11-1968)

§ 50-12 SAME — FEES.

No fee shall be charged for an original zoning certificate applied with the application for a building permit, where such permit is required and issued under the Building Code of the City. For all other zoning certificates, there shall be a fee and charge therefor. The fee shall be established from time to time by resolution of the City Council, kept on file by the City Clerk, and contained in Appendix A of the City Code.

(Ord. 2046, passed 4-11-1968; Ord. 2770, passed 6-9-1980; Ord. 3427, passed 2-8-1999)

§ 50-13 CERTIFICATE OF OCCUPANCY.

It shall be unlawful for any owner, lessee or tenant to occupy any structure, building or land, or part thereof, erected, created, changed, converted or enlarged after April 26, 1968 unless a certificate of occupancy shall have been issued by the Building Inspector after inspection. Such certificate shall show and certify that all or part of the building, structure or premises has been constructed, altered or improved in compliance with the provisions of this chapter, the Building Code and other applicable laws, codes or regulations and all conditions and requirements stipulated by the Board of Appeals, if any. A temporary certificate renewable for one 6-month period, may be issued by the Building Inspector in those instances where due to weather, strikes and the like, full compliance with all controls has not been met and the issuance of the certificate would not endanger the safety and health of the occupants or public.

(Ord. 2046, passed 4-11-1968)

§ 50-14 SET BACK FROM SAGINAW STREET.

(a) No building or structure shall be erected, reconstructed or substantially repaired so that any part of the same shall be within 49-5/10 feet of the centerline of Saginaw Street.

(b) A building shall be deemed substantially repaired within the meaning of this section if reconstruction of the front is involved.

(c) The centerline of Saginaw Street within the meaning of this section shall be the center line of the street as originally laid out.

(d) It shall be the duty of the Building Inspector of the City to enforce this section.

(e) Any building permit issued by the Building Inspector which shall not be in compliance with this section shall be void.

(Ord. 39, passed 8-21-1923)

§ 50-15 ENFORCEMENT OF CHAPTER; COMPLIANCE WITH CHAPTER IN ISSUANCE OF PERMITS AND THE LIKE.

It shall be the duty of the Building Inspector to enforce this chapter in accordance with the administrative provisions of the Building Code of the City and this chapter. All departments, officials and public employees of the City, vested with the duty or authority to issue permit or licenses, shall comply with the provisions of this chapter and shall issue no permit or license for any use, building or purpose in conflict with the provisions of this chapter. Any permit or license issued in conflict with the provisions of this chapter shall be null and void and of no effect whatever.

(Ord. 2046, passed 4-11-1968)

§ 50-16 INSTITUTION OF PROCEEDINGS BY CITY TO CORRECT VIOLATIONS OF CHAPTER.

In case any building is or proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained, used or any land is or is proposed to be used in violation of this chapter or any amendment or supplement thereto, appropriate action or proceedings may be instituted to prevent such unlawful location, erection, construction, reconstruction, alteration, conversion, maintenance or use; to restrain, correct or abate such violation; to prevent the occupancy of such building, structure or land; or to prevent any illegal act, conduct business or use in or about the premises.

(Ord. 2046, passed 4-11-1968)

ARTICLE II. A-1 SINGLE-FAMILY LOW DENSITY DISTRICT

§ 50-17 PRINCIPAL PERMITTED USES.

The following principal permitted uses are permitted outright in an A-1 single-family low density district.

(a) *Residential.* One-family detached dwellings.

(b) *Institutional and cultural.* Churches and other places of worship; public and parochial schools, colleges and universities for academic instruction; public libraries, museums, art galleries; extension of existing cemeteries.

(c) *Recreational.* Public parks, playgrounds, neighborhood and community center buildings and grounds.

(d) *Agricultural*. Customary agricultural uses including noncommercial nurseries and greenhouses, but expressly excluding the keeping of farm animals.

(e) *Essential services*. As set forth in § 50-1.

(Ord. 2046, passed 4-11-1968)

§ 50-18 PRINCIPAL CONDITIONAL USES.

The following are the principal conditional uses in an A-1 single-family low density district.

(a) *Recreational*. Golf courses, country clubs, tennis courts and similar uses, all of a noncommercial nature.

(b) *Institutional*. Children's institutions, including nursery schools, and day nurseries, homes for the aged (minimum site area 15,000 square feet; limited occupancy, 1,500 square feet of lot area for each resident); private schools.

(c) *Essential services*. Branch telephone exchanges, electric substations, gas regulators or other utility facilities, including structures necessary to serve adjacent areas, but not including yards or garages for service or storage.

(d) *Residential*. Community development projects.

(Ord. 2046, passed 4-11-1968; Ord. 2795, passed 5-26-1981)

§ 50-19 PRINCIPAL ACCESSORY USES.

The following accessory uses are permitted outright in an A-1 single-family low density district: Any use, structure or building customarily incidental to principal use permitted outright and the following.

(a) Living quarters for domestic servants, minimum lot area 15,000 square feet.

(b) Nameplates for public and semipublic uses.

(c) Real estate signs; temporary.

(d) Mausoleums and columbariums within and accessory to cemeteries, 100 feet from property lines.

(Ord. 2046, passed 4-11-1968)

§ 50-20 ACCESSORY CONDITIONAL USES.

Any use, building or structure customarily incidental to a principal conditional use is an A-1 single-family low density district.

(Ord. 2046, passed 4-11-1968)

§ 50-20.1 REQUIRED CONDITIONS.

All dwellings shall be constructed on a permanent foundation.

(Ord. 2829, passed 3-22-1982)

§ 50-20.2 PROHIBITED USES.

Mobile homes, prefabricated dwellings.

(Ord. 2829, passed 3-22-1982)

ARTICLE III. A-2 SINGLE-FAMILY MEDIUM DENSITY DISTRICT

§ 50-21 PRINCIPAL PERMITTED USES.

The following principal permitted uses are permitted outright in an A-2 single-family medium density district.

(a) *Generally*. All principal uses permitted outright and as regulated in the A-1 district except as hereinafter specified.

(b) *Residential*. One-family detached dwellings.

(c) *Institutional*. Public administration buildings.

(d) *Home occupations*. Subject to the following conditions.

(1) Only the residents of the premises shall be engaged in the occupation.

(2) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25% of the total floor area of the dwelling unit shall be used in the conduct of the home occupation. (For the purposes of this section, the basement and/or cellar shall not be included in computations of total floor area.)

(3) No "walk-in" trade shall be allowed.

(4) There shall be no change in the outside appearance of the building or premises, no structural alterations, or other visible evidence of the conduct of such home occupation.

(5) Entrance shall be from within the dwelling.

(6) No home occupation shall be conducted in any accessory building.

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

(8) No equipment or process shall be used in the home occupation which creates noise, vibration, glare, fumes, odors or electrical interference. No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

(9) No storage or display of materials, goods, supplies or equipment related to the operation of the home occupation shall be visible from the outside of any structure located on the premises or on adjacent premises.

(10) The home occupation shall not involve the use of commercial vehicles for delivery of materials to or from the premises; however, a vehicle of no more than three-fourths ton capacity may be used a part of the home occupation.

(11) No sign or other advertising shall be allowed anywhere on the premises.

(12) Nothing in this section shall prohibit the use of a residence by an occupant of that residence to give or receive instruction in a craft, fine art, science, humanity or field of learning and neither shall this section prohibit the regulation of noise, advertising, traffic or other conditions that may accompany the use of a residence as described above.

(Ord. 2046, passed 4-11-1968; Ord. 2910, passed 4-23-1984; Ord. 3301, passed 6-12-1995)

§ 50-22 PRINCIPAL CONDITIONAL USES.

The following are the principal conditional uses in an A-2 single-family medium density district.

(a) *Generally.* All principal conditional uses permitted and regulated in the A-2 district, except as herein specified.

(b) *Institutional.* Hospitals for human care, sanitariums, religious or charitable institutions, excluding institutions for care exclusively or primarily of epileptics, drug addicts, the feeble-minded or insane, alcoholics, contagious diseases. (Minimum lot area, one acre; 1,500 square feet of lot area for each resident or bed, excluding bassinets.)

(c) *Residential.* Community development projects.

(Ord. 2046, passed 4-11-1968; Ord. 2795, passed 5-26-1981; Ord. 2910, passed 4-23-1984; Ord. 3036, passed 5-26-1987)

§ 50-23 PRINCIPAL ACCESSORY USES.

The following accessory uses are permitted out-right in an A-2 single-family medium density district.

(a) *Generally.* Uses customarily incidental to principal uses permitted outright.

(b) *Roomers.* Not more than two roomers or boarders by a residential family.

(Ord. 2046, passed 4-11-1968)

§ 50-24 ACCESSORY CONDITIONAL USE.

Any use, structure or building customarily incidental to a principal conditional use shall be an accessory conditional use in an A-2 single-family medium density district.

(Ord. 2046, passed 4-11-1968)

§ 50-24.1 REQUIRED CONDITIONS.

(a) All dwellings shall be attached to a permanent foundation constructed on the site in accordance with City Building Code.

(b) All dwellings shall have a minimum width along the exterior side elevation of 20 feet, measured along habitable dwelling space.

(c) Does not have exposed wheels, undercarriages or chassis, or utilities that service that dwelling except electricity.

(d) Towing mechanisms must be removed.

(Ord. 2829, passed 3-22-1982)

§ 50-24.2 PROHIBITED USES.

(a) Type C mobile homes.

(b) Type D mobile homes.

(Ord. 2829, passed 3-22-1982)

ARTICLE IV. B TWO-FAMILY DISTRICT

§ 50-25 PRINCIPAL PERMITTED USES.

The following principal uses are permitted outright in a B two-family district.

(a) *Generally.* All A-2 principal uses.

(b) *Residential.* Two-family dwellings, dwelling groups.

(Ord. 2046, passed 4-11-1968)

§ 50-26 PRINCIPAL CONDITIONAL USES.

The following are the principal conditional uses in a B two-family district.

(a) *Generally.* All principal conditional uses permitted and as regulated in the A-2 district; except, that for institutional uses there shall be 1,000 square feet of lot area for each resident or bed, excluding bassinets.

(b) *Residential.*

(1) Community development projects.

(2) Three- or four-family dwellings, conforming to the regulations of the C-1 district, may be erected on or occupy a lot in any one of the following cases:

a. Where the lot adjoins side by side within 100 feet of nonresidential districts;

b. Where each of the lots adjoining the lot is occupied by a multifamily dwelling or a main building, other than a temporary building, the use of which does not conform to the regulations of the B district; or

c. Where in the same block as such lot more than 25% of the street frontage within 200 feet of the center of, and along the same street as, the front lot line of the lot consists of front lot lines of lots occupied by multifamily dwellings, or main buildings, other than temporary buildings, the use of which does not conform to the regulations of the B district. (Nonstructural uses and public buildings are not to be included in the calculation of frontage; three or four-family dwellings complying with the conditions herein shall be considered conforming uses in the B district.)

(c) *Rest homes.* Rest homes or nursing homes for convalescent patients. (At least 15,000 square feet lot area; 1,000 square feet of lot area for each resident; building 20 feet from property lines.)

(d) *Hospitals.* Hospitals of any kind, except animal. (Minimum lot area one acre; 1,000 square feet of lot area for each resident or bed, excluding bassinets; buildings for patients 50 feet from property lines.)

(Ord. 2046, passed 4-11-1968; Ord. 2857, passed 10-25-1982; Ord. 3048, passed 10-12-1987)

§ 50-27 PRINCIPAL ACCESSORY USES.

The following accessory uses are permitted outright in a B two-family district.

(a) *Generally.* Any use, structure or building customarily incidental to a principal use permitted outright.

(b) *Roomers.* Same as A-2 accessory uses permitted outright or not more than four roomers or boarders by a residential family in a one-family structure, two in each dwelling unit of a two-family dwelling when there is a lot area of at least 6,000 square feet.

(Ord. 2046, passed 4-11-1968)

§ 50-27.1 REQUIRED USES.

Same as § 50-24.1.

(Ord. 2829, passed 3-22-1982)

§ 50-27.2 PROHIBITED USES.

Same as § 50-24.2.

(Ord. 2829, passed 3-22-1982)

§ 50-28 ACCESSORY CONDITIONAL USES.

Any use, structure or building customarily incidental to a principal conditional use shall be an accessory conditional use in a B two-family district.

(Ord. 2046, passed 4-11-1968)

ARTICLE IV.I. B-1 TOWNHOUSE DISTRICT**§ 50-28.1 PRINCIPAL PERMITTED USES.**

The following principal uses are permitted outright in a B-1 townhouse district.

(a) *Generally.* All B district principal uses.

(b) *Residential.* Townhouses, a building containing three or more attached dwelling units, arranged side by side, separated from each other by a fire wall and having separate means of egress and ingress from the outside.

(Ord. 2770, passed 6-9-1980)

§ 50-28.2 PRINCIPAL CONDITIONAL USES.

The following are the principal conditional uses in a B-1 townhouse district: *Generally.* All principal conditional uses permitted and as regulated in the A-2 district.

(Ord. 2770, passed 6-9-1980)

§ 50-28.3 PRINCIPAL ACCESSORY USES.

The following accessory uses are permitted outright in a B-1 townhouse district.

(a) *Generally*. Any use, structure or building customarily incidental to a principal use permitted outright.

(b) *Roomers*. Same as A-2.

(Ord. 2770, passed 6-9-1980)

§ 50-28.4 ACCESSORY CONDITIONAL USES.

Any use, structure or building customarily incidental to a principal use shall be an accessory conditional use in a B-1 townhouse district.

(Ord. 2770, passed 6-9-1980)

§ 50-28.5 PROHIBITED USES.

Mobile homes.

(Ord. 2770, passed 6-9-1980)

§ 50-28.6 REQUIRED CONDITIONS.

Same as § 50-24.1.

(Ord. 2829, passed 3-22-1982)

ARTICLE V. C-1 MULTIFAMILY WALK-UP APARTMENT DISTRICT

§ 50-29 PRINCIPAL PERMITTED USES.

The following principal uses are permitted outright in a C-1 multifamily walk-up apartment district.

(a) *Generally*. All B district principal uses.

(b) *Residential*. Multifamily walk-up apartments, row houses, conversion of one-family into multifamily dwellings.

(c) *Institutional*.

(1) a. Fraternities, sororities.

b. Buildings 20 feet from property lines except when adjoining other institutional uses or nonresidential districts.

c. Homes for the aged, monasteries and similar group dwellings for members of religious orders, children's institutions (all not less than 15,000 square feet).

d. Boarding and rooming houses.

(2) All of above uses shall provide at least 500 square feet of lot area for each resident.

(Ord. 2046, passed 4-11-1968; Ord. 3015, passed 11-10-1986)

§ 50-30 PRINCIPAL CONDITIONAL USES.

The following are the principal uses in a C-1 multifamily walk-up apartment district.

(a) *Generally*. All principal conditional uses permitted and as regulated in the B district; except, that for institutional uses there shall be 500 square feet of lot area for each resident or bed, excluding bassinets.

(b) *Offices*. Offices of civil, religious or charitable organizations and financial or insurance institutions conducting their activities primarily by mail and not handling merchandise or rendering service on the premises, physician's and dentist's offices and private clinics, professional offices of architects, engineering, lawyers and the like, offices devoted to real estate, insurance, management and similar enterprises when conducting their activities primarily by mail or telephone and not displaying or handling merchandise on the premises. (One unlighted sign not exceeding six square feet in area and attached to structure. The residential appearance of the building shall be retained.)

(Ord. 2046, passed 4-11-1968)

§ 50-31 PRINCIPAL ACCESSORY USES.

Any use, building or structure customarily incidental to a principal use permitted outright shall be permitted outright in a C-1 multifamily family walk-up apartment district.

(Ord. 2046, passed 4-11-1968)

§ 50-32 ACCESSORY CONDITIONAL USES.

Any use, building or structure customarily incidental to a principal use permitted outright shall be permitted outright in a C-1 multifamily walk-up apartment district.

(Ord. 2046, passed 4-11-1968)

§ 50-32.1 REQUIRED CONDITIONS.

Any use, building or structure customarily incidental to a principal use permitted outright shall be permitted outright in a C-1 multifamily walk-up apartment district.

(Ord. 2829, passed 6-9-1980)

ARTICLE VI. C-2 MULTIFAMILY HIGH DENSITY APARTMENT DISTRICT

§ 50-33 PRINCIPAL PERMITTED USES.

The following principal permitted uses are permitted outright in a C-2 multifamily high density apartment district.

- (a) *Generally.* All C-1 principal uses.
- (b) *Residential.* Multifamily dwellings of any kind; housekeeping units; apartment hotels.
- (c) *Meeting places.*

(Ord. 2046, passed 4-11-1968; Ord. 2972, passed 9-23-1985)

§ 50-34 PRINCIPAL CONDITIONAL USES.

The following are principal conditional uses in a C-2 multifamily high density apartment district.

- (a) *Generally.* All principal conditional uses permitted and regulated in the C-1 district; except, that for institutional uses there shall be 300 square feet of lot area for each resident or bed, excluding bassinets.
- (b) *Hotels.* For any number of guests, including motels and motor hotels.
- (c) *Offices.* Of physicians, dentists, attorneys, engineers and similar professional persons, administrative offices of semipublic organizations.
- (d) *Clinics.* For human care, sanitariums.
- (e) *Funeral homes and mortuaries.*
- (f) *Mobile home parks.* Mobile home parks as specified in Article XX of this chapter.

(Ord. 2046, passed 4-11-1968; Ord. 2829, passed 3-22-1982; Ord. 3048, passed 10-12-1987)

§ 50-35 PERMITTED ACCESSORY USES.

Any use, building or structure customarily incidental to a principal use permitted outright shall be permitted outright in a C-2 multifamily high density apartment district.

(Ord. 2046, passed 4-11-1968)

§ 50-36 CONDITIONAL ACCESSORY USES.

The following are the accessory conditional uses in a C-2 multifamily high density apartment district.

- (a) Any use, building or structure customarily incidental to a principal conditional use.
- (b) Restaurants, shops, personal service establishments in apartment buildings and community development projects, hotels and recreation buildings; provided that all entrances shall be from within such building or project and no exterior advertising shall be permitted, except a four-square foot nameplate.

(Ord. 2046, passed 4-11-1968)

§ 50-36.1 REQUIRED CONDITIONS.

Same as § 50-24.1.

(Ord. 2829, passed 3-22-1982)

§ 50-36.2 PROHIBITED USES.

Same as § 50-24.2.

(Ord. 2829, passed 3-22-1982)

ARTICLE VII. D-1 OFFICE DISTRICT

§ 50-37 PURPOSE.

It is the purpose of the D-1 districts to provide definite areas which are limited to office type uses exclusively.

(Ord. 2046, passed 4-11-1968)

§ 50-38 PRINCIPAL PERMITTED USES.

The following are the principal permitted uses in a D-1 office district.

- (a) *Offices.*
 - (1) Medical or dental clinics.
 - (2) Offices for profession or business.
 - (3) Pharmacies, when incidental to the uses in subsections (1) and (2) of this subsection (a) and located in the structure occupied by such uses.

(b) *Residential uses.* Any principal or conditional use permitted in residence districts adjoining the D-1 district; and if these are adjoining the D-1 district; and if these are adjoining two or more different categories of residence districts, the regulations of the least restrictive of such residence districts shall apply.

(Ord. 2046, passed 4-11-1968)

§ 50-39 PRINCIPAL ACCESSORY USES.

Any use, building or other structure customarily incidental to any principal use permitted outright shall be an accessory use permitted outright in a D-1 office district.

(Ord. 2046, passed 4-11-1968)

§ 50-40 ACCESSORY CONDITIONAL USES.

Any building or other structure customarily incidental to any principal conditional use shall be a conditional accessory use in a D-1 office district.

(Ord. 2046, passed 4-11-1968)

§ 50-40.1 LOCATION OF MECHANICAL AMUSEMENT DEVICES.

No mechanical amusement device shall be located closer than 500 feet from any public or private school housing grades K through 12. The 500 feet shall be measured from nearest point on the building to nearest point on building. This prohibition shall not apply to bars or other establishments where minors are prohibited by law.

(Ord. 2832, passed 5-10-1982)

ARTICLE VIII. D-2 NEIGHBORHOOD BUSINESS DISTRICT

§ 50-41 PURPOSE.

It is the purpose of D-2 districts to provide principally for convenience goods needs of persons residing in the residential areas nearby. Uses permitted outright or conditionally shall be limited to those required to satisfy basic needs for goods and services required daily or frequently and other uses, which while not serving basic day-to-day needs, nonetheless can be considered to have little impact on surrounding residential areas.

(Ord. 2046, passed 4-11-1968; Ord. 2399, passed 7-16-1973; Ord. 3039, passed 6-8-1987)

§ 50-42 PRINCIPAL PERMITTED USES.

The principal permitted uses in a D-2 neighborhood business district are as follows.

(a) *Generally.* Any local retail business or service establishment supplying commodities or performing services primarily for residents of the surrounding neighborhood on a day-to-day basis.

(b) *Retail and service.* Art or antique shops, artists' supply stores, camera and photo supply stores, groceries, supermarkets, meat, fruit and vegetable markets, delicatessen stores, self-service laundries, clothes cleaning and laundry pickup, book stores, novelty, millinery, notion, music and TV stores, liquor and candy stores, tobacco shops, florists, shoe repair shops, hardware stores, funeral homes and mortuaries and the like. Also, printing shops employing not more than three persons in production and limited to photocopier, photographic and photo- offset duplicating processes.

(c) *Eating and drinking places.* Soda fountains, ice cream parlors, restaurants and cafeterias, not including dancing.

(d) *Automotive services.* Minor repair and parking garages for private passenger vehicles and parking lots, subject to the other applicable requirements of this chapter; also, automobile service stations, subject to the following requirements:

(1) *Minimum site size.* 12,000 square feet with a minimum width of 120 feet.

(2) *Site location.* The proposed site shall have at least one property line on an arterial street or principal collector as classified by the City-County functional highway classification system.

(3) *Distance from other land uses.* No automobile service station will be constructed on any lot that is located within 500 feet of two or more existing automobile service stations, whether or not the stations are actually being used for that purpose; the distance to be measured from the nearest lot lines; provided, that any building constructed as an automobile service station which has been converted to another use shall not be considered in determining the existence of an automobile service station; in addition, no automobile service station shall be erected within 500 feet of any school grounds or buildings used for public assembly.

(4) *Building setback.* The automobile service station building shall be set back a minimum of 45 feet from all street right-of-way lines and shall not be located closer than ten feet to any property line in a residential district.

a. Extended or free standing canopies may be constructed to within seven feet of street right-of-way lines and not closer than ten feet to any property line in a residential district. Canopies shall have a minimum clearance above the driveway surface of 14 feet, 0 inches. In addition, enclosed attendant booths abutting the pump islands; provided, that the entire area of the abutting the booth shall be enclosed with transparent safety glassing material except for necessary framing and roof covering.

b. Hydraulic hoists, pits and all lubrication, greasing automobile washing and repair equipment shall be entirely enclosed within a building.

(5) *Access drives and curbing.* Access drives and curbing must be approved by the Division of Traffic Engineering.

(6) *Paving.* The entire service area shall be surfaced with an asphalt or portland cement binder pavement.

(7) *Fencing.* A solid wall or fence at least four feet in height shall be erected along all property lines abutting any lot within a residential district.

(8) *Lighting.* Exterior lighting shall be so arranged that it is deflected away from adjacent properties and does not create a traffic hazard because of the glare.

(9) *Junk.* It shall be unlawful for the owner or operator of an automobile service station to allow the accumulation of junk, as hereinafter defined, upon the premises of such automobile service station. **JUNK**, for the purpose of this section, is defined as any waste material, refuse or any item which has ceased to have any value for its original intended use. Nonrepairable automobiles or any automobile parts which are no longer suitable for repair operations are declared to be junk for the purposes of this section.

(10) *Pumps.* Pumps and other service devices shall be so placed that no car, while being serviced, will be located on City property.

(11) *Parking.* All vehicles on the premises, with the exception of cars being serviced at the pumps or waiting for immediate service, shall be provided parking area in accordance with the requirements of Article XXV of this chapter. In addition, any parking area used for the temporary storage of wrecked vehicles shall be effectively screened on all sides fronting on a public street, except for necessary entrances and exits, by a masonry wall or solid fence or a chain link fence with a six-foot planting buffer maintained in a healthy condition. The wall or fence shall be not less than four feet in height.

(e) *Financial services.* Banks, drive-in banks, savings and loan associations and finance companies.

(f) *Outdoor advertising.* Advertising only the business conducted on the premises.

(g) *Residential uses.* Any use permitted and as regulated in the residential district adjoining the D-2 district; and if there are adjoining two or more different categories of residential districts, the regulations of the least restrictive of such residential districts shall apply.

(h) *Accessory uses permitted outright.* Any use, building or other structure customarily incidental to the principal use permitted outright.

(i) *Accessory conditional uses.* Any use, building or other structure customarily incidental to any principal conditional use.

(k) *Per § 50-47.* The following "D-3" community business uses are permitted outright by reference to the appropriate subsections of § 50-47: (b)(1) retail, personal and business services; (b)(4) offices; (b)(5) commercial art studios; (b)(6) personal services; (b)(7) general business services; (c)(2) trades; (c)(3) household services.

(Ord. 2046, passed 4-11-1968; Ord. 2344, passed 6-28-1972; Ord. 2353, passed 8-14-1972; Ord. 2399, passed 7-16-1973; Ord. 3039, passed 6-8-1987)

§ 50-43 PERMITTED ACCESSORY USE.

Any use, building or other structure customarily incidental to any principal use permitted outright in a D-2 neighborhood business district shall also be permitted.

(Ord. 2046, passed 4-11-1968)

§ 50-44 ACCESSORY CONDITIONAL USES.

Any use, building or other structure customarily incidental to any principal conditional use in a D-2 neighborhood business district shall be conditional accessory use.

(Ord. 2046, passed 4-11-1968)

§ 50-44.1 PROHIBITED USES.

The following principal uses are prohibited in the D-2 neighborhood business district.

(a) Generally, any use first permitted and regulated in the following districts: D-3, D-4, D-5, D-6, E, F, G.

(b) Pawn shops.

(Ord. 2872, passed 3-14-1983)

§ 50-45 REQUIRED CONDITIONS.

All uses authorized by this article shall be subject to the following conditions.

(a) *Business in enclosed buildings.* All businesses, services or processing shall be conducted wholly within a completely enclosed building, except for the sales of automotive fuels, lubricants and other fluids at service stations, and such outdoor business, service, display or storage of vehicles, storage of materials and equipment as hereinbefore specifically authorized or as may be authorized by the Board of Appeals.

(b) *Production of sale at retail.* All products produced on the premises, whether primary or incidental, shall be sold at retail on the premises where produced.

(c) *Use to be nonobjectionable.* Processes and equipment employed and goods sold shall be limited to those which are objectionable by reason of odor, dust, smoke, cinders, gas fumes, noise, vibration, radiation, refuse matter or water-carried waste.

(d) *New merchandise.* Goods for sale shall consist primarily of new merchandise, except antiques.

(e) *Hours of business.* No business, service or processing shall conduct its operation at any point in time between the hours of 12:00 midnight and 6:00 a.m. if it is adjacent to a residential district unless it is enclosed on all sides adjoining the residential district by screening and fencing.

(f) *Location of SDM and SDD licenses.* No business or service having an SDM and/or SDD license shall be located within 500 feet, property to property, of another business or service having an SDM or SDD license. This requirement shall not apply to full-line groceries and supermarkets, regardless of size, which have the following distinguishing characteristics:

(1) Provide a fresh beef, pork and poultry counter at least six feet in length;

(2) Provide a fresh produce counter or area with a minimum of eight items in at least one-case lots each at the time of purchase; and

(3) "Take-out" alcohol cannot occupy more than 10% of the gross building floor area.

(g) *Exterior lighting.* Exterior lighting fixtures shall be no more than 20 feet in height and shall be shielded to prevent the visibility of the luminaries from, and the casting of direct light upon, adjacent residential properties. At the close of business, all illuminated signs and lights, not necessary for security purposes, shall be extinguished.

(h) *Trash and storage.* All uses, including trash collection and storage area, not located within a fully enclosed building or structure, shall be completely enclosed by a solid wall, solid fence, dense living hedge, and/or solid gate not less than six feet in height.

(i) *Location of mechanical amusement devices.* Same as D-1.

(Ord. 2046, passed 4-11-1968; Ord. 2344, passed 6-28-1972; Ord. 2353, passed 8-14-1972; Ord. 2399, passed 7-16-1973; Ord. 2713, passed 6-25-1979; Ord. 2832, passed 5-10-1982; Ord. 2872, passed 3-14-1983; Ord. 2968, passed 9-9-1985)

ARTICLE IX. D-3 COMMUNITY BUSINESS DISTRICT

§ 50-46 PURPOSE.

It is the purpose of D-3 districts to provide for the needs for both convenience goods and more common and often recurring shopping goods, and also personal and household services, of a population considerably larger than that served by neighborhood business districts. The principal establishment in the district will normally be one or several variety stores, supermarkets, super drugstores, clothing stores, shoe stores, household appliance stores, branch banks and the like.

(Ord. 2046, passed 4-11-1968; Ord. 2078, passed 9-5-1968; Ord. 2832, passed 5-10-1982; Ord. 3684, passed 10-23-2006)

§ 50-47 PRINCIPAL PERMITTED USES.

The following principal permitted uses are permitted outright in a D-3 community business district.

(a) *Generally.* Any use permitted and as regulated in the D-2 district, except as hereinafter modified.

(b) *Retail, personal and business services.*

(1) *Retail stores.* Furniture and appliance stores, department stores, variety and dime stores, sporting goods stores, jewelry stores, general clothing, dry goods and apparel stores, mail order houses, bakeries employing not more than ten persons in production and having only stationary windows and required fire exits within 50 feet of a residence district and the like.

(2) *Eating and drinking places.* Bars, restaurants, grills, cocktail lounges, including entertainment, subject to the provisions of subsection (3) of this subsection (b). Also, drive-in restaurants; provided, that the premises shall be screened by a six-foot solid wall or fence, or a chain link fence with a six-foot planting buffer maintained in a healthy condition where it adjoins or faces a residential district.

(3) *Entertainment.* Nightclubs, theaters, halls for hire (including "bingo halls" and similar establishments not dedicated to gaming uses), penny arcades, bowling alleys and similar enterprises, but not within 50 feet of any residence district, unless a building having no openings other than stationary windows and required fire exits; subject to all applicable regulations and such licenses as may be required; also temporary amusement enterprises, when authorized by the City Council.

(4) *Offices.* Office buildings of any kind.

(5) *Commercial art studios, including photographic studios, dance studios, radio and telecasting studios and the like.*

(6) *Personal services.* Health services and other personal service establishments.

(7) *General business services.* Business, appliance and equipment repair shops, mimeographing and the like printing shop employing not more than ten persons in production and having only stationary windows and required fire exits within 50 feet of a residence district.

(8) *Business schools.* Provided no equipment or machinery is employed which is not permitted in the D-3 district.

(9) *Outdoor advertising.* Subject to the applicable regulations.

(10) *Limited light wholesale.* Wholesaling of merchandise when incidental and secondary to a permitted retail use in the D-3 district and certain light wholesale businesses handling only the following: barber and beauty shop supplies, radio and television parts supplies, tobacco products or similar uses as determined by the Board of Appeals.

(11) *Motels and motor hotels.*

(12) *Meeting places.* Not within 50 feet, property line to property line, of any residence district, subject to all applicable regulations and such licenses as may be required.

(c) *Trades, maintenance and repair:*

(1) *Automotive services.* In addition to those authorized in the D-2 district, automotive display (including used car lots), hire, sales, automatic car washes, minor auto repair; provided that all operations other than display and sales shall be conducted wholly within a completely enclosed building; and provided further, that any portion of a building used for repair of automobiles or as a public garage located within 100 feet from any residence district shall have no windows facing the residence district, other than stationary windows or required fire exits. All sales, display and hire of vehicles, if conducted outside of a completely enclosed building, shall be conducted on a paved asphaltic or portland binder surface.

(2) *Trades.* Sheet metal, carpenter, plumbing or heating shops, furniture upholstering, paint, paper hanging, decorating or sign painting shops and similar enterprises; provided, that any building occupied by such use and located within 100 feet of any residence district shall have no openings facing the residence district, other than stationary windows or required fire exits.

(3) *Household services.* Laundry, dyeing and dry cleaning shops; provided, that no building for any such use and located within 50 feet of any residence district shall have any heating or power plant, ventilating fan or other opening facing the residence district, except stationary windows and required fire exits; household goods and appliance repair shop and the like.

(d) *Residential uses.* Any principal or conditional use permitted and as regulated in the C-1 district; provided, that if there are adjoining the D-3 district any residence districts which are less restrictive than the C-1 district, the regulation of the least restrictive of the adjoining residence districts shall apply.

(e) *Small animal/companion veterinary clinics.*

(Ord. 2046, passed 4-11-1968; Ord. 2078, passed 9-5-1968; Ord. 2832, passed 5-10-1982; Ord. 2872, passed 3-14-1983; Ord. 2972, passed 9-23-1985; Ord. 3053, passed 4-11-1988; Ord. 3159, passed 2-25-1991; Ord. 3237, passed 7-12-1993; Ord. 3329, passed 4-22-1996; Ord. 3684, passed 10-23-2006)

§ 50-48 PRINCIPAL ACCESSORY USES.

Any use, building or structure customarily incidental to any principal use permitted outright in a D-3 community business district shall also be permitted outright.

(Ord. 2046, passed 4-11-1968; Ord. 2078, passed 9-5-1968; Ord. 3684, passed 10-23-2006)

§ 50-49 REQUIRED CONDITIONS.

All uses authorized by this article shall be subject to the same required conditions as in the D-2 district.

(Ord. 2046, passed 4-11-1968; Ord. 2078, passed 9-5-1968; Ord. 2713, passed 6-25-1979; Ord. 2832, passed 5-10-1982; Ord. 3684, passed 10-23-2006)

ARTICLE X. D-4 METROPOLITAN BUSINESS DISTRICT

§ 50-50 PURPOSE.

The D-4 metropolitan business district is intended to accommodate the several commercial types of activities and uses commonly found in the core of central business districts, as defined for the City in the central business district plan, and as found also in the largest regional shopping centers.

(Ord. 2046, passed 4-11-1968)

§ 50-51 PRINCIPAL PERMITTED USES.

The following principal uses are permitted in a D-4 metropolitan business district.

(a) *D-3 uses.* Any use permitted by § 50-47(b) in the D-3 district and as regulated therein, except as hereafter modified.

(b) *Office buildings.* Of any kind, including wholesale offices and incidental wholesale storage.

(c) *Other retail uses.* Department stores, and any other retail use or service not first permitted or prohibited in the D-5 district.

(d) *Printing.* Newspaper publishing plants.

(e) *Light manufacturing.* Any manufacturing, treatment, converting, finishing or assembling authorized as principal use permitted outright in the E district; provided, that such use shall not occupy the ground floor street frontage of any building within the core area, D-4 district.

(f) *Residential uses.* Residential uses of any kind; provided, that such uses shall not occupy the ground floor of any building within the district. Off-street parking per § 50-139 is not required; however, if provided, shall not occupy the ground floor street frontage of any building.

(g) *Clubs, lodges.* Alcoholic beverages may be sold, consumed or stored on the premises provided this activity meets all Federal, State or local statutes or ordinances, but not within 50 feet, property line to property line, of any residence district and subject to all applicable licenses and such licenses as may be required.

(Ord. 2046, passed 4-11-1968; Ord. 2930, passed 1-15-1985; Ord. 2972, passed 9-23-1985; Ord. 3237, passed 7-12-1993)

§ 50-52 PARKING STRUCTURES AND LOTS.

When authorized by the Board of Appeals, parking structures and lots for passenger vehicles only, shall be principal conditional uses, subject to the following conditions.

(a) Such structures or lots shall conform with the official circulation and downtown development plan.

(b) Entrances and exits or ingress and egress ways, lanes or ramps shall be connected directly with one or more of the principal thoroughfares designated in the official circulation plan, by means of a private passage, bridge, tunnel or otherwise.

(Ord. 2046, passed 4-11-1968)

§ 50-53 PRINCIPAL ACCESSORY USES.

Any use, building or structure customarily incidental to any principal use permitted outright, including production, processing and storage of goods sold at retail, and wholesale storage in conjunction with wholesale offices; provided, that any such production, processing or storing shall not occupy ground floor street frontage within the core area of the City, shall be an accessory use permitted outright in a D-4 metropolitan business district.

(Ord. 2046, passed 4-11-1968)

§ 50-54 ACCESSORY CONDITIONAL USES.

Any use, building or structure customarily incidental to any principal conditional use in a D-4 metropolitan business district shall be a conditional accessory use.

(Ord. 2046, passed 4-11-1968)

§ 50-55 PROHIBITED USES.

The following uses are prohibited in a D-4 metropolitan business district: any use which is first permitted or which is prohibited in the D-5 district. (Ord. 2046, passed 4-11-1968; Ord. 2930, passed 1-15-1985)

§ 50-56 REQUIRED CONDITIONS.

All uses authorized in this article shall be subject to the following conditions.

(a) *Enclosed buildings.* All business, service, repair, processing, storage or display of merchandise shall be conducted wholly within an enclosed building, except off-street parking structures and lots, used car and truck lots, off-street loading areas, gasoline stations and outdoor advertising. However, food, beverages (including alcohol) and merchandise may not be displayed and sold by an owner or tenant outside of a completely enclosed building subject to approval by the Flint Planning Commission as a "special land use" (§ 50-151.1) and the following conditions:

- (1) Meet all health codes and City licensing and permit requirements.
- (2) Pedestrian and vehicular movement and circulation may not be impeded.
- (3) Outside activities must be conducted in a clearly demarcated area with barriers.

(4) A detailed site plan showing the location of all furniture and equipment must be submitted to and approved by the Flint Planning Commission. Outdoor furniture and equipment shall be constructed of materials that are durable and stable. The requirements of § 50-8.3 shall not apply to this subsection if the site plan required hereunder is not submitted in conjunction with a project requiring formal site plan review.

(b) *Outdoor seating.* Businesses providing outdoor seating for eight (8) or less patrons shall not be considered a special land use. Therefore, it is exempt from complying with the special land use requirements set forth in § 50-151.1(3). However, it is still required to comply with the requirements of § 50-56(a)(1) through (4). The zoning certificate issuance (§ 50-9) and fee set forth in § 50-12 shall apply.

(c) *Use to be nonobjectionable.* Processes and equipment employed and goods sold shall be limited to those which are nonobjectionable by reason of odor, heat, dust, smoke, cinders, gas, fumes, noise, vibration, radiation, refuse matter or water-carried waste.

(Ord. 2046, passed 4-11-1968; Ord. 2927, passed 11-12-1984; Ord. 3798, passed 8-8-2011)

ARTICLE XI. D-5 METROPOLITAN COMMERCIAL-SERVICE DISTRICT

§ 50-57 PURPOSE.

The D-5 metropolitan commercial-service district is intended to accommodate the various commercial and residential activities and uses which are commonly found and properly located in the areas adjacent to the core of central business districts, which are characteristic of the frame area as defined by the central business district plan.

(Ord. 2046, passed 4-11-1968)

§ 50-58 PRINCIPAL PERMITTED USES.

The following are the principal uses permitted outright in a D-3 metropolitan commercial-service district.

- (a) *D-3 uses.* Any use permitted and as regulated in the D-3 district, except as hereinafter modified.
- (b) *D-4 uses.* Any principal use permitted outright and as regulated in the D-4 district, except as hereinafter modified.
- (c) *C-2 uses.* Any use permitted and as regulated in the C-2 district, except as hereinafter modified.
- (d) *Automotive services.* Automotive repair and services, collision service; automotive rental and sales.
- (e) *Manufacturing.* Any manufacturing use authorized as a principal use permitted outright and as regulated in the E district; provided, that such use shall not occupy any ground floor street frontage unless completely screened by a solid wall without openings or windows other than stationary windows and required fire exits. Subject to the height, area and yard requirements of the D-5 district.
- (f) *Printing.* Engraving, printing, publishing or lithographing.
- (g) *Schools.* Trade or business schools, including shops, testing laboratories, studios, but not employing machinery which would not be permitted in the E district.
- (h) *Wholesale and warehouse.* Wholesale enterprises and warehouses of any kind, except those which would not be permitted in E district.
- (i) *Laboratories.* Experimental, film or testing laboratories; provided, that no operation shall be conducted or equipment used which would create hazardous, noxious or offensive conditions.
- (j) *Studios.* Motion picture, television and radio production studios, transmitters and related equipment.

(Ord. 2046, passed 4-11-1968)

§ 50-59 PRINCIPAL CONDITIONAL USES.

When authorized by the Board of Appeals, the following shall be the principal conditional uses in a D-5 metropolitan commercial-service district.

- (a) *Parking structures and lots.* Subject to the conditions and requirements of the D-4 district; except, that ground floor street frontage may also be used for parking of passenger vehicles.
- (b) *Bus terminals.* Depots and terminals for transit buses.

(Ord. 2046, passed 4-11-1968)

§ 50-60 PRINCIPAL ACCESSORY USES.

Any use, building or structure customarily incidental to any principal uses in a D-5 metropolitan commercial-service district shall be an accessory use permitted outright.

(Ord. 2046, passed 4-11-1968)

§ 50-61 ACCESSORY CONDITIONAL USES.

Any use, building or structure customarily incidental to any principal, conditional use in a D-5 metropolitan commercial-service district shall be a conditional accessory use.

(Ord. 2046, passed 4-11-1968)

§ 50-62 REQUIRED CONDITIONS.

All uses authorized in this article shall be subject to the following conditions.

(a) *Enclosed buildings.* All business, service, repair, processing, storage or display merchandise shall be conducted wholly within an enclosed building, except off-street parking structures and lots, used car and truck lots, off-street loading areas, gasoline stations and outdoor advertising. However, food, beverages (including alcohol) and merchandise may be displayed and sold by an owner or tenant outside of a completely enclosed building subject to approval by the Planning Commission as a "special land use" (§ 50-151.1) and the following conditions:

- (1) Meet all health codes and City licensing and permit requirements;
- (2) Pedestrian and vehicular movement and circulation may not be impeded;
- (3) Outside activities must be conducted in a clearly demarcated area;
- (4) If conducted in a public right-of-way, must also obtain permission from the City Council; and
- (5) A detailed site plan showing the location of all furniture and equipment must be submitted to and approved by the Planning Commission. The requirements of § 50-8.3 shall not apply to this subsection if the site plan required hereunder is not submitted in conjunction with a project requiring formal site plan review.

(b) *Use to be nonobjectionable.* Processes and equipment employed and goods sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, fumes, noise, vibrations, radiation, refuse, matter or water-carried waste.

(Ord. 2046, passed 4-11-1968; Ord. 2927, passed 11-12-1984)

ARTICLE XII. D-6 GENERAL AND HIGHWAY COMMERCIAL-SERVICE DISTRICT

§ 50-63 PURPOSE.

The D-6 general and highway commercial-service district is intended to accommodate primarily those establishments offering accommodations, supplies or service to motorists, and certain specialized uses, retail outlets, repair and service establishments, which, although serving the entire City or a major section thereof, do not customarily locate in the central business district or in community business districts. Ordinarily the D-6 district will be located along numbered State or Federal highways or other primary thoroughfares so designated in the major street plan.

(Ord. 2046, passed 4-11-1968)

§ 50-64 PRINCIPAL PERMITTED USES.

The following principal permitted uses are permitted outright in a D-6 general and highway commercial-service district.

- (a) *D-5 uses.* Any principal use permitted outright and as regulated in the D-5 district, except as hereinafter modified.
- (b) *Eating and drinking establishments.* Drive-in eating and drinking places, summer gardens and roadhouses; provided, that the principal building is at least 50 feet from any residence district. Entertainment and dancing are subject to the same regulations as provided in D-3.
- (c) *Automotive services, farm implements.* Automobile, trucks, trailers, farm implements, for sale, display, hire, service or repair, including sales lots, used car lots, trailer lots, repair garages, body and fender shops, paint shops; provided, that any portion of a building used for major repairs located within 100 feet of any residence district shall have no openings facing such residence districts, other than stationary windows or required fire exits within such 100 feet of the residence district.
- (d) *Animal hospitals, veterinary clinics and the like.* Animals hospitals, kennels for display, boarding or treatment of pets and other domestic animals; provided, that any structure or area used for such purposes, including pens and exercise yards shall be located at least 50 feet from any residence district.
- (e) *Commercial recreation.* Any type of commercial recreation, including baseball fields, bowling alleys, trampoline centers, swimming pools, skating rinks, golf driving ranges and similar open air facilities; provided, that any structure or area used for such purposes shall be located not less than 100 feet from any residence district.
- (f) *Motels and motor hotels.*
- (g) *Contractor's yards and similar establishments.* Building material yards excluding concrete mixing plant, contractor's equipment yard or plant or storage yard for rental of equipment commonly used by contractors; retail lumberyards, including only incidental millwork; storage and sales of grain, livestock feed or fuel; carting, express or hauling establishments; public utility service yard; stone and monument works not including power driven tools; provided, that such uses are conducted:

- (1) In completely enclosed buildings, which buildings shall have at least 100 feet from any residence district unless they have no openings other than stationary windows and required fire exits within such distance; and
- (2) When conducted within an area completely enclosed on all sides adjacent to or directly across a street from a residential district with a solid wall or uniformly painted solid board fence or a chain link fence with a six-foot planting buffer maintained in a healthy condition, fencing not less than six feet

high.

(h) *Bottling works.* Bottling of soft drinks and milk or distribution stations; provided, that no building used for bottling customarily involving night operation shall have any opening other than stationary windows or required fire exits within 50 feet of any residence district. No space used for loading and unloading of commercial vehicles in connection therewith shall be within 50 feet of any residence district unless enclosed on all sides adjacent to or directly across the street from a residence district with a solid wall or uniformly painted solid board fence or a chain link fence with a six-foot planting buffer maintained in a healthy condition. Fencing shall not be less than eight feet high.

(Ord. 2046, passed 4-11-1968)

§ 50-65 PRINCIPAL CONDITIONAL USES.

When authorized by the Board of Appeals, the following shall be principal conditional uses within a D-6 general and highway commercial-service district.

- (a) *Trailer parks.* Subject to the trailer park regulations of this chapter.
- (b) *Drive-in theaters.*
- (c) *Amusement enterprises.* Circus, amusement park and similar transient or seasonal amusement enterprises.

(Ord. 2046, passed 4-11-1968)

§ 50-66 PRINCIPAL ACCESSORY USES.

Any use, building or structure customarily incidental to any principal use permitted outright in a D-6 general and highway commercial-service district shall be an accessory use permitted outright.

(Ord. 2046, passed 4-11-1968)

§ 50-67 ACCESSORY CONDITIONAL USES.

Any use, building or structure customarily incidental to any principal conditional use in a D-6 general and highway commercial-service district shall be a conditional accessory use.

(Ord. 2046, passed 4-11-1968)

§ 50-68 REQUIRED CONDITIONS.

All uses authorized in this chapter shall be subject to the following conditions.

(a) *Enclosures.* Any business, service, repair, processing, storage or display, whether principal or accessory, if not conducted wholly within an enclosed building shall be enclosed by a solid wall or fence at least six feet high or a chain link fence at least six feet high with a six-foot planting buffer maintained in a healthy condition where the use adjoins or faces either directly, or across a street, alley or other public open space, any residence district.

(b) *Use to be nonobjectionable.* Processes and equipment employed and goods sold shall be limited to those which are nonobjectionable by reason of odor, dust, smoke, cinders, gas, fumes, noise, vibration, radiation, refuse matter and water-carried wastes.

(c) *Outdoor advertising.* As per applicable regulations.

(d) *Improvement of auto storage areas.* Areas which are in the normal conduct of business frequently used by automobiles, trucks or trailers shall be graded, drained and surfaced and otherwise comply with the requirements of the off-street parking and loading regulations of this chapter.

(e) *Traffic safety.* Entrances and exits connecting the public thoroughfare system with establishments which in the normal conduct of business depend upon the frequent ingress and egress of automobiles shall be subject to approval by the Traffic Engineer.

(Ord. 2046, passed 4-11-1968)

ARTICLE XIII. E HEAVY COMMERCIAL-LIMITED MANUFACTURING DISTRICT

§ 50-69 PURPOSE.

The E heavy commercial-limited manufacturing district is intended to accommodate heavy commercial and certain light manufacturing uses which are generally incompatible with uses appropriate in retail business districts but which do not warrant an exclusive industrial classification.

(Ord. 2046, passed 4-11-1968)

§ 50-70 PRINCIPAL PERMITTED USES.

The following principal uses are permitted outright in an E heavy commercial-light manufacturing district.

(a) *D-5 and D-6 uses.* Any principal use permitted outright and any principal conditional use as regulated in the D-5 and D-6 district, except as hereinafter modified.

(b) *Manufacturing uses.* The processing, manufacturing, assembling and distribution such as the following.

(1) *Food products.* Bakery goods, candy, light meat packing, sausage making, canning, milk products, coffee roasting and the like; excluding fish products, slaughterhouses, sauerkraut, vinegar or yeast, manufacturing and rendering and refining of fats or oils, and except such as are first permitted or are prohibited in the F district; provided, that no building used as a bakery or other use customarily involving night operation shall have any opening other than stationary windows or a required fire exit within 50 feet of any residence district; and provided, that no space used for loading or unloading commercial vehicles in connection with the operation shall be within 50 feet of any residence district.

(2) *Pharmaceuticals.* General pharmaceutical products, cosmetics and toiletries.

(3) *Products from the following previously prepared materials.* Bone, canvas, cellophane, cloth, cork, feathers, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, sheet metal, except where presses over 20 tons rated capacity are employed, shell, textiles, tobacco, wax, wire, wood and yarns.

(4) *Pottery and figurines.* Using previously pulverized clay, and kilns fired only with gas or electricity.

(5) *Novelties.* Including musical instruments, toys, rubber or metal stamps and other small rubber products.

(6) *Appliances.* Electrical and electronic appliances, instruments and devices, television sets, radios, phonographs, electric and neon signs, and the like.

(7) *Light sheet metal products.* Including heating and ventilating equipment, cornices, eaves and the like.

(c) *Miscellaneous uses.* Provided no part of a building occupied by such uses shall have any opening other than stationary windows or required fire exits within 50 feet of any residence district.

(1) *Welding shops or other metal working or machine shop.* Excluding, within 200 feet of any residence district, punch presses over 20 tons rated capacity, drop hammers and other excessive noise-generating machine-operated tools.

(2) *Foundry.* Casting lightweight nonferrous metals, or electric foundry not causing noxious fumes or odors.

(3) *Rag cleaning.* Bag, carpet and rag cleaning; provided, that necessary equipment is installed and operated for the effective recovery of dust.

(4) *Ice manufacturing.* Any cold storage plants.

(Ord. 2046, passed 4-11-1968)

§ 50-71 PRINCIPAL CONDITIONAL USES.

When authorized by the Board of Appeals, the following shall be principal conditional uses in a E heavy commercial-limited manufacturing district:

(a) *Freight terminals.* Truck terminals, minor railroad freight stations and depots; provided, that the premises is at least 200 feet from any residence district and subject to approval by the Traffic Engineer.

(b) *Bulk stations.* Provided all storage tanks shall be located under ground.

(c) *Building materials sales yards.* Including concrete mixing, lumber yards, planing mills, open yards for storage and sale of feed or fuel, or both, when located not less than 200 feet from any residence district.

(d) *Airports.* Provided all of the Federal and State aeronautical regulations are complied with. Uses of airport land shall be limited to the uses permitted in the E district, and, in addition, those commercial and industrial uses incidental and related to airport operations.

(Ord. 2046, passed 4-11-1968)

§ 50-72 PRINCIPAL ACCESSORY USES.

Any use, building or structure customarily incidental to any principal use permitted outright in a E heavy commercial-light manufacturing district shall be an accessory use permitted outright.

(Ord. 2046, passed 4-11-1968)

§ 50-73 ACCESSORY CONDITIONAL USES.

Any use, building or structure customarily incidental to any principal conditional use in a E heavy commercial-light manufacturing district shall be conditional accessory use.

(Ord. 2046, passed 4-11-1968)

§ 50-74 PROHIBITED USES.

(a) Dwellings and residences of any kind, including motels and trailers parks, also schools, hospitals and clinics and other institutions for human care, except where they are incidental to a permitted principal use shall be prohibited in an E heavy commercial-light manufacturing district; provided, that any of the aforesaid uses legally existing in the E district on April 26, 1968, or at the time of the adoption of any amendment to this chapter shall not be classified as a nonconforming use.

(b) Any use which is first permitted in the F district shall also be prohibited.

(Ord. 2046, passed 4-11-1968; Ord. 2845, passed 7-26-1982)

§ 50-75 REQUIRED CONDITIONS.

All uses authorized in this article shall be subject to the following conditions.

(a) *Enclosures.* Any business, service, repair, processing, storage or display, whether principal or accessory, if not conducted wholly within an enclosed building shall be enclosed by a solid wall or fence at least six feet high or a chain link fence at least six feet high with a six-foot planting buffer maintained in a healthy condition where use abuts, adjoins or faces, either directly or across a street, alley or other public open space, any residence district.

(b) *Use to be nonobjectionable.* Processes and equipment and goods sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, fumes, noise, vibration, radiation, refuse matter and water-carried waste.

(Ord. 2046, passed 4-11-1968)

ARTICLE XIV. F INTERMEDIATE MANUFACTURING DISTRICT

§ 50-76 PURPOSE.

The F intermediate manufacturing district is designed to accommodate those manufacturing establishments which are either free of objectionable influences in their operation or which can readily obviate or control any objectionable features which may otherwise result from the manufacturing processes.

(Ord. 2046, passed 4-11-1968)

§ 50-77 PRINCIPAL PERMITTED USES.

The following principal uses are permitted outright in an F intermediate manufacturing district.

- (a) *E uses.* Any principal use permitted outright and any principal conditional use as regulated in the E district, except as hereinafter modified.
- (b) *Other manufacturing uses, general provisions.* Any manufacturing use may be permitted outright, in the F district, which is not prohibited by this article.
- (c) *Nonmanufacturing uses.* The following uses are authorized but shall be subject to certain hereinafter prescribed stipulations.
 - (1) *Automobile salvage and wrecking operations.* Including industrial metal and waste salvage operations and junkyard, if located not less than 200 feet from any residence district; provided, that all operations are conducted with an area enclosed on all sides fronting on a public street with a solid wall or uniform tight board fence, not less than eight feet high; and provided further, that the operation shall not be visible from the nearest street. Any gates shall be designed so the operation is not visible from the street.
 - (2) *Crematory.* If located not less than 200 feet from any residence district.
 - (3) *Railroad yard and major freight station.* If located not less than 200 feet from any residence district, subject to approval of Traffic Engineer.
 - (4) *Coal, coke and wood yards.* Provided the premises are enclosed on all sides fronting on a public street by a solid wall or fence at least eight feet high. Any gates shall be designed so the operation is not visible from the street; provided further, that the yard is located not less than 200 feet from any residence district.

(Ord. 2046, passed 4-11-1968)

§ 50-78 PERMITTED ACCESSORY USES.

Any use, building or structure, customarily incidental to a principal use permitted outright in an F intermediate manufacturing district, shall be an accessory use permitted outright.

(Ord. 2046, passed 4-11-1968)

§ 50-79 ACCESSORY CONDITIONAL USES.

Any use, building or structure customarily incidental to a principal conditional use in an F intermediate manufacturing district shall be a conditional accessory use.

(Ord. 2046, passed 4-11-1968)

§ 50-80 PROHIBITED USES.

The following uses are prohibited in a F intermediate manufacturing district.

- (a) *Dwellings.* Dwellings and residences of any kind, including motels and trailer parks, also schools, hospitals, clinics and other institutions of human care, except where they are incidental to a permitted principal use; provided, that any of the aforesaid uses legally existing in the F district on April 26, 1968, or at the time of adoption of any amendment thereto, shall not be classified as a nonconforming use.
- (b) *Business and services.* Retail business, personal and business service establishments of any kind, except the following:
 - (1) Restaurants or cafeterias and refreshments or tobacco stands where incidental and accessory to principal use;
 - (2) Animal hospitals;
 - (3) Storage and equipment yards;
 - (4) Automobile service stations and repair garages; and
 - (5) Union halls.

(Ord. 2046, passed 4-11-1968; Ord. 2691, passed 2-12-1979)

§ 50-81 REQUIRED CONDITIONS.

All uses authorized in this article shall be subject to the following conditions.

- (a) *Enclosures.* Any business, service, repair, processing, storage or display, whether principal or accessory, if not conducted wholly within an enclosed building, shall be enclosed by a solid wall or fence six feet high or a chain link fence at least six feet high with a six-foot planting buffer maintained in a healthy condition where such use abuts, adjoins or faces, either directly or across a street alley or other public open space, any residence district.
- (b) *Night operations.* No building customarily used for night operations shall have any opening, other than stationary windows or fire exits within 100 feet of any residence district and no loading dock used in connection with such operation shall be located within 100 feet of any residence district.

(Ord. 2046, passed 4-11-1968; Ord. 2845, passed 7-26-1982)

ARTICLE XV. G HEAVY MANUFACTURING DISTRICT

§ 50-82 PURPOSE.

The G heavy manufacturing district is intended to accommodate those heavy industries which cannot eliminate entirely objectionable features and influences but which, nevertheless, must be provided for somewhere in the City.

(Ord. 2046, passed 4-11-1968)

§ 50-83 PRINCIPAL PERMITTED USES.

The following principal uses are permitted outright in a G heavy manufacturing district.

(a) Any principal use permitted in the F district and the following uses that are not subject to distance requirements may be located anywhere in the G district:

- (1) Acetylene manufacturing in excess of 15 pounds pressure per square inch;
- (2) Acid manufacture;
- (3) Asbestos manufacturing;
- (4) Automobile assembly;
- (5) Bleaching, cleaning and dyeing plant;
- (6) Boiler shops, structural steel fabricating shops, railway car or locomotive shops, including repair metal working shops employing reciprocating hammers or presses over 20 tons rated capacity;
- (7) Brewing or distilling of liquor;
- (8) Brick, pottery, tile and terra cotta manufacturing;
- (9) Candle or sperm oil manufacturing;
- (10) Cooperage works;
- (11) Dextrine, starch or glucose manufacturing;
- (12) Disinfectant, insecticide or poison manufacturing;
- (13) Enameling, lacquering or japanning, varnishing;
- (14) Emery cloth or sandpaper manufacturing;
- (15) Felt manufacturing;
- (16) Flour or grain mill;
- (17) Forge or foundry works;
- (18) Grain drying or poultry feed manufacturing, from refuse, mash or grain;
- (19) Hair or hair products manufacturing;
- (20) Lime or lime products manufacturing;
- (21) Linoleum, oil cloth or oiled goods manufacturing;
- (22) Match manufacturing;
- (23) Meat packing;
- (24) Paper and pulp manufacturing;
- (25) Perfume manufacturing;
- (26) Pickle, sauerkraut or sausage manufacturing;
- (27) Plaster manufacturing;
- (28) Poultry slaughterhouse, including packing and storage for wholesale;
- (29) Printing ink manufacturing;
- (30) Radium extraction;
- (31) Sandblasting or cutting;
- (32) Sawmill, the manufacture of excelsior, wood fiber or sawdust products;
- (33) Sewage disposal plant;
- (34) Shoddy manufacturing;
- (35) Shoe blacking or polish or stove polish manufacturing;
- (36) Steam power plant, except where accessory to a permitted principal use;
- (37) Stone and monument works; and
- (38) Slag piles.

(b) Any other use which, in the judgment of the Board of Appeals, is of a similar character in respect to the possible emission of dangerous or offensive elements as the uses listed above.

(Ord. 2046, passed 4-11-1968)

§ 50-84 USES PERMITTED SUBJECT TO DISTANCE REQUIREMENTS.

All parts of the premises upon which the uses described in this section may be established and continued in a G heavy manufacturing district, shall be not less than 600 feet from any residence, D-1, D-2 and D-3 district, and not less than 200 feet from any D-4, D-5 and D-6 district.

(a) Manufacturing of:

- (1) Asphalt, cement, charcoal and fuel briquettes;
- (2) Aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black and bone black, creosote, hydrogen and oxygen, industrial alcohol, nitrates of an explosive nature, potash, plastic materials and synthetic resins, pyroxylin, rayon yarn, and hydrochloric, nitric, phosphoric, picric and sulphuric acids, rocket fuels;
- (3) Coal, coke and tar products, including gas manufacturing; explosives, fertilizers, gelatin, animal glue and size;
- (4) Turpentine; and
- (5) Rubber; soaps including fat rendering.

(b) Processing involving nitrating of cotton or other materials; magnesium foundry; reduction, refining, smelting and alloying of metal or metal ores; refining petroleum products, such as gasoline, kerosene, naphtha, lubricating oil; distillation of wood or bones; storage, curing or tanning of raw, green or salted hides or skins; nuclear reactors.

(c) Stockyards; slaughter houses.

(d) Storage of explosives or fireworks, except where incidental and accessory to a use which is not subject to a distance requirement.

(e) Storage of oil, gasoline and other inflammable liquids above ground.

(f) Any other use which, in the judgment of the Board of Appeals, is of a similar character with respect to the possible emission of dangerous or offensive elements as the uses listed above.

(Ord. 2046, passed 4-11-1968)

§ 50-85 PERMITTED ACCESSORY USES.

Any use, building or structure customarily incidental to a principal use permitted outright in a G heavy manufacturing district shall be an accessory use permitted outright.

(Ord. 2046, passed 4-11-1968)

§ 50-86 ACCESSORY CONDITIONAL USES.

Any use, building or structure customarily incidental to a principal conditional use in a G heavy manufacturing district shall be a conditional accessory use.

(Ord. 2046, passed 4-11-1968)

§ 50-87 PROHIBITED USES.

The following uses are prohibited in a G heavy manufacturing district.

(a) *Dwellings.* Dwellings and residences of any kind, including motels and trailer parks, also schools, hospitals, clinics and other institutions for human care, except where they are incidental to a permitted principal use; provided, that any of the aforesaid uses legally existing in the G district on April 26, 1968, or at the time of the adoption of any amendment to this chapter, shall not be classified as a nonconforming use.

(b) *Business and services.* Retail business, personal and business service establishments of any kind, except the following:

- (1) Restaurants or cafeterias and refreshment or tobacco stands where incidental and accessory to a principal use;
- (2) Animal hospitals;
- (3) Storage and equipment yards;
- (4) Automobile service stations and repair garage; and
- (5) Union halls.

(Ord. 2046, passed 4-11-1968; Ord. 2691, passed 2-12-1979)

§ 50-88 REQUIRED CONDITIONS.

The required conditions in a G heavy manufacturing district shall be the same as for an F district.

(Ord. 2046, passed 4-11-1968)

ARTICLE XV-A. P PARKING DISTRICT

§ 50-88.1 PURPOSE.

It is the purpose of this P parking district to provide off-street parking lots in residence districts where the parking lot is not accessory to a principal permitted use or is physically separated from the principal permitted use by a public right-of-way or parcel(s) of ownership.

(Ord. 3048, passed 10-12-1987)

§ 50-88.2 PRINCIPAL PERMITTED USE.

Off-street parking lots for automobiles are permitted outright where:

- (a) The parking is not accessory to a principal permitted use; or
- (b) The parking lot is physically separated from the principal permitted use by a public right-of-way or parcel of ownership.

(Ord. 3048, passed 10-12-1987)

§ 50-88.3 REQUIRED CONDITIONS.

In addition to the parking lot development standards of this ordinance, an applicant for a change in zoning to “P” shall submit with the rezoning application a site plan developed pursuant to the requirements of § 50-8.3. This site plan shall become an integral part of the rezoning application but shall not require review and approval by the City Council.

(Ord. 3048, passed 10-12-1987)

ARTICLE XVI. GENERALLY APPLICABLE STANDARDS

§ 50-89 DESIGNATED; TABLES A AND B.

The following standards for height, area and the like are applicable in the designated districts set forth in Table A — Residence Districts and Table B — Nonresidence Districts on the following pages.

TABLE A — GENERALLY APPLICABLE STANDARDS — RESIDENCE DISTRICTS												
District	Principal Use Permitted	Maximum Height	Lot Area		Maximum Coverage		Minimum Front Yard	Minimum Side Yards			Minimum Rear Yard	Courts
			Minimum Lot Area	Minimum Lot Area per Dwelling Unit	Interior Lots	Corner Lots		Stories	Least Width	Sum of Least Width		
TABLE A — GENERALLY APPLICABLE STANDARDS — RESIDENCE DISTRICTS												
District	Principal Use Permitted	Maximum Height	Minimum Lot Area	Minimum Lot Area per Dwelling Unit	Interior Lots	Corner Lots	Minimum Front Yard	Stories	Least Width	Sum of Least Width	Minimum Rear Yard	Courts
A-1	Single-family low density 1-family detached dwellings	2 stories or 30 ft.	10,000 sq. ft.	10,000 sq. ft.	35%	35%	30 ft.	1 and 2 stories	10 ft.	20 ft.	35 ft.	As per Building Code
A-2	Single-family med. density A-1 district uses	2-1/2 stories or 35 ft.	5,000 sq. ft.	5,000 sq. ft.	50%	50%	25 ft.	1 story	5 ft.	15 ft.	25 ft.	As per Building Code
								2 stories	6 ft.	16 ft.	30 ft.	
B	Two-family A district uses: 2-family dwellings	2-1/2 stories or 35 ft.	5,000 sq. ft.	2,500 sq. ft.	50%	50%	25 ft.	1 story	5 ft.	15 ft.	25 ft.	As per Building Code
								2 stories	6 ft.	16 ft.	30 ft.	
B-1	Townhouses B district uses: 3 or more detached dwelling units	2-1/2 stories or 40 ft.	5,000 sq. ft.	2,400 sq. ft.	40%	40%	25 ft.	1 story	10 ft.	20 ft.	25 ft.	As per Building Code
								2 stories	10 ft.	20 ft.	30 ft.	
C-1	Multifamily walk-up apartments B district uses: Multifamily walk-ups, row houses, rooming houses Home for aged, institution, group dwellings,	3 stories or 40 ft.	5,000 sq. ft.	800 sq. ft. per efficiency or 1-bedroom apartment; 1,250 sq. ft. per 2- or more bedroom apartment	35%	35%	20 ft.	1 story	5 ft.	15 ft.	25 ft.	As per Building Code
								2 stories	6 ft.	16 ft.	30 ft.	

	fraternities and sororities								3 stories	10 ft.	20 ft.	35 ft.	
C-2	Multifamily high density apartments	2 times the distance from building line to centerline of street	5,000 sq. ft.	600 sq. ft. per efficiency or 1-bedroom apartment; 1,000 sq. ft. per 2- or more bedroom apartment	30%	35%	20 ft.	1 and 2 stories	5 ft.	15 ft.	15 ft.	As per Building Code	
	C-1 District uses: Apartment hotels, clubs and lodges, meeting places (non-commercial)							3 stories and over	Add'l 2 ft. for each add'l 5 ft. of building height	Add'l 4 ft. for each add'l 5 ft. of building height	Add'l 2 ft. for each add'l 5 ft. of building height		

(Ord. 2770, passed 6-9-1980; Ord. 2846, passed 7-26-1982; Ord. 2955, passed 6-10-1985)

TABLE B — GENERALLY APPLICABLE STANDARDS — NONRESIDENCE DISTRICTS											
District	Principal Use Permitted	Maximum Height	Lot Area		Maximum Cubical Contents	Maximum Coverage	Minimum Front Yard	Minimum Side Yards and Side Street Side Yards	Minimum Rear Yard	Courts	
			Minimum Lot Area	Minimum Lot Area per Dwelling Unit				Least Width (Stories and Sum of Least Width Not Applicable)			
TABLE B — GENERALLY APPLICABLE STANDARDS — NONRESIDENCE DISTRICTS											
D-1	Professional and Business Office: Medical and dental clinics, offices for profession or business	30 ft.	None		None	None	7 ft. or not less than the average setback of existing buildings in the same block front**	Nonresidential Buildings and Parts of Buildings See notes at bottom	See notes at bottom	As per Building Code	
D-2	Neighborhood Business: Neighborhood type retail stores (supermarkets, drugstores, filling stations and the like) Adjoining residence district uses	30 ft.	None		None	None	Same as D-1	Nonresidential Buildings and Parts of Buildings See notes at bottom	See notes at bottom	Same as D-1	
D-3	Community Business: D-1 District Uses: Community type retail stores (variety, Jr. dept. stores) selected services, automotive uses	30 ft.	None		None	None	Same as D-1	Nonresidential Buildings and Parts of Buildings See notes at bottom	See notes at bottom	Same as D-1	
D-4	Metropolitan Business: Selected D-3 Uses: Regional type retail stores (dept. stores, wholesale offices, hotels)	At street line 2 times the width of street right-of-way, add'l 1 ft. for each add'l 4 ft. of building height	None		Equal to volume of a prism with base = lot area height = 2-1/2 X street right-of-way	None	None	Nonresidential Buildings and Parts of Buildings None	None	Same as D-1	
										Residential Buildings and Parts of Buildings Prohibited — Except hotels	

D-5	Metropolitan Commercial Service: C-2, D-3, D-4 District uses: Wholesale business, parking garages and lots, selected manufacturing	Same as D-4	None		Equal to volume of a prism with base = lot area height = 2 X street right-of-way	None	Same as D-1	Nonresidential Buildings and Parts of Buildings See notes at bottom	See notes at bottom	Same as D-1
	Residential Buildings and Parts of Buildings — Same as nonresidential									
D-6	General and Highway Service: D-5 District Uses: Highway service type uses, auto repair, motel, drive-in facilities, trailer parks	30 ft.	None		None	None	Same as D-1	Nonresidential Buildings and Parts of Buildings See notes at bottom	See notes at bottom	Same as D-1
	Residential Buildings and Parts of Buildings — Same as C-1									
E	Commercial-Manufacturing: D-4 District Uses: Heavy commercial uses Light manufacturing uses Warehouses, freight terminals	None, except within 200 ft. of residence district, then equal to 5 ft. of height for each 4 ft. of distance from residence district	None		None	None	Same as D-1	Nonresidential Buildings and Parts of Buildings See notes at bottom	See notes at bottom	Same as D-1
	Residential Buildings and Parts of Buildings — Prohibited									
F	Intermediate Manufacturing: E District uses: Other manufacturing uses except these first permitted in the G District	Same as E	None		None	None	20 ft.	Nonresidential Buildings and Parts of Buildings None, except adjoining residence district, then equal to 4 ft. for each 5 ft. of housing height, 20 ft. min.	None, except adjoining residence district, then equal to 4 ft. for each 5 ft. of building height 20 ft. min.	Same as D-1
	Residential Buildings and Parts of Buildings — Prohibited									
G	Heavy Manufacturing: Manufacturing establishments of all types, and some subject to distance requirements	Same as E	None		None	None	20 ft.	Nonresidential Buildings and Parts of Buildings None, except adjoining residence district, then equal to 4 ft. for each 5 ft. of building height 30 ft. min.	None, except adjoining residence district, then equal to 4 ft. for each 5 ft. of building height 30 ft. min.	Same as D-1
	Residential Buildings and Parts of Buildings — Prohibited									

<i>Minimum Side Yards</i>	<i>Minimum Rear Yards</i>	<i>Minimum Side Street Side Yards</i>
1. None	1. None	1. Seven feet.
2. Except adjoining side-by-side a residence district, then equal to residence district requirements; and	2. Except where adjoining a required rear yard in a residence district, then equal to 1 foot for each 1 foot of building height exceeding 12-1/2 feet; and	
3. Except in the case of a corner lot, no part of the building within 25 feet of the adjoining property shall be located in front of the setback line as established by the adjoining property.	3. Except where adjoining a side yard and/or front yard in a residence district, then equal to the least side yard requirement of the adjacent residence district.	

(Ord. 2506, passed 6-9-1975; Ord. 3334, passed 9-9-1996)

ARTICLE XVII. GENERAL PROVISIONS CONCERNING RESIDENCE DISTRICTS

§ 50-90 CONVERSION OF DWELLINGS.

(a) The conversion of any building into a dwelling or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families shall be permitted only within a district in which a new building for similar occupancy would be permitted under this chapter and only when the resulting occupancy will comply with the requirements governing new construction in such district, with respect to minimum lot size, lot area per dwelling unit, percentage of lot coverage, dimensions of yards and other open spaces and off-street parking. Each conversion shall be subject also to such further requirements as may be specified for such district.

(b) The aforesaid requirements with respect to lot coverage, yards and other open spaces shall not apply in case the conversion is a part of a dwelling group; also in case the conversion will not involve any major exterior structural changes and:

(1) There is either a shortage of not more than 10% in the required dimension or area of each of not more than two such requirements as to coverage, yards and other open spaces; or

(2) In case the conversion will result in lot area per dwelling unit or family at least 20% greater than required new buildings in the district.

(Ord. 2046, passed 4-11-1968)

§ 50-90.1 STATE-LICENSED RESIDENTIAL FACILITIES.

A "state-licensed residential facility," as defined by Act 28 of the Public Acts of 1977, being MSA § 5.2933(2), as amended, which provides supervision or care or both to six or less persons, shall be considered a residential use of property for the purposes of this chapter. It shall be a permitted use in all residential zones, including those for single-family dwellings and shall not be subject to special use or conditional use permits or procedure different from those required for other dwellings of similar density in the same zone; provided, that such uses, with the exception of "foster family homes," as defined in Act 116 of the Public Acts of 1973, being MCLA §§ 722.111 through 722.128, and MSA § 25.358(11), as amended, as prohibited, within a 1,500 foot radius of each other. And provided further, that the facilities which provide the care to more than six persons and are otherwise permitted in any residential district are also prohibited within a 1,500 foot radius of each other.

(Ord. 2046, passed 4-11-1968; Ord. 2690, passed 2-12-1979)

§ 50-91 REAR DWELLINGS.

No building in the rear of a principal building on the same lot shall be used for residential purposes unless it conforms to all the yard and other open space and off-street parking requirements of this chapter. For the purpose of determining the front yard in such cases, the rear line of the required rear yard for the principal building in front shall be considered the front lot line for the building in the rear. In addition, there shall be provided for any such rear dwelling, an unoccupied and unobstructed accessway not less than 20 feet wide to a public street for each dwelling unit in the dwelling, or one not less than 50 feet wide for three or more dwelling units.

(Ord. 2046, passed 4-11-1968)

§ 50-92 TRANSITIONAL USES IN RESIDENCE DISTRICTS.

In any residence district a transitional use shall be permitted on a lot, the side lot line of which adjoins, either directly or across an alley, any D, E, F or G district. The permitted transitional uses for any such lot in an A-1 district shall be any use permitted in the A-2 district; the permitted transitional uses for any lot in A-2 district shall be any use permitted in the B district and the permitted transitional uses for any such lot in a C-1 district shall be any use permitted in the C-2 district. In the case of any such lot in an A-1, A-2, B and the like district, the requirements governing lot area per dwelling unit, off-street parking, yards and other open spaces shall be the same as for the next following less restricted district. Any transitional use authorized under this section shall not extend more than 100 feet from the side lot line of the lot abutting on the zoning district boundary line.

(Ord. 2046, passed 4-11-1968)

§ 50-93 YARD REQUIREMENTS ALONG ZONING BOUNDARY LINE IN LESS RESTRICTED DISTRICT.

Along any zoning boundary lines, on a lot adjoining such boundary line in the less restricted district, any abutting side yard, rear yard or court, unless subject to greater restrictions or requirements stipulated by other provisions of this chapter, shall have a minimum width and depth equal to the average of the required minimum width or depth for such side yards, rear yards or courts in the two districts on either side of the zoning boundary line. In cases where the height of a proposed structure on such lot in the less restricted district is greater than the maximum height permitted in the adjoining more restricted district, the minimum width or depth of the side yard, rear yard or court for the structure shall be determined by increasing the minimum width or depth for the highest structure permitted in the more restricted district by one foot for each two feet by which the proposed structure exceeds the maximum height permitted in the more restricted district.

(Ord. 2046, passed 4-11-1968)

§ 50-94 ACCESSORY USES IN RESIDENCE DISTRICTS.

(a) *Generally.* An accessory building may be erected detached from the principal building or may be erected as an integral part of the principal building, or it may be connected therewith by a breezeway or similar structure.

(1) If connected or attached, the accessory building must be five feet from any lot line. (See Figure 50-94A.)

(2) No accessory building shall be erected in any front yard. (See Figure 50-94A.)

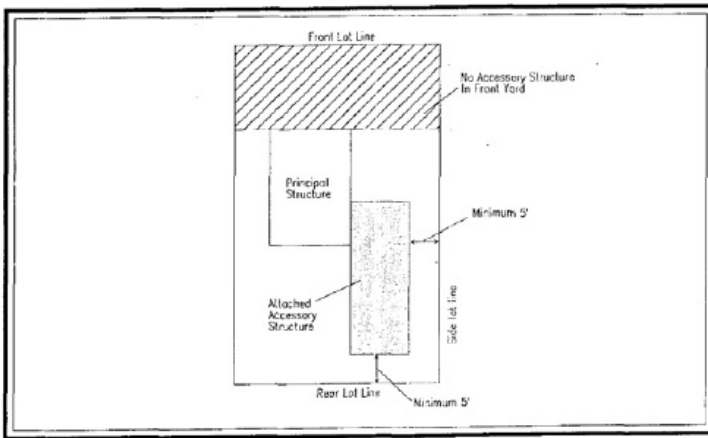


Figure 50-94A

- (3) No accessory building shall be erected in any required side yard unless detached and at least 60 feet from the front lot line. (See Figure 50-94B.)

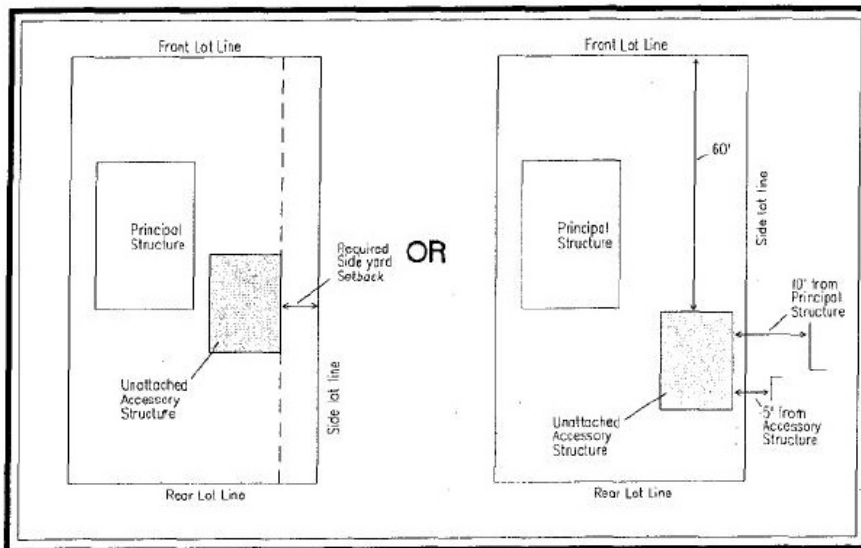


Figure 50-94B

- (4) Accessory buildings shall be at least:
- Five feet from any dwelling situated on the same lot, unless attached thereto;
 - At least five feet from any other accessory buildings on the same lot; and
 - At least ten feet from any dwelling located on an adjoining lot. This shall not prevent a dwelling on an adjoining lot from being built less than ten feet from an accessory building on the adjoining lot. If a dwelling is built on an adjoining lot less than ten feet from an existing accessory building, both buildings will be considered legal conforming structures and can be rebuilt if they are damaged or destroyed.
- (5) In no case shall an accessory building be closer than 18 feet from the side street lot line.
- (b) *Corner lots.* In any residence district, where a corner lot adjoins on the rear of a lot fronting on the side street and located in a residence district:
- No part of an accessory building on such corner lot within 25 feet of a common lot line shall be nearer a side street lot line than the least depth of the front yard required along such side street for a dwelling on such adjoining lot, and in no case shall any part of the accessory building be nearer to the side street lot line than the least width of the side yard or 18 feet, whichever is the greater. (See Figure 50-94C.)
 - No part of an accessory building on such corner lot shall be less than five feet from the common lot line, unless 60 feet or more from the side street line. (See Figure 50-94C.)

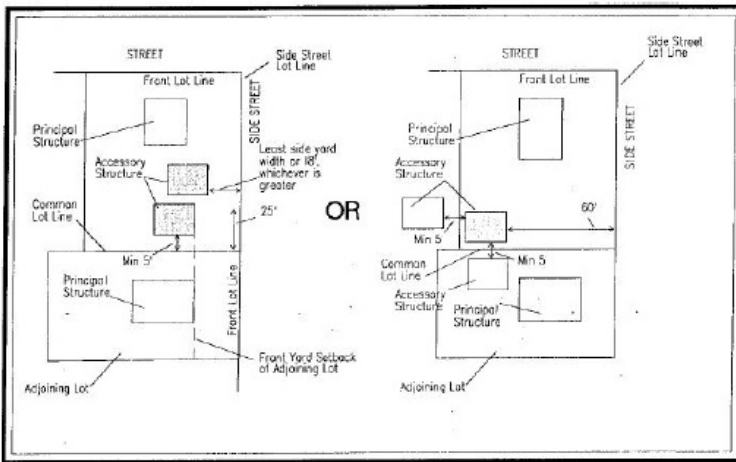


Figure 50-94C

(c) *Yard requirements.* If attached, an accessory building may extend into the required rear yard, and if used for automobile parking or storage the minimum side yard's least width may apply to both side yard requirements.

(d) *Erection without main building.* In any residence district, no accessory building or structure shall be erected or constructed prior to the erection or construction of the principal or main building.

(e) *Removal of main building.* In any residence district, no existing main building may be demolished or removed from a lot while an existing accessory structure is retained unless:

(1) The lot is combined with an adjacent lot that has a principal building on it; or

(2) A new main building is constructed or moved onto the lot, or a building permit for the purpose of constructing or moving a main building on the lot is in effect.

(Ord. 2046, passed 4-11-1968; Ord. 2063, passed 7-1-1968; Ord. 2284, passed 9-20-1971; Ord. 2845, passed 7-26-1982; Ord. 3703, passed 4-14-2008)

§ 50-94.1 SATELLITE TELEVISION ANTENNAS AS ACCESSORY USES.

No satellite television antenna shall be erected, constructed, maintained or operated except in conformance with the following regulations.

(a) *Purpose.* It is the purpose of this section to regulate satellite television antennas as accessory structures consistent with the preservation of health, safety, welfare and rights of all residents of the City.

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

SATELLITE TELEVISION ANTENNA. An apparatus capable of receiving communications from a transmitter relay signal in planetary orbit.

(c) *Location.*

(1) No part of the satellite antenna structure, including the base and other appurtenances, may project over or onto a:

- a. Required front yard;
- b. Required side yard; or
- c. Required interior yard (unless 60 feet or more back from the front property line and then no closer than five feet to a lot line).

(2) Rear yard locations are allowed provided that no part of the satellite antenna structure, including the base and other appurtenances, is closer than five feet to a lot line.

(d) *Height.* The height of antenna and structure shall not exceed total height requirement for the district.

(e) *Size.* No limit.

(f) *Roof mounting.* Allowed pursuant to subsection (d) of this section if permit obtained from the Division of Building and Safety Inspection, which will review erection for conformance with the applicable building and electrical codes.

(g) *Advertising.* No advertising indicating the manufacturer or installer shall be allowed on any antenna if visible from a public right-of-way and/or adjoining property.

(Ord. 3019, passed 11-24-1986)

§ 50-95 LOT AREA EXCEPTION.

In any district where dwellings are permitted, a one-family detached dwelling may be erected on any lot of official record on April 26, 1968, irrespective of its area or width; provided, that the applicable yard and other open space requirements as may be modified hereinafter are complied with; provided further, that:

(a) *Minimum side yards.* Not less than 10% of lot width.

(b) *Public sanitary facilities not available.* In any district where neither public water supply nor public sanitary sewer is accessible, the lot area and frontage requirements otherwise specified shall be increased as follows:

(1) Where both public sewerage and public water supply are not accessible:

Minimum lot area	20,000 sq. feet
Frontage	100 feet

(2) Where public water supply is accessible, but where public sewerage is not accessible:

Minimum lot area	10,000 sq. feet
Frontage	100 feet

(3) Where different lot area requirements are recommended by the State Board of Health on the basis of percolation tests or other method, those requirements shall govern.

(c) *Consideration of open space and the like.* The Building Inspector shall examine and determine if the proposed construction arrangement gives adequate consideration to maximizing open space for light and air upon the land area available, and attainment of the other objectives of this chapter. If the Building Inspector shall find that such consideration has not been given in any case he or she shall refer the application to the Board of Appeals which shall review the matter and may impose conditions if it finds them to be necessary in the best interests of the proper enforcement of this chapter.

(Ord. 2046, passed 4-11-1968; Ord. 2252, passed 3-15-1971)

§ 50-96 AVERAGE DEPTH OF FRONT YARDS.

In any residence district, where the front yards of existing principal buildings in the same block front are greater or less than the minimum required front yards for such district, the required front yard depth shall be modified as follows: Any principal building erected or altered after April 26, 1969, on a lot in such a block front shall provide a minimum front yard at least equal to the average setback of the two nearest principal buildings to each side of such lot in the same block front. If no existing front yard of a principal building exists to one side or the other of such lot in the same block front, the minimum setback for the district shall be used in computing the average setback, except in the case of a corner lot having a front yard in the same block front, the setback of the lot shall not be less than the setback of the nearest principal building in the same block front; provided the depth of a front yard on any lot shall be at least ten feet and need not exceed 50 feet.

(a) *Steep slopes, front yard garage.* In any residence district where the natural grade of a lot within the required front yard has an average slope, normal to the front lot line at every point along the line, of such a degree or percent of slope that it is not practicable to provide a driveway with a grade of 12% or less to a private garage conforming to the requirements of this chapter, such garage may be located within such front yard, but no in any case closer than six feet to the street line.

(b) *Double frontage lots.* Front yards on both streets shall be required, where on a given block face there are dwellings addressing off both streets. There shall be no vehicle access to an accessory building from more than one street unless authorized by the Traffic Engineer of the City, who shall review the second access in relation to traffic flow, movement and safety and find that there will not be an adverse effect. In no case shall an accessory building with vehicle access across the rear lot line be nearer than 18 feet from the rear lot line. See Appendix, Illustration 50-96(b), "Typical locations of accessory buildings on double frontage lots," at the end of this chapter.

(Ord. 2046, passed 4-11-1968; Ord. 2845, passed 7-26-1982)

§ 50-97 COMPUTATION OF REAR YARD DEPTH AND SIDE YARD WIDTH.

In computing the depth of a rear yard or the width of a side yard, where the rear or side yard abuts an alley, one-half of the width of the alley may be included as a portion of the required rear or side yard, as the case may be. However, in no event shall any building or structure be erected closer than five feet from any lot line.

(Ord. 2046, passed 4-11-1968)

§ 50-98 SIDE YARD MODIFICATIONS.

(a) *Side yard increased.* Each side yard where required, shall be increased in width by one-half inch for each foot by which the length of the side wall of the building, adjacent to the side yard, exceeds 50 feet, for each story of building height.

(b) *Side yard, corner lot.* A side yard along the side street lot line of a corner lot shall have a width of not less than one-half the required depth of the front yard, but in no case shall a building width of less than 24 feet be required.

(Ord. 2046, passed 4-11-1968)

§ 50-99 PROJECTION OF ARCHITECTURAL FEATURES.

Certain architectural features may project into required yards or courts as follows.

(a) *Front and side yards.*

(1) *Required yards.* In any required front yard, or required side yard adjoining a side street lot line, cornices, canopies, eaves or other architectural features may project a distance not exceeding three feet, except as provided for in subsection (a)(2) below. Fire escapes may project a distance not exceeding four feet, six inches. An uncovered stair, necessary landings and ramps may project a distance not to exceed 44 inches; provided, that the stair and landing shall not extend above the entrance floor of the building, except for an open railing not exceeding three feet, six inches in height. Bay windows,

balconies and chimneys may project a distance not exceeding three feet; provided that such features do not occupy, in aggregate, more than one-third of the length of the building wall on which they are located.

(2) *Front yards only.* In any residential district, in any required front yard, a porch may project a distance not exceeding eight feet. This porch may be covered with an awning or other type of roof projection not exceeding nine feet. The covered porch shall remain open between the floor line and eave line, except for an open railing not exceeding three feet, six inches in height. In no case shall the projection be nearer than ten feet to the front lot line. An uncovered stair, necessary landing and ramp may project a distance not to exceed 44 inches beyond the covered porch, but in no case may be nearer than ten feet to the front lot line.

(b) *Interior side yards.* Subject to the limitations above, the above named features may project into any required side yard adjoining an interior side lot line, a distance not to exceed one-fifth of the required least width of the side yard, but not exceeding three feet, in any case.

(c) *Rear yards.* Subject to the limitation above, the features therein may project into any required rear yards, the same distance they are permitted to project into a front yard.

(d) *Existing porches.* All covered porches may be enclosed; provided, that at least 50% of the total area of the front and two sides, between the floor line and eave line, shall be limited to screen or window.

(e) *Exceptions.* Handicap ramps to be added to existing one- and two-family residential structures. Uncovered ramps designed for the handicapped shall not be constructed or extended closer than five feet from any lot line, but are exempt from all other projection limitations of this section, and must conform to all other Federal, State or local requirements.

(Ord. 2046, passed 4-11-1968; Ord. 2616, passed 11-28-1977; Ord. 2881, passed 7-11-1983; Ord. 2887, passed 12-12-1983; Ord. 3266, passed 1-24-1994)

ARTICLE XVIII. COMMUNITY DEVELOPMENT PROJECTS

§ 50-100 SUBMISSION OF PLANS FOR DEVELOPMENT OF CERTAIN TRACTS.

In any A-1 district or A-2 district, the owners of a tract of unimproved land comprising not less than ten acres, and in any A-2 district, the owners of a tract of land comprising not less than eight acres, and in any B district, the owners of any tract of land comprising not less than five acres, and in any C-1 and C-2 district, the owners of a tract of land comprising not less than three acres may submit to the Planning Commission a plan for the use and development of all of the tract of land for residential purposes or for the repair or alteration of any existing housing development on the tract.

(Ord. 2046, passed 4-11-1968; Ord. 2795, passed 5-26-1981)

§ 50-101 STANDARDS FOR PLAN.

It shall be the duty of the Planning Commission to investigate and ascertain whether the proposed residential development plan complies with the following conditions.

(a) *Consistency with zoning regulations.* That the plan is consistent with the intent and purpose of this chapter (i.e., the zoning ordinance and any amendments thereto).

(b) *Adjacent property, no adverse effect.* That property adjacent to the area included in the plan will not be adversely affected.

(c) *Residential use only.* That the buildings are to be used only for residential purposes and usual accessory uses, such as garages, storage space, recreational and community activities, including churches, and such other uses as accessory uses as may be permitted outright or conditionally in the district where located.

(d) *Lot area per family.* That the average lot area per family or dwelling unit contained in the site, exclusive of the area of streets, will not be less than 80% of the lot area per family required in the district in which the site is located.

(e) *Off-street parking.* That there are to be provided off-street parking facilities in accordance with the off-street parking requirements of this chapter.

(f) *Coverage.* 25%.

(g) *Recreational facilities.* That there are to be provided, as a part of the proposed development, recreational facilities to serve the needs of the anticipated population to be housed therein as follows.

(1) *Recreation area, projects over 20 acres.* In case any lot or tract on which a residence development or dwelling group is to be erected contains 20 acres or more, at least 5% of the acreage of the lot shall be set aside and developed as a neighborhood playground or playgrounds.

(2) *Recreation area, projects under 20 acres.* In case of a lot under 20 acres in area with more than 50 dwelling units, the required area of play lots shall be 2,000 square feet plus 30 square feet for each dwelling unit in excess of 50.

(3) *Recreation area, modification.* These requirements for the provision of recreation areas may be modified or waived by the Planning Commission where adequate public recreation areas are available nearby, or where justified in view of the availability of suitable yard space of the type of occupancy the dwelling units are designed to accommodate.

(h) *Planning Commission may authorize project.* Following a public hearing by the Planning Commission, and if the Commission finds that the proposed residence development plan is consistent with the intent and purpose of this chapter, it may authorize the Building Inspector to issue a zoning certificate, even though the use of the land and location of the building to be erected and the yards and open spaces contemplated by the plan do not conform in all respects to the regulations of this chapter for the district in which the site of the proposed development is located.

(Ord. 2046, passed 4-11-1968; Ord. 2795, passed 5-26-1981; Ord. 2845, passed 7-26-1982)

ARTICLE XIX. DWELLING GROUPS

§ 50-102 STANDARDS GENERALLY.

A zoning certificate for the erection of a dwelling group, in those districts where permitted, may be issued by the Building Inspector; provided, that the dwelling group conforms to all the following conditions and requirements.

(a) *Minimum lot area.* The area of the lot on which the dwelling group is to be erected shall be at least 20% greater than the aggregate of the minimum lot areas otherwise required for the individual dwellings in the group.

(b) *Dwelling to front on street or other open spaces, distances.*

(1) Each dwelling in the group shall front either on a street, or other permanent public open space at least 40 feet wide, or on a common yard or outer court. The least width of such yard, if flanked by buildings on one side only, shall be:

1 – 1-1/2 stories	30 feet
2 – 2-1/2 stories	35 feet
3 stories	40 feet

(2) If flanked by buildings on both sides, the least width of such yards shall be:

1 – 1-1/2 stories	40 feet
2 – 2-1/2 stories	50 feet
3 stories	60 feet

(3) In each case the distance between the principal buildings, other than the distances specified above, shall not be less than the sum of the least widths of side yards required in the district in which the dwelling group is to be located.

(4) The distance between principal buildings and the nearest lot lines, other than a front lot line, shall be not less than the height of the building, nor less than 30 feet in any case.

(c) *Access road distance.* Every dwelling in the dwelling group shall be within 60 feet of an access roadway or drive having a right-of-way at least 20 feet wide, providing vehicular access from a public street, and within 300 feet, measured along the route of vehicular access, from a public street.

(d) *Compliance, other chapter requirements.* Except as modified herein, such dwelling group shall conform to all the requirements of this chapter for the district in which it is to be located.

(Ord. 2046, passed 4-11-1968)

ARTICLE XX. TRAILERS AND TRAILER PARKS, MOTELS AND MOTOR HOTELS

§ 50-103 GENERAL REGULATIONS.

The sanitary regulations prescribed by the State Board of Health or other authority having jurisdiction, the regulations of the Building Code of the City and as may be otherwise required by law shall be complied with in addition to the following regulations.

(a) *Lot area occupancy.* The buildings, cabins and trailers, mobile homes, recreation vehicles in any tourist camp, trailer park, mobile home park, or motel, together with any nonaccessory buildings already on the lot, shall not occupy in the aggregate more than 25% of the area of the lot.

(b) *Parking.* All areas used for automobile access and parking shall comply with the applicable provisions of this chapter concerning off-street parking and loading.

(c) *Entrance.* No vehicular entrance to or exit from any trailer park or motel, wherever such may be located, shall be within 200 feet along streets from any school, public playground, church, hospital, library or institution for dependents or for children, except where the property is in another block or another street which the premises in question do not abut.

(d) *Landscaping, unused areas.* All areas used for access, parking, circulation, buildings and service shall be completely and permanently landscaped and the entire site maintained in good condition.

(Ord. 2046, passed 4-11-1968; Ord. 2829, passed 3-22-1982)

§ 50-104 ENLARGEMENTS OR EXTENSIONS.

(a) Any enlargement or extension to any existing motel, mobile home park, tourist camp or trailer park shall require application for a zoning certificate, as if it were a new establishment.

(b) No enlargement or extensions to any motel, trailer park or tourist camp, or mobile home park shall be permitted unless the existing one is made to conform to substantially with all the requirements for new construction for such establishment.

(Ord. 2046, passed 4-11-1968; Ord. 2829, passed 3-22-1982)

§ 50-105 PARKING OR OCCUPYING TRAILER OR MOBILE HOME OR RECREATION VEHICLE OUTSIDE OF APPROVED TRAILER PARK, MOBILE HOME PARK PROHIBITED; EXCEPTIONS.

(a) *Purpose.* To regulate the storage and parking for recreation and camping equipment, as defined, in the same manner as other accessory or incidental uses, with due regard to the unique public safety issues associated with these uses such as maintenance of clear vision areas near public rights-of-way.

(b) *Definitions.* As used in this chapter, **RECREATION AND CAMPING EQUIPMENT** is and shall include the following.

FOLDING TENT TRAILER. A canvas folding structure mounted on wheels and designed for travel and vacation use.

MOTOR HOME. A portable dwelling designed and constructed as an integral part of a self-propelled vehicle.

PICKUP CAMPER. A structure designed primarily to be mounted on a pickup or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreation and vacation use.

TRAVEL TRAILER. A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses permanently identified "travel trailer" by the manufacturer.

WATERCRAFT and WATERCRAFT TRAILERS. Boats, floats and rafts, plus the normal equipment to transport the same on the highway.

(c) *Generally.* No person shall park nor occupy any trailer, mobile home or recreation and camping equipment on any premises outside an approved trailer park or mobile home park except as previously authorized in this chapter. Recreation and camping equipment defined as travel trailers, pickup campers, motor homes, folding tent trailers, and watercraft trailers may be parked on any residential property subject to the following conditions:

(1) Such equipment stored or parked shall not have fixed connections to electricity, water, gas or sanitary sewer facilities, and at no time shall this equipment be used for living or housekeeping purposes.

(2) If the equipment is to be unused for a period exceeding 30 days, the following conditions shall apply:

- a. All batteries shall be removed from the equipment to prevent short circuits; and
- b. All tanks containing flammable substances must be locked from the outside to prevent tampering.

(3) If the equipment is stored or parked outside of a garage, it must be stored or parked to the rear of the front building line as established by the principal accessory structure and not in a required side street sideyard or required interior sideyard, except as modified. Storage or parking in a required interior sideyard is allowed if located at least 60 feet behind the front property line and no closer than five feet to a side or rear lot line or on the principal driveway to the rear of the front building line established.

(d) *Emergency parking.* Emergency or temporary stopping, standing or parking of a trailer shall be permitted on any street, alley or highway subject to any regulations, or limitations imposed by the traffic and parking regulations or ordinances for the street, alley or highway.

(e) *Wheels not be removed.* In any district except as previously required, the wheels or any similar transporting devices of any trailer shall not be removed except for repairs, nor shall any trailer, unless as previously required, be otherwise permanently fixed to the ground in a manner that would prevent removal of the trailer.

(f) *Parking or storage of mobile homes prohibited.* The parking or storage of a mobile home, being a movable or portable dwelling, constructed to be towed on its own chassis and connected to utilities and designed without a permanent foundation for year-round living, is expressly prohibited.

(Ord. 2046, passed 4-11-1968; Ord. 2829, passed 3-22-1982; Ord. 2901, passed 4-9-1984; Ord. 2931, passed 1-15-1985)

§ 50-106 APPLICATION FOR ESTABLISHMENT OF TRAILER PARK OR MOBILE HOME PARK.

An application for the establishment of a trailer park or mobile home park shall be filed with the Building Inspector and shall be accompanied by a scale drawing certified by a registered civil engineer. Such drawing shall contain the following information:

- (a) Accurate dimensions of the proposed trailer park or mobile home park in feet;
- (b) All roads and approaches and the method of ingress and egress from public highways;
- (c) The complete electric service installation, wire service outlets and lighting facilities;
- (d) A complete layout of unit parking places and the number of square feet therein, together with the dimensions thereof; and
- (e) The location of electric power or gas distribution systems, water mains or wells for water supply outlets for domestic water users, location of sanitary facilities, washrooms, garbage disposal units, incinerators, sanitary sewers or septic tanks, sewer drain lines, leeching beds, fire protection stalls and other buildings or structures contemplated to be used by the applicant in connection with such business.

(Ord. 2046, passed 4-11-1968; Ord. 2829, passed 3-22-1982)

§ 50-107 TRAILER PARK OR MOBILE HOME PARK DESIGN REQUIREMENTS.

Trailer parks or mobile home parks shall be designed and maintained in accordance with the following requirements.

- (a) *Park area.* The minimum trailer park or mobile home area shall be 40,000 square feet.
- (b) *Lot area.* The minimum lot area per trailer or mobile home shall be 2,000 square feet.
- (c) *Distance between trailers or mobile homes.* The minimum distance between neighboring trailers or mobile homes shall be not less than 20 feet. Each trailer or mobile home unit shall be set back not less than ten feet from the exterior lines of the trailer or mobile home unit lot upon which it is located.
- (d) *Concrete slab.* Each trailer or mobile home unit lot shall be equipped with a concrete slab of sufficient size to support the wheels and the front parking jack. Such slab shall have a minimum horizontal dimension of eight by ten feet and a minimum thickness of four inches.
- (e) *Utilities.* Each trailer or mobile home unit shall be equipped with one electric outlet. A sanitary sewer and water system shall be installed in accordance with City specifications. Trailer or mobile home units not directly connected with the water and sewer system shall be located not more than 200 feet from a community utility building providing separate toilet and shower facilities for each sex.
- (f) *Interior streets.* The minimum width of interior one-way streets with parking permitted on one side shall be 21 feet. The minimum width of two-way streets with parking permitted on one side shall be 26 feet. Such streets shall be graveled or paved maintained in good condition and lighted at night.
- (g) *Length of occupancy.* No trailer or mobile home shall remain in a trailer park or mobile home park for a period exceeding 15 days without connection to the permanent sanitary sewer system of the park.
- (h) *Additional requirements.* In addition to the foregoing, the Board may impose such other conditions, requirements or limitations concerning the design, development and operation of such trailer park or mobile home parks necessary for the protection of adjacent properties and the public interest.

(Ord. 2046, passed 4-11-1968; Ord. 2829, passed 3-22-1982)

ARTICLE XXI. INTEGRATED NEIGHBORHOOD AND COMMUNITY SHOPPING CENTERS

§ 50-108 SUBMISSION OF PRELIMINARY PLAN; MINIMUM AREAS.

The owner of a tract of land, located in any district at or near where a proposed shopping center is shown on the land use plan, containing not less than two acres in the case of a neighborhood shopping center, neighborhood business district type D-2, and not less than 15 acres in the case of a community shopping center, community business district D-3, may submit to the Planning Commission for its review a preliminary plan for the use and development of such tract of land for an integrated shopping center.

(Ord. 2046, passed 4-11-1968)

§ 50-109 TIME FOR STARTING AND COMPLETING CONSTRUCTION.

In accepting a plan for review under § 50-108, the Planning Commission shall be satisfied that the proponents of the integrated shopping center into to start construction within two years if a neighborhood shopping center and three years if a community shopping center from the date of the approval of the project and necessary district change, and intend to complete it within a reasonable period of time as determined by the Planning Commission.

(Ord. 2046, passed 4-11-1968)

§ 50-110 GENERAL STANDARDS FOR PLAN.

It shall be the duty of the Planning Commission to investigate and ascertain whether the location, size and other characteristics of the site, and the proposed plan, comply with the following conditions.

(a) *Site adequacy.* That the proposed shopping center is adequate, but not excessive, in size to provide adequate shopping facilities for the population which reasonably may be expected to be served by the proposed shopping center.

(b) *Traffic congestion.* That the proposed shopping center is at a location where traffic congestion does not exist at present on the streets to be utilized for access to the proposed shopping center, and where such congestion will not likely be created by the proposed center; or where such existing or possible future congestion will be obviated by presently projected improvement of access thoroughfares or by demonstrable provisions in the plan for proper entrances and exits, and by internal provisions for traffic and parking.

(c) *Thoroughfare access required.* That any neighborhood shopping center will abut and front a street designated in the official major street plan as a secondary or primary thoroughfare or designated by the Planning Commission as a local or collector street as defined in the subdivision regulations; and any community shopping center shall abut and front on a street designated in such plan as a primary thoroughfare.

(d) *Integrated design.* The plan provides for a shopping center consisting of one or more groups of establishments in buildings of integrated and harmonious design, together with adequate and properly arranged traffic and parking facilities adequate provisions for drainage and landscaping. The project shall be arranged in an attractive and efficient manner, convenient, pleasant and safe to use, and fitting harmoniously into surrounding properties.

(Ord. 2046, passed 4-11-1968)

§ 50-111 PERMITTED USES.

The uses permitted in an integrated shopping center shall be appropriate to the specific functions thereof. In the case of a neighborhood shopping center the allowable uses shall be those permitted in the D-2 district. In the case of a community shopping center the allowable uses shall be those permitted in the D-3 district; provided, that no residential, heavy, commercial or industrial uses shall be permitted in any shopping center. Only those uses shall be authorized which are necessary or desirable to supply with goods or services the surrounding neighborhood or community, as the case may be. All uses authorized in this manner shall be in harmony with the design of the center and the environs thereof.

(Ord. 2046, passed 4-11-1968)

§ 50-112 DESIGN REQUIREMENTS.

The following regulations shall apply to an integrated shopping center.

(a) *Building height.* No building shall exceed two stores or 30 feet in height.

(b) *Yards.* No building shall be less than 50 feet distant from any boundary of the tract or site on which the shopping center is located. The center shall be permanently screened from all adjoining properties located in any residence district, and except for necessary entrances and exits, from all properties located in any residence district across the street and within 100 feet from such center. The type and nature of the screening shall be determined by the Planning Commission.

(c) *Tract coverage.* The ground area occupied by all the buildings shall not exceed in the aggregate 25% of the total area of the tract or site.

(d) *Customer parking space.* Notwithstanding any other requirements of this chapter, there shall be provided at least two square feet of off-street parking area, including driveways from every square foot of total floor space, not including storage space, in an integrated neighborhood shopping center; and three square feet of off-street parking area for every square foot of total floor space, not including storage space, in a community shopping center.

(e) *Loading space.* Notwithstanding any other requirements of this chapter, there shall be provided one off-street loading space for each 10,000 square feet or fraction thereof of aggregate floor space of all buildings in the center. At least one-third of the space required shall be sufficient in area and vertical clearance to accommodate trucks of the tractor-trailer type.

(f) *Illumination.* Accessways and parking areas shall be adequately lighted by lighting fixtures which shall be so installed as to reflect light away from adjoining properties.

(g) *Signs.* Subject to approval by the Planning Commission, all signs within the center shall be controlled by written agreement between the owners and tenants of the center, or otherwise, with the view to preventing excessive advertising and ensure a harmonious appearance of the center as a whole.

(Ord. 2046, passed 4-11-1968)

§ 50-113 FINAL DEVELOPMENT PLAN.

Upon determination by the Planning Commission that the proposed integrated shopping center as shown in the preliminary plan appears to conform to the requirements of this article and all other applicable requirements of this chapter, the proponents shall prepare and submit a final development plan, which plan shall incorporate any changes or modifications required by the Planning Commission.

(Ord. 2046, passed 4-11-1968)

§ 50-114 RECOMMENDATIONS TO CITY COUNCIL.

If the final development plan is found to comply with the requirements in this article and other applicable provisions of this chapter, the Planning Commission shall submit the plan, its report and recommendations to the City Council together with the required application by the proponents for the necessary change in zoning classification of the site of the proposed center. The City Council shall hold a public hearing on both the development plan and application for a zoning district change.

(Ord. 2046, passed 4-11-1968)

§ 50-115 REZONING.

Following the public hearing, the City Council may modify the plan, consistent with the intent and meaning of this chapter, and may rezone the property to a classification permitting the proposed center for development in substantial conformity with the final plan as approved by the City Council; provided, that all procedures relative to amendments to this chapter shall be followed in that case.

(Ord. 2046, passed 4-11-1968)

§ 50-116 ADJUSTMENTS IN PLAN FOLLOWING APPROVAL.

After the final development plan has been approved by the City Council and in the course of carrying out this plan, adjustments or rearrangements of buildings, parking areas, loading areas, entrances, height or yards may be requested by the proponents, and provided such requests conform to the standards, established by the final development plan and this chapter, such adjustments or rearrangements may be authorized by the Planning Commission.

(Ord. 2046, passed 4-11-1968)

ARTICLE XXII. PLANNED SHOPPING AREA EXTENSION

§ 50-117 PURPOSE OF ARTICLE.

It shall be an aim of this article to facilitate and encourage the modernization of existing neighborhood and community shopping areas with the view to helping to create conditions in such areas which will as nearly as possible approximate those found in integrated shopping centers, hereby to promote the public safety, convenience and general welfare.

(Ord. 2046, passed 4-11-1968)

§ 50-118 SUBMISSION OF PRELIMINARY PLAN.

The owner of a tract of land of one acre or more in aggregate area adjoining and being contiguous to any D-2 or D-3 district, indicated in the land use plan as suitable for planned extension or modernization, may submit to the Planning Commission for its review a preliminary plan for integrated commercial development thereof.

(Ord. 2046, passed 4-11-1968)

§ 50-119 GENERAL REQUIREMENTS AND STANDARDS.

The development plan shall meet substantially the same requirements and standards as stipulated in this chapter for integrated shopping centers, and shall be processed in the same manner; provided, that primary or secondary thoroughfare frontage shall not be required; and provided further, that parking and loading facilities may be integrated with any existing parking and loading facilities.

(Ord. 2046, passed 4-11-1968)

ARTICLE XXIII. PLANNED INDUSTRIAL DISTRICTS

§ 50-120 SUBMISSION OF PRELIMINARY PLAN.

The owner of a tract of undeveloped land or land cleared for redevelopment of 20 acres or more which is suited for light industrial development may submit to the Planning Commission for its review a preliminary plan for the use and development thereof for a planned industrial district regardless of the zoning classification of the tract at the time the plan is filed.

(Ord. 2046, passed 4-11-1968)

§ 50-121 GENERAL CONDITIONS AND REQUIREMENTS.

It shall be the duty of the Planning Commission to ascertain that the proposed project will comply with the following conditions.

(a) *Integrated design.* That the plan provides for an industrial district consisting of several buildings or groups of buildings of efficient and harmonious design, together with properly arranged trafficway, parking and loading facilities and landscaping, so arranged as to create an attractive project readily integrated with and fitting harmoniously into adjoining or surrounding areas and developments.

(b) *Thoroughfare access required.* That the industrial district will abut a street designated in the official major street plan as a primary or secondary thoroughfare, or that direct access to the street is provided by means of an acceptable industrial service street.

(c) *Uses, design standards and improvements.* That the proposed uses accord with the uses permitted and that the layout of the proposed industrial district and the proposed improvement requirements stipulated in this chapter.

(d) *Applicant.* The Planning Commission shall be satisfied that construction will start within one year of approval and a substantial part of the project will be completed within a reasonable time limit as specified by the Planning Commission.

(Ord. 2046, passed 4-11-1968)

§ 50-122 PERMITTED USES.

Any use permitted and as regulated in the E and F districts, except uses prohibited therein shall be permitted in a planned industrial district; provided, that any distance requirements and other standards of such districts may be modified by the Planning Commission if, in its judgment, other satisfactory arrangements are provided for which, among other beneficial effects will afford properties, located in the adjacent zoning districts to which the distance requirements or other standards are primarily applicable, protection against possible adverse effects equivalent to the protection intended to be provided by means of the distance requirements or other standards.

(Ord. 2046, passed 4-11-1968)

§ 50-123 PROHIBITED USES.

Residential and retail business uses of any kind, except when accessory to a permitted principal use, shall be prohibited in a planned industrial district.

(Ord. 2046, passed 4-11-1968)

§ 50-124 GENERAL DESIGN STANDARDS AND IMPROVEMENT REQUIREMENTS.

The following minimum design standards shall be observed in a planned industrial district, and the owner or developer shall post with the Planning Commission an adequate surety bond or furnish other kind of surety or guarantee, satisfactory to the Planning Commission, assuring at the expense of the owner or developer the installation of improvements specified in the following.

(a) *Rights-of-way and pavements.* All interior streets shall have a right-of-way width of not less than 80 feet, and shall be provided with all-weather pavement, curb and gutter meeting City specifications.

(b) *Utilities.* All necessary utilities shall be installed meeting City specifications.

(c) *Off-street parking.* Employee parking, one space for each two employees on the maximum shift. Visitor parking at least ten spaces per plant.

(d) *Loading facilities.* To be determined according to type of industry; shall be off-street and of sufficient size to accommodate normal peak loads.

(e) *Plant vehicle storage.* Sufficient to accommodate off-street all plant vehicles.

(f) *Paving off-street areas.* All off-street parking, loading and maneuvering areas shall be surfaced with hard-surface pavement.

(g) *Lot area.* Minimum 20,000 square feet.

(h) *Building height limit.* 35 feet within 200 feet of any residence district.

(i) *Distance of buildings from project boundary.* If adjoining residence district, 100 feet; if adjoining D business districts, 50 feet.

(j) *Landscaping for unsurfaced areas.* All unpaved areas shall be landscaped subject to Planning Commission approval.

(k) *Greenbelts.* The project areas shall be enclosed on all sides by a planted strip at least 20 feet wide or of such greater width which in the opinion of the Planning Commission may be necessary for the adequate protection of adjoining premises. The plant material, subject to Planning Commission approval, shall have initially a height and compactness of not more than 50% of the ultimately required height and compactness.

(l) *Outdoor advertising.* Shall be prohibited, except that each industry may have suitable identifying signs.

(m) *Illumination.* Lighting fixtures shall be so installed as to reflect the lights away from adjacent properties.

(Ord. 2046, passed 4-11-1968)

§ 50-125 FINAL DEVELOPMENT PLAN.

Upon determination by the Planning Commission that the proposed planned industrial district as shown in the preliminary plan appears to conform to the requirements in this article and all other applicable requirements of this chapter, the proponents shall submit a final development plan, which plan shall incorporate any change or modifications required by the Planning Commission.

(Ord. 2046, passed 4-11-1968)

§ 50-126 RECOMMENDATIONS TO CITY COUNCIL.

If the final plan is found to be in compliance with the requirements of this article, the Planning Commission shall submit the plan, its report and recommendations to the City Council, together with an application by the proponents for the necessary appropriate change in zoning district classification of the site of the proposed planned industrial district. The City Council shall hold a public hearing on both the plan and the application for zoning district change.

(Ord. 2046, passed 4-11-1968)

§ 50-127 REZONING.

Following the public hearing, the City Council may modify the plan, consistent with the intent of this chapter, and may change the zoning of the site to the appropriate zoning district clarification; provided, that all procedures relative to amendments to this chapter shall be followed in all cases.

(Ord. 2046, passed 4-11-1968)

§ 50-128 ADJUSTMENTS FOLLOWING APPROVAL OF PLAN.

After the final development plan has been approved by the City Council and in the course of carrying out the plan, minor adjustments and rearrangements of buildings, service areas and other features requested by the developers may be authorized by the Planning Commission.

(Ord. 2046, passed 4-11-1968)

ARTICLE XXIV. HEIGHT AND YARD MODIFICATIONS

§ 50-129 HEIGHT LIMITATIONS NOT APPLICABLE.

The height limitations stipulated elsewhere in this chapter shall not apply to the following.

(a) *Farm buildings, architectural features and the like.* Barns, silos and other farm buildings or structures on farms; to church spires, belfries, cupolas and domes, monuments, water towers, fire and hose towers, observation towers, transmission towers, windmills, chimneys, smokestacks, flag poles, radio towers, masts and aerials; to parapet walls extending not more than four feet above the limiting height of the buildings and the like.

(b) *Places of public assembly.* Places of public assembly in churches, schools and other permitted public and semi-public buildings, provided, that these are located on the first floor of the buildings and provided that for each three feet by which the height of the building exceeds the maximum height otherwise permitted in the district, its side and rear yards shall be increased in width or depth by an additional foot over the side and rear yards required for the highest building otherwise permitted in the district.

(c) *Elevator penthouses, water tanks and the like.* Bulkheads, elevator penthouses, water tanks, monitors and scenery lofts, provided no linear dimensions of any such structure exceeds 50% of the corresponding street lot line frontage; or to towers and monuments, fire towers, hose towers, cooling towers, grain elevators, gas holders or other structures, where the manufacturing process requires a greater height.

(Ord. 2046, passed 4-11-1968; Ord. 2503, passed 6-9-1975)

§ 50-130 MINIMUM HEIGHT REQUIREMENTS.

All structures listed in § 50-129 above the heights otherwise permitted in the district shall not occupy more than 25% of the area of the lot, and unless modified by the Board, shall be not less than 50 feet in all parts from every lot line not a street lot line.

(Ord. 2046, passed 4-11-1968; Ord. 2503, passed 6-9-1975)

§ 50-131 EXCEPTIONS TO HEIGHT REQUIREMENTS FOR D-1, D-2, D-3 AND D-6 DISTRICTS.

Structures in D-1, D-2, D-3 and D-6 districts may be built to a height of 35 feet where these districts adjoin a C-1 or C-2 district.

(Ord. 2046, passed 4-11-1968; Ord. 2503, passed 6-9-1975)

§ 50-131.1 YARD MODIFICATIONS IN COMMERCIAL AND MANUFACTURING DISTRICTS.

(a) In any commercial and manufacturing district where there are front yards of existing buildings in the same block front which are greater or less than the minimum required front yard for that district, the required front yard depth shall be modified as follows: the front yard of any building hereafter erected or altered on a lot in such a block front which is located between existing buildings on both sides of the lot shall be as great but need not be greater than that of a line drawn between the two nearest front corners of the existing buildings on either sides. In the case where there is an existing building on one side only, the front yard of the building to be erected or altered shall be as great but need not be greater than that of the next adjoining building; provided, however, that where front yards so modified are greater than the required minimum front yard, the front yard may be further modified by lessening the front yard by one foot for each ten feet between the nearest front corners of the proposed building and the nearest adjoining building, but in no case less than the required minimum front yard and provided further where the front yards as first modified are less than the required minimum front yard, the front yard shall be further modified by increasing the front yard by one foot for each ten feet between the nearest adjoining existing building until the front yard equals the required minimum front yard.

(b) The Zoning Board of Appeals may, upon application filed as provided in § 50-159(a), authorize a front yard setback which is less than the front yard setback as modified by this section upon a finding that the requested front yard setback does not adversely affect the other properties in the same block front, provided the front yard setback is not less than the required minimum front yard setback. The owners of the record of any real property in the same block front shall be notified of such request in the same manner of notification as provided in § 50-159(e).

(Ord. 2503, passed 6-9-1975)

ARTICLE XXV. OFF-STREET PARKING AND LOADING REGULATIONS

§ 50-132 OFF-STREET LOADING SPACES GENERALLY.

(a) *When required.* In any district, in connection with every building or part thereof erected after April 26, 1968, and having a gross floor area of 10,000 square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly requiring receiving or distribution by vehicles of material or merchandise, there shall be provided and maintained, on the same lot with the building, at least one off-street loading space plus one additional loading space for each 20,000 square feet or major fraction thereof of gross floor area so used in excess of 20,000 square feet.

(b) *Dimensions.* Each loading space shall be not less than ten feet in width, 25 feet in length and 14 feet in height. Any space that is 50 feet or greater in length may be counted as one and one-half loading spaces.

(c) *May occupy yard.* Such space may occupy all or any part of any required yard.

(d) *Distance from residence district.* No such space shall be closer than 50 feet to any other lot located in any residence district, unless wholly within a completely enclosed building or unless enclosed on all sides adjacent to or directly across the street from any residence district, by a solid wall or uniformly

painted solid board fence, or a chain link fence with a six-foot planting buffer maintained in a healthy condition. Such walls or fences shall not be less than six feet in height.

(Ord. 2046, passed 4-11-1968)

§ 50-133 OFF-STREET PARKING SPACES GENERALLY.

(a) *When required.* In all districts, except the D-4 district, in connection with every industrial, business, institutional, recreational, residential or any other use, there shall be provided at the time any building or structure is erected or is enlarged or increased in capacity, off-street parking spaces for automobiles in accordance with the requirements herein.

(b) *Minimum size.* Parking spaces that are not designated for handicapped parking or loading zones shall be at least nine feet wide and 20 feet long. Handicapped parking spaces shall meet the requirements of the Americans with Disabilities Act (42 U.S.C. §§ 12101 et seq.).

(c) *Access.* There shall be adequate provision for ingress and egress to and from all parking spaces. No driveway on public property shall exceed 40 feet in width where it crosses the public sidewalk and shall not exceed 65 feet in width along the curbline. Whenever more than one driveway is constructed from any one street over public property, the driveway shall be separated by an intervening raised space or raised island not less than six inches high located between the walk and the curbline of not less than 40 feet in width parallel to the public walk or right-of-way. This requirement may be reduced in B, B-1 and C-1 districts. Where a lot does not abut on a public or private right-of-way or easement of access, there shall be provided an access drive not less than eight feet in width in the case of a dwelling, and not less than 18 feet in width in all other cases, unless used for either ingress or egress only, leading to the parking or storage areas or loading and unloading spaces required hereunder in such manner as to secure the most appropriate development of the property in question. Except where provided in connection with a use permitted in a residence district, such easement of access or access drive shall not be located in any residence district.

(d) *Type.* Parking spaces for all types of uses may be provided either in garages or parking areas conforming with the provisions of this chapter.

(e) *Traffic engineering review.* The Traffic Engineer of the City shall review all site plans for developments in all districts and may allow driveway dimensions larger than stated before, for particular traffic or circulation conditions.

(Ord. 2046, passed 4-11-1968; Ord. 2845, passed 7-26-1982; Ord. 3677, passed 8-26-2005)

§ 50-134 LOCATION OF PARKING LOTS OR STRUCTURES.

Off-street parking lots or structures shall be located as hereinafter specified. Where a distance is specified, such distance shall be the average walking distance measured from the nearest point in the parking lot or structure to the nearest point of the building that the lot or structure is required to serve.

(a) *For one- and two-family dwellings.*

(1) Parking spaces to meet the minimum requirements of this chapter shall be located on the same lot with the building they are required to serve, but not in the required front or side street setback area.

a. The width of the parking strip, apron or driveway shall not exceed ten feet; however:

b. If a garage or carport is attached to the principal structure, the width of the parking strip, apron or driveway shall not exceed the width of the garage or carport;

c. If a garage or carport is detached from the principal structure and access is provided from a side street, the width of the parking strip, apron or driveway shall not exceed the width of the garage or carport.

(2) These provisions shall not apply to lot widths of 80 feet or more.

(b) *For multiple dwellings.*

(1) Not more than 200 feet from the building they are required to serve, and not in the front or side street setback area. In the required front or side street setback areas, all parking spaces shall consist of a parking strip, apron or driveway:

a. The width of the parking strip, aprons or driveway shall not exceed ten feet; however:

b. If a garage or carport is attached to the principal structure, the width of the parking strip, apron or driveway shall not exceed the width of the garage or carport;

c. If a garage or carport is detached from the principal structure and access is provided from a side street, the width of the parking strip, apron or driveway shall not exceed the width of the garage or carport.

(2) These provisions shall not apply to lot widths of 80 feet or more.

(c) *For commercial and institutional use.* For hospitals, sanitariums, asylums, orphanages, rooming houses, lodging houses, club rooms, fraternity and sorority houses and similar institutions, not more than 300 feet from the building they are required to serve.

(d) *For other uses.* For uses other than those specified above, not more than 1,000 feet from the building they are intended to serve.

(Ord. 2046, passed 4-11-1968; Ord. 3274, passed 4-25-1994)

§ 50-135 UNITS OF MEASUREMENT.

For the purpose of this article, the following units of measurement shall apply.

(a) *Floor area.* In the case of offices, merchandising or service types of uses, the term **FLOOR AREA** shall mean the gross floor area used or intended to be used by tenants, or for service to the public as customers, patrons, clients or patients, but not including areas occupied by fixtures and equipment used principally for nonpublic purpose such as storage incidental repair, processing or packaging of merchandise, for show windows, for offices incidental to the management or maintenance of stores or buildings, for toilet or restrooms, for utility rooms or for dressing rooms, fitting or alteration rooms.

(b) *Hospital bassinets.* In hospitals, bassinets shall not be counted as beds.

(c) *Places of public assembly.* In stadiums, sports arenas, churches and other places of public assembly in which patrons or spectators occupy benches, pews or other similar seating facilities, each 20 inches of such seating facilities shall be counted as one seat for the purpose of determining requirements for off-street parking facilities under this article.

(d) *Fractions.* When units of measurement determining number of required parking spaces result in requirement of a fractional space, any fraction up to and including one-half shall be disregarded and fractions over one-half shall require one parking space.

(Ord. 2046, passed 4-11-1968)

§ 50-136 ADDITIONS AND ENLARGEMENTS TO USES; MIXED OCCUPANCIES; REQUIREMENTS FOR NON-SPECIFIED USES.

(a) Whenever in any building there is a change in use, or an increase in floor area or in the number of employees or other unit of measurement hereafter specified to indicate the number of required off-street parking spaces, and such change or increase creates a need for an increase of more than 10% in the number of off-street parking spaces as determined by the requirements of this article, additional off-street parking spaces shall be provided on the basis of the increased requirements of the new use, or on the basis of the increase in floor area or in number of employees or in other unit of measurement; provided, that in case a change in use creates a need for an increase of less than five off-street parking spaces, no additional parking facilities shall be required. Additions or expansion shall be accumulative and shall require additional spaces when the total requirement is 10% or more.

(b) In the case of mixed uses, the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses computed separately. In the case of a use not specifically mentioned in this article, the requirements for off-street parking facilities for a use which is so mentioned, and to which such use is similar, shall apply. Off-street parking facilities for one use shall not be considered as providing required parking facilities for any other use, except as specified in this article for joint use.

(Ord. 2046, passed 4-11-1968)

§ 50-137 COLLECTIVE PROVIDING OF OFF-STREET PARKING SPACES.

Nothing in this article shall be construed to prevent the collective provision of off-street parking facilities for two or more buildings or uses; provided, that the total of such off-street parking spaces supplied collectively shall not be less than the sum of the requirements for the various uses computed separately; provided further, that the requirements set forth in this article as to maximum distances between parking areas and establishments served shall apply to each such establishment participating in the collective provisions of parking.

(Ord. 2046, passed 4-11-1968)

§ 50-138 JOINT USE OF FACILITIES.

(a) Not more than 50% of the off-street parking facilities required under this article for a theater, bowling alley, dance hall or an establishment for the sale and consumption on the premises of food, alcoholic beverages or refreshments, and up to 100% of the facilities required for a church or an auditorium incidental to a public or parochial school, may be supplied by off-street parking facilities provided for certain other kinds of buildings or uses, specified in subsection (b) of this section, which are not normally open, used or operated during the principal operating hours of theaters, churches, or the establishments aforesaid; and not more than 50% of the off-street parking facilities required under this section, may be supplied by such facilities provided for theaters, churches or other establishments aforesaid; provided, that the properly drawn legal instrument is executed by the parties, which instrument, duly approved as to form and manner of execution by the Chief Legal Officer, shall be filed with the application for a building permit or certificate of occupancy.

(b) Buildings or uses not normally open, used or operated during the principal operating hours of theaters, churches or other of the aforesaid establishments, are defined as banks, business offices, retail stores, personal service shops, household equipment or furniture shops, clothing or shoe repair or service shops, manufacturing buildings and similar uses.

(Ord. 2046, passed 4-11-1968; Ord. 2310, passed 1-17-1972)

§ 50-139 SCHEDULE OF REQUIRED OFF-STREET PARKING SPACES.

(a) The following is the schedule of required off-street parking spaces:

<i>Use</i>	<i>Parking Spaces Required</i>
<i>Use</i>	<i>Parking Spaces Required</i>
Automobile or machinery sales and service garages	1 for each 800 sq. ft. floor area
Banks, business and professional offices	1 for each 300 sq. ft. floor area
Beauty parlors or barbershops	3 spaces for each of the first two beauty or barber chairs and one space for each additional chair
Bowling alleys	6 for each alley
Business, professional or trade schools	1 for each 200 sq. ft. floor area
Churches and K-12 schools	1 for each 6 seats in an auditorium or nave or 1 for each 17 classroom seats
Dance halls and assembly halls without fixed seats, exhibition halls, except church assembly rooms in conjunction with auditorium	1 for each 100 sq. ft. of floor area used for assembly of dancing
Dwellings, including multiple dwellings and apartment hotels	1 for each family dwelling unit or boarding house bed

Federally and State-assisted housing for the elderly	1 for each 2 dwelling units; provided, that sufficient land area be reserved in the site plan for future conversion to a 1 for each dwelling unit ratio
Funeral homes, mortuaries	4 for each parlor or 1 for each 50 sq. ft. of floor area, whichever is greater

<i>Use</i>	<i>Parking Spaces Required</i>
<i>Use</i>	<i>Parking Spaces Required</i>
Furniture and appliance stores, household equipment or furniture repair shop	1 for each 400 sq. ft. of floor area
Hospital	1 for each 2 beds plus 1 space for each 5 staff doctors and 1 space for each 3 employees on maximum shift
Hotels, lodging houses	1 for each 2 bedrooms
Libraries, museums or art galleries	1 for each 500 sq. ft. of floor space.
Manufacturing plants, research or testing laboratories, bottling plants	5 plus 1 for each 3 employees on the maximum working shift
Medical or dental clinics, professional offices of doctors, dentists or similar professions	1 for each 200 sq. ft. of floor area plus 2 for each doctor
Motels and motor hotels	1 for each living or sleeping unit
Restaurants, beer parlors and nightclubs, bars, halls for hire, clubs, lodges and meeting places, and uses where alcoholic beverages are available for sale and consumption on premises	1 for each 4 persons allowed within the maximum load as established, by local or State Fire, Building or Health Codes and 1 for each employee on maximum shift
Retail stores, shops and the like	1 for each 150 sq. ft. of floor area
Sanitariums, convalescent homes, nursing homes, children's homes	1 for each 6 beds
Sports arenas, auditoriums, theaters	1 for each 4 seats
Wholesale establishments or warehouses	5 plus 1 for each 3 employees on maximum shift

(b) In case of any building, structure or premises the use of which is not specifically mentioned herein, the provisions for a use which is so mentioned and to which such use is similar shall apply.

(Ord. 2046, passed 4-11-1968; Ord. 2310, passed 1-17-1972; Ord. 2972, passed 9-23-1985; Ord. 3015, passed 11-10-1986)

§ 50-140 DEVELOPMENT AND MAINTENANCE OF PARKING AREAS.

Every parcel of land hereafter used as a public or private parking area, including commercial parking lots, restricted accessory parking lots in residence districts, and automobile or trailer sales lots, shall be developed and maintained in accordance with the following requirements.

(a) Screening and landscaping.

(1) Off-street parking areas for more than five vehicles shall be effectively screened on each side which adjoins or faces any residence district or institutional use, except for necessary entrances and exits, by:

- a. A masonry wall of acceptable design;
- b. A solid fence of acceptable design; or

c. A planting buffer, maintained in a health condition of acceptable design and species to effectively screen the parking from the residence district or institutional use. The planting buffer shall be planted and arranged in such a way as to produce 80% or more continuing capacity, beginning no later than four years after planting, when viewed horizontally from between ground level and four feet above the ground or three feet above the ground front and side street setbacks. The plant material and design shall be reviewed and approved by a City staff landscape architect as being adequate to produce the necessary screening effect. The Planning Commission, Zoning Board of Appeals or Director of Building and Safety Inspection may require a chain link fence in addition to a planting, to prevent debris from blowing into adjacent areas.

(2) All walls, fences or planting buffers shall be protected from vehicle damage by billiards, guardrails or curbing of acceptable design.

(3) Along the front or side street frontage, the walls, fences or planting buffers shall be no more than three feet in height, to insure adequate sight distance. Along interior lot lines, the walls, fences or planting buffers shall be between four and six feet in height and maintained in a health condition.

(4) One tree shall be planted in the required setback for each 50 linear feet, or fraction thereof, of front or side street frontage. Front and side street frontage are to be computed separately. The trees shall have a clear trunk of at least five feet and be of acceptable species as approved by the City's Forestry Division.

(5) The area, if any, between such walls or fences and the nearest side or front lot line or any unpaved area shall be planted with grass, hardy shrubs or evergreen ground cover and maintained in a healthy condition.

(6) Walls and fences shall not contain signing or advertising, except for necessary directional signs.

(b) *Access.* Off-street parking areas for five or more vehicles shall be designed so all vehicles may enter and exit adjoining streets and other public rights-of-way in a forward motion.

(Ord. 2046, passed 4-11-1968; Ord. 2845, passed 7-26-1982)

§ 50-141 MINIMUM DISTANCES AND SETBACKS; SURFACING AND LIGHTING OF PARKING AREAS.

(a) No parking in any parking areas for more than five vehicles shall be closer than ten feet to any dwelling, school, hospital or other institution for human care located on an adjoining lot, unless screened by an unpierced masonry wall. If in a residence district or adjoining a residence district, that part of the parking area within 25 feet of any residence district shall not be located within the front or side yard setback, as established by the adjoining structure, but shall not exceed 25 feet. This setback area shall be developed as a planting buffer area and shall not permit drives or other paving. In commercial or industrial districts, no paving shall be closer than seven feet to the street right-of-way line, except for necessary entrances and exits. In residential districts no paving shall be closer than ten feet to the street right-of-way line, except for necessary entrances and exits.

(b) Any off-street parking area for more than five vehicles shall be surfaced with an asphaltic or portland binder pavement, so as to provide a durable and dustless surface; shall be so graded and drained as to dispose of all surface water, as required by the City Plumbing Code, accumulated within the area; and shall so be arranged and marked as to provide for orderly and safe loading or unloading and parking and storage of self-propelled vehicles. The foregoing requirements with respect to surfacing shall not apply to a parking area in an E, F or G district if more than 200 feet from any residence district, except that a dustless surface shall be provided in any case.

(c) Any lighting used to illuminate any off-street parking shall be so arranged as to reflect the light away from adjoining premises in any residence district. See also Appendix, Illustration 50-133 – 50-142, “Typical parking regulations abutting residence districts.”

(Ord. 2046, passed 4-11-1968; Ord. 2845, passed 7-26-1982)

§ 50-142 MODIFICATION OF REQUIREMENTS OF ARTICLE.

The Board of Appeals may authorize an appeal, a modification, reduction or waiver of the requirements of this article, if it should find that, in the particular case appealed the peculiar nature of the residential, business, trade, industrial or other use, or the exceptional shape or size of the property or other exceptional situations or condition, would justify such action.

(Ord. 2046, passed 4-11-1968)

ARTICLE XXV-A. SIGNS ALONG FREEWAYS

§ 50-142.1 DEFINITIONS.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section.

APPLICABLE REGULATIONS. Any pertinent zoning, building or other regulations in effect in the City.

ERECT. To construct, build, rebuild (if more than 50% of the structural members involved), relocate, raise, assemble, place, affix, attach, paint, draw or in any other manner bring into being or establish.

FREEWAY. Limited access rights-of-way and facilities and related approaches, viaducts, bridges and interchange facilities and service roads, and any portion of the interstate highway system, now existing or as may be later constructed or designated.

OUTDOOR ADVERTISING. Any sign which is used for any purpose other than that of advertising any activity, commodity, service or entertainment primarily sold, offered, manufactured, processed or fabricated on the premises.

POINT-OF-SALE SIGN. Any sign advertising or designating the use, occupant of the premises, or merchandise or products sold on the premises or an activity, commodity, service or entertainment primarily sold, offered, manufactured, processed or fabricated on the premises.

PROTECTED AREAS. All property in the City within 600 feet of the right-of-way of any freeway right-of-way.

SIGN. Any display or characters, letters, illustrations or any ornamentation designated or used as an advertisement, announcement or to indicate direction.

TEMPORARY SIGN. Signs to be erected on a temporary basis, such as signs advertising the sale or rental of the premises on which located; signs, advertising a subdivision of property; signs advertising construction actually being done on premises on which the sign is located; signs advertising future construction to be done on the premises on which the sign is located; and special events, such as public meetings, sporting events, political campaigns or events of a similar nature.

(Ord. 2272, passed 6-21-1971; Ord. 3047, passed 10-12-1987)

§ 50-142.2 SIGNS PROHIBITED IN PROTECTED AREAS.

It shall be unlawful for any person to erect, permit or maintain any sign in protected areas, except as provided hereinafter.

(Ord. 2272, passed 6-21-1971)

§ 50-142.3 CERTAIN SIGNS PERMITTED.

Erection of the following signs shall be permitted in protected areas, subject to the following conditions and limitations listed herein and further, subject to other applicable regulations where such regulations are more restrictive or more definitive than the provisions of this article and are not inconsistent therewith.

(a) Temporary signs which are located and oriented to the frontage on the street or streets which provides actual access to the property. In no event shall any temporary sign be larger than 120 square feet.

(b) Point-of-sale signs.

(1) *Content.* The content of point-of-sale signs shall be limited to information which directs attention to a business or profession conducted on the premises or to an activity, commodity, service or entertainment primarily sold, offered, manufactured, processed or fabricated on the premises.

(2) *Detached signs.* Each business, industry or institutional use may have two detached point-of-sale signs. A corner lot or lot with access to more than one local street may have three detached point-of-sale signs. In no event, except as modified herein, shall any point-of-sale sign be erected which is greater in height than the height limitation established for the zoning district in which the sign is located.

(3) *Wall signs.* Wall signs within 200 feet of a freeway right-of-way shall be confined to the wall of the building containing the principal entrance. A wall sign may be placed on one other wall of the building and shall be limited to 10% of the other wall area, but in no event shall exceed 80 square feet.

(4) *Roof signs.* Roof signs are prohibited.

(c) Within the protected area, each business, industry or institutional use abutting a freeway right-of-way may have, a single, detached point-of-sale sign oriented to the freeway. Such sign shall meet the following criteria in addition to other sign criteria of this chapter.

- (1) It must be a substitution and not an addition to signage permitted by this section.
- (2) No flashing lights are permitted.
- (3) There shall be no moving parts, animation or other devices used to depict motion.
- (4) The sign shall conform architecturally with other structures on the premises.

(5) In those instances where the elevation of the freeway creates a line-of-sight problem, a sign may be increased in height so that no more than 30 feet of the sign is visible from a point three feet above the surface of the edge of the freeway traffic lane, nearest the proposed sign, measured at 90° degrees from the expressway to the sign location. In cases where the sign is on a curve, the measurement shall be radial. However, in no instance shall the sign exceed 75 feet in height.

(Ord. 2272, passed 6-21-1971; Ord. 2814, passed 10-26-1981; Ord. 3047, passed 10-12-1987; Ord. 3077, passed 10-10-1988)

§ 50-142.4 NONCONFORMING SIGNS.

(a) Signs which have been erected prior to the effective date of this article may continue to be maintained until five years after the effective date. Thereafter, unless such signs conform to the provisions of this section, they shall be removed. If a nonconforming situation can be eliminated by the removal of one sign, the sign which has been erected for the longest period of time shall have priority.

(b) Any sign legally erected, permitted or maintained subsequent to July 2, 1971, which is not in violation of this article but upon the opening for public use of a freeway or applicable portion thereof becomes nonconforming the same may continue to be maintained for a period of five years from the day of the opening provided on or before the expiration of the five-year period, the nonconforming sign must be removed; provided, any sign which is exempt from the provisions of this section pursuant to § 50-142.3(c) hereof, but subsequently becomes nonconforming due to the elimination of the obstruction preventing its visibility from a freeway must be removed within five years from the time of the elimination of such obstruction; further provided, after the effective date of this section any sign erected, permitted or maintained after a future freeway right-of-way has been designated by the recording of a freeway right-of-way map in the public records of Genesee County, Michigan, which becomes nonconforming due to the completion of the freeway shall be removed within 30 days after the freeway or applicable portion thereof is open for public use.

(c) The requirements to remove any nonconforming sign shall be contingent upon the City instituting condemnation to pay the fair market value of the sign according to law.

(Ord. 2272, passed 6-21-1971; Ord. 2456, passed 10-7-1974)

ARTICLE XXV-B. GENERAL SIGN REGULATIONS

§ 50-142.5 DEFINITIONS.

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

ATTACH or INSTALL. Any act associated with the placing of a sign such as to construct, erect, post, paint, glue, paste, print, staple, nail, stamp, tape, tack and the like.

SIGN. Any panel, painted, printed, plated, etched, routed, screened, cut, formed and the like, either illuminated or not illuminated, advertising or in concert with other advertising a name(s) or a person, firm, service, event, product or place or having any form of inscription, notice of publicity thereon. Included in this definition are signs commonly referred to as posters, placards, show bills, circulars, stickers, billboards and the like.

(b) For the purpose of this article, signs shall be divided into types listed below. Where applicable, the appropriate BOCA nomenclature is also given for the various types of signs.

<i>Article Types</i>	<i>BOCA Nomenclature</i>
<i>Article Types</i>	<i>BOCA Nomenclature</i>
1. Temporary sign	Temporary sign
2. Nameplates	—
3. Projecting and vertical signs	Marquee signs
4. Column signs	Ground signs

5. Roof signs	Roof
6. Poster signs	Poster panel or billboard
7. Portable signs	—
8. Special signs	—
9. Mobile/trailer signs	—

(Ord. 2504, passed 6-23-1975; Ord. 2726, passed 7-23-1979)

§ 50-142.6 GENERAL PROVISIONS.

(a) No sign shall be erected on or over public property within a distance of ten feet, measured horizontally, from any fire hydrant, traffic light, fire alarm box or street light pole, nor shall any sign be erected in any location where by reason of traffic conditions, fire, explosion hazard, it would imperil public safety or interfere with the functions of the Fire Department. No sign of Types 1, 3 and 4 shall be erected with its lowest point nearer than ten feet of the sidewalk grade; provided, however, that any sign attached to a canopy erected on or over public property pursuant to the Building Code, as amended, shall be a part of the canopy and shall comply with the clearance requirements for the canopy.

(b) No person shall attach any notice, sign, placard, carpet or other encumbrance or any tree, fountain, post, railing, fence or other structure in or surrounding any public park ground or boulevard.

(c) Between the street right-of-way line and a point seven feet behind this line it is the intent of this article to provide a minimum clear vision area in the space between 36 inches above grade and ten feet above grade, no part of any sign face, sign column or other sign appurtenances, including traffic, information signs, shall encroach into this clear vision area. Exceptions to this requirement would be when the existing building setbacks are less than seven feet, such are found along some parts of Fenton Road, Lewis Street and the like.

(d) The provisions of the BOCA Basic Building Code, having been adopted by the City of Flint, shall remain in full force and effect and are to be read in harmony with the provisions of this article to the extent feasible; provided, however, in the event of any conflicting provisions of this article with the BOCA Basic Building Code or any other ordinance now or hereafter in effect, the more restrictive provisions of the conflicting ordinance shall apply.

(e) Prohibited are signs which:

(1) Contain or are an imitation of an official traffic sign or signal or contain words such as “Stop,” “Go Slow,” “Caution,” “Danger,” “Detour,” “Warning” or similar words, or any other words, phrases, symbols or characters, in such a manner as to interfere with, mislead or confuse traffic;

(2) Are of a size, location, movement, content, coloring or manner of illumination, including but not limited to, flashing lights, which may be confused with or construed as a traffic-control device which hide from view any traffic or street sign or signal;

(3) Advertise any activity, business, product or service once conducted or available on the premises upon which the sign is located, but which is no longer conducted or available on the premises. The owner of the premises shall have such sign removed within 30 days after termination of the activity, business, product or service which this sign advertises. If the sign is not removed by the owner of the premises the Director of Building and Safety Inspection shall undertake to have the sign removed and the charges therefor shall be assessed against the property; or

(4) Contain statements, words or pictures of an obscene, indecent or immoral character, as such terms are defined by the provisions of this Code of ordinances and any other ordinance of the City of Flint dealing with obscenity.

(f) Illumination. All light sources used to illuminate signs shall be shielded in such a manner that passersby and building occupants within view of such signs will not be able to view the bare lamps of such illuminated signs. Signs with exposed lamps shall be approved by the Division of Building and Safety Inspection as to elements of glare. No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic-control devices.

(g) Signs are defined as structures and are subject to height limitations set forth herein.

(h) A sign not in conformance with this article shall constitute a nonconforming use of property. No nonconforming sign shall be replaced, restored, reconstructed, extended or substituted except in accordance with the provisions of this article.

(Ord. 2504, passed 6-23-1975; Ord. 2726, passed 7-23-1979; Ord. 3063, passed 7-11-1988)

Cross-reference:

Building Code, see §§ 11-1 et seq.

§ 50-142.7 TYPE 1, TEMPORARY SIGNS.

(a) This section is limited to signs maintained for a period of 60 days or less. Signs used for a longer period must conform to the requirements of a permanent sign.

(b) A cloth-type sign panel shall not exceed 30 square feet in area and shall be suspended by wire or rope securely anchored.

(c) The Division of Building and Safety Inspection may order any temporary sign in a dilapidated condition removed, regardless of the period of time since its installation.

(d) The term **TEMPORARY SIGN** shall include, but shall not be limited to, construction signs, real estate signs, political signs and overhead or suspended signs.

(e) There shall be one construction sign per project which may identify all of the architects, engineers, contractors and other individuals or firms involved with the construction at the site of the sign, and there may be one sign announcing the character of the building enterprise or the purpose for which

the building under construction is intended, but neither of the signs shall include any advertisement of any product and each such sign shall be limited to a combined total maximum area of 64 square feet and shall be confined to the site of construction and shall be removed within 30 days after the beginning of the intended use of the project.

(f) Real estate signs shall be limited to a total area of six square feet, but the limit shall be increased to 32 square feet of total area in commercial and manufacturing districts. Such signs shall be removed within 20 days after the sale, rental or lease of the property.

(g) Political signs (temporary) shall be limited to a maximum size of six square feet in residential districts but the area limit shall be increased to 32 square feet of total area in commercial and manufacturing districts. This size provision shall not prohibit the use of permanent signs of any size or location legally authorized herein for political advertisement. Political signs (temporary) are exempt from the requirements for permits under the Basic Building Code; they are exempt from the requirements for installation by a licensed bonded sign hanger, and they are exempt from the requirements for authorization or ratification in writing of the owner of the property as required herein, however, oral permission shall be required. Such exception, however, shall not be construed to relieve the owner of the sign from responsibility for its erection, maintenance and safety. The earliest time that political (temporary) signs may be installed is 40 days before an election. Political signs (temporary) shall be removed within 20 days of the election. Nothing herein shall prohibit political signs for general election candidates to remain on location between the primary and general election.

(h) The attaching and removal of political signs and other signs of a temporary nature shall comply in all respects with subsections (a) through (f) of this section, and in addition, shall comply with the following provisions.

(1) *Location.* No person shall, by himself or herself or by another, attach any signs except such as may be expressly authorized by law on any street or sidewalk, or upon any public place or object in the City, or on any fence, building, or property belonging to the City, or upon any street, telegraph pole, electric light pole, or tower or any other utility pole, in or on any public tree, street or alley in the City. This section shall not prohibit the City from developing and leasing or licensing public property to a private person for advertising purposes.

(2) *Attachment of signs.* It shall be unlawful for any person, firm or corporation, except a public officer or employee in the performance of a public duty, or a private person in giving a valid legal notice, to attach any sign or notice of any kind upon any property, public or private, or cause or authorize the same to be done, without consent, authorization or ratification in writing of the owner, holder, occupant, lessee, agent or trustee thereof; provided, however, that this provision shall not apply to the distribution of handbills, advertisements or other printed matter that are not securely affixed to the premises.

(3) *Installation.* It shall be unlawful for any person, firm or corporation to install any signs or notice of any kind upon any property, private or public, or cause or authorize the same to be done unless the person, firm or corporation shall affix thereto on either lower corner a notice, in letters not less than one-quarter inch high, stating the name and address of the person, firm or corporation, engage in or employed to do the physical installation of such signs.

(4) *Removal.* The person, firm or corporation, whose name appears on the sign shall be responsible for the removal of such sign or notice and the same shall be removed from the property, private or public, within 20 days after the occurrence of the event for which the sign was installed.

(5) *Sale signs.* "For sale" signs of the so-called "garage sale," "rummage sale," "yard sale" or "antique sale" type shall be restricted to the property where the sale is being held and such sign shall remain posted no longer than nine days, nor more than two occasions within a 12-month period.

(Ord. 2504, passed 6-23-1975; Ord. 2726, passed 7-23-1979; Ord. 3254, passed 9-27-1993; Ord. 3305, passed 8-14-1995)

§ 50-142.8 TYPE 2, NAMEPLATES.

(a) Unless otherwise restricted by provisions of this article, nameplates for professional offices, apartment complexes, public and quasi-public buildings and institutions shall be sized in proportion to the building which they service. The Director of Building and Safety Inspection shall review the application for installation of nameplate signs and determine the appropriateness of the size of the sign.

(b) The Director of Building and Safety Inspection shall develop and publish guidelines for the size limitations of nameplates.

(Ord. 2504, passed 6-23-1975)

§ 50-142.9 TYPE 3, PROJECTING AND VERTICAL SIGNS.

(a) The term "projecting or vertical signs" shall apply to any sign projecting at an angle of 90 degrees, more or less, from the space of a wall with a frame or supporting member or cantilever-type construction. No portion of the sign shall project closer than two measured horizontally to the edge of a street with minimum vertical clearance of 16 feet over public driveways or alleys. No projecting or vertical sign shall have an area greater than 100 square feet; provided a projecting or vertical sign having an area greater than 100 square feet may be erected or altered upon application to and approval by the City Council.

(b) Any person desiring to erect or alter such a projecting or vertical sign having an area greater than 100 square feet shall make, or cause to be made, an application in writing, through the Division of Building and Safety Inspection, to the City Council, signed by the owner or person in control of the premises where the sign is proposed to be erected or altered, stating the location thereof. Upon its approval of the City Council, the application shall be referred to the Division of Building and Safety Inspection for a permit in accordance with and upon compliance with the provisions of this article.

(c) No person, company or corporation shall put up, erect, keep, use or maintain on or in any City sidewalk any post or fixture for the support of any sign, awning or advertisement, or for any other purpose, without having first obtained the permission of the City Council upon the recommendation of the Director of the Department of Public Works.

(Ord. 2504, passed 6-23-1975)

§ 50-142.10 TYPE 4, COLUMN SIGNS.

(a) The term "column sign" shall apply to any advertising panel supported by or suspended from a free standing column or columns. Each of these columns shall not have a projected width on a plane perpendicular with the front property line of more than 14 inches, nor a projected width on a plain parallel with the front property line of more than 21 inches. These maximum column size requirements may be waived when erected outside the clear vision area of § 50-142.6(c), or as modified. When more than one column is used, they shall be separated a distance of not less than 30 inches at a distance of five feet above grade. Column signs shall not be erected within two feet of an interior property line.

(b) Column signs may be erected outside private property lines on application to the Division of Building and Safety Inspection, giving location, with respect to property lines, fire hydrants.

(Ord. 2504, passed 6-23-1975; Ord. 3063, passed 7-11-1988)

§ 50-142.11 TYPE 5, ROOF SIGNS.

(a) The term “roof sign” shall apply to any advertising panel erected on the roof of a building or on a wall where the sign projects above the top of the wall.

(b) Roof signs shall be included in the height of the building for compliance with the height requirements of this article.

(Ord. 2504, passed 6-23-1975)

§ 50-142.12 TYPE 6, POSTER BOARDS.

(a) The term “poster board” shall apply to any advertising panel typically erected on a free standing framework independent of a building. Large poster boards are commonly referred to as “billboards.”

(b) Poster boards or billboards, being principal uses advertising a product or service not found on the premises, shall not restrict the view of on-premises advertising and thus shall have no part of the sign face, sign column or other sign appurtenance located closer than seven feet to a street right-of-way line nor closer than two feet to the nearest side lot line. The Director of the Division of Building and Safety Inspection shall establish building lines on streets where no plat restrictions exist. All poster boards shall be erected on structural steel frames anchored to the ground by concrete piers.

(c) Poster boards may be erected no closer than 300 feet to a residentially zoned district.

(Ord. 2504, passed 6-23-1975; Ord. 3063, passed 7-11-1988; Ord. 3281, passed 10-24-1994)

§ 50-142.13 TYPE 7, PORTABLE SIGNS.

The term “portable sign” shall apply to an unlighted advertising panel supported on a base not exceeding 100 pounds in weight. These signs shall not exceed nine square feet in area. No portable sign shall be placed in a public right-of-way, street, alley or parkway (the area between the sidewalk and curb) sidewalk or path. No portable sign shall be placed or maintained in any location which shall cause or create a dangerous or hazardous condition.

(Ord. 2504, passed 6-23-1975; Ord. 2726, passed 7-23-1979)

§ 50-142.13.1 MOBILE/TRAILER SIGNS.

Any sign on a motor vehicle or trailer which is parked on the premises for the sole purpose of advertising a business or product or service of a business located on the premises or abutting the premises is prohibited, except that a changeable message advertising panel mounted on a vehicle or free standing is permitted under the following conditions.

(a) The sign shall not have any flashing lights.

(b) No exposed lamps or bulbs are permitted.

(c) The signs shall not exceed 32 square feet in sign face area.

(d) Each individual business premises or location shall be limited to the use of one such sign on one occasion in each calendar year, the occasion not to exceed 60 consecutive days.

(Ord. 2726, passed 7-23-1979)

§ 50-142.14 TYPE 8, SPECIAL SIGNS.

(a) The term “special sign” shall apply to any advertising display such as goods, merchandise, devices, illuminating device, or any other display for advertising purposes placed out of doors and not otherwise provided for in this article. Special signs shall comply with the general provisions of § 50-142.6 hereof.

(b) The Director of the Division of Building and Safety Inspection shall make and enforce such regulations necessary to insure safe and secure structures, properly located, to safeguard life and property rights and to protect the public interest.

(Ord. 2504, passed 6-23-1975)

§ 50-142.15 MAINTENANCE OF SIGNS; PRIVILEGE FEES.

(a) Responsibility for keeping signs in good repair and in good condition rests entirely with the owner or owners of the sign.

(b) Owners of signs of Type 3 and 4 where located on public property, shall pay the City an annual privilege fee plus a fee per square foot of area of one side of sign. The fees shall be established from time to time by resolution of the City Council, kept on file by the City Clerk, and contained in Appendix A of the City Code. Provided that, if the owner is a person, organization or corporation organized and doing business exclusively for a charitable purpose, then and in that event the owner shall not be required to pay the annual privilege fee provided for herein.

(c) Annual privilege fees shall be payable on or before May 1 of each year at the Division of Building and Safety Inspection. Persons with delinquent sign privilege fees shall be charged a service charge of 1.5% per month beginning 30 days after the due date.

(d) Charges for use of the City property for signs shall be a lien thereon and during the month of April of each year the Director of Building and Safety Inspection shall certify any such charges which, as of April 1 of that year, have been delinquent six months or more to the City Assessor, who shall enter the same upon the City tax roll of that year against the premises to which the City property was used for the sign, and the charges shall be collected and the lien shall be enforced in the same manner as provided with respect to taxes assessed upon the roll; provided, that when a tenant is responsible for payment of any such charges and the City Council is so notified in writing with a true copy of the lease of the premises attached (if there is one), then no such charge shall become a lien against the premises from and after the date of the notice. However, in the event of the filing of the notice, the owner of the premises shall cause the sign to be removed and no permit shall be issued for the erection of a sign on City property for the premises until the delinquent charges have been paid and a one- year advance deposit is made.

(Ord. 2504, passed 6-23-1975; Ord. 3428, passed 2-8-1999)

ARTICLE XXVI. NONCONFORMING USES, BUILDINGS AND LOTS

§ 50-143 INTENT.

It is the policy of the City that nonconforming uses, lots and structures are disfavored and that their eventual elimination is desired. It is the intention of this article to permit the continuance of nonconforming uses, lots and structures only as provided in this article and to restrict any change or development that would tend to make them more permanent.

(Ord. 2046, passed 4-11-1968; Ord. 3633, passed 2-14-2005)

§ 50-144 AUTHORITY TO CONTINUE.

(a) An existing building or premises devoted to a use not permitted by this chapter shall not be enlarged, extended, reconstructed, substituted or structurally altered, except as required by law, or as permitted in § 50-147.

(b) Except as otherwise provided in this article, any nonconforming use, lot or structure lawfully existing on the effective date of this chapter or subsequent amendment thereto may be continued, regardless of any change in tenancy, ownership or management, so long as it remains lawful.

(Ord. 2046, passed 4-11-1968; Ord. 3633, passed 2-14-2005)

§ 50-145 NONCONFORMING USES OR STRUCTURES.

(a) When any nonconforming structure is destroyed or damaged by any means to the extent of 51% or more of the cost of replacement, as determined by the Code Enforcement Officer, the structure shall not be rebuilt, restored or re-occupied for any purpose unless it shall thereafter conform to the regulations of the district in which it is located. If the damage equals 50% or less of the replacement cost, repairs or rebuilding shall be permitted.

(b) When a nonconforming use is discontinued or ceases to exist for one year, the nonconforming use shall not thereafter be resumed.

(c) When a nonconforming use or structure is replaced by a regularly permitted use or structure, it shall thereafter conform to the regulations of the district in which it is located, and the nonconforming use may not be resumed.

(d) An extension of a nonconforming use for the sole purpose of providing required off-street parking and loading spaces shall be permitted, so long as the extension does not involve any structural alteration or enlargement of a nonconforming structure.

(e) When a public official, charged with protecting the public safety, declares a structure unsafe and orders its restoration to a safe condition, the restoration shall be permitted, except as otherwise provided in subsection (a).

(f) No nonconforming structure shall be moved, in whole or in part, to any other location on the same or a different lot unless the entire structure thereafter conforms to the regulations of the district in which it is located after being moved.

(g) No use or structure which is accessory to a principal nonconforming use or structure shall continue after the principal use or structure has ended, unless it conforms with all the regulations of this chapter.

(Ord. 2046, passed 4-11-1968; Ord. 3633, passed 2-14-2005)

§ 50-146 NONCONFORMING LOTS.

(a) Notwithstanding any other provisions of this chapter, in any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this section even though the lot does not conform to the area or width requirements of the district in which it is located. Any structure erected on such a lot shall conform to the yard dimensions and other requirements of the district in which it is located.

(b) Any lot of record at the effective date of adoption or amendment of this section, which is located in a district where residential uses are not permitted, may be used for any principal permitted use in that district, even though the lot does not conform to the area or width requirements of the district in which it is located. Any structure erected on such a lot shall conform to the yard dimensions and other requirements of the district in which it is located.

(Ord. 2046, passed 4-11-1968; Ord. 3633, passed 2-14-2005)

§ 50-147 NONCONFORMING SITE REQUIREMENTS.

A structure that is otherwise lawful and appropriate in the district in which it is located but which is nonconforming solely by reason of its failure to comply with restrictions on lot area, lot coverage, height, yards or other similar restrictions, may be continued so long as it remains otherwise lawful, subject to the following provisions.

(a) *Expansion.* Such structure may be enlarged or altered only in a manner that does not increase its nonconformity. Expansion is a change in the structure that extends a structure further into a required yard, further above the maximum height requirements or larger than the maximum cubical contents allowed by this chapter, or an increase in the mass of the structure in a required yard or above the maximum height allowed in this chapter.

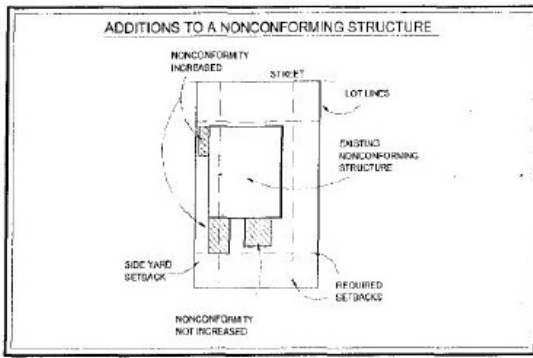


Figure 50-147

(b) *Repair or reconstruction.* Should such structure be destroyed or damaged by any means to the extent of 51% or more of its replacement cost, exclusive of the foundation, it may be reconstructed only if it thereafter conforms with all the regulations of the district in which it is located and with applicable building codes.

(c) *Relocation.* Should such structure be moved any distance for any reason, it shall thereafter conform to the regulations of the district in which it is located after being moved.

(Ord. 2046, passed 4-11-1968; Ord. 3633, passed 2-14-2005; Ord. 3704, passed 4-14-2008)

§ 50-148 SITE PLAN REVIEW REQUIRED FOR CHANGE OF USE.

A change of land use from one type of occupancy to another or from a nonconforming use to a conforming use is subject to the provisions of site plan review.

(Ord. 2046, passed 4-11-1968; Ord. 3633, passed 2-14-2005)

ARTICLE XXVII. CHANGES AND AMENDMENTS

§ 50-149 METHODS OF MAKING GENERALLY.

The City Council may, following a public hearing and receipt of reports and recommendations from the City Planning Commission, enact ordinances amending, supplementing or changing the district boundaries or the regulations established in this chapter.

(Ord. 2046, passed 4-11-1968; Ord. 2616, passed 11-28-1977; Ord. 2846, passed 7-26-1982)

§ 50-150 APPLICATION PROCEDURE.

When an amendment, supplement or change is sought by application, the applicant shall file in writing with the office of the City Planning Commission an application obtained from that office.

(a) *Who may apply.* An application shall be signed by either the freeholder, a contract purchaser, an option to purchase holder, or by his or her authorized agent. Agent authorization shall be in writing and filed with the application.

(b) *Time limitation.* Applications for amendment, supplement or change to the same zoning district classification or a less restricted zoning district classification on substantially the same parcel of land may not be submitted more often than once a year. A determination, either approving or rejecting the zoning change must be made by the City Council within six months after receiving a recommendation from the Planning Commission.

(Ord. 2046, passed 4-11-1968; Ord. 2616, passed 11-28-1977)

§ 50-151 PLANNING COMMISSION — ACTION.

(a) In all cases, the matter of changes or amendment to this chapter shall first be referred to or taken up by the Planning Commission for investigation and study and preparation of its tentative report and recommendation. The Commission shall hold a public hearing on the tentative report, changes or amendments, giving not less than 15 days' notice thereof in official paper or papers of general circulation in the City. In the cases of an individual property or several adjacent properties which are proposed for rezoning, notice of the proposed rezoning and hearing shall be given to the owners of the property in question at least 15 days before the hearing.

(b) In addition, for zoning amendments, not less than seven days' written notice shall be delivered personally or by ordinary mail, addressed to the last address shown on the assessment rolls of the City, to any persons owning property within the radius of 300 feet from any part of the property sought to be rezoned. Written notices shall set forth the property sought to be rezoned, stating its legal description or permanent parcel number and the street number, or if there is no number, the geographical location with reference to adjacent streets, the zoning change. Property owners outside of the 300 feet shall be heard at such hearing. The requirements herein set forth relative to the written notice to property owners within the 300-foot radius shall be deemed owners within the 300-foot radius shall be deemed directory rather than mandatory, notwithstanding anything in this chapter which might be construed to the contrary, and no amendment to this chapter shall be held invalid if there has been substantial compliance with this requirement.

(c) After completion of the hearing before the Planning Commission, the Planning Commission shall prepare its final report and recommendation and submit the same to the City Council at its first regular meeting in the fourth week following the meeting of the Planning Commission at which the report is made final. If there is no regular meeting of the City Council in the fourth week, then the final report shall be received at the next regularly scheduled meeting. The receipt of the final report shall be noticed in the minutes of the City Council.

(Ord. 2046, passed 4-11-1968; Ord. 2555, passed 4-26-1976; Ord. 2616, passed 11-28-1977; Ord. 2846, passed 7-26-1982)

§ 50-151.1 SAME — SITE PLAN REVIEW FOR SPECIAL LAND USE REQUESTS.*(a) Review process; standards.*

(1) Notwithstanding anything to the contrary contained in this chapter and to secure compliance with Act 638 of the Public Acts of 1978, being MCLA §§ 25.581 et seq., and MSA §§ 5.2931 et seq., in the chapter pertinent to “special land uses, conditional uses” and/or “planned unit developments, community development projects” or concepts in this chapter under different terminology designed to accomplish similar objectives of a reviewing process, hereafter such reviewing process is delegated to the Planning Commission. Any site plan review required pertinent to the foregoing is also hereby similarly delegated to the Planning Commission. Any site plan review required pertinent to the foregoing is also hereby similarly delegated, notwithstanding any other applicable provisions of this chapter or any other ordinance of the City to the contrary.

(2) In addition to specific standards which may be applicable, the following standards shall serve as the basis for decisions involving special land uses, planned unit developments, and other discretionary decisions contained in this chapter. The proposed use or activity shall:

- a. Be compatible with adjacent uses of land;
- b. Be consistent with and promote the intent and purpose of this chapter, the Master Plan and other adopted renewal plans;
- c. Be compatible with the natural environment;
- d. Be consistent with the capabilities of public services and facilities affected by the proposed use; and
- e. Protect the public health, safety and welfare.

(b) Applications for conditional uses and community development projects.

(1) *Filing of applications.* Any application under the provisions of this chapter may be taken by any property owner, or option holder with the consent of the property owner, or by a tenant, or by a governmental officer, department, board or bureau. Such applications shall be filed with the Building Inspector, who shall transmit the same to the designated Planning Official.

(2) *Report.* The designated Planning Official shall investigate the application and submit a report thereto, together with his or her recommendation to the Commission.

(3) *Hearings.* The Commission shall fix a reasonable time for the hearing of the application for a conditional use permit or community development project, give 15 days’ public notice thereof in an official newspaper or paper of general circulation in the City, as well as notice to the parties in interest, and decide the same within a reasonable time. Each application shall be accompanied by a check, payable to the Treasurer of the City, or a cash payment, to cover the cost of publication, posting and hearings. The amount shall be established from time to time by resolution of the City Council, kept on file by the City Clerk, and contained in Appendix A of the City Code. At the hearings, any party may appear in person or be represented by an agent or attorney. Parties of interest shall include the applicant and all owners of record of any real property within 300 feet of the premises in question. The owners of record for the purposes hereof shall be those persons appearing on the assessment rolls of the City. The required notice shall be delivered personally or by mail addressed to the respective owners at the address given on the last assessment roll.

(4) *Decision of Commission.* The Commission shall decide all applications and appeals within 30 days after the final hearing thereon. A certified copy of the Commission’s decision shall be transmitted to the applicant and to the Building Inspector. Such decision shall be binding upon the Building Inspector and observed by him or her and he or she shall incorporate the terms and conditions of the same in the permit to the applicant, whenever a permit is authorized by the Commission. The decision of the Commission is appealable to the Zoning Board of Appeals by either the applicant or by 20% of the owners of real property within 300 feet of the premises in question.

(Ord. 2846, passed 7-26-1982; Ord. 3043, passed 8-24-1987; Ord. 3080, passed 10-24-1988; Ord. 3429, passed 2-8-1999)

§ 50-151.2 NOTIFICATION WHEN LAND USE IS SIGNIFICANTLY AFFECTED BY AN ADMINISTRATIVE DECISION.

Where an individual, partnership, limited partnership, corporation or any other organization has gone before the Planning Commission to seek a change in a zoning ordinance for a specific parcel or property, and the requested change is rejected by the City Council: before a subsequent request to the Zoning Administrator or his or her designee regarding any portion of the same parcel of property can be approved, actual notice must be sent to all persons living within 300 feet of the property in question. If any appeal is not filed pursuant to § 50-159 within 20 days of the actual notice, the Zoning Administrator or his or her designee may then act upon the requested use.

(Ord. 3104, passed 7-24-1989)

§ 50-152 ACTION BY CITY COUNCIL.

(a) At the meeting at which the final report for the Planning Commission is received, the Chief Legal Officer shall present for introduction and public hearing an ordinance effectuating the zoning changes recommended by the Planning Commission and, in cases of unfavorable action by the Planning Commission, effectuating the zoning change sought by the applicant.

(b) Notice of such public hearing before the City Council stating the time and place of the hearing shall be published in an official paper of general circulation in the City not less than 15 days prior to the public hearing. Not less than 15 days’ notice of the time and place of the hearing shall be given by registered United States mail to each public utility company and to each railroad company owning or operating any public utility or railroad within the districts or zones affected. After second reading, ordinance and map shall be published as required by law.

(c) The City Council may adopt such proposed change, supplement or amendment in the form submitted to it, or with amendments, or may refer the matter back to the Planning Commission; provided, that in case of protest against a proposed amendment, supplement or change be presented, duly signed by the owners of 20% or more of the frontage proposed to be altered, or by the owners of 20% of the frontage directly opposite the frontage proposed to be altered, the amendment shall not be passed except by three-fourths vote of the City Council.

(d) If an ordinance effectuating a zoning change fails of passage after the public hearing before the City Council, or is referred back to the Planning Commission, rezoning of the lot or parcel in question shall not take place, under any circumstances, except upon compliance with the procedures set forth in § 50-151.

(Ord. 2046, passed 4-11-1968; Ord. 2616, passed 11-28-1977)

§ 50-153 ZONING CHANGE FEES.

An applicant for an amendment, supplement or change of zoning shall pay a sum to the office of the Planning Commission at the time the application is filed, to cover the cost of processing the same. This sum shall be established from time to time by resolution of the City Council, kept on file by the City Clerk, and contained in Appendix A of the City Code.

(Ord. 2046, passed 4-11-1968; Ord. 2616, passed 11-28-1977; Ord. 3043, passed 8-24-1987; Ord. 3080, passed 10-24-1988; Ord. 3429, passed 2-8-1999)

§ 50-154 ZONING CERTIFICATE OR BUILDING PERMIT NOT TO BE ISSUED WHILE ZONING MAP CHANGE PENDING.

Whenever the City Council has taken under advisement a change or amendment to the zoning map from a less restricted district to a more restricted district classification, as evidenced by resolution of record, no zoning certificate or building permit shall be issued within 30 days from the date of such resolution which would authorize the construction of a building or the establishment of a use which would become nonconforming under the contemplated redistricting plan.

(Ord. 2046, passed 4-11-1968)

ARTICLE XXVIII. BOARD OF APPEALS**§ 50-155 COMPOSITION; APPOINTMENT AND TERM OF MEMBERS.**

The Board of Appeals shall consist of ten voting members, nine appointed by the City Council, one from each of the nine wards of the City, and one member of the Planning Commission. The Planning Commission shall recommend a member of the Planning Commission to be appointed by the City Council. Each member shall be appointed for a term of three years, except the member of the Planning Commission shall serve for a term of one year. The City Planner shall be the Secretary of the Board and shall have no vote.

(Ord. 2046, passed 4-11-1968; Ord. 2608, passed 7-25-1977; Ord. 2888, passed 12-12-1983; Ord. 3683, passed 9-25-2006; Ord. 3697, passed 12-10-2007)

§ 50-155.1 CAUSES FOR REMOVAL FROM BOARD.

(a) Causes for removal of Board members (including alternates) from the Board by the City Council shall include malfeasance, misfeasance, nonfeasance generally and in particular:

(1) Failure to maintain reasonable familiarity with State statutes and local Code provisions and any other ordinances and rules affecting the Board or failure to be governed thereby;

(2) Failure to disclose conflicts of interest for the purposes of disqualification when a member has a personal or monetary interest in the matter involved, or will be directly affected by a decision of the Board; and

(3) Failure to attend three consecutive regular meetings or more than one-half of the last 12 regular meetings may require a hearing by the Board at its next regular meeting following receipt of an attendance report from the Zoning Administrator. The Board shall determine at that hearing if the circumstances warrant removal or continuation of the member(s) in the appointment and shall transmit only a recommendation of removal to the City Council.

(b) The City Council may remove the member from the Board upon Board recommendation.

(Ord. 3094, passed 3-13-1989; Ord. 3697, passed 12-10-2007)

§ 50-156 ORGANIZATION; ELECTION OF CHAIRPERSON; ADOPTION OF RULES; MEETINGS; RECORDS.

(a) The Board of Appeals shall organize, elect its Chairperson and adopt rules for its own government in accordance with this chapter. Meetings of the Board shall be held at the call of the Chairperson, and at such other times as the Board may determine.

(b) The Chairperson, or in his or her absence the Acting Chairperson, may administer oaths and the Board may compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating that fact, and shall keep records and its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

(Ord. 2046, passed 4-11-1968; Ord. 3697, passed 12-10-2007)

§ 50-157 QUORUM; VOTES REQUIRED FOR ACTION.

Six members of the Board of Appeals shall constitute a quorum. The Board shall act by resolution or motion, and the concurring vote of a majority of the members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Building Inspector or any other administrative official, or to decide in favor of an applicant in any matter on which it is required to pass under this chapter, or to effect a variance from the requirements stipulated in this chapter, except that a concurring vote of two-thirds of the members of the Board shall be necessary to grant a variance from uses of land permitted in this chapter. The grounds of every such determination shall set forth upon the record.

(Ord. 2046, passed 4-11-1968; Ord. 2665, passed 10-9-1978; Ord. 2880, passed 7-11-1983; Ord. 3296, passed 5-8-1995; Ord. 3697, passed 12-10-2007)

§ 50-158 ASSISTANCE OF OTHER CITY DEPARTMENTS.

The Board of Appeals may call upon the several City departments for assistance in the performance of its duties. It shall be the duty of such departments to render such assistance to the Board as may reasonably be required.

(Ord. 2046, passed 4-11-1968; Ord. 3697, passed 12-10-2007)

§ 50-159 APPLICATIONS; APPEALS, HEARINGS AND THE LIKE.

(a) *Filing of applications.* An application, in cases in which the Board of Appeals has original jurisdiction under the provisions of this chapter may be taken by any property owner, or option holder, or by a tenant, with the consent of the property owner, or by a governmental officer, department, board or

bureau. Such applications shall be filed with the Planning and Zoning office.

(b) *Report on application.* The Planning and Zoning office shall investigate the application and submit a report to the Board.

(c) *Filing of appeals.* An appeal to the Board may be taken by any person aggrieved by a decision of the Building Inspector or aggrieved by any action taken under this chapter by any of the administrative officials of the City charged with enforcement of the same, or by any officer, department, board or bureau of the City affected by any decision of the Building Inspector. Such appeal shall be taken within 20 days after the decision by filing with the Planning and Zoning office a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Zoning Board of Appeals all papers constituting the record upon which the action appealed from was taken.

(d) *Report on appeal.* The Planning and Zoning office shall investigate the appeal and submit a report to the Board.

(e) *Notice requirements and fees.* The Board shall subscribe to all of the following notice requirements as set forth by Michigan law.

(1) The City Planner or designee shall publish notice of the request for hearing in a newspaper of general circulation in the City of Flint.

(2) Notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within 300 feet of the property and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction.

(3) The notice shall be given not less than 15 days before the date the application will be considered for approval. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection. The notice shall do all of the following:

a. Describe the nature of the request;

b. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses need not be created and listed. If no such addresses exist within the property, other means of identification may be used;

c. State when and where the request will be considered; and

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

(4) Each application or appeal shall be accompanied by a check, payable to the City of Flint, or a cash payment to cover the cost of publication or posting, mailing the notices of the hearing or hearings and work performed in relation to the application. The amount shall be established from time to time by resolution of the City Council, kept on file by the City Clerk, and contained in Appendix A of the City Code. At the hearing, any party may appear in person or be represented by an agent or attorney.

(f) *Decision of the Board.*

(1) The Board shall decide all applications and appeals within 30 days after the final hearing thereon. A copy of the Board's decision shall be transmitted to the applicant or appellant, and to the Building Inspector. The decision shall be binding upon the Building Inspector and observed by him or her, and he or she shall incorporate the terms and conditions of the same in the permit to the applicant or appellant, whenever a permit is authorized by the Board.

(2) The decision of the Board shall not become final until the expiration of five days from the date of entry thereof, unless the Board shall find the immediate taking effect of such decision is necessary for the preservation of property or personal rights and shall so certify on the record.

(g) *Stay of proceedings.* An appeal shall stay all proceedings regarding the action on appeal, unless the entity or officer from which the appeal is taken certifies to the Board, that a stay would cause imminent peril to life or property. The entity or officer described above shall state the factual basis for the opinion provided in a certificate provided to the Board. Otherwise, proceedings shall only be stayed by a restraining order granted by the Zoning Board of Appeals or circuit court.

(Ord. 2046, passed 4-11-1968; Ord. 3043, passed 8-24-1987; Ord. 3080, passed 10-24-1988; Ord. 3429, passed 2-8-1999; Ord. 3697, passed 12-10-2007)

§ 50-159.1 EXTENDED APPEAL OF AN ADMINISTRATIVE DECISION.

(a) An appeal of an administrative decision may be filed after 20 calendar days if the party filing the appeal did not receive actual notice of the administrative decision.

(b) The decision to hear an appeal described in subsection (a) must be approved by not less than six members of the Zoning Board of Appeals (ZBA).

(c) The ZBA does not have the authority to hear an appeal of an administrative decision filed more than 30 calendar days after the appealing party has received actual or constructive notice.

(d) An appeal taken to the ZBA under this section shall be consistent with the procedures established in § 50-159 hereof.

(Ord. 3103, passed 7-24-1989; Ord. 3697, passed 12-10-2007)

§ 50-160 POWERS GENERALLY.

The Board of Appeals shall have the following powers:

(a) *Variations and interpretations of zoning map.* The Board shall have the power to hear and decide, in accordance with the provisions of this chapter, applications, filed as provided in this article, for variances or interpretation of the zoning map, or for decisions upon other special questions upon which the Board is authorized to pass by this chapter. In considering an application for a variance, the Board shall give due regard to the nature and condition of all adjacent uses and structures; and in authorizing a variance, the Board may impose such requirements and conditions with respect to location, construction, maintenance and operation, in addition to those expressly stipulated in this chapter for the particular variance, as the Board may deem necessary for the protection of adjacent properties and the public interest.

(b) *Other uses.* In addition to permitting the variances already specified, the Board shall have the power to permit the following: temporary structures and uses. The Board may authorize the temporary use of a structure or premises in any district for a purpose or use that does not conform to the regulations prescribed in this chapter for the district in which it is located; provided, that such use is of a temporary nature and does not involve the erection of a

substantial structure. A zoning certificate for such use shall be granted in the form of a temporary and revocable permit, for not more than a 12-month period, subject to such conditions as will safeguard the public health, safety, convenience and general welfare.

(c) *Interpretation of zoning map.* Where the street or lot layout actually on the ground, or as recorded, differs from the street and lot lines as shown on the zoning map, the Board, after notice to the owners of the property and after public hearing, shall interpret the map in such a way as to carry out the intent and purpose of this chapter. In case of any question as to the location of any boundary line between zoning districts, a request for interpretation of the zoning map may be made to the Board and a determination shall be made by the Board.

(d) *Interpretation of zoning ordinance text.* The Board shall have the authority to interpret the text of the City of Flint zoning ordinance; and any such determination on this subject shall be final and appealable to the Circuit Court for the County of Genesee.

(e) *Administrative review.*

(1) *Hearings.* The Board shall have the power to hear and decide appeals, filed as provided in this article, where it is alleged by the appellant that there is error in any order, requirements, decision, determination, grant or refusal made by the Building Inspector or other administrative official in the enforcement and interpretation of the provisions of this chapter.

(2) *Decisions.* The Board shall, within its prescribed authority, have the power to make its own, or reverse, affirm or modify, either in whole or in part, any order, requirement, decision or determination made by the Building Inspector or other administrative official that is before it.

(f) *Variances.* The Board shall have the power to authorize upon application or appeal in specific cases filed as provided in this article, such variances from the terms, provisions or requirements of this chapter and as otherwise provided in the Code of ordinances as will not be contrary to the public interest; provided, that such variances shall be granted only in such cases where, owing to special and unusual conditions pertaining to a specific piece of property, the literal enforcement of the provisions or requirements of this chapter would result in practical difficulty or unnecessary hardship. In authorizing a variance, the Board may attach thereto such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the interest of the furtherance of the purposes of this chapter and in the public interest. In authorizing a variance, with attached conditions, the Board shall require such evidence and guarantee or bond as it shall deem to be necessary to enforce compliance with the conditions attached.

(g) *Use variance.*

(1) *Purpose.* A use variance allows a use in a zoning district that is otherwise not allowed in that district under the terms of the zoning ordinance. An applicant must show undue hardship to be granted a use variance.

(2) *Findings of the Board.* No such use variance shall be authorized by the Board unless the Board finds that all the following facts and conditions exist:

- a. The property cannot be used (put to a reasonable use) for the purposes permitted in that zone;
- b. The plight is due to unique circumstances peculiar to the property and not to general neighborhood conditions;
- c. That the proposed use will not alter the essential character of the area;
- d. The problem was not a self-created hardship; and
- e. Issuance of the variance would still ensure that the spirit of the ordinance is observed, public safety secured and substantial justice done.

(h) *Nonuse variance.*

(1) *Purpose.* A nonuse variance is a variance relating to the construction, structural changes or alterations of buildings or structures related to dimensional requirements of the zoning ordinance or to any other nonuse-related standard in the ordinance. An applicant must show “practical difficulty” to be granted a nonuse variance.

(2) *Findings of the Board.* No such nonuse variance shall be authorized by the Board unless the Board finds that all the following facts and conditions exist:

- 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 is the minimum necessary to provide adequate relief to the applicant and is not so large that it is unfair to similarly situated property owners who managed to comply with the requirements or make do with a smaller variance;
- 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 a self-created hardship. In this instance “self-created” includes actions by the current owner or past owners of the property; and
- e. Issuance of the variance would still ensure that the spirit of the ordinance is observed, public safety secured and substantial justice done.

(i) *Expiration of variance.*

(1) Variance approval is valid for one year from the date of approval. If the applicant has not established the use in the case of a use variance or pulled a building permit to construct the structure authorized by a nonuse variance, variance approval shall expire. If a building permit is issued within a year of the variance approval but the building is not completed before expiration of the building permit and the permit is not extended, the variance approval shall expire.

(2) A use variance that ceases to be used for 12 consecutive months shall expire. Where applicable, the 12-month period shall begin to run from the date the use variance is approved.

(Ord. 2046, passed 4-11-1968; Ord. 2846, passed 7-26-1982; Ord. 3392, passed 1-11-1999; Ord. 3697, passed 12-10-2007)

ARTICLE XXIX. SPECIAL REGULATED USES

§ 50-161 PURPOSE.

(a) In the development of a community it is recognized that there are some uses which, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this article. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area.

(b) Uses subject to these controls are as follows:

(1) Group "A" — Special regulated uses:

Adult bookstore
Adult motion picture theater
Adult mini motion picture theater
Establishments for consumption of beer or intoxicating liquor on the premises and having adult entertainment
Massage establishments
Steam baths
Any other use, including a group B special regulated use, which provides goods or services which are distinguished or characterized by their emphasis on matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas"

(2) Group "B" - Special regulated uses:

Liquor stores
Pawnshops
Tattoo establishments

(3) Group "C" - Special regulated uses:

Gaming tables
Pool or billiard halls

(4) Group "D" - Special regulated uses:

Wireless telecommunication antennas
Wireless telecommunication facilities
Wireless telecommunication towers

(Ord. 2599, passed 4-25-1977; Ord. 2872, passed 3-14-1983; Ord. 3286, passed 12-12-1994; Ord. 3289, passed 1-9-1995; Ord. 3501, passed 10-14-2002; Ord. 3669, passed 11-28-2005)

§ 50-162 APPLICATION TO ESTABLISH A SPECIAL REGULATED USE.

(a) Application to establish any of the special regulated uses as itemized in § 50-161 shall be made to the Planning and Zoning Office. Applications to establish special regulated uses are subject to approval by the Planning Commission and all requirements of this article.

(b) An approved application for a special regulated use, except a group "D" use, shall become null and void if the use has not commenced within three months of the approval date, unless the Planning Commission grants an extension within that time. An extension may be granted by the Planning Commission, at its sole discretion, upon request by the applicant at any regularly scheduled meeting.

(Ord. 2599, passed 4-25-1977; Ord. 3669, passed 11-28-2005)

§ 50-163 LOCATIONAL STANDARDS — RELATIONSHIP TO SIMILAR USES.

(a) *Group "A" special regulated uses (§ 50-161)*. An application to establish a group "A" special regulated use shall not be approved if there is already in existence two or more group "A," group "B" or group "C" special regulated uses within 2,000 feet of the boundaries of the site of the proposed regulated uses.

(b) *Group "B" special regulated uses (§ 50-161)*. An application to establish a group "B" special regulated use shall not be approved if there is already in existence four or more group "B" or group "C" special regulated uses within 2,000 feet of the boundaries of the site of the proposed regulated uses.

(c) *Group "C" special regulated uses (§ 50-161)*. An application to establish a group "C" special regulated use shall not be approved if there are already in existence four or more group "C" special regulated uses within 2,000 feet of the boundaries of the site of the proposed regulated use.

(Ord. 2599, passed 4-25-1977; Ord. 3286, passed 12-12-1994; Ord. 3669, passed 11-28-2005)

§ 50-164 LOCATIONAL STANDARDS — RELATIONSHIP TO RESIDENTIAL AREA AND OTHER USES.

(a) *Group “A” special regulated uses (§ 50-161).* An application to establish a group “A” special regulated use shall not be approved if the proposed location is within 1,000 feet of any residentially zoned district, mobile home park, K through 12 school, park or church.

(b) *Group “B” special regulated uses (§ 50-161).* An application to establish a group “B” special regulated use shall not be approved if the proposed location is within 300 feet of a residentially zoned district, mobile home park, K through 12 school, dedicated park or church.

(c) *Group “C” special regulated uses (§ 50-161).* An application to establish a group “C” special regulated use shall not be approved if the proposed location is within 200 feet of a residentially zoned district, mobile home park, K through 12 school, park or church, except in the D-4 zoning district where this locational standard is waived.

(Ord. 2599, passed 4-25-1977; Ord. 2727, passed 7-23-1979; Ord. 3669, passed 11-28-2005)

§ 50-165 SPECIAL ADDITIONAL REQUIREMENTS.

The following requirements apply to all group “A” and group “B” special regulated uses.

(a) The use must be located in a single free standing building on premises devoted exclusively to the regulated use. A shared or common-wall building or shopping center is not a single, freestanding building.

(b) The exterior color of the building must be approved by the Planning Commission.

(c) The building and site shall be so designed, constructed and maintained that displays, decorations or signs depicting, describing or relating to specific sexual activities or specified anatomical areas are not visible from a public right-of-way or adjacent property.

(d) The building in which the use is located shall not be connected to any other business, dwelling or living quarters of any type.

(e) The building in which the use is located shall not, during business hours, have the principal entrance and exit doors locked or obstructed in any manner that impedes the ingress and egress of patrons.

(Ord. 3669, passed 11-28-2005)

§ 50-165.5 STANDARDS FOR WIRELESS TELECOMMUNICATION FACILITIES AND WIRELESS TELECOMMUNICATION ANTENNA AND TOWERS.

(a) All wireless telecommunication facilities shall be subject to the requirements of this section, as well as any other applicable provisions of this article and the Flint City Code. If at any time a wireless telecommunication facility does not meet the provisions and regulations of this article, the facility must be removed as provided in subsection (l).

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

CO-LOCATION. The ability to attach wireless antenna to existing structures which could include towers, rooftops, utility lines, church spires and the like.

WIRELESS TELECOMMUNICATION ANTENNA. The device through which wireless telecommunication signals, as authorized by the Federal Communications Commission, are transmitted or received. Not included are AM/FM radio antenna, television antenna, satellite dishes and licensed amateur radio facilities.

WIRELESS TELECOMMUNICATION EQUIPMENT SHELTER. The structure in which the electronic receiving and transmitting equipment for a wireless telecommunications is housed.

WIRELESS TELECOMMUNICATION FACILITY. A facility consisting of all structures and equipment involved in transmitting and/or receiving telecommunication signals from mobile communication sources and transmitting those signals to a central switching computer, which connects the mobile unit to the land-based telephone system. These facilities include but are not limited to private and commercial mobile radio service facilities, personal communication services (PCS) towers, and cellular telephone towers. Not included in this definition are AM/FM radio towers, television towers, satellite dishes and federally licensed amateur radio facilities.

WIRELESS TELECOMMUNICATION STEALTH DESIGN. Telecommunication facilities, including towers and antennas camouflaged in ways to minimize visibility and blend with their surroundings.

WIRELESS TELECOMMUNICATION TOWER. A structure intended to support equipment used to transmit and/or receive telecommunication signals including, but not limited to, monopoles, freestanding lattice structures and guyed lattice structures.

(c) *Zoning district requirements.* Wireless telecommunication facilities shall be permitted with the following conditions.

(1) No new wireless telecommunication towers shall be permitted in the single-family districts (A districts), two-family or townhouse districts (B districts), multifamily districts (C districts), office districts (D-1 districts), neighborhood business districts (D-2 districts), community business districts (D-3 districts), metropolitan business districts (D-4 districts) and metropolitan commercial-service districts (D-5 districts). Stealth design of wireless facilities, towers and antennas shall be permitted as a special regulated land use. Co-locations on existing wireless telecommunication facilities or existing structures that do not require any additional height shall be a permitted use.

(2) Wireless telecommunication facilities shall be permitted as a special regulated land use in the general and highway commercial service district (D-6 district), heavy commercial districts (E districts), intermediate manufacturing districts (F districts) and the heavy manufacturing districts (G districts).

(3) All telecommunication wireless facilities shall be prohibited in the parking district as defined in Article XV-A.

(4) New wireless telecommunication facilities, towers or antennas located within a historic district shall be prohibited. Stealth design of wireless facilities, towers or antennas shall be permitted as a special regulated land use upon review and approval of the Flint Historic District Commission and the regulations set forth in this section. Co-location on existing wireless telecommunication facilities or existing structures that do not require additional height shall be a permitted use upon review and approval by the Flint Historic District Commission.

(5) New wireless telecommunication towers located within a City park shall be prohibited. Stealth design of wireless facilities, including towers and antennas, shall be permitted as a special regulated land use. Co-locations on existing wireless telecommunication facilities or existing structures that do not require any additional height shall be a permitted use.

(d) *Compliance with Federal regulations.*

(1) All telecommunication facilities shall comply with current regulations of the Federal Aviation Administration (FAA) and the Federal Communications Commission (FCC) or any other Federal or State agency with authority to regulate telecommunication facilities, including towers and/or antennas.

(2) In the event of a change in Federal or State regulation, the owner of the telecommunication facility shall bring it into compliance with the revised regulations within six months of the effective date of such regulations, unless a different compliance schedule is mandated by the State or Federal agency.

(e) *Compliance with building codes.* All wireless telecommunication shall be constructed in compliance with all applicable building codes, including the Electronic Industries Association/Telecommunication Industry (EIA/TIA) standards for the construction of facilities including towers, antenna and support structures.

(f) (1) *General site location requirements.* No new wireless telecommunication towers shall be permitted within a radius of 1,000 feet of an existing wireless telecommunication tower unless the applicant can demonstrate that the existing telecommunication tower is unsuitable for technical or structural reasons.

(2) *Setback requirements.*

a. In nonresidential zoning districts, wireless telecommunication towers shall be set back at least 50% of the tower height from any adjoining property zoned for nonresidential use.

b. In residential zoning districts, wireless telecommunication towers shall be set back at least 50% of the tower height from all adjoining property zoned for residential use.

c. Other structures associated with the wireless telecommunication tower (such as equipment shelters, guy wire anchors) shall comply with the setback requirements of the district in which the tower is located.

d. The setback requirements of this section are minimums. The Planning Commission may require additional setback distance as part of a special land use approval.

(3) *Co-location requirements.* Unless made technically infeasible as a result of the use of stealth design, new wireless telecommunication towers shall be designed to permit co-location by at least two additional entities and proposed locations for wireless telecommunication facilities shall be adequately sized and configured to allow the placement of at least two additional telecommunication equipment shelters.

(4) *Tower design.* Wireless telecommunication towers that are not of stealth design shall be constructed as freestanding structures (monopole or lattice towers, as approved by the Planning Commission) and shall have a neutral surface finish color to reduce visual obtrusiveness, except as otherwise required by a State or Federal agency.

(5) *Signs.* Wireless telecommunication facilities shall not be used for advertising purposes. Wireless telecommunication facilities shall display one sign, not to exceed two square feet, which identifies the service provider and an emergency telephone number. These restrictions shall not apply to any safety signs placed on the security fence or tower.

(6) *Fencing.* Wireless telecommunication facilities shall be enclosed by a solid screening fence not less than six feet in height. The Planning Commission shall review the need for the installation of anti-climbing devices and make a determination based on adjacent land use and zoning patterns.

(7) *Screening.* Wireless telecommunication facilities shall be effectively screened with a landscape buffer, approved by the Planning Commission, to obscure views of the tower base, equipment shelter, security fencing, or guy wire anchors from adjacent uses and public rights-of-way. Locations where the visual impact of the tower will be minimal or where existing vegetation provide an effective natural screen or where the security requirements of the principal use prevent screening (utility substations), the Planning Commission may modify this requirement.

(8) *Lighting.* Wireless telecommunication towers shall not be artificially lighted unless required by the FAA, FCC or other agency with jurisdictional authority. If lighting is required by Federal regulation, the applicant shall use the least intrusive form of lighting acceptable under the controlling regulation.

(9) *Equipment shelter design.* The design and materials used in the construction of the equipment shelter shall, to the extent possible, blend the structure with the surrounding built or natural environment. The equipment shelter shall not exceed 15 feet in height.

(10) *Off-street parking.* New wireless telecommunication facilities of non-stealth design shall provide one off-street parking space to accommodate maintenance vehicles if practicable. Driveways and parking spaces serving such facilities may have a gravel surface provided the surface is maintained in a dust-free condition and graded to maintain proper drainage.

(g) *Permitted additional antenna.* Wireless telecommunication antenna shall be considered a permitted accessory use when placed on or attached to any existing wireless telecommunication structure, provided that all other applicable ordinance requirements are complied with. Any initial wireless telecommunication antenna placed on an alternative tower structure shall be subject to the same review and approval procedures as a new wireless telecommunication facility. Subsequent antennas on alternative tower structures shall be considered permitted accessory uses in all districts.

(h) *Permitted tower placement.* An existing wireless telecommunication tower may be placed for the purposes of accommodating the co-location of additional wireless telecommunication antennas subject to the following review and approval process:

(1) Tower replacements that result in the addition of 50 or fewer feet of additional tower height shall require site plan view and approval by the Planning Commission;

(2) Tower replacements that result in the addition of more than 50 feet in height shall require special land use review and approval by the Planning Commission; and

(3) Tower replacements that require the installation of tower lights shall require special land use review and approval by the Planning Commission.

(i) *Site plan procedures.* As shown in § 50-8.3.

(j) *Application requirements.* In addition to any other applicable requirements of Article XXIX, the following information shall be provided in support of an application to initially construct a wireless telecommunication tower:

(1) Certification from a Michigan licensed professional engineer as to the manner in which the proposed wireless telecommunication tower is designed to collapse;

(2) A report that addresses the review criteria contained in subsection (k) below. This report shall include a map depicting the existing and known proposed location of telecommunication including telecommunication wireless towers, wireless telecommunication antenna attached to alternative tower structures, within a one-mile radius of the proposed site. This includes wireless telecommunication towers located within adjacent jurisdictions within the one-mile radius;

(3) The name, address and telephone number of the person to contact regarding site maintenance or other notification purposes. The tower owner shall periodically update this information; and

(4) A statement that indicates the applicant's intent to allow the co-location of other antenna, provided that the cost of modifying the existing tower is borne by the co-locating entity and reasonable compensation is paid by the co-locating entity.

(k) *Review criteria.* A wireless telecommunication tower shall not be approved unless it can be demonstrated by the applicant that there is a need for the tower which cannot be met by placing wireless telecommunication antenna on an existing tower or other suitable structure, or placement of an existing tower:

(1) No existing towers or alternative tower structures have the structural capacity to support the proposed antenna, nor can existing towers or alternative tower structures be reinforced to support the proposed antenna;

(2) No existing towers or alternative tower structures are located within the geographic area that meets the system's engineering requirements;

(3) The cost of using an existing tower or other suitable structure or replacing an existing tower exceeds the cost of constructing a new wireless telecommunication tower; or

(4) The installation or use of an alternative communication technology is unsuitable or infeasible.

(l) *Removal of abandoned facilities.* Any wireless telecommunication tower or antenna that is not operated for a continuous period of 12 months shall be considered abandoned and the owner of such tower or antenna shall remove the same within 90 days of receiving an abandonment notification from the City. Failure to remove an abandoned tower or antenna within 90 days shall be grounds for the removal of the tower or antenna at the owner's sole expense.

(m) *Bond.* Applicant shall provide the City with proof of an annual performance bond in the amount of \$7,500.00 to ensure that the applicant will comply with the provisions set forth in subsection (l) regarding the removal of an abandoned tower and/or antenna.

(n) *Inspection.* An inspection of the wireless telecommunication facility shall be required every two years after the completion of improvements. The inspection shall be carried out by the owner of the facility and shall certify the structural integrity of the wireless telecommunication facility. The inspection certification shall be submitted to the department budget, grants and development and filed with the site permit documents. If the Department of Budget, Grants and Development determines that an inspection has not been completed within the two-year time period, a notice will be sent to the owner. The owner shall have 30 days in which to comply with this requirement. If the inspection is not completed within the 30 days, the permit for the wireless telecommunication facility will be revoked.

(Ord. 3501, passed 10-14-2002; Ord. 3669, passed 11-28-2005)

§ 50-166 RESERVED.

§ 50-167 CONDITIONS AND LIMITATIONS.

(a) The Planning Commission may impose any conditions or limitations upon the establishment, location, construction, maintenance or operations of regulated use as may in its judgment be necessary for the protection of the public interest. Any evidence and guarantee may be required as proof that the conditions stipulated in connection therewith will be fulfilled.

(b) Any special regulated use that ceases for more than 30 days shall not be resumed except by application and approval pursuant to § 50-162, unless the hiatus is caused by physical damage to the premises amounting to not more than 50% of the value thereof.

(c) No special regulated use may be expanded in any manner without approval of the Planning Commission.

(d) In the event of the death or documented long-term illness of the owner or owners of a special regulated use, a waiver of subsection (b) above may be granted by the Planning Commission at its sole discretion upon written request by the owner or the owner's estate, at any regularly scheduled meeting within 90 days of the closure of the business.

(Ord. 2599, passed 4-25-1977; Ord. 2845, passed 7-26-1982; Ord. 3669, passed 11-28-2005)

§ 50-168 RESERVED.

§ 50-169 ZONING DISTRICTS REQUIREMENTS FOR SPECIAL REGULATED USES.

(a) The special regulated uses itemized in this article shall be limited to the following zoning districts:

(1) Group "A" special regulated uses shall be allowed in D-6, E, F and G districts;

(2) Group "B" special regulated uses shall be allowed in D-5, D-6, E and F districts; and

(3) Group "C" special regulated uses shall be allowed in D-4, D-5, D-6, E and F Districts.

(b) Also, each special regulated use shall be subject to the specific requirements of each zoning district and all other applicable regulations.

(Ord. 2599, passed 4-25-1977; Ord. 3160, passed 2-25-1991; Ord. 3669, passed 11-28-2005)

ARTICLE XXX. FLOOD HAZARD MANAGEMENT**§ 50-170 SHORT TITLE.**

This article may be cited as the “Flood Hazard Management Ordinance of the City of Flint.”

(Ord. 2787, passed 12-22-1980)

§ 50-171 DEFINITIONS.

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

APPEAL. A request for a review of the Director of Building and Safety Inspections interpretation of any provisions of this article or a request for a variance.

AREA OF SHALLOW FLOODING. A designated VO zone on the flood insurance rate map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident.

AREA OF SPECIAL FLOOD HAZARD. The land in the flood plain within a community subject to 1% or greater chance of flooding in any given year.

BASE FLOOD. The flood having a 1% chance of being equaled or exceeded in any given year.

DEVELOPMENT. Any manmade change to improved or unimproved real estate, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

EXISTING MOBILE HOME PARK or MOBILE HOME SUBDIVISION. A parcel of land (or contiguous parcels of land) divided into two or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of this article.

EXPANSION TO EXISTING MOBILE HOME PARK or MOBILE HOME SUBDIVISION. The preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete or the construction of streets).

FLOOD or FLOODING. A general and temporary condition of partial or complete inundation of normally dry land area from:

- (1) The overflow of inland or tidal waters; and/or
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD INSURANCE RATE MAP (FIRM). The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY. The official report provided in which the Federal Insurance Administration has provided flood profiles, as well as the flood insurance rate maps and the water surface elevation of the base flood.

HABITABLE FLOOR. Any floor usable for living purposes, which include working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a **HABITABLE FLOOR**.

NEW CONSTRUCTION. Structures for which the start of construction commenced on or after the effective date of this article.

NEW MOBILE HOME PARK or MOBILE HOME SUBDIVISION. A parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed on or after the effective date of this article.

MOBILE HOME. A structure that is transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational or travel trailers.

START OF CONSTRUCTION. The first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation of property of accessory buildings, such as garages, or sheds not occupied as dwelling units or not as part of the main structure. For a structure without a basement or poured footings, the **START OF CONSTRUCTION** includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For mobile homes not within a mobile home park or mobile home subdivision, **START OF CONSTRUCTION** means the affixing of the mobile home to its permanent site. For mobile homes within mobile home parks or mobile home subdivision, **START OF CONSTRUCTION** is the date on which the construction of facilities for servicing the site on which the mobile home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads), and installation of utilities is complete.

STRUCTURE. A walled and roofed building, a mobile home or a gas or liquid storage tank, that is principally above ground.

SUBSTANTIAL IMPROVEMENT.

- (1) Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either:
 - a. Before the improvement means any repair is started; or
 - b. If the structure has been damaged and is being restored before the damage occurred. For the purposes of this definition “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not the alteration affects the external dimensions of the structure.
- (2) The term does not, however, include either:

a. Any project for improvement of a structure to comply with existing State or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or

b. Any alterations of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

VARIANCES. A grant of relief from the requirements of this article which permits construction in a manner that would otherwise be prohibited by this article.

(Ord. 2787, passed 12-22-1980; Ord. 2789, passed 2-23-1981)

§ 50-172 FLOOD INSURANCE STUDY ADOPTED.

The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled *The Flood Insurance Study for the City of Flint, 1980* with accompanying flood insurance rate maps is hereby adopted by reference and declared to be a part of this article. The flood insurance study is on file in the City Clerk's office of the City.

(Ord. 2787, passed 12-22-1980)

§ 50-173 ESTABLISHMENT OF DEVELOPMENT PERMIT.

(a) A development permit shall be obtained before construction or development begins within any area of special flood hazard established in § 50-171 hereof. Application for a development permit shall be made on forms furnished by the City and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing.

(b) Specifically, the following information is required:

(1) Elevation, in relation to mean sea level, of the lowest floor (including basement) of all structures;

(2) Elevation, in relation to mean sea level, to which any structure has been floodproofed;

(3) Certification by a registered professional civil engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in § 50-177 hereof; and

(4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(Ord. 2787, passed 12-22-1980)

§ 50-174 DESIGNATION OF LOCAL ADMINISTRATOR.

The Director of Building and Safety Inspections for the City is appointed to administer and he or she shall implement this article by granting or denying development permit applications in accordance with its provisions.

(a) Duties of the Director of Building and Safety Inspections shall include, but not be limited to:

(1) Review of all development permits to determine that the permit requirements of this article have been satisfied;

(2) Review all development permits to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required; and

(3) Review all development permits for compliance with the provisions of § 50-177 hereof.

(b) When base flood elevation data has not been provided in accordance with § 50-173 hereof, the Director of Building and Safety Inspections shall obtain, review and reasonably utilize any base flood elevation data available from a Federal, State or other source, in order to administer § 50-177(d)(1) and § 50-177(d)(2).

(c) The Director of Building and Safety Inspections shall perform the following duties:

(1) Obtain and record the actual elevation (in relation to mean sea level) of the lowest habitable floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement;

(2) For all new substantially improved floodproofed structures:

a. Verify and record the actual elevation (in relation to the mean sea level); and

b. Maintain the floodproofing certification required in § 50-177 hereof.

(3) Maintain for public inspection all records pertaining to the provisions of this article;

(4) Notify adjacent communities and the State coordinating agency prior to any alteration or relocation of a watercourse, and submit evidence of the notification to the Federal Insurance Administration;

(5) Require that maintenance is provided within the altered or relocated portion of the watercourse so that the flood-carrying capacity is not diminished; and

(6) Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between the mapped boundary and actual field conditions). The persons contesting the locations of the boundary shall be given reasonable opportunity to appeal the interpretation as provided in this section.

(Ord. 2787, passed 12-22-1980)

§ 50-175 VARIANCE PROCEDURE.

- (a) The Zoning Board of Appeals as established by the City shall hear and decide appeals and requests for variances from the requirements of this article.
- (b) The Zoning Board of Appeals shall hear and decide appeals when it is alleged that there is an error in any requirement, decision or determination made by the Director of Building and Safety Inspections in the enforcement or administration of this article.
- (c) Those aggrieved by the decision of the Zoning Board of Appeals may appeal the decision to the Circuit Court for Genesee County, as provided by construction, case law and statutes of the State of Michigan.
- (d) In passing upon such applications, the Zoning Board of Appeals shall consider all technical evaluations, all relevant factors, standards specified in other sections of this article, and:
- (1) The danger that materials may be swept onto other lands to the injury of others;
 - (2) The danger to life and property due to flooding or erosion damage;
 - (3) The susceptibility of the proposed facility and its contents to flood damage and the effects of such damage on the individual owner;
 - (4) The importance of services provided by the proposed facility to the community;
 - (5) The necessity to the facility of a waterfront location, where applicable;
 - (6) The availability of alternative locations for the proposed use which is not subject to flooding or erosion damage;
 - (7) The compatibility of the proposed use with existing and anticipated development;
 - (8) The relationship of the proposed use to the comprehensive plan and flood plain management program of that area;
 - (9) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (10) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
 - (11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water system, and streets and bridges.
- (e) Upon consideration of the factors enumerated in § 50-178, and the purpose of this article, the Zoning Board of Appeals may attack such conditions to the granting of variances as it deems necessary to further the purpose of this article.
- (f) The Zoning Administrator shall maintain the records of all appeal actions including technical information and report any variances to the Federal Insurance Administration upon request.

(Ord. 2787, passed 12-22-1980)

§ 50-176 CONDITIONS FOR VARIANCES.

- (a) Generally variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided § 50-175(d)(1) through (d)(11) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- (b) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.
- (c) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (d) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford the relief.
- (e) Variances shall only be issued upon:
- (1) A showing of good and sufficient cause;
 - (2) A determination that failure to grant the variance is the minimum necessary, considering flood hazard, to afford the relief; and
 - (3) A determination that failure to grant the variance would not result in the increased flood height, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in § 50-173 hereof, or conflict with existing laws or ordinances.
- (f) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(Ord. 2787, passed 12-22-1980)

§ 50-177 PROVISIONS FOR FLOOD HAZARD REDUCTION.

- (a) *General standards.* In all areas of special flood hazards the following standards are required.
- (1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
 - (2) Construction materials and methods:
 - a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage; and
 - b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(3) All mobile homes shall be anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors. Special requirements shall be that:

- a. Over-the-top ties be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations, with mobile homes less than 50 feet long requiring one additional tie per side;
- b. Frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with mobile homes less than 50 feet long requiring four additional ties per side;
- c. All components of the anchoring system be capable of carrying a force of 4,800 pounds; and
- d. Any additions to the mobile home be similarly anchored.

(b) *Utilities.*

- (1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- (2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate flood waters into the system and discharge from the systems into flood waters.
- (3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(c) *Subdivision proposals.*

- (1) All subdivision proposals shall be consistent with the need to minimize flood waters.
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems, located and constructed to minimize flood damage.
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
- (4) Base flood elevation data shall be provided, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one-tenth of a foot at any point.

(d) *Specific standards.* In all areas of special flood hazard where base flood elevation data has been provided as set forth in § 50-172 hereof, or in § 50-178, the following standards are required:

- (1) *Residential construction.* New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation.
- (2) *Nonresidential construction.* New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including the basement elevated to the level of the base flood elevation; or, together with the attendant utility and sanitary facilities, shall:
 - a. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
 - b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and/or
 - c. Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certification shall be provided to the officials as set forth in § 50-173(b)(3).

(3) *Mobile homes.*

- a. Mobile homes shall be anchored in accordance with § 50-177(a)(3); and
- b. For the new mobile home parks and mobile home subdivisions; for expansions to existing mobile home parks and mobile home subdivisions; for existing mobile home parks and mobile home subdivisions where repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds 50% of the value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced; and for mobile homes not placed in mobile home parks or mobile home subdivisions, require that:
 1. Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the base flood level;
 2. Adequate surface drainage access for a hauler are provided; and
 3. In the instance of elevation on pilings that:
 - i. Lots are large enough to permit steps;
 - ii. Piling foundations are placed in stable soil no more than ten feet apart; and
 - iii. Reinforcement is provided for pilings more than six feet above the ground level.

(Ord. 2787, passed 12-22-1980; Ord. 2789, passed 2-23-1981)

§ 50-178 FLOODWAY.

Located within areas of special flood hazard as established in § 50-172 hereof are areas designated as floodway. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions apply:

- (a) Prohibited encroachments, including fill, new construction, substantial improvements and other development unless a technical evaluation demonstrates that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge; and
- (b) If § 50-177 is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of § 50-178.

(Ord. 2787, passed 12-22-1980)

§ 50-179 PENALTIES FOR NONCOMPLIANCE.

No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this article and other applicable regulations. Violation of the provisions of this article and other applicable regulations Violation of the provisions of this article, or failure to comply with any of its requirements (including violations of the conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this article or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500.00 or imprisoned not more than 90 days, or both, for each violation, and in addition shall pay the costs and the expenses involved in the case. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. 2787, passed 12-22-1980)

§ 50-180 ABROGATION AND GREATER RESTRICTIONS.

This article is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this article and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Ord. 2787, passed 12-22-1980)

§ 50-181 WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Later floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This article does not imply that the land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This article shall not create liability on the part of the City, any officer or employee thereof, or the Federal Insurance Administration for any flood damages that result from reliance on this article or any administrative decision lawfully made thereunder.

(Ord. 2787, passed 12-22-1980)

ARTICLE XXXI. ENFORCEMENT

§ 50-182 PENALTIES.

(a) A violation of any provision of this chapter, excluding Article XXI; Article XXII; Article XXIII; Article XXIX, § 165.5; or Article XXX, shall be a municipal civil infraction pursuant to § 1-10 through § 1-21 of this code, unless another penalty is exclusively prescribed by State law.

(b) Any building, structure or use not in conformity with the provisions of this chapter, except a lawful nonconforming use under Article XXVI of this chapter, is hereby declared to be a public nuisance per se and subject to abatement as provided by law.

(Ord. 3667, passed 8-8-2005)