

# **CITY OF GRAND BLANC GENESEE COUNTY, MICHIGAN**

## **ZONING ORDINANCE**

**With assistance from:**

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**August, 1993**

**The preparation of this Zoning Ordinance was financed through a grant provided under Title I of the Housing and Community Development Act of 1974, as amended. The grant was administered by the Genesee County Community Development Program.**

# CITY OF GRAND BLANC ZONING ORDINANCE

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## **QUICK REFERENCE GUIDE TO USING THIS ZONING ORDINANCE**

The following pages are intended to assist you in using the City of Grand Blanc Zoning Ordinance. However, be sure to review the entire ordinance to insure that you have addressed all the appropriate standards. Contact the Building and Zoning Administrator concerning questions on the use or interpretation of this Zoning Ordinance, procedures, submittal deadlines, information on the Master Plan, etc.

City of Grand Blanc Building and Zoning Administrator  
Grand Blanc City Hall  
203 East Grand Blanc Road  
Grand Blanc, MI 48439  
Phone: (810) 694-1118

- When you receive this Zoning Ordinance, write the date of receipt on the cover of first page. Thereafter, refer to this date when asking the Building and Zoning Administrator about any Zoning Ordinance amendments since that date (particularly to the zoning map).

### **HOW DO I DETERMINE THE CURRENT ZONING AND PLANNED USE OF MY PROPERTY ?**

**Check the Zoning District Map:** Refer to the Adopted Zoning District Map. This map is available from the Building and Zoning Department, for a nominal fee. The published zoning map is periodically updated. The Building and Zoning Department maintains the official current copy. You may want to verify the zoning shown on the map with the Building and Zoning Administrator.

**Check the City's Master Plan:** The City of Grand Blanc has undertaken several studies to provide a foundation for this Zoning Ordinance and to help guide zoning decisions. The Master Plan adopted in 1992, and last updated in 2007, also includes Grand Blanc Charter Township. The Master Plan is periodically updated. The Master Plan presents information on environmental features, utilities, transportation, community goals and a recommended future land use map. Recommendations from these studies may affect your property. Generally, the City requires rezonings to be consistent with the future land use map. Proposed developments should help to achieve the goals of the Master Plan, particularly by designing developments sensitive to the area's natural resources.



## WHAT USES ARE PERMITTED IN EACH ZONING DISTRICT ?

Below is a list of each zoning district as illustrated on the Zoning District Map. Refer to the corresponding article for information on a specific district. You may also refer to Article IV, which provides an overview of the uses permitted by right and those requiring a Special Land Use permit in each district.

- Single Family Residential Districts (R-1 through R-3)
- Two-Family Residential District (R-T)
- Low Density Multiple Family Residential District (up to 6 units per acre)
- High Density Multiple Family Residential District (up to 12 units per acre)
- Manufactured Housing Park District
- Office Service District
- Neighborhood Business District (smaller commercial uses)
- Downtown Business District (overlay zone)
- Community Business District
- General Business District (higher intensity commercial uses)
- Light Industrial District
- General Industrial District
- Research Park District
- Vehicular Parking District (for parking lot expansions)
  - Planned Unit Development District (mixture of uses, flexible design standards)
- Public Recreation District

**Permitted uses** are allowed if you meet the standards described in the district. These standards may include minimum lot size, setbacks, parking and landscaping. In most cases you will be required to submit a site plan for approval by the Planning Commission.

**Special Land Uses** require special review by the Planning Commission and the City Council. Even if your intended use is listed as a Special Land Use in the zoning district, the proposed use will only be approved if it meets the general standards listed in Article XXI to ensure compatibility with the surrounding area and ability to be served by existing municipal facilities, plus any special site or operational standards listed in Section 2110. All Special Land Uses require a public hearing before the Planning Commission, and preparation of a site plan and final approval by the City Council.

## **WHAT ARE MY OPTIONS IF MY INTENDED USE IS NOT LISTED AS A PRINCIPAL USE PERMITTED OR SPECIAL LAND USE?**

If your proposed use is not listed as either a permitted use or a Special Land Use on your property, you have several options, including:

- Find an alternative use for your property which is permitted or find a site in the City or surrounding township which is properly zoned for your intended use.
  
- Request the City rezone the property, which requires appearances before both the Planning Commission and the City Council, with at least one public hearing. The Zoning Ordinance provides criteria which the Planning Commission references in reviewing your rezoning request (Article XXVIII). One criteria is that the rezoning be consistent with the future land use map in the Grand Blanc Community Master Plan. Even if the long range future land use map indicates your intended use, the City must also determine the appropriateness of the timing for the zoning change.
  
- If your use is not listed anywhere in the Zoning Ordinance, you could request that the Planning Commission consider your intended use based on the "determination of similar uses" as explained in Section 309. Under this process, the Planning Commission determines the appropriate district(s) for the intended use based on similarity to other uses listed. The Board of Zoning Appeals has final authority if you disagree with the Planning Commission's interpretation.
  
- Request the City add your proposed use, either as a Permitted Use or a Special Land Use to the zoning district. Note: As a policy, the City of Grand Blanc does not consider use variances.
  
- The City of Grand Blanc has little vacant buildable land. In some instances, the Planning Commission may determine there is no appropriate location in the City for your intended use.

## WHAT IS THE NEXT STEP WHEN THE PROPER ZONING IS IN PLACE ?

Once proper zoning is in place there are several factors to consider during the early stages of project planning. The list below highlights some of the more important features.

- **Natural Features:** The City strives to maximize preservation of existing mature woodlands with quality species, particularly oak, hickory, beech, ash and maples; or to preserve areas in their natural state.
- **Wetlands:** The City does not have a local wetlands ordinance. However, the City tries to promote compliance with the Michigan Wetlands Protection Act and to encourage developers to protect all wetlands, regardless of size. If your site contains possible MDNR regulated wetlands (usually those over 5 acres), select a recognized wetland consultant to help determine the location. Issuance of a Building Permit or Certificate of Occupancy may be contingent on submittal of a MDNR wetland permit.
- **Topography:** The City generally requires site development which complements existing topography. The Ordinance requires a plan illustrating topography before and after development at two foot contour intervals, with spot elevations in pavement areas.
- **Driveways:** The City's policy is to minimize the number of driveways. The location of driveways in relation to other driveways and spacing from intersections is considered during site plan review. Your survey should illustrate existing driveways and roads through and within 100 feet of the edge of your property. Sharing of driveways or connecting sites through frontage roads or service drives is encouraged. High traffic generating sites and larger scale projects should consider the relationship of the site to existing and potential traffic signals.
- **Traffic or Environmental Impact Studies:** If your project is expected to generate a significant amount of traffic or is located on a congested or accident prone street section, you may be required to submit a traffic impact study prepared by a qualified engineer or planner. Certain types of projects require an Impact Assessment as part of the site plan review package. The site plan review section includes a point system used by the City to determine the need to prepare an environmental assessment.
- **Utilities:** Information on water, sanitary sewer, storm sewer and franchised utilities is required.
- **Residential and PUD Options:** If there are significant natural features on your site or you want to mix land uses, the Zoning Ordinance has several options. Residential projects can use the lot averaging or open space subdivision option. The Planned Unit Development (PUD) option gives you flexibility in designing your site, such as mixing certain uses or clustering buildings on the most buildable part of a site. These standards can help preserve valuable natural features which lower development costs, avoid MDNR permits and increase marketability.

## CHECKLIST FOR PREPARING A SITE PLAN

**Meet with City Staff:** Early, informal meetings to discuss conceptual plans and submittal dates may help to alert you to the need for additional information. You may also request an informal meeting with the Planning Commission to present your preliminary concepts.

- ✓ **Check the Site Plan Review Standards (Article XXIV):** Most projects in the City, except single family homes, require development of a site plan. The site plan review section outlines the process, requirements and items to be illustrated on the site plan.
- ✓ **Definitions (Article II):** This chapter is a listing of all definitions used throughout the Zoning Ordinance. This may be helpful in clarifying the use of a term.
- ✓ **General Provisions (Article III):** often overlooked standards on items such as:
  - ✓ Standards for exterior lighting (height of fixtures, wattage, etc.)
  - ✓ Requirements for dumpster location and screening
  - ✓ Standards on accessory buildings
  - ✓ Standards for fences and walls
  - ✓ Standards for corner clearance and driveways
- ✓ **Schedule of Regulations (Article XX):** information on minimum lot size; frontage and width; maximum building coverage; minimum setbacks for buildings and parking lots. All of these requirements must be met and indicated on the site plan. Check the specific zoning district to determine if a floor plan and building elevation is required.
- ✓ **Parking Standards (Article XXII):** standards for parking and loading/unloading - how many spaces, dimensions (9'x18' w/ 24' wide aisles), curbing requirements, drainage, location of loading docks, required area for truck turning radii, etc.
- ✓ **Landscaping Standards (Article XXIII):**
  - ✓ **Frontage landscaping** using either a landscaped berm, a 10 foot wide buffer with evergreen or a 10 foot wide greenbelt with 1 tree and 4 shrubs per 30 feet (the third option is recommended in most cases).
  - ✓ **Standards for size, spacing and species.** Deciduous trees must be 2.5 inch caliper, ornamental trees of 2 inch caliper, evergreens of 5 feet high, most shrubs must be 18-24 inches high. Use of native Michigan species is encouraged.
  - ✓ **Buffering** (wall, berm, trees) may be required between certain uses such as residential and commercial.
  - ✓ **Interior landscaping** must cover at least 5% of the site, with 1 tree per 400 square feet and one shrub per each 250 square feet of required interior landscaping.
  - ✓ **Parking lot landscaping** must cover at least 3% of the parking area. A mixture of trees and shrubs is encouraged. Some parking lot islands should be provided in larger parking lots to direct traffic near entrances and break up the expanse of pavement.
  - ✓ **Preservation of existing trees** is encouraged - credit is given for trees that are saved.
  - ✓ **Irrigation** may be required in some cases.
- ✓ **Driveways:** One of the criteria for site plan approval is that the number of driveways be minimal and spacing from intersections and other driveways (on both sides of the street) be as far apart as practical. The City may require a traffic impact study to justify more than one driveway. Shared access is encouraged.
- ✓ **Sidewalks:** Locations, dimensions and profile grades of sidewalks and paths should be illustrated.

- ✓ **Signs:** The location of signs should be indicated on the site plan. The number, type, locations and size of signs must meet the standards of the **Sign Ordinance** (a separate Ordinance from the Zoning Ordinance).
- ✓ **Other codes and ordinances:** In addition to the Zoning Ordinance, your project may need to meet the standards of other codes and ordinances such as the Building Code, the Fire Prevention Code, the Floodplain Ordinance (Ordinance 220) and others - check with the Building and Zoning Administrator.
- ✓ **Non-conforming Uses and Structures:** If your use, structure or site is non-conforming refer to Article XXVI for the limits on what you can do.

If you cannot meet a requirement, you may request a variance from the Board of Zoning Appeals. You must be able to prove your situation is unique and not self-created.

## WHAT IS THE APPROVAL PROCESS FOR MY PROJECT ?

**Determine which approvals are needed:** This may include land division/combination, rezoning, site plan, Special Land Use, variance, subdivision, etc.

**Application forms:** Obtain copies of the application forms at City Hall.

**Key submission dates:** Check with City staff to determine key cut-off dates for being placed on an upcoming meeting agenda.

**Submittal:** Submit all required material, application form and fee to the Building and Zoning Department. Most submittals are required to be submitted several days before the meeting at which they will be discussed. This time period is used by the Planning Commission, City Council, Zoning Board of Appeals and staff to review your proposal. In some cases, such as Special Land Uses and rezonings, a longer time is needed to set a public hearing and meet notification requirements.

### Approval process:

- Site plans for permitted uses - Planning Commission
- Site plans for Special Land Uses - Planning Commission provides a recommendation to City Council.
- Site plans for certain minor expansions, etc. - may be approved by the Building and Zoning Administrator
- Rezonings and Ordinance Amendments - Planning Commission provides a recommendation to the City Council. You should plan on attending the meeting where your proposal will be discussed, or have someone represent you to respond to questions.
- Variances, Interpretations - Board of Zoning Appeals

INSERT PAGE

**ZONING ORDINANCE  
CITY OF GRAND BLANC  
GENESEE COUNTY, MICHIGAN**

**TITLE**

An **ORDINANCE** enacted under Act 207, Public Acts of 1921, as amended, governing the incorporated portions of the City of Grand Blanc, Genesee County, Michigan, to regulate and restrict the location and use of buildings, structures and land for trade, industry, residence and for public and semi-public or other specified uses; and to regulate and limit the height and bulk of buildings and other structures; to regulate and to determine the size of yards, courts, and open spaces; to regulate and limit the density of population; and for said purposes, to divide the municipality into districts and establishing the boundaries thereof; providing for changes in the regulations, restrictions and boundaries of such districts; defining certain terms used herein; providing for enforcement; establishing a Board of (Zoning) Appeals; and imposing penalties for the violation of this Ordinance.

**PREAMBLE**

Pursuant to the authority conferred by the Public Acts of the State of Michigan in such case, made and provided and for the purpose of promoting and protecting the public health, safety, peace, morals, comfort, convenience, and general welfare of the inhabitants of the City of Grand Blanc, by protecting and conserving the character and social and economic stability of the residential, commercial, industrial and other use areas; by securing the most appropriate use of land; preventing overcrowding of the land and undue congestion of population; providing adequate light, air, and reasonable access; and facilitating adequate and economical provision of transportation, water, sewers, schools, recreation, and other public requirements, and by other means, all in accordance with a comprehensive plan. It is further the intent of this Ordinance publication to include all uses, special approval uses, and procedures to be permitted in the City of Grand Blanc. Any land use not listed in this Ordinance is not permitted unless determined to be a similar use following the procedure described in Article III, General Provisions.

**ENACTING CLAUSE**

The City of Grand Blanc Ordains:

**ARTICLE I**

**SHORT TITLE**

**SECTION 100            SHORT TITLE**

This Ordinance shall be known and may be cited as the City of Grand Blanc Zoning Ordinance.

**SECTION 101            PURPOSE**

This Zoning Ordinance is based on the City of Grand Blanc Master Plan adopted by the Planning Commission which provides goals, objectives and a future land use map for the City. This Ordinance is intended to implement the Master Plan by regulating the use of land, buildings and structures to promote the public health, safety and general welfare by accomplishing the following:

- a. Establish zoning districts and uniform regulations applicable to each district governing the use of the land, and dimensions for building and site development with such minimum regulations as are deemed necessary to carry out the provisions of this Ordinance.
- b. Accommodate and promote land uses which are compatible with the City's character and conserve the property values and long term stability of resident neighborhoods, community facilities, the downtown area, commercial districts and industrial areas.
- c. Encourage use of the lands and natural resources in accordance with their character and capability. The Ordinance acknowledges the importance of these features on the long term economic climate of all uses in the City and the overall quality of life for City residents.
- d. Limit or prohibit improper use of land.
- e. Reduce hazards to life and property.
- f. Facilitate adequate and cost effective infrastructure systems, and protect the substantial public investment in those systems, including: transportation, sewage disposal, safe and adequate water supply, education and recreational facilities.
- g. Establish controls over potential conflicting land uses and uses which may need special regulations as Special Land Uses to be compatible with surrounding development patterns and zoning.
- h. Promote the gradual elimination of uses, buildings and structures which do not conform with the regulations and standards of this Ordinance.
- i. Provide for administering this Ordinance, including resolving conflicts with other ordinances, collection of fees, procedures for petitions, hearings and appeals; and to provide for any other matters authorized by the City or Village Zoning Act.
- j. Balance the City's right to compatible and quality development consistent with the future land use plan with the property owners' right to a reasonable rate of return on investment.



**SECTION 102(a) CONFLICTING REGULATIONS** (amended 11/2010)

1. Where any provision of this Ordinance imposes either greater or lesser restrictions, limitations, conditions, standards or requirements upon the use of buildings, structures or land; the height of buildings or structures; lot coverage; lot areas; yards, wetlands, woodlands or other open spaces; or any other use or activity which is regulated by this Ordinance, the provision or standard which is more restrictive or limiting shall govern.
2. Except as otherwise provided in this section, every building and structure erected; every use of any lot, building or structure established; every structural alteration or relocation of an existing building or structure and every enlargement of, or addition to, an existing use, building or structure occurring after the effective date of this section shall be subject to all regulations of this section which are applicable in the zoning district in which such use, building or structure is located.
3. No setback area or lot existing at the time of adoption of this section shall be reduced in dimensions or area below the minimum requirements set forth herein. Yards or lots created after the effective date of the section shall meet at least the minimum requirements established herein.
4. This Ordinance shall not abrogate or annul any easement, bylaw, master deed, deed restriction, covenant or private agreement, except that the regulations or provisions of this Ordinance shall govern if determined by the Board of Zoning Appeals to be more restrictive or impose a higher standard.
5. Uses, buildings and structures that were nonconforming under the previous Zoning Ordinance gain no new rights through the adoption of the standards of this Ordinance unless they become conforming or more conforming by the regulations of this Ordinance.

**SECTION 102(b) CONFLICTING LAWS** (amended 11/2010)

1. Uses that are contrary to or in violation of local, state or federal law, ordinances or other regulations are prohibited.
2. The regulations herein established shall be the minimum regulations for promoting and protecting the public health, safety and general welfare; any conflicting laws of a more restrictive nature shall supersede the appropriate provisions of this Ordinance.

**SECTION 103 VESTED RIGHTS: EFFECTS ON PROJECTS WHERE SIGNIFICANT CONSTRUCTION HAS BEGUN, AND SITE PLANS APPROVED PRIOR TO EFFECTIVE DATE**

1. Nothing in this Ordinance shall be deemed to require any change in the plans, construction or designated use of any building upon which actual construction was begun prior to the enactment of this Ordinance, provided significant construction has lawfully begun, is being diligently carried on and shall be completed within one (1) year of the effective date of this Zoning Ordinance. The Board of Zoning Appeals may permit one (1) extension of up to one (1) year.

2. If a lot has an approved site plan within twelve (12) months prior to the effective date of this Zoning Ordinance, such site plan shall remain valid if construction is begun within one (1) year and completed within two (2) years of the effective date of this Zoning Ordinance.
3. If the conditions of this section are not met, the standards and provisions of this Zoning Ordinance shall govern.
4. Except as noted above, nothing in this Ordinance should be interpreted or construed to provide any permanent vested rights in the continuation of any particular use, district, zoning classification of any permissible activities therein, and they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary for the preservation or protection of public health, safety and welfare.

**SECTION 104            VALIDITY AND SEVERABILITY CLAUSE**

This Ordinance and the various components, articles, sections, subsections, sentences and phrases are hereby declared to be severable. If any court of competent jurisdiction shall declare any part of this Ordinance to be unconstitutional or invalid, such ruling shall not affect any other provisions of this Ordinance not specifically included in said ruling. Further, if any court of competent jurisdiction shall declare unconstitutional or invalid the application of any provision of this Ordinance to a particular parcel, lot, use, building or structure, such ruling shall not affect the application of said provision to any other parcel, lot, use, building or structure not specifically included in said ruling.

**SECTION 105            REPEAL OF PRIOR ORDINANCE**

The Zoning Ordinance adopted by the City of Grand Blanc, and all amendments thereto, are hereby repealed. The repeal of the above Ordinance and its amendments does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted or inflicted.

**SECTION 106            CERTIFICATION AND EFFECTIVE DATE**

The Public Hearing has been held as required by the City or Village Zoning Act (Act 207 of the Public Acts of 1921, as amended). The provisions of this Ordinance are hereby given immediate effect upon publication of its summary.

Made and passed by the City Council of the City of Grand Blanc, Genesee County, Michigan on this day of August 11, 1993.

1. Date of Public Hearing: June 15, 1993
2. Date of Adoption by City Council: August 11, 1993
3. Date of Publication: August 29, 1993
4. Date Ordinance shall take effect: August 31, 1993





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

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

**Zoning Act:** The City or Village Zoning Act (PA 207 of 1921, as amended).

- c. serious incapacitating, but reversible illness, or
- d. substantial present or potential hazard to human health or the environment.

**Transition zone:** A transition zone generally refers to a zoning district, an arrangement of lots or land uses, a landscaped area, or similar means of providing a buffer between land uses or districts.

**Truck storage:** An area used for the temporary storage of private trucks or trucks for hire.

**Truck terminal:** A structure to which goods, except raw or unprocessed agricultural products, natural minerals, or other resources, are delivered for:

- a. Immediate distribution to other parts of the City.
- b. Amalgamation for delivery in larger units to other intrastate or interstate destinations.
- c. Distribution or amalgamation involving transfer to other modes of transportation.

**Urgent medical care center:** A free-standing medical clinic which offers emergency type care.

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

**Utility trailer:** A small trailer that is designed to be pulled by an automobile, van, or pick-up truck.

**Variance:** A modification of the literal provisions of the Zoning Ordinance granted when enforcement of the Zoning Ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.

**Veterinary hospital:** A facility which provides diagnosis, treatment, surgery and other veterinary care for domestic animals, horses and livestock.

**Wall, obscuring:** A structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this Ordinance. A wall shall be a solid durable structure of masonry or concrete in contrast to a fence which may be constructed of wood.

**Waste receptacle:** Any accessory exterior container used for the temporary storage of rubbish, pending collection, having capacity of at least one cubic yard. Recycling stations and exterior compactors shall be considered to be waste receptacles. (amended 2/14/96)

**Wetland (regulated):** Land regulated by the Michigan Department of Natural Resources as a wetland. Such land is characterized by the presence of water at a frequency and duration sufficient to support and that under normal circumstances does support, wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh, and which is any of the following: (1) contiguous to an inland lake or pond, or a river or stream; (2) not contiguous to the Great Lakes, an inland lake or pond, or a river or stream; and more than five (5) acres in size; (3) determined by the MDNR that the protection of the area is essential to the preservation of the natural resources of the state from pollution, impairment, or destruction. (Refer to Goemaere-Anderson Wetland Protection Act, P.A. 203, 1979, as amended.) (amended 2/14/96)

**Warehouse:** A building used primarily for storage of goods and materials.

**Wholesale sales:** The sales of goods generally in large quantities and primarily to customers engaged in the business of reselling the goods.

**Structure:** Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. Structures include, but are not limited to, principal and accessory buildings, towers, decks, fences, privacy screens, walls, antennae, swimming pools, signs, gas or liquid storage facility, and a mobile home. Driveway access drives, sidewalks, street directional or street name sign, and landscape improvements are not considered a structure in regards to restrictions on placement within setback areas.

**Structural addition:** Any alteration that changes the location of the exterior walls or area of a building.

**Subdivision plat:** The division of a tract of land for the purpose of sale or building development, in accordance with the Subdivision Control Act, Michigan Public Act 288 of 1967, as amended, and the Grand Blanc Subdivision Control Regulations.

**Substance abuse treatment facility:** Any establishment used for the dispensing, on an in-patient or out-patient basis, of compounds or prescription medicines directly to persons having drug or alcohol abuse problems. A generally recognized pharmacy or licensed hospital dispensing prescription medicines shall not be considered a substance abuse treatment facility.

**Substantial improvement:** Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50%) percent of the market value of the structure either, (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored before the damage occurred. Substantial improvement occurs 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. The term does not however include 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 of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

**Swimming pool:** Shall mean any permanent, non-portable structure or container located either above or below grade designed to hold water to a depth of greater than twenty-four (24) inches and with a surface area greater than two hundred fifty (250) square feet, intended for swimming or bathing. A swimming pool shall be considered an accessory structure for purposes of computing lot coverage.

**Temporary building:** A building which is not permanently affixed to the property, and is permitted to exist for a specific reason for a specific period of time. Construction of temporary buildings shall be subject to the requirements listed in the City Building Code, as amended.

**Temporary uses and seasonal sales:** Uses intended for a limited duration within any zoning district. A temporary use shall not be interpreted to be a continuance of a nonconforming use. Temporary uses and special seasonal sales events may include carnivals, circuses, farmers markets, art fairs, craft shows, sidewalk sales, antique sales, Christmas tree sales, flower sales and similar events. (see also "Seasonal or Special Event") (amended 2/14/96)

**Theater:** An enclosed building used for presenting performances or motion pictures which are observed by paying patrons from seats situated within the building.

**Topographical map:** A map showing existing physical characteristics, with contour lines at sufficient intervals to permit determination of proposed grades and drainage.

**Townhouse:** A residential structure, or group of structures, each of which contains three (3) or more attached one family dwelling units with individual rear yards and or front yards designed as an integral part of each one family dwelling unit.

**Toxic or hazardous waste:** Waste or a combination of waste and other discarded material (including but not limited to solid, liquid, semisolid, or contained gaseous material) which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to the following if improperly treated, stored, transported, disposed of, or otherwise managed:

- a. an increase in mortality, or
- b. an increase in serious irreversible illness, or

**Shoreline:** The line between upland and bottomland which persists through excessive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil, the configuration of the soil surface and the vegetation.

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

**Site plan:** A plan showing all salient features of a proposed development so that it may be evaluated in order to determine whether or not it meets the provisions of this Ordinance.

**Special land use:** Any land use which requires approval by the City Council according to the standards listed in this Ordinance, and as authorized in the City or Village Zoning Act.

**Stable, commercial:** A facility for the rearing and housing of horses, mules, ponies or for riding and training academies.

**Stable, private:** An accessory building incidental to an existing residential use, that shelters horses for the exclusive use of the occupants of the premises and their guests, without remuneration, hire or sale.

**Street:** Any public or private thoroughfare or right-of-way, other than a public or private alley, dedicated to or designed for travel and access to any land, lot or parcel, whether designated as a road, avenue, highway, boulevard, drive lane, place, court, or any similar designation. Various types of roads are defined as follows:

- a. **Private road:** Any road which is to be privately maintained and has not been accepted for maintenance by the City, Genesee County, the State of Michigan or the federal government, but which meets the requirements of these Zoning Regulations or has been approved as a private road by the City under any prior ordinance.
- b. **Public street:** Any road or portion of a road which has been dedicated to and accepted for maintenance by the City, Genesee County, State of Michigan or the federal government.
- c. **Arterial road:** A road which carries high volumes of traffic and serves as an avenue for circulation of traffic onto, out of, or around the City. An arterial road may also be a major thoroughfare.
- d. **Collector street:** A road whose principal function is to carry traffic between minor and local roads and arterial roads but may also provide direct access to abutting properties.
- e. **Cul-de-sac:** A road that terminates in a vehicular turnaround.
- f. **Local or minor street:** A road whose principal function is to provide access to abutting properties and is designed to be used or is used to connect minor and local roads with collector or arterial roads.

**Story:** That part of a building, except a mezzanine as defined herein, included between the surface of one (1) floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A basement shall not be counted as a story.

**Story, half:** An uppermost story lying under a sloping roof having an area of at least two hundred (200) square feet with a clear height of seven feet six inches (7'6"). For the purposes of this Ordinance, the usable floor area is only that area having at least four (4) feet clear height between floor and ceiling.

**Street line (right-of-way line):** The dividing line between the street and a lot.



- d. **Restaurant, open-front:** An establishment that sells food or beverages through a window to serve pedestrians not requiring the patron to enter the structure. Any restaurant with an open front window shall meet the ordinance standards for open-front windows whether the use is principal or accessory.
- e. **Restaurant, sit-down:** A standard restaurant is a business establishment whose method of operation involves either:
  - 1. the delivery of prepared food by waiters and waitresses to customers seated at tables within a completely enclosed building; or
  - 2. the prepared food is acquired by customers at a cafeteria line and is subsequently consumed by the customers at tables within a completely enclosed building.
- f. **Bar/lounge/tavern:** A bar or lounge is a type of restaurant which is operated primarily for the dispensing of alcoholic beverages, although the sale of prepared food or snacks may also be permitted. If a bar or lounge is part of a larger dining facility, it shall be defined as that part of the structure so designated or operated.

**Retention basin:** A pond, pool, or basin used for the permanent storage of storm water runoff.

**Right-of-way:** The strip of land over which an easement exists to allow facilities such as streets, roads, highways, and power lines to be built.

**Room:** For the purpose of determining lot area requirements and density in a multiple-family district, a room is a living room, dining room or bedroom, equal to at least eighty (80) square feet in area. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, hallways and storage. Plans presented showing one (1), two (2), or three (3) bedroom units and including a "den", "library", or other extra room shall count such extra room as a bedroom for the purpose of computing density.

**Seasonal or special event:** An occurrence or noteworthy happening of seasonal, civic, or religious importance, which is organized and sponsored by the City of Grand Blanc or by a non-profit Grand Blanc community group, congregation, organization, club or society, and which offers a distinctive service to the community, such as public entertainment, community education, civic celebration, or cultural or community enrichment. Special events typically run for a short period of time (less than two (2) weeks) and are unlike the customary or usual activities generally associated with the property where the special event is to be located.

**Service drive:** Any private road that is generally parallel to and adjacent to an arterial road 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 arterial road and so that the flow of traffic on the arterial road is not impeded by direct driveway access from a large number of abutting properties.

**Semi-trailer:** A trailer, which may be enclosed or not enclosed, having wheels generally only at the rear, and supported in front by a truck tractor or towing vehicle.

**Service truck:** A pick-up truck or van that is used in conjunction with a repair or maintenance business, such as a plumbing, electrical, or carpentry business.

**Setback:** Is the distance required to obtain the minimum required distance between the front, side or rear lot lines and the building line or parking lot. Setbacks from a public street or private road shall be measured from the right-of-way line or easement. Setbacks shall remain as open space as defined herein, unless otherwise provided for in this ordinance. (Refer to the Schedule of Regulations, Article XX, for minimum setbacks).

**Shopping center:** A grouping of retail businesses and service uses on a single site with common parking facilities.

**Recreational vehicle:** "Recreational Vehicles" shall include the following:

- a. **Travel trailer:** A portable vehicle on a chassis, which is designed to be used as a temporary dwelling during travel, recreational, and vacation uses, and which may be identified as a "travel trailer" by the manufacturer. Travel trailers generally include self-contained sanitary, water, and electrical facilities.
- b. **Pickup camper:** A structure designed to be mounted on a pickup or truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling during the process of travel, recreational, and vacation uses.
- c. **Motor home:** A recreational vehicle intended for temporary human habitation, sleeping, and/or eating, mounted upon a chassis with wheels and capable of being moved from place to place under its own power. Motor homes generally contain sanitary, water, and electrical facilities.
- d. **Folding tent trailer:** A folding structure, mounted on wheels and designed for travel and vacation use.
- e. **Boats and boat trailers:** "Boats" and "boat trailers" shall include boats, floats, rafts, canoes, plus the normal equipment to transport them on the highway.
- f. **Other recreational equipment:** Other recreational equipment includes snowmobiles, jet skis, all terrain or special terrain vehicles, utility trailers, plus the normal equipment used to transport them on the highway.

**Recognizable and substantial benefit:** A clear benefit, both to the ultimate users of the property in question and to the community, which would reasonably be expected to accrue, taking into consideration the reasonably foreseeable detriments of the proposed development and uses. Such benefits may include: long-term protection or preservation of natural resources and natural features, historical features, or architectural features; or, elimination of or reduction in the degree of nonconformity in a nonconforming use or structure.

**Recycling center:** A facility at which used material is separated and processed prior to shipment to others who will use the materials to manufacture new products. This use is distinct from a junkyard or a salvage yard.

**Recycling collection station:** A facility for the collection and temporary storage of recoverable resources, prior to shipment to a recycling center for processing.

**Restaurant:** A restaurant is any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state, and whose method of operation is characteristic of a carry-out, drive-in, drive-through, fast food, standard restaurant, or bar/lounge, or combination thereof, as defined below:

- a. **Restaurant, carry-out:** A carry-out restaurant is a business establishment whose method of operation involves sale of food, beverages, and/or frozen desserts in disposable or edible containers or wrappers in a ready-to-consume state for consumption primarily off the premises.
- b. **Restaurant, drive-in:** A drive-in restaurant is a business establishment whose method of operation involves delivery of prepared food so as to allow its consumption in a motor vehicle or elsewhere on the premises, but outside of an enclosed building.
- c. **Restaurant, drive-through:** A drive-through restaurant is a business establishment whose method of operation involves the delivery of the prepared food to the customer in a motor vehicle, typically through a drive-through window, for consumption off of the premises. Any restaurant with a drive-through operation, whether the principal or accessory use, shall be defined as a drive-through restaurant.

**Parcel:** A continuous area, tract, or acreage of land that has not been divided or subdivided according to the provisions of the Subdivision Control Act and has frontage on a public street.

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

**Performance guarantee:** A financial guarantee to ensure that all improvements, facilities, or work required by this ordinance will be completed in compliance with the ordinance, regulations and the approved plans and specifications of a development.

**Person:** An individual, trustee, executor, fiduciary, corporation, firm, partnership, association, organization, or other legal entity acting as a unit.

**Personal fitness center:** A facility which provides indoor exercise facilities, such as exercise machines and weight-lifting equipment, usually in a structured physical activity program supervised by professional physical fitness instructors. As defined herein, "personal fitness center" shall not include court sports facilities or spectator seating for sports events. A personal fitness center may or may not be enclosed within a gym.

**Pervious surface:** A surface that permits full or partial absorption of storm water.

**Pet:** A domesticated dog, cat, bird, gerbil, hamster, guinea pig, turtle, fish, rabbit, or other similar animal that is commonly available and customarily kept for pleasure or companionship.

**Pool or billiard hall:** An establishment wherein the substantial or significant portion of all useable floor area is devoted to the use of pool or billiard tables.

**Planner, City:** The City Planner is the person or firm designated by the Planning Commission to advise the City Council, City Planning Commission, and City staff on planning, zoning, land use, housing, and other related planning and development issues.

**Planning Commission:** The City of Grand Blanc Planning Commission.

**Principal use:** The main use to which the premises are devoted and the principal purpose for which the premises exist. In cases where there is more than one use, the use comprising the greatest floor area shall generally be considered the Principal Use, except in cases where a use comprising a secondary amount of floor area is considered to have greater impact in terms of traffic generated, noise levels, disruption of views and similar impacts.

**Property lines:** The lines bounding a lot; the lot lines.

**Public utility:** A public corporation, franchise, municipal department, board or commission duly authorized to furnish and furnishing under Federal, State or Municipal regulations to the public: gas, steam, electricCity, sewage disposal, telephone service (excluding cellular phone facilities), cable television services, telegraph, transportation, or water.

**Reasonable access:** An access management term defined as ensuring a motorist can enter or exit a parcel in an uncomplicated manner that will not significantly prevent their visiting an establishment. Reasonable access may not always be the most direct access, but may involve use of a shared driveway or service drive.

**Reception antenna facility:** An exterior apparatus that is capable of receiving communication for radio or television purposes including satellite reception antennas but excluding facilities considered to be essential public service facilities or those preempted from township regulation by applicable state, FCC or other federal laws or regulations.

**Recreation land:** Any publicly or privately owned lot or parcel that is utilized for recreational activities, such as, but not limited to, camping, swimming, picnicking, hiking, nature study, hunting, boating, and fishing.

across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as, but not limited to: (a) noise, (b) dust, (c) smoke, (d) odor, (e) glare, (f) fumes, (g) flashes, (h) illumination (i) vibration, (j) shock waves, (k) heat, (l) electronic or atomic radiation, (m) objectionable effluent, (n) noise of congregation of people, particularly at night, (o) passenger traffic, (p) invasion of non-abutting street frontage by traffic.

**Nursing home (convalescent or rest home):** A home for the care of the aged, infirm, or those suffering from bodily disorders, wherein two (2) or more persons are housed or lodged and furnished with nursing care.

**Occupancy, change of:** The term "change of occupancy" or "change of use" shall mean a discontinuance of an existing use and the substitution of a use of a similar or different kind or class, or, the expansion of a use.

**Occupied:** Used in any manner at the time in question.

**Office:** A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations.

**Offset:** The distance between the centerlines of driveways or streets across the street from one another.

**Off-street loading space:** A facility or space which permits the standing, loading, or unloading of trucks and other vehicles other than on or directly from a public right-of-way.

**On-street loading space:** A location within the public street right-of-way which has been approved by the City for the standing, loading or unloading of trucks, vans or other vehicles.

**Off-street parking lot:** A facility providing vehicular parking spaces along with adequate drives and aisles, for maneuvering, so as to provide access for entrance and exit for the parking of more than three (3) vehicles.

**On-street parking spaces:** Spaces designated and signed for public parking within the public street right-of-way.

**Open air business uses:** Business and commercial uses conducted solely outside of any building. Unless otherwise specified herein, open air business shall include: retail sales of garden supplies and equipment, (including, but not limited to: trees, shrubbery, plants, flowers, seed, topsoil, trellises, lawn furniture, and Christmas trees) and outdoor sales, display or storage of materials, goods, structures and vehicles sold on the premises. (amended 2/14/96)

**Open-Air Market, temporary:** A temporary commercial establishment which offers for sale locally produced fresh fruits and vegetables and other locally produced goods on a non-permanent basis. Temporary open-air markets operate no more than five (5) consecutive days unless a resolution by City Council allows for an extended period of operation. The codified ordinance for the City of Grand Blanc contains regulations pertaining to these markets. (amended 6/14/06)

**Open space:** Required open space shall be on the same lot with the principal use and shall be unoccupied and unobstructed from the ground upward except for living plant material, recreational facilities, permitted signs, sidewalks, bikepaths, and necessary drives and utility lines, unless as otherwise provided in this Ordinance. Where open space is required, no more than fifty percent (50%) of the required area shall be comprised of lakes, ponds, regulated wetlands or floodplain.

**Outdoor storage:** The keeping, outside of an enclosed building, of any goods, junk, material, merchandise or vehicles in the same place for more than 24 hours.

**Outlot:** A parcel of land which is designated as an "outlot" on the recorded plat, and which is usually not intended to be used for the same purposes as other lots in the plat.

d. This definition does not apply to the following:

1. a vending machine which does not incorporate gaming or amusement features;
2. musical devices or coin operated radios; or
3. television sets in private quarters.

**Mezzanine:** An intermediate floor in any story occupying not to exceed one-third (1/3) of the floor area of such story.

**Mini-warehouse:** A building or group of buildings, each of which contains several individual storage units, each with a separate door and lock and which can be leased on an individual basis. Mini-warehouses are typically contained within a fenced, controlled-access compound.

**Mobile home:** A structure, transportable in one (1) or more sections, which is built on a chassis and designed to be used as a dwelling unit, with or without permanent foundation, when connected to the required utilities, and including the plumbing, heating, air conditioning, and electrical systems contained in the structure. Mobile home does not include a trailer coach (recreational vehicle).

**Mobile home sales:** A person, other than a manufacturer, engaged in the business of buying, selling, exchanging, leasing, or renting mobile homes.

**Mobile home park:** A parcel or tract of land, under the control of a person, upon which three (3) or more mobile homes are located on a continual non-recreational basis and including all appurtenances that are incidental to the occupancy of a mobile home.

**Modular home:** A premanufactured unit assembled of materials or products intended to comprise all or part of a building or structure and is assembled at other than the final location of the unit of the building or structures by a repetitive process under circumstances intended to insure uniformity of quality and material content.

**Mortuary or funeral home:** An establishment where the dead are prepared for burial or cremation and where wakes or funerals may be held.

**Motel:** A building or group of buildings occupied as a more or less temporary abiding place for individuals who are lodged with or without meals in rooms consisting of a minimum of a bedroom and bath, occupied for hire, in which provision is not usually made for cooking within the rooms, and which provides customary motel services such as maid service, linen service, telephone and/or desk service, and the use of furniture. Motels typically provide exterior entrances and on-site parking for each unit. A motel may also include a conference room or banquet facility, an attached dining room, and/or an unattached standard restaurant.

**Natural features:** Natural features shall include soils, wetlands, floodplain, water bodies and channels, topography, trees and other types of vegetative cover, and geologic formations.

**Nonconforming use and building:** A use and/or a building, lawfully existing at the time of adoption of this Ordinance or any subsequent amendment hereto, which does not conform to the use, height, bulk, placement, or yard provisions of the zoning district in which it is situated (see Sec. 2601).

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

**Nuisance factors:** An offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use

**Lot, flag:** A lot which is located behind other parcels or lots fronting on a public road, but which has a narrow extension to provide access to the public road.

**Lot, interior:** Any lot other than a corner lot.

**Lot lines:** The lines bounding a lot as defined herein:

- a. Front lot line: In the case of an interior lot, is the that line separating said lot from the street. In the case of a through or corner lot, is that line separating said lot from either street.
- b. Rear lot line: That lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line for purposes of measuring setbacks shall be along all lines on the opposite side of the lot from the front lot line as determined by the Building and Zoning Administrator.
- c. Side lot line: Any lot line other than the front lot line or rear lot line. A lot line separating the "side" of a structure from a street is a front lot line (i.e. corner lots have two front lot lines). A side lot line separating a lot from another lot or lots is an interior side lot line.

**Lot, through:** Any interior lot having frontage on two (2), more or less, parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all yards of said lots adjacent to streets shall be considered frontage, and front yard setbacks shall be provided as required.

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

**Lot width:** The horizontal straight line distance between the side lot lines, measured between the two (2) points where the front setback line intersects the side lot lines.

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

A zoning lot shall satisfy this Ordinance with respect to area, size, dimensions, and frontage as required in the district in which the zoning lot is located. A zoning lot, therefore, may not coincide with a lot of record as filed with the County Register of Deeds, but may include one (1) or more lots of record.

**Manufactured home:** A dwelling unit which is designed for long-term residential use and is wholly or substantially constructed at an off-site location.

**Master plan:** The Comprehensive Community Plan adopted by the Planning Commission including graphic and written proposals indicating the general location for streets, parks, schools, public buildings, and all physical development of the municipality, and includes any unit or part of such plan, and any amendment to such plan or parts thereof.

**Mechanical amusement device:** Any machine or device, which operates as a game, entertainment, contest of skill, or amusement of any kind, and which has the following characteristics:

- a. The device may be identified as a video, electronic or mechanical device.
- b. The device may be operated and/or initiated upon the insertion of a coin, token, ticket, slug, plate, disc, key, or through the payment of a price.
- c. The device and the playing thereof offers no direct or automatic payoff or the return of money, goods, or services.

shall be compatible with materials used in construction of the main building, but in no case shall include wire fencing.

- l. **Shrub:** A self-supporting, deciduous or evergreen woody plant, normally branched near the base, bushy, and less than fifteen (15) feet in height.
- m. **Sod:** An area of grass-covered surface soil held together by matted roots.
- n. **Tree:** A self-supporting woody, deciduous or evergreen plant with a well-defined central trunk or stem which normally grows to a mature height of fifteen (15) feet or more in Genesee County, Michigan.
  - 1. **Deciduous Tree:** A variety of tree that has foliage that is shed at the end of the growing season.
  - 2. **Evergreen Tree:** A variety of tree that has foliage that persists and remains green throughout the year.
- o. **Ornamental tree:** A deciduous tree which is typically grown because of its shape, flowering characteristics, or other attractive features, and which grows to a mature height of twenty-five (25) feet or less.

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

**Lot:** A parcel of land occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this Ordinance. A lot may or may not be specifically designated as such on public records. A lot shall have frontage on a dedicated road or, if permitted by the regulations set forth herein, on an approved private road. A lot may consist of:

- a. A single Lot of Record.
- b. A portion of a Lot of Record.
- c. A combination of complete Lots of Record, or portion thereof.
- d. A condominium lot.
- e. A piece of land described by metes and bounds.

**Lot Area:** The total horizontal area within the lot lines of the lot exclusive of any abutting public street right-of-way or private road easements, or the area of any lake. The net lot area shall be used in determining compliance with Minimum Lot Area standards.

**Lot, contiguous:** Lots adjoining each other.

**Lot, corner:** A lot where the interior angle of two adjacent sides at the intersection of two streets is less than one hundred thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Ordinance if the arc is of less radius than one hundred fifty (150) feet and the tangents to the curve, at the two (2) points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than one hundred thirty-five (135) degrees.

**Lot coverage:** The part or percent of the lot occupied by a building including accessory buildings.

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

rags, rubber tires, and bottles. A "Junk Yard" includes automobile wrecking yards and includes any open area of more than two hundred (200) square feet for storage, keeping or abandonment of junk.

**Kennel:** Any lot or premises on which three (3) or more dogs, cats, or other domestic animals six (6) months or older are kept, either permanently or temporarily, either for sale, breeding, boarding, or training subject to the regulations set forth herein regulating private and commercial kennels.

**Laboratory:** An establishment devoted to research and experimental studies, including testing and analyzing, but not including manufacturing of any nature.

**Landfill:** A tract of land that is used to collect and dispose of "solid waste" as defined and regulated in Michigan Public Act 641 of 1979, as amended.

**Landscaping:** The treatment of the ground surface with live plant materials such as, but not limited to, grass, ground cover, trees, shrubs, vines, and other live plant material. In addition, a landscape design may include other decorative man-made materials, such as wood chips, crushed stone, boulders, or mulch. Structural features such as fountains, pools, statues, and benches shall also be considered a part of landscaping, but only if provided in combination with live plant material. Artificial plant materials shall not be counted toward meeting the requirements for landscaping. Various landscaping related terms are defined as follows:

- a. **Berm:** A continuous, raised earthen mound comprised of non-toxic materials with a flattened top and sloped sides, capable of supporting live landscaping materials, and with a height and width that complies with the requirements of these Zoning Regulations.
- b. **Grass:** Any of a family of plants with narrow leaves normally grown as permanent lawns in Genesee County, Michigan.
- c. **Greenbelt:** A strip of land of definite width and location reserved for the planting of a combination of shrubs, trees, and ground cover to serve as an obscuring screen or buffer for noise or visual enhancement, in accordance with the requirements of these Zoning Regulations.
- d. **Ground cover:** Low-growing plants that form a dense, extensive growth after one complete growing season, and tend to prevent weeds and soil erosion.
- e. **Hedge:** A row of closely planted shrubs or low-growing trees which commonly form a continuous visual screen, boundary, or fence.
- f. **Hydro-Seeding:** A method of planting grass where a mixture of the seed, water, and mulch is mechanically sprayed over the surface of the ground.
- g. **Interior or parking lot landscaping:** A landscaped area located in the interior of a site or parking lot in such a manner as to improve the safety of pedestrian and vehicular traffic, guide traffic movement and improve the appearance of the site.
- h. **Mulch:** A layer of wood chips, dry leaves, straw, hay, plastic, or other materials placed on the surface of the soil around plants to retain moisture, prevent weeds from growing, hold the soil in place, or aid plant growth.
- i. **Nurse grass:** Any of a variety of rapidly-growing annual or perennial rye grasses used to quickly establish ground cover to prevent dust or soil erosion.
- j. **Planting:** A young tree, vine or shrub that would be placed on or in the ground.
- k. **Screen or screening:** A wall, wood fencing, or combination of plantings of sufficient height, length, and opaCity to form a visual barrier. If the screen is composed of non-living material, such material



**Hospital:** A facility offering 24-hour emergency, inpatient and outpatient care and services for observation, diagnosis and active treatment of patients under the care and supervision of physicians and professional medical staff. The term 'hospital' shall also include medical clinics or hospitals offering care in special fields such as eye, cardiac care, ear, nose, throat, pediatric, orthopedic, skin, cancer, burn centers, neo-natal care, children's hospitals and ophthalmology centers.

**Hotel:** A building or part of a building, with a common entrance or entrances, in which the dwelling units 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.

**Housing for the elderly:** Housing constructed for the exclusive use of an individual fifty-five (55) years of age or older, or for a couple where at least one (1) of the individuals is over the age of fifty-five (55). Housing for the elderly may include the following:

- a. **Senior apartments:** Multiple-family dwelling units occupied by persons 55 years of age or older.
- b. **Elderly housing complex:** A building or group of buildings containing dwellings where the occupancy is restricted to persons 60 years of age or older or couples where either the husband or wife is 60 years of age or older.
- c. **Congregate housing:** A type of semi-independent housing facility for more than twenty (20) adults containing congregate kitchen, dining, and living areas, but with separate sleeping rooms. Such facilities typically provide special support services, such as transportation and limited medical care.
- d. **Dependent housing facilities (nursing homes):** Facilities which are designed for older persons who need a wide range of health and support services, including personal nursing care.

**Impervious surface:** A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water.

**Indoor recreation center:** An establishment which provides indoor exercise facilities and/or indoor court sports facilities, and which may include spectator seating in conjunction with the sports facilities. For the purposes of these Zoning Regulations, a bowling establishment shall be considered a type of indoor recreation center.

**Industry, heavy:** A use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

**Industry, light:** A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

**Ingress and egress:** As used in these Zoning Regulations, "ingress and egress" generally is used in reference to a driveway which allows vehicles to enter or leave a parcel of property, or to a sidewalk which allows pedestrians to enter or leave a parcel of property, a building, or another location.

**Junk:** Any motor vehicles, machinery, appliances, products or merchandise with parts missing, or other scrap materials that are damaged, deteriorated, or are in a condition which prevents their use for the purpose for which the product was manufactured.

**Junk yard:** An area where waste, used or second-hand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled including, but not limited to: scrap iron and other metals, paper,

faces of the exterior walls or from the centerline of walls separating two (2) dwellings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.

**Floor, ground:** That building portion which is partly below grade, but so located that the vertical distance from the average grade to the ceiling is greater than the vertical distance from the average grade to the floor. A ground floor shall be counted as a story.

**Fraternal organization:** See Club.

**Garage, private:** An accessory building or portion of a main building designed or used solely for the storage of motor-driven vehicles, boats, and similar vehicles owned and used by the occupants of the building to which it is accessory.

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

**Garden center:** An establishment with retail sales of trees, fruits, vegetables, shrubbery, plants, landscaping supplies, lawn furniture, playground equipment and other home garden supplies and equipment.

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

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

**Greenbelt:** A strip of land of specified width and location reserved for the planting of shrubs and/or trees, along with similar plant materials, all of which serve as an obscuring screen or buffer strip.

**Group home:** See Care Organization.

**Gym or gymnasium:** A room or building equipped for gymnastics, exercise or sport.

**Hazardous uses:** All uses which involve the storage, sale, manufacture, or processing of materials which are dangerous and combustible and are likely to burn immediately, and from which either poisonous fumes or explosions are to be anticipated in the event of fire. These uses include all high hazard uses listed in the most recent edition of the Building Code adopted by the City.

**Height of building:** See Building Height.

**Highway:** See Street.

**Home occupation:** An occupation, trades, craft, profession or hobby conducted within a dwelling where such use is clearly incidental to the principal use of the dwelling as a residence. Standards for permitted home occupations are provided in Section 502.

**Easement:** A right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-public purpose and within which the owner of the property shall not erect any permanent structures.

**Engineer, City:** The City Engineer is the person or firm authorized to advise the City Administration, City Council and Planning Commission on drainage, grading, paving, storm water management and control, utilities, and other related site engineering and civil engineering issues. The City Engineer may be a consultant or an employee of the City.

**Erected:** Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction, excavation, fill, drainage, and the like, shall be considered a part of erection.

**Essential services:** The erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel or water transmission or distribution system, collection, communication, supply or disposal systems, including poles, wires, water towers, lift stations, iron removal facilities, wells, water mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment in connection herewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety or welfare. Essential services shall not include storage yards, cellular telephone towers, commercial reception towers, air quality monitoring stations, propane sales, school bus parking yards, electrical towers, sales or business offices, or commercial buildings or activities or other similar uses.

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

**Facade:** The exterior wall of a building exposed to public view.

**Family:** means either of the following:

- a. A domestic family, that is, one or more persons living together and related by the bonds of consanguinity, marriage, or adoption, together with servants of the principal occupants and not more than one additional unrelated person, with all of such individuals being domiciled together as a single, domestic, housekeeping unit in a dwelling.
- b. The functional equivalent of the domestic family, that is, persons living together in a dwelling unit whose relationship is of a permanent and distinct character and is the functional equivalent of a domestic family with a demonstrable and recognizable bond which constitutes the functional equivalent of the bonds which render the domestic family a cohesive unit. All persons of the functional equivalent of the domestic family must be cooking and otherwise operating as a single housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, organization or group where the common living arrangement and/or the basis for the establishment of the functional equivalency of the domestic family is likely or contemplated to exist for a limited or temporary duration. There shall be a rebuttable presumption enforceable by the Building and Zoning Administrator in the first instance that the number of persons who may reside as a functional equivalent family shall be limited to six (6). Such presumption may be rebutted by application for a special land use based upon the applicable standards in this Ordinance.

**Fence:** A structure of definite height and location constructed of wood, masonry, stone, wire, metal, or any other material or combination of materials serving as a physical barrier, marker, or enclosure, but excluding low solid masonry walls (see also Sec. 315).

**Filling:** The depositing or dumping of any matter onto or into the ground, except as part of common household gardening or ground care.

**Floor area, residential:** For the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the exterior

**Dwelling, accessory apartment:** A dwelling unit that is accessory to and typically contained within a conventional single-family dwelling, and which is occupied by: (a) persons related to the occupant of the principal residence by blood, marriage or legal adoption, or (b) domestic servants or gratuitous guests. An accessory apartment commonly has its own kitchen, bath, living area, sleeping area, and usually a separate entrance.

**Dwelling, manufactured:** A building or portion of a building designed for long-term residential use and characterized by all of the following:

- a. The structure is produced in a factory in accordance with the National Manufactured Housing Construction and Safety Standards Act, as amended; and
- b. The structure is designed to be transported to the site in a nearly complete form, where it is placed on a foundation and connected to utilities; and
- c. The structure is designed to be used as either an independent building or as a module to be combined with other elements to form a complete building on the site.
- d. A manufactured dwelling may be a mobile home, defined as a type of manufactured housing structure, transportable in one (1) or more sections, which is built upon a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. Recreational vehicles as described and regulated herein shall not be considered "mobile homes" for the purposes of these Zoning Regulations.

**Dwelling, multiple-family:** A building designed for and occupied by three (3) or more families living independently, with separate housekeeping, cooking, and bathroom facilities for each. Examples of multiple-family dwellings units include those commonly known as apartments, which are defined as follows:

- a. **Apartment:** An apartment is an attached dwelling unit with party walls, contained in a building with other apartment units which are commonly reached from a common stair landing or walkway. Apartments are typically rented by the occupants. Apartment buildings often may have a central heating system and other central utility connections. Apartments typically do not have their own yard space. Apartments are also commonly known as garden apartments or flats.
- b. **Efficiency unit:** An efficiency unit is a type of multiple-family or apartment unit consisting of one (1) principal room, plus bathroom and kitchen facilities, hallways, closets, and/or a dining alcove located directly off the principal room.
- c. **Other:** A building containing three (3) or more attached dwelling units including units that are located one over the other. (amended 2/14/96)

**Dwelling, one-family or single-family:** An independent, detached residential dwelling designed for and used or held ready for use by one (1) family only. Single-family dwellings are commonly the only principal use on a parcel or lot.

**Dwelling, two-family or duplex:** A detached building, designed exclusively for and occupied by two (2) families living independently of each other, with separate housekeeping, cooking, and bathroom facilities for each.

**Dwelling unit:** One or more rooms, along with bathroom and kitchen facilities, designed as a self-contained unit for occupancy by one (1) family for living, cooking, and sleeping purposes.

**Dwelling unit, single-family attached or townhouse:** A townhouse is an attached single-family dwelling unit with party walls, designed as part of a series of three (3) or more dwellings, with its own front door which opens to the outdoors at ground level, its own basement, and typically, with its own utility connections and front and rear yards. Townhouses are sometimes known as row houses.

- k. **Limited common elements:** Portions of the common elements reserved in the master deed for the exclusive use of less than all co-owners.
- l. **Master deed:** The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan.
- m. **Site condominium project:** A condominium project designed to function in a similar manner, or as an alternative to a platted subdivision.

**Congregate housing:** See Housing for the elderly.

**Contractor's yard:** A site on which a building or construction contractor stores equipment, tools, vehicles, building materials, and other appurtenances used in or associated with building or construction. A contractor's yard may include outdoor or indoor storage, or a combination of both.

**Convalescent home:** See Nursing Home.

**Convenience store:** A one-story, retail store that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a "supermarket"). Convenience stores are designed to attract a large volume of stop-and-go traffic.

**Curb cut (driveway):** The entrance to or exit from a property provided for vehicular traffic to or from a public or private thoroughfare.

**Cul-de-sac:** See Street.

**Deck:** A platform, constructed of wood and attached to a house, which is commonly used for outdoor leisure activities.

**Density:** The number of dwelling units situated on or to be developed per net or gross acre of land excluding area devoted to public r.o.w. or easements. For purposes of calculating maximum density, only twenty-five percent (25%) of the acreage comprised of open water, land within the 100 year floodplain elevation, and/or wetlands protected by the Goemaere-Anderson Wetland Protection Act, PA 203 of 1979, shall be calculated toward the total site acreage.

**Detention basin:** A man-made or natural water collector facility designed to collect surface water in order to impede its flow and to release the water gradually at a rate not greater than that prior to the development of the property, onto natural or man-made outlets.

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

**District:** A portion of the incorporated area of the municipality within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

**Drive-through:** An establishment so developed that some portion of its retail or service character is dependent upon providing a staging area and service window specifically designed for serving motorists while in a motor vehicle with carry-out and consumption or use after the vehicle is removed from the premises (see also definitions for restaurants).

**Dwelling unit:** A building, or portion thereof, designed for occupancy by one (1) family for residential purposes and having single cooking and bath facilities for each. In no case shall a travel trailer, motor home, automobile, tent or other portable building defined as a recreational vehicle be considered a dwelling. In the case of mixed occupancy where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purposes of these Zoning Regulations. (amended 2/14/96)

- d. tow trucks;
- e. commercial hauling trucks;
- f. vehicle repair service trucks;
- g. snow plowing trucks;
- h. any vehicle with a commercial license plate having a gross vehicle weight in excess of ten thousand (10,000) pounds or a total length in excess of twenty-two (22) feet.

**Condominium:** A condominium is a system of separate ownership of individual units and/or multi-unit projects according to Public Act 59 of 1978, as amended. In addition to the interest acquired in a particular unit, each unit owner is also a tenant in common in the underlying fee and in the spaces and building parts used in common by all the unit owners. For the purposes of these Zoning Regulations, condominium terms shall be defined as follows:

- a. **Condominium act:** Shall mean Public Act 59 of 1978, as amended.
- b. **Condominium lot:** That portion of the land area of a site condominium project designed as the building envelope and intended to function similar to a platted subdivision lot for purposes of determining minimum yard setback requirements and other requirements set forth in the Schedule of Regulations of these Zoning Regulations. Setbacks for the building envelope shall be measured beginning at a point perpendicular to the edge of the pavement of the access road, private road, or public road. The setback shall include a distance of fifteen (15) feet from the edge of the pavement plus the required setback as stated in the Schedule of Regulations of this Ordinance.
- c. **Condominium subdivision plan:** Drawings and information which show the size, location, area, and boundaries of each condominium unit, building locations, the nature, location, and approximate size of common elements, and other information required by Section 66 of Michigan Public Act 59 of 1978, as amended.
- d. **Condominium unit:** That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed for the condominium project.
- e. **Common elements:** Portions of the condominium project other than the condominium units.
- f. **Contractible condominium:** A condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to provisions in the condominium documents and in accordance with these Zoning Regulations and the Condominium Act.
- g. **Conversion condominium:** A condominium project containing condominium units some or all of which were occupied before the establishment of the condominium project.
- h. **Convertible area:** A unit or a portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to provisions in the condominium documents and in accordance with these Zoning Regulations and the Condominium Act.
- i. **Expandable condominium:** A condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with these Zoning Regulations and the Condominium Act.
- j. **General common elements:** Common elements other than the limited common elements, intended for the common use of all co-owners.

- b. **Family foster care or family home:** A private home in which one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for twenty-four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
- c. **Group foster care or family group home:** A private home licensed by the Michigan Department of Social Services in which more than four (4) but less than seven (7) children, who are not related to an adult member of the household by blood, marriage, or adoption, are provided care for twenty-four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
- d. **Family day care home:** A private home in which one (1) but less than seven (7) minor children are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than (4) weeks during a calendar year.
- e. **Group day care home:** A private home in which more than six (6) but not more than twelve (12) children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.

**Cemetery:** Land used or intended to be used for burial of the human dead including columbariums, crematories, and mausoleums and dedicated for such purposes.

**Church (mosque or temple, etc.):** Any structure wherein persons regularly assemble for religious activity.

**City Council:** The governing body of the City of Grand Blanc, Michigan.

**Clinic, medical:** A place for the care, diagnosis, and treatment of sick or injured persons and those in need of medical or minor surgical attention. A clinic may incorporate laboratories and pharmacies, but shall not include facilities for in-patient care or major surgery.

**Clinic, veterinary:** An institution which is licensed by the Michigan Department of Health to provide for the care, diagnosis and treatment of animals, including those in need of medical or surgical attention.

**Club, private or fraternal organization and lodge halls:** An organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics, or the like, but not operated for profit or to espouse beliefs or further activity that is not in conformance with the Constitution of the United States or any laws or ordinances. The facilities owned or used by such organization may be referred to as a "club" in these Zoning Regulations.

**Commercial use:** The use of property for retail sales or similar businesses where goods or services are sold or provided directly to the consumer. As used in these Zoning Regulations "commercial use" shall not include industrial, manufacturing, or wholesale activities.

**Commercial vehicle:** Any vehicle possessing commercial license plates and which falls into one or more of the categories listed below:

- a. truck tractor;
- b. semi trailer, which shall include flat beds, stake beds, roll-off containers, tanker bodies, dump bodies and full or partial box-type enclosures;
- c. vending trucks, such as ice cream, milk, bread, fruit or vending supply trucks;

**Board of Appeals:** The Board of (Zoning) Appeals of the City of Grand Blanc.

**Buildable area:** The space remaining on a lot after compliance with the minimum required setbacks of the Ordinance.

**Building:** Any structure, either temporary or permanent, having a roof supported by columns or walls, and intended for the shelter, or enclosure of persons, animals, chattels, or property of any kind. A building shall include tents, awnings, semi-trailers, or vehicles situated on a parcel and used for the purposes of a building. A building shall not include such structures as signs, fences or smokestacks, but shall include structures such as storage tanks, coal bunkers, oil cracking towers, or similar structures.

**Building envelope:** The area of a lot which is defined by the minimum setback requirements within which building construction is permitted by the terms of these Zoning Regulations.

**Building height:** The vertical distance measured from the established grade of 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.

**Building line:** A line formed by parallel to the face of the building, and for the purposes of this Ordinance, a minimum building line is the same as a front setback line.

**Building, main or principal:** A building, or where the context so indicates, a group of buildings in which is conducted the main or principal use of the lot on which said building is situated.

**Building and Zoning Administrator:** The City Official(s) designated by the City Council to administer and enforce the City Zoning Ordinance of the City or his or her designee.

**Bulk:** The term used to indicate the size and setbacks of buildings and structures and the location of same with respect to one another, including standards for the height and area of buildings; the location of exterior walls in relation to lot lines, streets, and other buildings; gross floor area of buildings in relation to lot area; open space; and, the amount of lot area required for each dwelling unit.

**Caliper:** The diameter measured at four and one-half (4.5) feet above the natural grade for existing trees; twelve (12) inches above the average surrounding grade for new trees over four (4) inches in caliper and six (6) inches above the average surrounding grade for trees less than four (4) inches in caliper.

**Care organization:** A facility for the care of children under 18 years of age, as licensed and regulated by the State under Act No. 116 of the Public Acts of 1973 and Act No. 218 of the Public Acts of 1979 and the associated rules promulgated by the State Department of Social Services. Such organizations shall be further defined as follows:

- a. **Child care center or Day care center:** A facility other than a private residence, receiving more than one (1) preschool or school age children for group day care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility which provides care for not less that two (2) consecutive weeks, regardless of the number of hours of care per day. *(amended 2/14/96)*

The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. "Child care center" or "day care center" does not include 1) a Sunday school, a vacation bible school or a religious instructional class that is conducted by a religious institution or a facility operated by a religious organization where children are in attendance for not more than three (3) hours per day for an indefinite period or not more than eight (8) hours per day for a period not to exceed four (4) weeks during a twelve (12) month period; or 2) a facility operated by a religious organization where children are cared for not more than three (3) hours while persons responsible for such children are attending religious services. *(amended 2/14/96)*



**Arcade:** The use of a building or a portion of a building for the location, operation, and placement of six (6) or more mechanical amusement devices. For the purposes of this definition, mechanical amusement devices shall mean any device, apparatus, mechanical equipment or machine operated as amusement for required compensation. The term does not include vending machines used to dispense foodstuffs, toys, or other products for use and consumption.

**Automobile:** Unless specifically indicated otherwise, "automobile" shall mean any vehicle including, by way of example, cars, trucks, vans, motorcycles, and the like.

**Automobile or Vehicle Dealership:** A building or premises used primarily for the sale of new and used automobiles and other motor vehicles to include outside storage of vehicles.

**Auto repair, major:** An automotive repair establishment which may conduct activities defined herein as "minor repairs" and one or more of the following: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service, such as body, frame, or fender straightening and repair; overall painting and undercoating of automobiles, major overhauling of engine requiring removal of cylinder-head or crank casepan, recapping or retreading of tires, steam cleaning and similar activities.

**Automobile service center (minor maintenance and repair):** A building or premises used primarily to provide general maintenance on automobiles such as oil changes and lubrication; servicing and repair of spark plugs, batteries, pumps, belts, hoses, air filters, windshield wipers and distributors; replacement of mufflers and exhaust systems, brakes and shock absorbers; radiator cleaning and flushing; sale and installation of automobile accessories such as tires, radios and air conditioners; wheel alignment, balancing and undercoating; but excluding tire recapping or grooving or any major mechanical repairs, collision work, or painting. An automobile service center may also sell gasoline, but is distinct from an automobile service station (i.e. gas station without repair).

**Automobile service (gasoline) station:** An establishment which includes buildings and premises for the primary purpose of retail sales of gasoline. An auto service station may also include an area devoted to sales of automotive items and convenience goods primarily sold to patrons purchasing gasoline.

**Automobile or vehicle dealership:** A building or premises used primarily for the sale of new and/or used automobiles and other motor vehicles to include outside storage of vehicles.

**Automobile wash:** Any building or structure or portion thereof either as a principal or accessory use containing facilities for washing motor vehicles using production line methods with a conveyor, blower, steam cleaning device or other mechanical washing devices; and shall also include coin and attendant operated drive-through, automatic self-serve, track mounted units and similar high volume washing establishments, but shall not include hand washing operations.

**Basement:** That portion of a building which is partly or wholly below grade, but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. This definition shall not apply to earth-bermed or earth-sheltered homes. A basement shall not be counted as a story.

**Bedroom:** A room designed or used in whole or in part for sleeping purposes.

**Bed-and-breakfast:** A single family dwelling which is owner occupied in which overnight accommodations are provided or offered for transient guests for compensation, often including provisions for a morning meal for overnight guests.

**Block:** The property abutting one side of a street and lying between the two nearest intersecting streets, (crossing or terminating) or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river or live stream; or between any of the foregoing and any other barrier to the continuity of development, or corporate boundary lines of the municipality.

- h. **Adult, nude, partially nude dancing:** A business having as its principal activity the live presentation of or display of nude, or partially nude, male or female impersonator(s), dancer(s), entertainers(s), waiter(s) or waitress(es), or employee(s) and which may or may not feature the service of food or beverage. For the purpose of this Ordinance, nude or partially nude shall mean having any or all of the "Specified Anatomical Areas" exposed (as defined herein).
- i. **Massage parlor or massage establishment:** A place where manipulated massage or manipulated exercises are practiced for pay upon the human body by anyone using mechanical, therapeutic, or bathing devices or techniques, other than the following: a duly licensed physician, osteopath, or chiropractor; a registered or practical nurse operating under a physician's directions; or, registered physical or occupational therapists or speech pathologists who treat patients referred by a licensed physician and operate only under such physician's direction. A massage establishment may include, but is not limited to, establishments commonly known as massage parlors, health spas, sauna baths, turkish bathhouses, and steam baths. Massage establishments, as defined herein, shall not include properly-licensed hospitals, medical clinics, or nursing homes, or beauty salons or barber shops in which massages are administered only to the scalp, the face, the neck or the shoulders.
- j. **Adult personal service business:** A business having as a principal activity a person of one sex, providing personal services for a person of the other sex, or same sex, on an individual basis in a closed room or a partitioned open space. It includes but is not limited to, the following activities and services: massage parlors, exotic rubs, modeling studios, body painting studios, wrestling studios, individual theatrical performances. It does not include activities performed by persons pursuant to, and in accordance with, licenses issued to such persons by the State of Michigan.
- k. **Adult outdoor motion picture theater:** A drive-in theater used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" (as defined herein) for observation by patrons of the theater. Such establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.
- l. **Specified anatomical areas:** Portions of the human body defined as follows:
  - 1. less than completely and opaquely covered human genitals, pubic region, buttocks, or female breast below the point immediately above the top of the areola; and
  - 2. human male genitals in a discernible turgid state, even if completely and opaquely covered.
- m. **Specified sexual activities:** The explicit display of one or more of the following:
  - 1. human genitals in a state of sexual stimulation or arousal;
  - 2. acts of human masturbation, sexual intercourse, or sodomy;
  - 3. fondling or other erotic touching of human genitals, pubic region, buttocks, or female breast;

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

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

**Animal hospital:** See Clinic, veterinary.

**Apartment:** See Dwelling, multiple-family.

any person. The following uses shall not be included within the definition of an adult physical culture establishment:

1. establishments which routinely provide such services by a licensed physician, a licensed chiropractor, a licensed osteopath, a licensed physical therapist, a licensed practical nurse, or any other similarly licensed medical professional;
  2. electrolysis treatment by a licensed operator of electrolysis equipment;
  3. continuing instruction in martial or performing arts, or in organized athletic activities;
  4. hospitals, nursing homes, medical clinics, or medical offices;
  5. barber shops or beauty parlors and salons which offer massages to the scalp, the face, the neck or shoulders only;
  6. adult photography studios whose principal business does not include the taking of photographs of specified human anatomical areas; and
  7. a masseuse licensed by the State of Michigan and not engaged in massaging "specified anatomical areas" or engaged in "specified sexual activities" as described in this section.
- b. **Adult book or supply store:** An establishment having ten percent (10%) or more of all usable interior, retail, wholesale, or warehouse space devoted to the distribution, display, or storage of books, magazines, and other periodicals and/or photographs, drawings, slides, films, video tapes, recording tapes, and/or novelty items which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined herein), or an establishment with a segment or section devoted to the sale or display of such material.
- c. **Cabaret:** An establishment where live entertainment is provided, presented, permitted or performed, which performances are distinguished or characterized by an emphasis on or relationship to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined herein) for observation by or participation of patrons therein. Also, an establishment which features any of the following: topless dancers and/or bottomless dancers, go-go dancers, strippers, male and/or female impersonators or similar entertainers, topless and/or bottomless waiters, waitresses and/or employees.
- d. **Adult motion picture theater or adult live stage performing theater:** An enclosed building with a capacity of 50 or more persons wherein still or motion pictures, video tapes or similar material is presented or viewed which is distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined herein) for observation by patrons therein. Such an establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.  
(amended 2/14/96)
- e. **Adult model studio:** Any place where models who display "Specified Anatomical Areas" (as defined herein) are present to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons who pay some form of consideration or gratuity. This definition shall not apply to any accredited art school or similar educational institution.
- f. **Adult motel:** A motel wherein visual displays, graphic materials, or activities are presented which depict, describe, or relate to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined herein).
- g. **Adult motion picture arcade or mini motion picture theater:** Any place where motion picture machines, projectors, or other image producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images displayed depict, describe, or relate to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined herein). (amended 2/14/96)

**SECTION 201     DEFINITIONS**

Whenever used in these Zoning Regulations, the following words and phrases shall have the meaning ascribed to them in this Section:

**Accessory use, building, or structure:** A use, building, or structure which is clearly incidental to, customarily found in connection with, subordinate to, and is located on the same zoning lot as the principal use to which it is exclusively related and is devoted exclusively to an accessory use.

**Accessory use or accessory:** A use which is clearly incidental to, customarily found in connection with, and (except in the case of accessory off-street parking spaces or loading) located on the same zoning lot as the principal use to which it is related. When "accessory" is used in this text, it shall have the same meaning as accessory use. Accessory use includes, but it is not limited to uses such as those that follow:

- a. Residential accommodations for servants and/or caretakers within the principal building.
- b. Swimming pools for the use of the occupants of a residence, or their guests.
- c. Domestic or agricultural storage in a barn, shed, tool room, or similar accessory building or other structure.
- d. Storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations.
- e. Storage of goods used in or produced by industrial uses or related activities, unless such storage is excluded in the applicable district regulations.
- f. Accessory off-street parking spaces, open or enclosed, subject to the accessory off-street parking regulations for the district in which the zoning lot is located.
- g. Uses clearly incidental to a principal use such as offices of an industrial or commercial complex located on the site of the commercial or industrial complex.
- h. Accessory signs, subject to the City Sign Ordinance for the district in which the zoning lot is located.

**Act:** The term "Act" or "doing of an act" includes "omission to act" and for the purpose of this Ordinance does not include legislation.

**Adult foster care facility:** A residential structure licensed to provide room, board and supervised care, but not continuous nursing care, for unrelated adults over the age of 17, in accordance with Public Act 218 of 1979, as amended, and the Adult Foster Care Administrative Rules as administered by the Michigan Department of Social Services. The following four (4) types of Adult Foster Care Homes are provided for by these rules:

- a. **Adult Foster Care Home:** Private residence for six (6) or fewer adults. Licensee must live in the home, and local zoning approval is not required prior to issuance of a license.
- b. **Adult Foster Care Small Group Homes:** Residence for twelve (12) or fewer adults. Licensee is not required to live in the home. Local zoning approval is required prior to issuance of a license only if seven (7) or more residents will live in the home.
- c. **Adult Foster Care Large Group Family:** Residence for thirteen (13) to twenty (20) adults. Licensee is not required to live in the home. Local zoning approval is required prior to issuance of a license.
- d. **Congregate Care Facility:** See "Housing for the Elderly."

**Adult day care:** A facility which provides care for over twelve (12) adults for less than 24 hours.

**Adult regulated uses:** As used in these Zoning Regulations, the following definitions shall apply to adult regulated uses:

- a. **Adult physical culture establishment:** Any establishment, club, or business by whatever name designated, which offers or advertises, or is equipped or arranged so as to provide as part of its services, massages, body rubs, alcohol rubs, physical stimulation, baths, or other similar treatment by

## ARTICLE II

### **CONSTRUCTION OF LANGUAGE AND DEFINITIONS**

#### **SECTION 200 CONSTRUCTION OF LANGUAGE**

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

- a. The particular shall control the general.
- b. In case of any differences of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- c. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- d. Words used in the present tense shall include the future; and words used in singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- e. A "building" or "structure" includes any part thereof.
- f. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for", or "occupied for".
- g. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- h. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and", "or", "either...or", the conjunction shall be interpreted as follows:
  1. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
  2. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
  3. "Either...or" indicates that the connected items, conditions, provisions or events shall apply singly, but not in combination.
- i. The phrase "such as" shall mean "such as, but not limited to."
- j. The word "including" shall mean "including, but not limited to."
- k. Terms not herein defined shall have the meaning customarily assigned to them.
- l. The words "abutting or adjacent" shall not include lots separated by streets or roadways. (amended 2/14/96)

## ARTICLE III

### GENERAL PROVISIONS

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#### SECTION 300 INTRODUCTION

The standards and regulations listed in this Article shall apply to all uses, buildings and structures within all zoning districts unless otherwise specifically addressed.

#### SECTION 301 WITHHOLDING OF APPROVAL

The Planning Commission, Board of Zoning Appeals or City Council may withhold granting of approval of any use, Special Land Use, site plan, Planned Unit Development Plan, variance or other approval required by this Ordinance pending approvals which may be required by State, County or Federal agencies or departments.

#### SECTION 302 VOTING PLACE

The provisions of this Chapter shall not be construed as to interfere with the temporary use of any property as a voting place in connection with a City, school or other public election.

#### SECTION 303 LOT AREA

Any lot existing and of record on the effective date of this Ordinance may be used for any principal use permitted other than Special Land Uses for which special lot area requirements are specified in this Ordinance, permitted in the district in which such lot is located whether or not such lot complies with the lot area and width requirements of this Ordinance. Such use may be made provided that all requirements other than lot area and width prescribed in this Ordinance are complied with, and provided that not more than one (1) dwelling unit shall occupy any lot except in conformance with the provisions of this Ordinance for required lot area for each dwelling unit.

#### SECTION 304 PRINCIPAL BUILDING, STRUCTURE OR USE

No lot may contain more than one (1) principal building, structure or use except: groups of multiple family dwellings under the same ownership, condominium developments, manufactured housing parks, unified shopping centers, an auto dealership, an office complex, a multi-building industrial use, an approved wireless communication facility or a Planned Unit Development. (As amended June 10, 1998)

#### SECTION 305 SINGLE FAMILY DWELLING DESIGN STANDARDS (amended 7/9/03)

- a. Intent: This section is intended to establish regulations for the construction of new single family dwellings, whether mobile homes, manufactured homes, modular homes or site ("stick") built homes, located outside a mobile home park in addition to HUD standards or the City Building Code, as appropriate. The standards herein are intended to prevent grossly dissimilar dwellings which would adversely affect the value of dwellings in the surrounding area, adversely affect the desirability of an area to existing or prospective homeowners, impair the stability of the environment, prevent the most appropriate use of real estate and lessen the opportunity to realize the development pattern envisioned in the Grand Blanc Community Master Plan.

These regulations are based on the finding that the cohesiveness and character of the City's neighborhoods are significant factors in the City's quality of life, contribute to the distinct character in the various neighborhoods and help retain property values. These regulations further ensure new housing units are harmonious with the general character of the adjacent houses and the City overall and ensure a stable housing stock. While some level of diversity is acceptable, these regulations are intended to ensure the design variation of new homes is similar to the level of variation in existing homes in the immediate area, or surrounding neighborhoods with similar densities for new residential projects. The standards shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.

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- b. **Applicability:** The regulations of this section shall apply to all new single family home construction. Major home expansions where the homeowner is expanding the footprint of the new home by forty percent (40%) shall comply with subsections 305(d)(11), 305(d)(12), and 305(d)(13), in addition to required building codes, to ensure the resulting home continues to maintain the character of the neighborhood. The standards shall not apply to minor home expansions, interior remodeling, or to residences outside of the single family zoning districts.
- c. **Approval:** Compliance with these regulations shall be determined by the Building and Zoning Administrator at the time the building permit is reviewed and shall be based on the standards of subsection 'd' below.
- d. **Standards:**
1. **Code compliance:** Each such dwelling unit shall comply with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, as amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements. Where there are conflicting applicable regulations, the more stringent shall apply.
  2. **Building permit:** All construction required herein shall be commenced only after a building permit has been obtained in accordance with the City Building Code and other building regulations.
  3. **Certification:** If the dwelling unit is a mobile home, the mobile home must either be (i) new and certified by the manufacturer and/or appropriate inspection agency as meeting the Mobile Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development, as amended, or any similar successor or replacement standards which may be promulgated, or (ii) used and certified by the manufacturer and/or appropriate inspection agency as meeting the standards referenced in Subsection (i) above, and found, on inspection by the Building and Zoning Administrator or their designee, to be in excellent condition and safe and fit for residential occupancy.
  4. **Dimensional Standards:** Each such dwelling unit shall comply with the minimum standards listed in Article XX for the Zoning District in which it is located, including minimum lot area, minimum lot width, minimum floor area, required setbacks and maximum building height. Homes constructed within an existing neighborhood, also called fill-in housing, are subject to the regulations of subsection '8' and '9' below.
  5. **Foundation:** Each dwelling unit shall be firmly attached to a permanent basement or crawl space foundation constructed on the site in accordance with the City Building Code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings. If said dwelling is a mobile home, the dwelling shall be securely anchored to the foundation to prevent displacement during windstorms.
  6. **Undercarriage:** In the event that such dwelling unit shall be a mobile home, the wheels, tongue, hitch assembly and other towing appurtenances shall be removed before attachment to its permanent foundation. The foundation or skirting shall fully enclose the towing mechanism, undercarriage and chassis.
  7. **Storage area:** Each such dwelling unit shall contain a storage area equal to ten percent (10%) of the square footage of the dwelling or one hundred (100) square feet, whichever shall be less. This storage area shall consist of a basement, attic or attached garage, or in a separate detached accessory structure that complies with the standards of this Section

regarding accessory buildings and structures. The intent of these standards is to limit the extent of outdoor storage.

- 8. **Roof:** The roof shall have a minimum 4:12 pitch and with a drainage system that will collect and concentrate the discharge of storm water or snow away from the sides of the dwelling. The roof shall have wood shake, asphalt, or other acceptable shingles. A roof overhang of not less than six (6) inches on all sides shall be provided, or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling.
- 9. **Exterior Doors:** A minimum of two (2) exterior doors shall be provided with the second one being in either the rear or the side of the dwelling. All dwelling units shall be oriented toward the public right-of-way such that the facade that faces the street contains a door, windows, and other architectural features customary to the front facade of a residence.
- 10. **Width:** The width across any front, side or rear elevation shall be a minimum of twenty (20) feet and comply in all respects with the City Building Code (BOCA).
- 11. **Building Mass:** In-fill housing development shall consider the gross floor area and lot coverage of surrounding homes to ensure compatibility. The gross floor area and lot coverage of the proposed dwelling shall be at least ninety percent (90%) and no more than one hundred and thirty-five percent (135%) of the average square footage of constructed single family dwellings within five hundred (500) feet of the subject dwelling unit, with measurements made from the edge of the street.
- 12. **Front Yard Setback:** In-fill housing development shall maintain a consistent front building line along the street. The front yard setback of the proposed dwelling shall be no less than ninety percent (90%) and no more than one hundred and thirty-five percent (135%) of the average established front yard setback of other single family dwelling unit within five hundred (500) feet of the subject dwelling unit, with measurements from the edge of the street.
- 13. **Architectural Compatibility:** Building appearance for all new single family dwelling unit construction shall be aesthetically compatible in design and appearance with other residences in similar zoning districts in the surrounding area. For new single family neighborhood development (in the form of a new subdivision plat or new site condominium project), the surrounding area is defined as the nearest existing neighborhoods with similar densities. For in-fill housing development where there is one or a few isolated sites being developed within the existing neighborhood (in the form of an existing lot of record or recent land division), surrounding area shall be defined as within five hundred (500) feet of the subject dwelling unit; with measurements made from the edge of the lot in each direction, including the opposite side of the street. The determination shall be made by the Building and Zoning Administrator and in considering similarity and compatibility with the surrounding area, the following features must be considered in order to meet this requirement. If the Building and Zoning Administrator cannot reach a determination on architectural compatibility, the applicant shall be forwarded to the Planning Commission for review and final action.
  - a) Exterior building material used on the proposed dwelling
  - b) Roof style
  - c) The design and position of
  - d) Front entry design (presence of porches, front door location, etc.)
  - e) Garage style and design
- e. **Appeal:** An applicant may appeal to the Board of Zoning Appeals within a period of fifteen (15) days from the receipt of notice of said Building and Zoning Administrator's, or Planning Commission as applicable, decision.



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- f. **Sewage disposal and water supply:** Each such dwelling unit shall be connected to a public sewer and water supply.
- g. **Exceptions:** The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in this ordinance and pertaining to such parks. Single family homes which do not conform to the standards of this section shall not be used for dwelling purposes within the City unless located within a mobile home park or a mobile home subdivision district for such uses, or unless used as a temporary residence as otherwise provided in this Ordinance.

### **SECTION 306 REGULATIONS ON USE OF BUILDING FOR DWELLING**

- a. The use of any portion of the cellar (more than one-half the room is below grade) of a partially completed building, detached garage or accessory building for sleeping purposes in any zoning district is prohibited.
- b. Dwellings are not permitted in the office, commercial or industrial districts except for legal nonconforming dwelling existing at the time the Zoning Ordinance was adopted, a caretaker's quarters in a funeral home or veterinary clinic, upper story residential in the Central Business District which meets applicable standards of this Ordinance and the City Building Code, or housing used exclusively by security or custodial personnel and approved by the Board of Zoning Appeals. The use of trailers and recreational vehicles for housing such security and custodial personnel is prohibited.

### **SECTION 307 PARKING, STORAGE AND REPAIR OF VEHICLES**

The following standards shall apply to any storage or repair of vehicles within any zoning district:

- a. All vehicles parked or being worked on in a front yard shall be licensed and operable.
- b. Repair, restoration and maintenance procedures on vehicles in any residential zoning district may be permitted in the front yard, only when all such work is conducted entirely within the interior of the vehicle (i.e. minor "under the hood" work is permitted, but major repair, outdoor storage of parts, tools and body work is prohibited). Major repair work is permitted only on lots containing uses approved for automotive repair.
- c. Automobiles, trucks and commercial vehicles parked on any lot must be parked on a driveway, approved parking lot or within street right-of-way where parking is permitted. Areas outside of those approved parking areas shall be lawn or living plant material. (As amended June 10, 1998)
- d. Routine maintenance procedures (such as changing oil, fluids, belts or spark plugs) on a residential lot shall only be permitted on a licensed vehicle that is owned by the owner or tenant of the principal dwelling. Such maintenance procedures shall be permitted only on an approved paved surface for a maximum of five (5) consecutive days and a maximum five (5) days during any single month. Procedures which require the vehicle to be immobile or inoperable in excess of five (5) consecutive days shall be carried out within an enclosed building or off the premises.
- e. Inoperable vehicles and vehicle parts shall be stored inside an enclosed building.
- f. Parking of wreckers is prohibited in any zoning district except on a lot where the principal use involves approved automotive service or repair.
- g. Parking of commercial vehicles over one (1) ton within public street right-of-way is prohibited.
- h. Parking of commercial vehicles over one (1) ton anywhere in a residential district is prohibited.
- i. It shall be unlawful for the owner, tenant or lessee of any lot to permit the open storage or outdoor parking of semi-tractor trucks and/or semi-trailers, bulldozers, earth carriers, cranes or any other similar equipment or machinery, unless the storage or sales of such vehicles is an approved use

for the principal building on the site or unless the vehicles are temporarily parked while in use for approved construction on the property.

**SECTION 308 RECREATIONAL VEHICLE PARKING AND STORAGE**(amended 8/12/09)

The temporary outdoor parking or storage of a recreational vehicle shall be permitted in the front yard on lands not approved for such use for up to forty-eight hours provided such vehicle is located on a hard surface (including asphalt, concrete or gravel) and not within the right-of-way. However, the Building and Zoning Administrator may issue a permit allowing such temporary outdoor parking or storage of a recreational vehicle for a period not exceeding two (2) consecutive weeks. No more than two (2) temporary permits may be issued for a single property in any given calendar year.

Recreational vehicles may also be stored within the confines of the rear yard or side yard when behind the front building line of the principal building; and shall further provide a side yard setback of not less than three (3) feet and a rear yard setback of not less than ten (10) feet.

All recreational vehicles parked or stored outdoors shall be legally operable and licensed, and shall not be connected to any sanitary facilities. At any given time, not more than one (1) recreational vehicle shall be stored or parked outdoors on a residential property. For the purpose of this section, a single trailer storing more than one (1) recreational vehicle shall count one (1) such vehicle. For example, a single trailer containing two (2) snowmobiles shall constitute one (1) recreational vehicle.

**SECTION 309 DETERMINATION OF "SIMILAR USES"**

In recognition that every potential use cannot be addressed in this Zoning Ordinance, each district includes the phrase *"Uses of the same nature or class as uses listed in this district as either a Principal Use Permitted or a Special Land Use, but not listed elsewhere in this Zoning Ordinance, as determined by the Planning Commission based on the standards of Section 309"* at the end of the list of Special Land Uses. The Planning Commission shall make a determination of "Uses of the same nature and class..." according to the following:

- a. A finding the proposed use is not listed as a Principal Use permitted or Special Land Use in any zoning district.
- b. If the use is not addressed in the Zoning Ordinance, the Planning Commission shall select the use listed in the Zoning Ordinance which most closely resembles the proposed use using criteria such as potential impact on property values, traffic generated, aesthetics, noise, vibration, dust, smoke, odor, glare and other objectionable impacts terms of health, safety and welfare in the City. The Planning Commission may determine that there is no similar use and that the use should be prohibited (see Section 310).
- c. Once a similar use is determined, the proposed use shall comply with any special conditions or Special Land Use Standard that apply to the similar use.
- d. The Planning Commission or applicant shall have the option to request that the City Council consider an amendment to the Zoning Ordinance to specifically address the use in question, rather than treating the proposed use as a similar use.
- e. The determination as to whether a proposed use is similar in nature and class to other Principal use permitted or Special Land Uses within a district should be considered as an expansion of the use regulations, not a variance applying to a particular situation. Any use determined by the Planning Commission to be a "use of the same nature or class as uses listed" shall thereafter be included in the enumeration of the uses.

## ***Grand Blanc City Zoning Ordinance***

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The Planning Commission determination of a "Similar Use" may be appealed to the Board of Zoning Appeals.

### **SECTION 310 PROHIBITED USES**

Basis: Certain uses may not be appropriate within the City of Grand Blanc given the existing development pattern, environmental condition and overall character of the community. In accordance with the City or Village Zoning Act, a Zoning Ordinance or zoning decision can totally prohibit the establishment of a requested land use within a City if there is not an appropriate location within the community or the use is unlawful, even if there is a demonstrated need for that land use either in the City or surrounding area. In determining there is no appropriate location for the requested use within the City, the Planning Commission shall consider the following:

- a. The land area required by the proposed use.
- b. Existing environmental conditions and potential environmental hazards.
- c. The potential impact on surrounding properties in terms of traffic, noise, lighting, property valuation and views.
- d. Demand and capacity of utilities and municipal services to support the proposed use.  
(amended 2/14/96)
- e. Finding there is an alternative land use for the property that will provide the property owner with a reasonable rate of return on investment.

The Planning Commission determination of a "Prohibited Use" may be appealed to the Board of Zoning Appeals.

### **SECTION 311 ESSENTIAL PUBLIC SERVICES**

- a. Essential services buildings and structures shall be permitted as authorized under any franchise in effect within the City, subject to regulation as provided in any law of the State of Michigan the list of uses within each zoning district or in any other City Ordinance provided it is the intent of this section to ensure conformity of all buildings, structures uses and storage yards to the requirements of this Zoning Ordinance wherever such conformity shall be practicable and not in conflict with the specific requirements of such franchise, state legislation or City Ordinance. In the absence of such conflict, the Zoning Ordinance shall prevail. Appeal from the application of this Ordinance in regard to any essential service may be made to the Board of Zoning Appeals.
- b. Public and On-Site Utilities: Prior to issuance of a building permit under the terms of this Ordinance, the applicant shall obtain engineering approval from the City.

### **SECTION 312 ACCESSORY BUILDINGS**

All accessory buildings and structures permitted in this Zoning Ordinance shall be subject to the following:

- a. **Relation to principal building:** Accessory buildings, structures and uses are permitted only in connection with, incidental to and on the same lot with, a principal building, structure or use which is permitted in the particular zoning district. No accessory building, structure or use shall be occupied or utilized unless the principal structure to which it is accessory is occupied or utilized.
- b. **Maximum number:** There shall be a maximum of one (1) detached accessory building.

The Board of Zoning Appeals may grant special approval to modify the maximum number of accessory buildings or the minimum size.

- c. **Maximum size and coverage:** An accessory building shall not occupy more than ten (10%) percent of a required rear yard, provided that in residential districts the accessory building shall not exceed the ground floor area of a main building, and in no case be larger than seven hundred (700) sq. feet.
- d. **Restrictions on placement:** Accessory buildings shall not be erected in any right-of-way, easement, or required front yard. When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard setback required on the lot to the rear of such corner lot. In the case of attached residential dwelling complexes, detached parking garages or carports may be permitted in the non-required front yard provided the Planning Commission approves the site plan, landscaping, elevation drawings and construction materials. In reviewing such structures, the Planning Commission shall consider the impact of headlights and views from nearby public streets and adjacent properties.
- e. **Required setbacks (attached):** Where the accessory building, structure or use is structurally attached to a principal building, structure or use (e.g. a deck, garage or breezeway), it shall be subject to all the regulations of this section applicable to principal buildings, structures and uses.
- f. **Required setbacks (detached):** Detached accessory buildings shall be at least ten (10) feet from any principal building or other accessory building or public street right-of-way line or property line if the structure is less than one hundred (100) square feet in area. Accessory structures greater than one hundred (100) square feet in area shall meet all the setback requirements for the principal buildings.
- g. **Maximum, height:** The maximum building height of any detached accessory building or structure in any Single Family (R-1 through R-3 and RT), District shall be fourteen (14) feet, measured from the average height between the eaves and the ridge. Accessory buildings in all other districts may be constructed to equal the permitted maximum height of structures in said districts, subject to Board of Zoning Appeals' review and approval if the building exceeds one (1) story or fourteen (14) feet in height.
- h. **Drainage:** The placement and design of any accessory building or structure shall not have a significant impact on stormwater runoff. The Building and Zoning Administrator may require grading plans or a sketch plan to ensure compliance with this provision.
- i. **Restrictions on use:** Accessory buildings shall not be occupied for dwelling purposes nor used for any business profession, trade or occupation except for permitted caretakers dwellings, except as permitted in Section 306.
- j. **Permit required:** Any accessory building or structure greater than two hundred (200) square feet in residential zoned districts and one hundred twenty (120) square feet in commercial zoned districts shall require a building permit. (amended 8/8/01 - Ordinance #256)

**SECTION 313 SWIMMING POOLS**

- a. **Requirement for fence:** Every person owning land on which there is located a pool shall erect and maintain thereon a fence or enclosure approved by the Building and Zoning Administrator in conformance with the City Building Code.
- b. **Restriction from front yard:** Swimming pools, spas, hot tubs and similar devices shall

not be located in any front yard.

- c. There shall be a minimum distance of not less than ten (10) feet between the adjoining property line and the outside of the pool wall. The required side yard setbacks of the zoning district (Article XX) shall apply to side yards if greater than ten (10) feet.
- d. There shall be a distance of not less than four (4) feet between the outside edge of the pool wall and any building located on the same lot.
- e. **Surrounding walk:** All public swimming pools shall be surrounded by a slip resistant walk at least four (4) feet wide.
- f. **Permits:** Construction shall be in accordance with the City Building Code. Permits shall be applied for and issued from the City Building Department prior to excavation or construction of any swimming pool, spa, hot tub or similar device requiring a fence as noted above. The application shall be accompanied by a complete set of plans and specifications. A final inspection and approval from the City Building Department must be obtained prior to use of the swimming pool.

**SECTION 314 WASTE RECEPTACLES**

Receptacles, including waste receptacles, waste compactors, and recycling bins shall be designed, constructed and maintained according to the standards of this section. Waste receptacle location and details of construction shall be shown on site plans. A change in receptacle location or size shall require modification to the enclosure, as warranted by this section.

- a. **Location:** Waste receptacles shall be located in the rear yard or non-required side yard, unless otherwise approved by the Planning Commission and shall be as far as practical, and in no case be less than twenty (20) feet from any residential district and in such a way that they are not easily damaged by the refuse device. The location and orientation of waste receptacle and enclosure shall minimize the potential for the waste receptacle to be viewed from public street or adjacent residential districts.
- b. **Access:** Waste receptacles shall be easily accessed by refuse vehicles without potential to damage the building or automobiles parked in designated parking spaces.
- c. **Base Design:** The receptacle base shall be at least ten (10) feet by six (6) feet, constructed of six (6) inches of reinforced concrete pavement. The base shall extend six (6) feet beyond the waste receptacle pad or gate to support the front axle of a refuse vehicle.
- d. **Enclosure:** Waste receptacles shall meet the following standards:
  - 1. Each waste receptacle shall have an enclosing lid or cover.
  - 2. Waste receptacles shall be enclosed on three (3) sides with a gate on the fourth side. A gate shall not be required if the opening of the enclosure is not visible from the public street or a residential district, as determined by the Planning Commission. A gate must be maintained in operable and sanitary condition.
  - 3. The enclosure shall be a berm or constructed of brick, concrete or decorative precast panel with brick effect or a wooden enclosure provided the lumber is treated to prevent decay or is determined by the Building and Zoning Administrator to be durable and suitable for outdoor use with a maximum height of six (6) feet or at least one (1) foot higher than the receptacle, whichever is higher, and spaced at least three (3) feet from the receptacle. Suggested timber

materials include Cedar, No. 2 Cedar rough sawn seasoned, Redwood, No. 2 Common Finish (S4S), Douglas Fir-larch or Southern Pine. Posts shall be set in concrete forty-two (42) inches below grade. Posts shall be either 6 x 6 inch pressure treated wood or three (3) inch diameter galvanized steel posts.

4. Bollards or similar protective devices may be installed at the opening to prevent damage to the enclosure.
5. The enclosure shall be screened with five (5) foot high evergreens planted a minimum of six (6) feet apart wherever the enclosure wall is visible to a public street or residential district.

**SECTION 315 FENCES** (amended 2005)

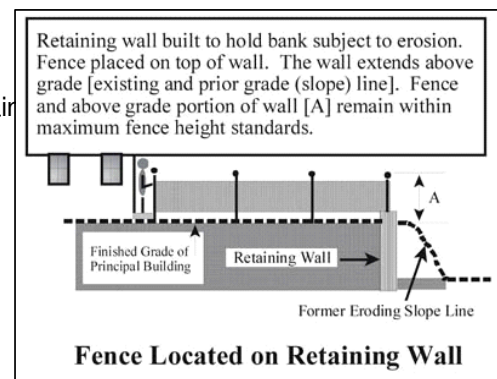
Fences are permitted subject to the following regulations:

- a. **Permits:** The erection, construction or alteration of any fence six feet (6') or less in height shall not require a building permit. The erection, construction or alteration of any fence shall conform with the remaining provisions of Section 315. (amended 8/8/01)
- b. **Location in front yards:** Fences of an ornamental nature may be located in a front yard of any lot of record up to a height of twenty-four (24) inches, provided adequate sight distance is provided for corner lots as described in Section 330.
- c. **Location in other yards:** Fences between two properties should be located on the property line. The Applicant shall submit a signed statement, from all adjoining property owners on whose property line the fence would be constructed, indicating that they do not object to the erection of the fence. If it becomes impossible to obtain the written statement from the adjoining property owners, then the fence shall be located at least six (6) inches inside the property line and the fence owner is responsible for maintaining the property between the fence and the property line. On all lots of record, fences which enclose property and/or are within a required side or rear yard shall not exceed six (6) feet in height, and shall not extend toward the front of the lot nearer the front of the house or the required front yard, whichever is greater.
- d. **Prohibitions:** The following shall be prohibited:
  1. Fences in public street rights-of-way.
  2. Gates or fences across a residential driveway.
- e. **Measuring fence height:** Fence height shall be measured from the grade (elevation) of the ground immediately below the location of the fence. The grade immediately below the location of the fence may not be modified in order to achieve an increase in fence height in excess of ten (10) percent above that obtainable prior to the grade modification. For purposes of this section, the grade associated with placement of a fence shall be defined as:
  1. Fence erected on site containing no building or structure-the grade shall be naturally existing grade without modification.
  2. Fence erected on site containing principal building or structure-the grade shall be the finished grade existing at the fence site after construction of the principal building or structure. For fence construction purposes, said grade shall be subject to approval by the Building and Zoning Administrator.
- f. **Location/height in industrial districts:** Fences in I-1 or I-2 Districts with a maximum height of six (6) feet may be located in any yard except the front yard provided such fences shall be located on parcels with a principal building containing an approved industrial use, the fence is

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maintained in good condition and does not constitute an unreasonable hazard or nuisance.

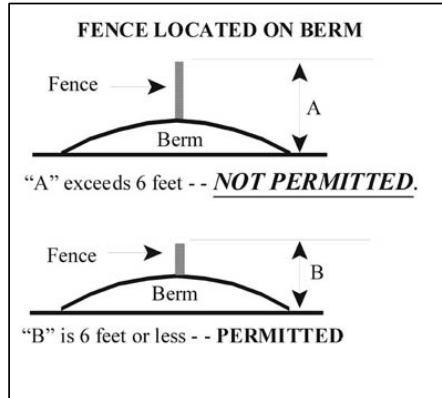
- g. **Wood fence standards:** Wooden fences shall be a maximum of six (6) feet in height measured from the surrounding grade at every point along the fence line. Wood fences having one finished side shall have the exposed fence posts facing inward with the finished side of the fence facing outward unless otherwise approved by the Building and Zoning Administrator. There shall not be more than two (2) inches separating the bottom of the face board and the surface of the ground.
- h. **Chain link standards:** No chain link or wire fence shall hereafter be erected in any required rear or side yard area on any lot of record in excess of six (6) feet in height measured from the surrounding grade at every point along the fence line. Welded wire fences are strictly prohibited unless utilized in conjunction with an approved fencing operation.
- i. **Public fences:** Fences which enclose public parks, public institutions, playgrounds or other public areas, may be a maximum eight (8) feet in height, measured from the surrounding grade at every point along the fence line. Such fence shall not obstruct vision to an extent greater than twenty-five (25%) percent of the total fence area.
- j. **Materials:** Ornamental fences are of approved materials, of a design as to be non-sight obscuring and of a fence type listed below:
- a. Post and Rail
  - b. Split rail
  - c. Picket
  - d. Wrought iron
  - e. Other types of ornamental fences must be approved by the Planning Commission prior to placement in a front yard area.
- k. **Restrictions on electrification:** Fences shall not contain electric current or charge of electricity.
- l. **Restriction on barbed wire, etc.:** Barbed wire, spikes, nails or any other sharp instruments of any kind are prohibited on top of or on the sides of any fence.
- m. **Maintenance:** All fences shall be maintained in a good condition, in an upright position and shall not constitute an unreasonable hazard. Any fence which is not maintained, as determined by the Building and Zoning Administrator, shall be removed or replaced (any required fence shall be replaced).
- n. **Fence placed on retaining wall, berm, or similar feature:** A fence, or portion thereof, may be erected on a retaining wall, berm, or similar feature provided the combined height of the retaining wall, berm, or such feature and fence shall not exceed the total allowable fence height as referenced under e. above, or as noted in the following paragraph.



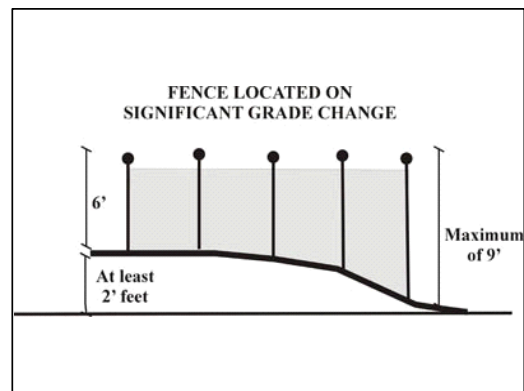
The Building and Zoning Administrator may allow placement of a retaining wall and fence, which, when combined, exceed the total allowable fence height as referenced above. Said approval may occur when the Building and Zoning Administrator determines that additional height is necessary to permit the placement of a retaining wall of sufficient height to stabilize a natural bank against which the retaining wall will be positioned. In granting said approval,

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the Building and Zoning determine that the for said stabilization, as extended base for height. The combined portion of the retaining grade of the principal maximum fence height



Administrator shall additional height is needed opposed to erecting an purposes of gaining fence height of the fence and any wall above the finished structure shall not exceed standards.



- o. **Fence placed on properties with significant grade change:** Where the finished grade at the fence line is two (2) or more feet above or below the finished grade line of the abutting lot or building the Building and Zoning Administrator may allow the fence to be increased in height up to a maximum of nine (9) feet to ensure the intended screening and security benefits are provided in a manner similar to a six (6) foot fence located on a property without significant topographic differences. The Building and Zoning Administrator may require landscaping or specific materials to mitigate the aesthetic impacts of a taller fence.

**SECTION 316 RECEPTION ANTENNAS** (effective Jan. 28, 1997)

Radio or television antennas or towers, including satellite dish antennas and transmission or reception antennas below three hundred (300) watts of output, erected or installed in any zoning district shall comply with the following requirements. Traditional television and radio antennas, reception antennas with a diameter of one (1) feet or less and short wave (HAM) radio antenna, are exempted from these regulations when not exceeding a fifty (50) foot height above mean grade or ten (10) feet above the roofline in a residential district; or one hundred (100) feet above mean grade in other zoning districts based on a finding that they do not impose potential negative safety, aesthetic and welfare problems.(as amended June 10, 1998)

Antennas and similar devices used for reception or broadcast of communications transmissions shall be permitted subject to the following conditions and requirements:

- a. These regulations shall apply to:
  - 1. Transmission antennas with a broadcast output of less than three hundred (300) watts erected or installed in any zoning district



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2. Any television or radio antenna, including those used for short wave (HAM) transmission, in a residential district erected to a height greater than fifty (50) feet above the grade or greater than ten (10) feet above the established roofline on the lot where the antenna is located
  3. Any television or radio antenna, including those used for short wave (HAM) transmission, in a nonresidential district erected to a height greater than one hundred (100) feet above the grade
  4. Satellite dish reception antennas with a diameter greater than one (1) meter in a residential zoning district
  5. Satellite dish reception antennas with a diameter greater than two (2) meters in a nonresidential zoning district
  6. In residential districts, all towers or other structures used for the purpose of elevating an antenna more than one (1) meter above the surface of the ground or, if the antenna is mounted on the roof of a building, more than one (1) meter above the surface of the established roofline of the building
  7. In nonresidential districts, all towers or other structures used for the purpose of elevating an antenna more than two (2) meters above the surface of the ground or, if the antenna is mounted on the roof of a building, more than two (2) meters above the surface of the established roofline of the building
- b. Not more than one (1) antenna shall be permitted per parcel or lot
  - c. All antennas and antenna towers regulated by these provisions shall be located only in a side or rear yard
  - d. No part of an antenna or antenna tower shall be located in an easement
  - e. No portion of an antenna shall be located closer than six (6) feet, measured on a horizontal plane, from any side or rear lot line
  - f. Ground-mounted satellite dish antennas in a yard fronting on a public street shall be screened from view from such street by landscaping or a wall. The applicant shall submit a sketch plan to the Building and Zoning Administrator for approval. The sketch plan shall indicate the location and height of the satellite dish and buildings, paved areas and other appropriate site features within one hundred (100) feet of the proposed location. Ground-mounted antennas shall be subject to the following conditions:
    1. Maximum height permitted shall be fourteen (14) feet and seventeen (17) feet if placed on a structure.
    2. The antenna shall be obscured from the view of adjacent properties by a screening wall or fence, evergreen plantings, or a combination of the above.
  - g. The diameter of antennas and satellite dishes shall not exceed ten (10) feet.
  - h. No advertising or identification display shall be placed on any portion of an antenna or tower, including a satellite dish antenna.
  - i. Erection or movement of an antennae, tower or satellite dish shall require a permit from the City Building and Zoning Administrator. Roof-mounted antennas shall be subject to the following conditions:

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1. For the purposes of this section, a reception antenna regulated by this Section shall be considered to be a portion of the structure and must comply with the maximum building height regulations in Article XX.
  2. All roof-mounted antennas must be anchored in an approved as outlined in the City Building Code.
  3. The antenna shall not be mounted on the front of the structure.
- j. Towers and support structures
1. Satellite dish reception antennas with a diameter greater than one (1) meter in a residential zoning district
  2. Satellite dish reception antennas with a diameter greater than two (2) meters in a commercial or industrial zoning district
- k. The Federal Communications Commission regulates and permits erection of satellite dish antennas under certain terms and conditions. Other state and federal requirements may be enacted that supersede the requirements of this Ordinance. The regulations of this Ordinance are not intended to conflict with state and federal regulations. In any instance where state or federal regulations establish a regulatory base but permit higher standards to be adopted under local regulations, the requirements of this Ordinance shall be enforced.
- l. **Variances:** The Zoning Board of Appeals may grant a variance from these standards upon determining compliance with the standards of this section would not provide reasonably good reception, that the variance requested is the minimum necessary to provide reasonably good reception and that adjacent properties shall not be negatively impacted.

### **SECTION 317 ACCESSORY USE AND BUILDING PARKING**

Each accessory use that may generate additional demand for parking shall provide parking in addition to that required for the principal use. The parking standards provided in Article XXII shall be used as a guide to determine additional parking needed. If no specific standard is provided, the Building and Zoning Administrator shall determine the additional parking needed based on factors such as increased occupancy potential, additional employees or patrons expected.

### **SECTION 318 NATURAL FEATURES PRESERVATION: WOODLANDS**

The standards of this section are intended to promote the preservation of important woodlands and large mature trees which contribute to the character, welfare and quality of life in Grand Blanc. These standards are intended to prevent the unnecessarily removal of woodlands prior to, during and following construction on a site. The standards of this section, in conjunction with the standards for site plan review, are mechanisms to promote goals from the Grand Blanc Master Plan.

- a. Any property owner or his representative proposing to clear more than twenty-five percent (25%) of the trees of eight (8) inch caliper or greater on a site, as determined by the Planning Commission, shall first notify the City of the intent of such clearing and/or earth change and submit a proposed sketch plan describing the sites features for review and approval by the Planning Commission.
- b. This section shall not prevent tree clearing for approved building envelopes, swimming

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pools, decks, essential services, utility lines or construction drives; nor shall this ordinance prohibit site alterations for farming purposes. The Planning Commission may waive the caliper standard for select clearing of lower quality species including box elders, elms, poplars, willows and cottonwoods.

### **SECTION 319 NATURAL FEATURES PRESERVATION: WETLANDS**

The City of Grand Blanc intends to promote compliance with the Goemaere-Anderson Wetland Protection Act 203 of 1979, as amended. The City encourages placement of buildings to protect Michigan Department of Natural Resources regulated wetlands and non-regulated wetlands between two acres and five acres in size. The City intends to ensure important wetlands are preserved, to prevent the mistaken elimination of regulated wetlands and to promote the goals of the Grand Blanc Community Master Plan.

- a. Any disturbance of soils, removal of landmark trees or stumps, grading, alteration of water flowing into or from an MDNR regulated wetland, or any prohibited activity as listed in Section 5 of Public Act 203 of 1979, without a permit from the MDNR, may result in a stop work order issued by the City and/or require restoration of the wetland in accordance with MDNR standards.
- b. Judicious effort shall be made through site plan design to preserve non-MDNR regulated wetlands which exceed two (2) acres in size, particularly those with standing water or considered to be important wildlife habitat.
- c. Where stormwater is planned to drain into a wetland, a filtration strip or other material shall be used to control runoff of sediment and the wetland. Maintenance of these material shall be addressed in a deed or as a condition of site plan approval.
- d. Land shall not be subdivided in a manner creating parcels or lots which cannot be used in conformance with the requirements of this Section or the MDNR regulations.

### **SECTION 320 NATURAL FEATURES PRESERVATION: GRADING, REMOVAL AND FILLING OF LAND**

Any grading which changes site elevation by more than three (3) feet, or the use of land for the excavation, removal, filling or depositing of any type of earth material, topsoil, gravel, rock, garbage, rubbish or other wastes or by-products, is not permitted in any zoning district except under a certificate from, and under the supervision of the Building and Zoning Administrator in accordance with a topographic plan, approved by the Building and Zoning Administrator, submitted at a scale of not less than one (1) inch equals fifty (50) feet and shall show existing and proposed grades and topographic features and such other data as may from time to time be required by the Building and Zoning Administrator. Such certificate may be issued in appropriate cases upon the filing with the application of a Performance or Surety Bond in an amount as established by the Building and Zoning Administrator sufficient to rehabilitate the property upon default of the operator or such other reasonable expenses. The form of the bond shall be approved by the City Attorney. This regulation does not apply to normal soil removal for basement or foundation work when a building permit has previously been duly issued by the Building Department.

### **SECTION 321 MINIMUM FRONTAGE ON PUBLIC STREET**

No lot shall be used for any purpose permitted by this Ordinance unless said lot has at least sixty (60) feet abutting a public street or otherwise provided in this Ordinance. This shall not preclude use of existing lots of record which have a frontage of less than sixty (60) feet unless nonconforming lots are contiguous and under the same ownership in which case the lots shall be

combined. The intent of this Section is to ensure no new lots with less than sixty (60) feet of frontage are created and that conformance be required where reasonable.

**SECTION 322 CALCULATION OF (BUILDABLE) LOT AREA**

In the calculation of areas required to maintain specific densities, open space requirements and similar needs, no lot or parcel or portion of same shall be used more than once in such calculation, nor shall adjacent outlots or other open space be used in lieu of space contained within the stated boundaries of the subject lot or parcel. In calculating density for residential developments, fifty percent (50%) of state or federally regulated wetlands area shall be included in computing gross density (e.g. 100 acres of wetland equals fifty (50) acres for computing maximum density). Lakes, ponds, overhead utility easements, public street right-of-ways and private road easements are excluded from area calculations for buildable lot area.

**SECTION 323 EXTERIOR LIGHTING**

- a. **Shielding:** Only non-glare, color corrected lighting shall be permitted. All outdoor lighting shall be shielded to reduce glare and shall be arranged to reflect light away from all adjacent residential districts. The lighting source shall not be visible from adjoining properties.
- b. **Intensity:** In parking lots, lighting shall average one (1) foot candle measured at the surface. No lighting may extend beyond the property line. A lower intensity may be required by the Planning Commission where the adjacent zoning district is residential. The Building and Zoning Administrator may require a photometric plan (lighting grid) to determine the appropriateness of proposed lighting layout and intensity.
- c. **Height of fixtures:** The maximum height of light fixtures in parking lots shall be thirty (30) feet, measured from the parking lot surface to the centerline of the lighting source. The Planning Commission may modify that height standard in commercial and industrial districts based on consideration of the type of fixture, the height of surrounding buildings, existence of landscaping, the potential off-site impacts and the general character of the surrounding uses. In no case shall the height of the lighting fixture exceed the maximum height permitted for principal buildings in the zoning district.
- d. **Fixtures:** Cut-off shoe box type fixtures shall be required in any parking lot adjacent to a residential district. Lighting fixtures shall be mounted on milled steel or planed wooden poles. Lighting fixtures shall not be attached to utility poles.
- e. **Building illumination:** All lighting in non-residential districts or for non-residential uses used for the external illumination shall be placed and shielded to prevent interference with the vision of motorists or nearby residents.
- f. **Plan requirements:** Parking lot and building lighting illumination shall be illustrated and described on the site plan, including details showing the type of fixture, height of poles and any proposed illumination of buildings, signs or landscaping. Illumination of signs or buildings shall be directed to prevent interference with motorists.
- g. **Wiring:** No wiring shall be exposed.
- h. **Restrictions:** All illumination of signs and any outdoor feature shall not be of a flashing, moving or intermittent type. Illumination of any outdoor feature shall be directed or shaded to not interfere with vision of motorists or to adjacent property. Artificial light shall be maintained stationery and constant in intensity and color.

**SECTION 324 ENTRANCE FEATURES**

In all districts, so called entranceway structures including but not limited to: walls, columns, and gates marking entrances to single-family subdivisions or multiple housing projects, office complexes, shopping centers and industrial parks may be permitted and may be located in a required yard, but not within a public street right-of-way, provided such entranceway structures do not conflict with required sight distance (see Section 330).

**SECTION 325 BUILDING GRADES**

- a. Any building requiring yard space shall be located at such an elevation that a sloping grade shall be maintained to cause the flow of water to run away from the walls of the structures thereon. The balance of yard spaces shall be graded and adequate drainage provided where necessary to deflect proper drainage of surface waters from the said premises.
- b. When a new building is constructed on a vacant lot between two existing buildings or adjacent to an existing building, the existing established grade shall be used in determining the grade around the new building and the yard around the new building shall be graded in such a manner as to meet existing grades.
- c. The final grade shall be approved by the Building and Zoning Administrator.

**SECTION 326 EXCAVATION OR HOLES**

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

**SECTION 327 BUILDINGS TO BE MOVED**

Any building or structure which has been wholly or partially erected on any premises within or outside the City of Grand Blanc shall not be moved to and/or placed upon any premises in the City unless a building permit for such a building or structure shall have been secured. Any such building or structure shall fully conform to all the provisions of this Ordinance in the same manner as a new building or structure.

**SECTION 328 REQUIREMENTS FOR IMPACT ASSESSMENT (see Section 2407)**

For certain land uses that are considered to have a significant potential impact on traffic, infrastructure, demands for public services and/or significant impacts on surrounding properties due to scale, the applicant shall be required to provide an impact assessment during the initial submittal for either a rezoning or site plan approval. The cost of the impact assessment and review by the City shall be borne by the applicant. The applicant may request a meeting with City staff, consultants and key agency staff prior to developing the Impact Assessment.

The minimum contents of this impact assessment shall be:

- a. Name(s) and address(es) of person(s) or firm(s) responsible for preparation of the impact assessment and a brief statement of their qualifications.
- b. An area plan or aerial photograph illustrating the entire site and nearby properties.

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- c. **Overall site conditions:** narrative and illustration describing adjacent uses, zoning, public roadways, utilities, significant woodlands, trees over eight inches (8") caliper, soils types, 100 year floodplains, drainage ways and general topography. The area described shall be within one-quarter mile for sites up to one hundred (100) acres, and one (1) mile radius for larger sites. Aerial photographs are recommended to assist in describing the general vicinity.
- d. **Wetlands:** Documentation by a qualified wetland specialist shall be required wherever the City determines there is a potential state or federally regulated wetland which may be impacted by the proposed project.
- e. **Conceptual site plan** illustrating very general layout of proposed uses upon which preliminary impact analysis is based, and any proposed phasing.
- f. **Land use impacts:** Description of the types of proposed uses and other man made facilities, including any project phasing, and an indication of how the proposed use(s) conforms or conflicts with existing and Master Planned development patterns. A description shall be provided of any increases in light, noise or air pollution which could negatively impact adjacent properties, particularly associated with smoke or truck routing.
- g. **Environmental impacts:** Description of any general impacts expected to wildlife areas, lakes, streams, ponds and regulated wetlands. Conceptual mitigation or replacement measures under consideration shall be described. The study shall also describe general measures to control soil erosion and sedimentation during and after construction.
- h. **Impact on public facilities and services:** Describe the number of expected employees, visitors or residents and the anticipated impact on police and fire protection. In particular, describe the relationship of the use to municipal fire stations and the need for any new facilities or equipment. Letters from the appropriate agencies should be provided.
- i. **Utility impacts:** Describe proposed water and sanitary sewer facilities, including any improvements or off-site extensions needed to serve the long range development on the site. For sites served with sanitary sewer and public water, general calculations for sewage flows and water demands shall be provided in comparison with sewer line capacity. (amended 2/14/96)
- j. **Drainage:** Describe conceptual plans to control drainage and any significant changes from existing drainage patterns. If wetlands are to be used as stormwater basins, methods to control fertilizers and filter runoff shall be identified. Correspondence from the Genesee County Drain Commissioner shall be attached indicating their concerns and suggestions.
- k. **Storage and handling of waste and hazardous materials:** Methods of on- and off-site disposal of solid waste shall be identified. The information shall describe the type of hazardous substances expected to be used, stored or disposed of on the site; general location within the site; and method of containment. Documentation of compliance with federal and state requirements, and a Pollution Incident Prevention Plan (PIPP) shall be submitted, as appropriate.
- l. **Traffic impacts:** A traffic study in accordance with Section 329 below shall be included in the Impact Assessment unless determined to not be necessary by the Building and Zoning Administrator, because the use will generate less than five hundred (500) one-way vehicle trips daily or less than fifty (50) peak hour directional trips.

### **SECTION 329 MINIMUM CONTENTS OF TRAFFIC IMPACT STUDY**

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Where a traffic impact study is required or requested by the Planning Commission or City Council, including when a component in an overall Impact Study, the applicant shall bear the cost for preparation and evaluation of a study prepared by a traffic engineer with experience preparing traffic impact studies in Michigan during the preceding three (3) years to address the following:

- a. Existing conditions including existing daily and peak hour traffic on adjacent street(s), a description of any sight distance limitations along the site's right-of-way frontage and accident histories within five hundred (500) feet of the site and for any intersection which will experience a traffic volume increase of at least five percent (5%) during the day or during a peak hour due to the proposed project.

Where existing traffic counts are more than two (2) years old, new counts should be taken. Traffic counts shall be taken on a Tuesday, Wednesday or Thursday of non-holiday weeks. Additional counts (i.e. on a Saturday for a proposed commercial development) may also be required in some cases. The following times/situations should also be avoided where possible so that the traffic count data would represent a typical day: construction detours in the area, summer days for a site near a school, etc. The firm performing the impact study must make every effort to complete traffic counts during average or higher than average volume conditions (i.e. regarding weather or seasonal variations) for the area under study.

- b. Forecasted trip generation of the proposed use for the a.m. and p.m. peak hour and average daily traffic generated. The forecasts shall be based on the data and procedures outlined in the most recent edition of the Institute of Traffic Engineers Trip Generation Manual. The applicant may use other commonly accepted sources of data or supplement the standard data with data from similar projects in Michigan.
- c. For requests for a zoning change when such request represents a departure from the land use proposed in the City Master Plan, the study should contrast the traffic impacts of typical uses permitted in the requested zoning district with uses permitted in the current zoning district. The Planning Commission shall determine typical uses to be considered.
- d. Projected traffic generated shall be distributed (inbound v. outbound, left turn v. right turn) onto the existing street network to project turning movements at major site access points and nearby intersections or expressway interchange ramps. Rationale for the distribution shall be provided. If any streets are proposed for realignment or vacation, the study shall forecast the changes in traffic conditions along affected streets.
- e. Capacity analysis at the proposed access points along public streets using the procedures outlined in the most recent edition of the *Highway Capacity Manual* published by the Transportation Research Board. Pre- and post- construction capacity analyses shall also be performed at all street intersections or expressway ramps where the expected traffic will comprise at least five percent (5%) of the existing intersection capacity and/or for roadway sections and intersections experiencing congestion or a relatively high accident rate, as determined by the City. (amended 2/14/96)
- f. The City may require a "gap study" to analyze the frequency and duration of gaps in the flow of through traffic to accommodate turning movements.
- g. Analysis of any mitigation measures warranted by the anticipated traffic impacts. Where appropriate, documentation shall be provided from the appropriate road agency regarding time schedule for improvements and method of funding.
- h. A map and description of the location and design of proposed access (driveway or new street intersection), including any sight distance limitations, dimensions from adjacent driveways and intersections within two hundred fifty (250) feet, other data to demonstrate

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that the design and number of driveways proposed is the fewest necessary, and the driveway(s) will provide safe and efficient traffic operation and be in accordance with the standards of this ordinance.

- i. An analysis of the potential need for bypass lanes or deceleration tapers/lanes, including attachment of any correspondence by the Genesee County Road Commission or the Michigan Department of Transportation, as appropriate.
- j. Resume and qualification of the preparer.

### **SECTION 330 CLEAR VISION ZONE**

There shall be a clear vision zone at all corners of intersecting streets and/or private roads, consisting of a triangular area defined by the point of intersection of the right-of-way lines and the two points extended along such lines a distance of twenty-five (25) feet from the point of intersection, and within which area no obstruction to vision, excluding existing topography, shall be permitted from a height of two (2) feet to eight (8) feet above centerline elevation of abutting streets, except not more than two (2) trees with trunks of not more than thirty (30) inches in diameter each, and clear of any branches for such heights may be located within such area. A greater clear vision area may be reviewed where necessary in view of anticipated traffic volumes, traffic speeds, geographic or topographic conditions or based on a traffic engineering analysis using the standards of the American Association of State and Highway Transportation Officials (AASHTO).

### **SECTION 331 ACCESS THROUGH YARDS**

For the purpose of this Ordinance, access drives may be placed in the required front or side yards so as to provide access to rear yards or accessory or attached structures. These drives shall not be considered as structural violations in front and side yards. Further, any walk, terrace or other pavement servicing a like function, and not in excess of nine (9) inches above the grade upon which placed, shall for the purpose of this Ordinance not be considered to be a structure, and shall be permitted in any required yard.

### **SECTION 332 TEMPORARY USES AND SEASONAL OR SPECIAL EVENTS SALES** (amended 2/14/96)

Temporary uses, temporary sales and seasonal or special events may be allowed in any nonresidential district upon issuance of a permit, when providing the following submittal information and meeting the standards of this Section.

- a. **Submittal information:** the applicant shall submit the following to the Building and Zoning Administrator
  1. An application form and required fee, established by the City Council. The amount of the permit fee may vary depending upon the type of event. The application should also describe procedures to be used for traffic/parking management, waste disposal, security and similar measures to minimize any negative impacts.
  2. A written description of the proposed use or event, and the start and end dates.
  3. If the petitioner is not the owner of the property, the petitioner shall provide written permission of the owner of the property to allow such an event.
  4. Information establishing a reasonable liability insurance coverage is carried, to the satisfaction of the City.
  5. A plot plan (to scale) illustrating property lines, adjacent uses and zoning



districts, existing and proposed buildings and structures, boundaries of proposed sales/activity areas, any proposed lighting, calculation of required parking based on the standards of Article XXII, layout and materials for parking areas, proposed traffic circulation, location of fire hydrants, location and size of any proposed signs, and any other information deemed to be necessary by the Building and Zoning Administrator.

6. The proprietor of the temporary use or seasonal event shall deposit a performance guarantee or escrow, in an amount and form acceptable to the Building and Zoning Administrator, prior to the issuance of a permit. The performance guarantee shall be used by the City to pay the cost of returning the property to its state prior to commencement of the event or refunded to the proprietor upon compliance with the requirements of this and any other applicable ordinances.
- b. **Standards and Procedures for Review:** The review of proposed temporary uses, temporary sales and seasonal events shall be by the Building and Zoning Administrator. The proposed use or event shall not be approved unless all of the following standards are met:
1. All required information has been submitted.
  2. The proposed temporary use or event will be on a lot with a permitted principal building or, if on a vacant lot, meets the minimum required setback for buildings in the zoning district (Article XX).
  3. The proposed use, layout, hours of operation and site improvements, such as fencing, are designed to help ensure compatibility with surrounding land uses.
  4. Adequate off-street parking and circulation will be provided. Where Article XXII does not require required parking for the proposed use, at least one parking space shall be provided for each eight hundred (800) square feet of gross lot area used for the activity. The Building and Zoning Administrator may require sufficient parking to accommodate the use based on reference sources and experiences of the City of other communities.
  5. Adequate provisions have been made for trash disposal, sewage disposal and security.
  6. All applicable City Building Codes and Ordinances will be met.
- c. **Operational standards**
1. The length of a temporary use or sales event shall not exceed seven (7) days during a season, except that sales of Christmas trees are permitted for up to forty-five (45) days. Uses and events which are to occur on a regular schedule (such as every weekend) or over a period of longer than seven (7) days shall be permitted only in commercially zoned districts, based upon a decision by the Board of Zoning Appeals that the use or event will comply with the intent and standards of this Section. Such a request must be made known at the time of application.
  2. All equipment, materials, goods, poles, wires, lighting, signs and other items associated with the temporary uses and seasonal events shall be removed from the premises within five (5) days of the end of the event. Following the five (5) day period, the City shall use the escrow fee to clear such items from the property.

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3. The City Building and Zoning Administrator shall immediately cease operations of any temporary use or seasonal event which does not conform to these standards.
  4. Appeals of the decision of the Zoning Administrator or Planning Commission shall be made to the Board of Appeals.
- d. **Exemptions:** Garage sales for individual homeowners on their property are exempt from the regulations of this Section.

### **SECTION 333 MAINTENANCE OF COMMONLY OWNED PRIVATE FACILITIES**

The Planning Commission or City Council, as appropriate, may require documents suitable to the City Attorney to insure the quality, construction, maintenance and replacement of commonly owned private facilities and land whether improved or unimproved. These facilities may include, but are not limited to detention ponds, retention basins, lighting, open space, wetlands, signs, landscaping, fences, screen walls, drains, trails and sidewalks to which more than two owners of lots or condominiums have rights of use or access or enjoyment; or which are owned in common by an association of owners. Prior to approving such commonly owned private facilities, the Planning Commission or City Council shall approve legal documents which assure the continuing maintenance, and periodic replacement of any commonly-owned private facilities.

### **SECTION 334 REVIEW, CONSTRUCTION AND MAINTENANCE OF WIRELESS COMMUNICATION FACILITIES (amended June 10, 1998)**

The regulations of this Section are intended to conform with federal laws and administrative rules that authorize and govern facilities needed to operate wireless communication systems, but to reasonably regulate the location and design of such facilities to retain the integrity of neighborhoods and the character, property values and aesthetic quality of the city. Given the dramatic increase in the number of wireless communication facilities requested as a result of the new technology and the Federal Telecommunications Act of 1996, it is the policy of the city that all users should co-locate on Attached Wireless Communication Facilities and Wireless Communication Support Structures in the interest of achieving the purposes and intent of this section. In addition, in recognition of the city's concern that technological advances may render such visually obtrusive towers unnecessary in the future, there are requirements to remove unused or unnecessary facilities in a timely manner.

- a. **Definitions.** The following definitions shall apply in the interpretation of this Section:
1. **Wireless Communication Facilities.** All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, microwave relay towers, telephone transmission equipment building and commercial mobile radio service facilities. This definition does not include "reception antenna" for an individual lot as otherwise defined and regulated in this zoning ordinance, or governmental facilities subject to state or federal law or regulations which preempt municipal regulatory authority.
  2. **Attached Wireless Communication Facilities.** Wireless communication facilities affixed to existing structures, such as existing buildings, towers, water tanks, or utility poles.
  3. **Wireless Communication Support Structures.** Structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.

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4. **Colocation.** Location by two (2) or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, to reduce the overall number of structures required to support wireless communication antennas within the city.

**b. Zoning Districts and Approval Process for Various Types of Situations**

Type/Location of Wireless Communication Facility	Districts Permitted	Approval Procedure
1. Attached to existing structures:		
- Attached to an existing conforming structure that will not be materially altered or changed in appearance	All non-single family residential districts	Administrative Sketch Plan approval by the Building and Zoning Administrator
- Attached to an existing utility pole within a public right-of-way that will not be modified to materially alter the pole or impair sight lines or compromise safety	All districts	Administrative Sketch Plan approval by the Building and Zoning Administrator, provided letter of acceptance is provided by the utility company
- Co-location upon an attached wireless communication facility previously approved for such co-location	All districts	Administrative Sketch Plan approval by the Building and Zoning Administrator
2. Located on a municipally owned site:		
- Attached to an existing structure or monopole up to 120 feet in height <sup>1</sup>	All districts	Administrative Sketch Plan approval by the Building and Zoning Administrator
- Monopole 121-150 feet in height <sup>1</sup>	All districts	Site Plan approval by the Planning Commission
3. Located on a site owned by another governmentally entity, religious institution, or public school		
- Monopole up to 80 feet in height <sup>1</sup>	All districts	Site Plan approval by the Planning Commission
- Monopole 81 - 100 feet in height <sup>1</sup>	All districts	Special Land Use required in accordance with Article XXI.
4. New facility not addressed above:		
- Monopole up to 120 feet tall <sup>1</sup>	B-2, B-3, R-P, I-1, I-2 Districts	Permitted Use, Site Plan approval by the Planning Commission

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- Monopole 120-150 feet tall <sup>1</sup>	R-P, I-1 and I-2 Districts	Permitted Use Site Plan approval by the Planning Commission
	B-2, B-3 Districts	Special Land Use required in accordance with Article XXI.
- Monopole, 150 - 200 feet tall, or lattice tower	I-1 and I-2 Districts	Special Land Use required in accordance with Article XXI

<sup>1</sup> Height may be increased ten (10) feet where determined necessary to provide future co-location.

c. **Application Requirements.** The following information shall be provided with the sketch plan, as required above.

1. Signed certification by a State of Michigan licensed professional engineer with regard to the manner in which the proposed structure will fall (i.e. "fall zone"), and that the setback area provided shall accommodate the structure should it fall or break.
2. A description of performance guarantee, in a manner acceptable to the City Attorney, to be posted at the time of receiving a building permit for the facility to ensure removal of the facility when it has been abandoned or is no longer needed, as provided in paragraph e below.

In this regard, the security shall, at the election of the city attorney, be in the form of: (1) cash; (2) surety bond; (3) letter of credit; or, (4) an agreement in a form approved by City Attorney and recordable at the office of the Register of Deeds, establishing a promise of the applicant and owner of the property to remove the facility in a timely manner as required under this section of the ordinance, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorneys fees incurred by the city in securing removal.

3. A map that illustrates existing and known proposed wireless communication facilities within the city and township, which are relevant in terms of potential co-location or to demonstrate the need for the proposed facility. If and to the extent the information in question is on file with the city, the applicant shall be required only to update as needed. Any such information which is trade secret and/or other confidential commercial information which, if released would result in commercial disadvantage to the applicant, may be submitted with a request for confidentiality in connection with the development of governmental policy. MCL 15.243(l)(g). This ordinance shall serve as the promise to maintain confidentiality to the extent permitted by law. The request for confidentiality must be prominently stated in order to bring it to the attention of the community.
4. For all new facilities, in recognition of the city's policy to promote co-location, a written agreement, transferrable to all assessors and assigns, that the operator shall make space available on the facility for co-location.
5. The name, address and phone number of the person to contact for engineering, maintenance and other notice purposes. This information shall be continuously updated during all times the facility is on the premises.

d. **Design Standards Applicable to All Facilities.** In addition to the Criteria of Site Plan Review listed in Section 2405, all wireless communication facilities shall be constructed and maintained in accordance with the following standards:

1. Facilities shall be located and designed to be harmonious with the surrounding areas.

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2. A permit for the construction and use of a new wireless communication facility shall not be granted until the applicant demonstrates a feasible co-location is not available for the coverage area and capacity needs.
3. All new and modified wireless communication facilities shall be designed and constructed to accommodate co-location, with a written agreement in a format approved by the City Attorney.
4. Landscaping shall be provided to screen the structure base, accessory buildings and enclosure from adjacent uses and public rights-of-way.
5. Elevations of the accessory buildings shall be provided. In residential and commercial districts, all accessory buildings shall be constructed of brick.
6. Fencing shall be provided for protection of the support structure and security from children and other persons who may otherwise access facilities.
7. Any nonconforming situations on the site, such as outdoor storage, signs, inadequate landscaping, unpaved parking, lack of a sidewalk, improper lighting or similar conditions shall be brought into conformance prior to the erection of the wireless communication facility. If existing buildings or structures are not in conformance with the current zoning standards, improvements shall be made to decrease the nonconformity or additional landscaping shall be provided to reduce the impact of the nonconformity and the wireless facility.
8. The operator shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions.
9. The applicant shall demonstrate that the requested height of the new or modified support structure and antenna shall be the minimum height be necessary for reasonable communication by the applicant, including additional height to accommodate future co-location where appropriate.
10. Minimum required setbacks for new facility or support structure.
  - (a) From any residential district - the height of the structure, provided the engineering information required in c, 1 is provided. The person or body with authority to approve the facility may decrease this setback to that provided in (c) below upon a finding that no residential use exists or is expected on the adjacent site.
  - (b) From any existing or proposed rights-of-way or other publicly traveled roads or non-motorized improved pathways - half the height of the structure, plus ten (10) feet, provided the engineering information required in c, 1 is provided; otherwise the setback shall be the height of the facility.
  - (c) From non-residential district - one half the height of the structure, provided the engineering information required in c, 3 above demonstrates such setback is adequate.
11. Accessory buildings shall be a maximum of fourteen (14) feet high and shall be setback in accordance with the requirements for principal buildings in that zoning district.
12. There shall be unobstructed access to the support structure, for operation, maintenance, repair and inspection purposes, which may be provided through or over an easement. This access shall have a width and location determined by such factors as: the location of adjacent thoroughfares and traffic and circulation within the site; utilities needed to service the tower and any attendant facilities; the location of buildings and parking facilities;

proximity to residential districts and minimizing disturbance to the natural landscape; and the type of equipment which will need to access the site.

13. Where an attached wireless communication facility is proposed on the roof of a building if the equipment enclosure is proposed as a roof appliance or penthouse on the building, it shall be designed, constructed and maintained to be architecturally compatible with the principal building. The equipment enclosure may be located within the principal building or may be an accessory building. If proposed as an accessory building, it shall conform with all district requirements for principal buildings, including yard setbacks.
  14. The support system shall be constructed in accordance with all applicable building codes and shall include the submission of a soils report from a geotechnical engineer, licensed in the State of Michigan. This soils report shall include soil borings and statements confirming the suitability of soil conditions for the proposed use. The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission shall be noted.
  15. A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site plan for the proposed facility. Such plan shall be designed to ensure the long term, continuous maintenance to a reasonably prudent standard.
- e. **Removal.** As a condition of every approval of a wireless communication facility, adequate provision shall be made for removal of all or part of the facility by users and owners upon the occurrence of one or more of the following events:
1. When the facility has not been used for one hundred eighty (180) days or more. For purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of nonuse.
  1. Six (6) months after new technology is available at reasonable cost, as determined by the legislative body of the community, which permits the operation of the communication system without the requirement of the support structure.
  2. The situations in which removal of a facility is required, as set forth in paragraph (1) above, may be applied and limited to portions of a facility.
  3. Upon the occurrence of one or more of the events requiring removal, specified in paragraph (1) above, the property owner or persons who had used the facility shall immediately apply or secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the premises to an acceptable condition as reasonably determined by the Building and Zoning Administrator.
  4. If the required removal of a facility or a portion thereof has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least thirty (30) days written notice, the City may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn or collected and/or enforced from or under the security posted at the time application was made for establishing the facility.
- f. **Nonconforming facilities and penalties for not permitting co-location.** If a party who owns or otherwise controls a wireless communication facility shall fail or refuse to alter a structure to accommodate a proposed and otherwise feasible co-location, such facility shall thereupon and thereafter be deemed to be a nonconforming structure and use, and shall not be altered, expanded or extended in any respect. In addition, if a party refuses to allow co-location in accordance with the intent of this Section, and this action results in construction of a new tower, the city may refuse to approve a new wireless communication support structure from that party

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for a period of up to five (5) years. Such a party may seek and obtain a variance from the Zoning Board of Appeals if and to the limited extent the applicant demonstrates entitlement to variance relief which, in this context, shall mean a demonstration that enforcement of the five (5) year prohibition would unreasonably discriminate among providers of functionally equivalent wireless communication services, or that such enforcement would have the effect of prohibiting the provision of personal wireless communication services.

- g. **Variations.** The Zoning Board of Appeals may consider a variance for the standards of this Section, based upon a finding that one or more of the following factors exist:
1. The applicant has demonstrated that a location within a district in accordance with the standards of this Section can not reasonably meet the coverage or capacity needs of the applicant.
  2. The applicant has demonstrated that a feasible co-location is not available for the coverage area and capacity needs because existing structures can not support the facility, that co-location would result in unreasonable interference, or that reasonable financial terms are not available for co-location.
  3. The height requested is due to signal interference due to topography, tall buildings, masses of trees, or other obstructions, or would reduce the number of towers to the benefit of the city.
  4. The applicant has proposed means to mitigate any negative impacts through provision for future co-location, if found to be appropriate by the city, and special site design elements.
  5. The wireless communication and accessory facilities shall be designed to be compatible with the existing character of the proposed site, neighborhood and general area such as a steeple, bell tower, or similar form.

**ARTICLE IV**  
**ZONING DISTRICTS AND MAP**

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**SECTION 400      DISTRICTS ESTABLISHED**

For the purpose of this Ordinance, the City of Grand Blanc is hereby divided into the following districts:

**RESIDENTIAL DISTRICTS**

R-1	Single-Family Residential District
R-2	Single-Family Residential District
R-3	Single-Family Attached Residential District
RT	Two-Family Residential District
LDMF	Low Density Multiple Family Residential District
HDMF	High Density Multiple Family Residential District
MHP	Mobile Home Park District

**NONRESIDENTIAL DISTRICTS**

OS-1	Office Service District
B-1	Neighborhood Business District
B-2	Community Business District
B-3	General Business District
R-P	Research Park District
I-1	Light Industrial District
I-2	General Industrial District
P-1	Vehicular Parking District

**SPECIAL DISTRICTS**

CBD	Central Business District Overlay Zone
PUD	Planned Unit Development District

**SECTION 401      DISTRICT BOUNDARIES**

The boundaries of these districts are hereby established as shown on the Zoning Map, City of Grand Blanc Zoning Ordinance, which accompanies this Ordinance, and which map with all notations, references, and other information shown thereon shall be as much a part of this Ordinance as if fully described herein.

**SECTION 402      DISTRICT BOUNDARIES INTERPRETED**

Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Map, the following rules shall apply:

- a. Boundaries indicated as approximately following the center lines of streets, highways, or alleys, shall be construed to follow such center line.
- b. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- c. Boundaries indicated as approximately following City limits shall be construed as following City limits.
- d. Boundaries indicated as following railroad lines shall be construed to be the midway between the main tracks.
- e. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center line of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.
- f. Boundaries indicated as parallel to or extensions of features indicated above shall be so construed. Distances not specifically indicated on the official Zoning Map shall be determined by the scale of the map.



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- g. Where physical or natural features existing on the ground are at variance with those shown on the official Zoning Map, or in other circumstances not covered by the above, the Board of Appeals shall interpret the district boundaries.
- h. Insofar as some or all of the various districts may be indicated on the Zoning Map by patterns which, for the sake of map clarity, do not cover public right-of-ways, it is intended that such district boundaries do extend to the center of any public right-of-way.

**SECTION 403 ZONING OF ANNEXED AREAS**

Whenever any area is annexed to the City of Grand Blanc land that is zoned previous to annexation shall be classified as being in whichever district of this Ordinance most closely conforms with the zoning that existed prior to annexation and the Council shall approve same by resolution.

**SECTION 404 ZONING OF VACATED AREAS**

Whenever any street, alley or other public way, within the City of Grand Blanc shall be vacated, such street, alley, or other public way or portion thereof, shall automatically be classified in the same Zone District as the property to which it attaches. Ownership of vacated rights-of-way shall be by adjacent property owner to site unless other arrangements are specified by the City.

**SECTION 405 DISTRICT REQUIREMENTS**

All buildings and uses in any District shall be subject to the provisions of Article XX - Schedule of Regulations and Article III - General Provisions.

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- f. Article XXIV: Site Plan Review Standards
- g. Ordinance 116 Sign Ordinance (Chapter 1480)
- h. Ordinance 220 Flood Damage Prevention Ordinance
- i. Ordinance 216 Subdivision Control Ordinance

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- k. Uses of the same nature or class as the majority of the uses listed in this district as either a Principal Use Permitted or a Special Land Use, but not listed elsewhere in this Zoning Ordinance, as determined by the City Council, following a Planning Commission public hearing and recommendation. The determination shall be based on the standards of Section 309. Any use not listed and not found to be "similar" is prohibited in this zoning district.
- l. Accessory uses, buildings and structures customarily incidental to an approved Special Land Use Permit; however, a separate Special Land Use Permit shall be required for any use or storage of hazardous materials and any fuel storage tanks.

### **SECTION 504 REQUIRED CONDITIONS**

In the case of attached residential dwelling developments, all site plans shall be submitted and approved in accordance with Article XXIV, prior to issuance of a building permit.

- a. **Dedication of Streets:** All streets constructed within a development in the R-3 One- Family Residential District shall be dedicated to the City of Grand Blanc, and shall conform to the standards required for said City streets.
- b. **Access to Major Thoroughfare or Collector Street:** For all attached residential dwelling uses in the R-3 Zoning District, a primary access to the overall project shall be provided to an existing or planned arterial or collector street, without traveling through a single-family detached residential area. Individual driveways for buildings shall not be permitted along arterial or collector streets. Variances may be granted if the Board of Zoning Appeals finds that there are special circumstances which indicate that there will be a substantial improvement in traffic safety and/or development design by granting such exceptions.
- c. **Common Wall:** The attaching of single-family dwelling units shall be permitted in the R-3 District when said dwelling units are attached through a common party wall, which does not have over fifty (50) percent of its area in common wall with an abutting dwelling wall, by means of an architectural wall detail which does not form interior room space, or through a common party wall in only the garage portion of the adjacent structures, there being no common party wall relationship permitted through any other portion of the residential unit.
- d. **Maximum Number of Attached Units:** The maximum number of dwelling units attached in an R-3 District in the above manner shall not exceed four (4), except that upon application to the Board of Zoning Appeals, authorization may be granted for more than four (4) dwelling units.

### **SECTION 505 ADDITIONAL SITE DEVELOPMENT STANDARDS**

No plat or site plan shall be approved creating lots or parcels in accordance with the requirements given for the Single-Family Residential District unless served by public water and sanitary sewer facilities. All Permitted and Special Land Uses shall comply with all applicable provisions of the Zoning Ordinance including those listed below as a reference guide.

- a. Article II: Definitions
- b. Article III: General Provisions for Standards on a variety of items such as: calculation of buildable lot, regulations for single family dwellings; illegal dwellings; accessory uses, temporary buildings and structures; parking and repair of vehicles; swimming pools; fences; reception antennae; limitations on clearing and grading site, etc.
- c. Article XX: Schedule of Regulations (minimum lot area, lot width, setbacks, max. height, etc.).
- d. Article XXII: Parking, parking area landscaping and loading/unloading standards.
- e. Article XXIII: Landscaping Standards

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- c. **Prohibited home occupations:** The following are prohibited as home occupations:
  - 1. Private clubs.
  - 2. Repair shops which may create a nuisance due to noise, vibration, glare, fumes, odors or electrical interference.
  - 3. Restaurants.
  - 4. Stables or kennels.
  - 5. Tourist homes.
  - 6. Repair, maintenance, painting and storage of automobiles, machinery, trucks, boats, recreational vehicles and similar items.
- d. Any proposed home occupation that is neither specifically permitted above, nor specifically prohibited above, shall be considered a Special Land Use and be granted or denied upon consideration of the "Required Conditions" contained in item b. above and the standards specified in Section 2102.
- e. Home occupation permits shall be limited to the applicant who legally resides in the residence.

### **SECTION 503 SPECIAL LAND USES**

The following uses shall be permitted upon review by the Planning Commission and approval by the City Council, in accordance with the general standards for all Special Land Uses listed in Section 2102, and the standards for the specific use listed in Section 2110.

- a. Accessory apartments within permitted single family homes.
- b. Churches and other facilities normally incidental thereto.
- c. Public, parochial and private elementary schools.
- d. Group day care homes and group foster care homes.
- e. Adult foster care small group homes with seven (7) to twelve (12) residents and adult foster care large group homes. (amended 2/14/96)
- f. Bed and breakfast inns.
- g. Cemeteries.
- h. Essential public service buildings and uses (without storage yards) when operating requirements necessitate their location within the district to serve the immediate vicinity.
- i. Private noncommercial recreational areas, institutional or community recreation centers, nonprofit swimming pool clubs.
- j. Golf courses without driving ranges.

**SECTION 502 ACCESSORY HOME OCCUPATIONS**

- a. **Permitted Home Occupations:** The following are permitted home occupations provided they meet all of the standards listed in item b. below:
1. Dressmaking, sewing and tailoring.
  2. Painting, sculpturing or writing.
  3. Telephone answering or telemarketing.
  4. Home crafts, such as model making, rug weaving, and lapidary work.
  5. Tutoring, limited to four students at a time.
  6. Computer program development.
  7. Salesperson's office or home office of a professional person that meets all conditions of b, no sales or director/customer are permitted on premise.
  8. Repair of clocks, instruments or other small appliances which do not create a nuisance due to noise, vibration, glare, fumes, odor or results in electrical interference.
- b. **Required Conditions:** Home occupations shall comply with all of the following standards:
1. Home occupation shall be based on an annual permit for such home occupation, and fees are to be set by resolution of the City Council.
  2. There shall be no visible change to the outside appearance of the dwelling.
  3. Traffic, parking, sewage or water use shall not be noticeably different from impacts associated with a typical home in the neighborhood.
  4. The use shall not generate noise, vibration, glare, fumes, toxic substance, odors or electrical interference, at levels greater than normally associated with a single family home.
  5. Outside storage or display is prohibited.
  6. Signs are not permitted except address numbers.
  7. The home occupation shall not become a nuisance.
  8. Only an occupant of the dwelling may be employed or involved in the home occupation.
  9. The home occupation shall occupy a maximum of ten (10) percent of the usable floor area of the dwelling. Garages, whether attached or detached, shall not be used for any home occupation.
  10. All delivery of goods and visits by patrons and activity shall occur between 6:00 a.m. and 8:00 p.m.

## ARTICLE V

### **R-1 THROUGH R-3 RESIDENTIAL DISTRICTS**

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#### **R-1, R-2 AND R-3 SINGLE-FAMILY RESIDENTIAL DISTRICTS**

##### **SECTION 500 INTENT**

The R-1 and R-2 Single-Family Residential Districts are intended to provide for low-density, one-family detached dwellings and other facilities which serve the residents in the district. The R-3 Single-Family Residential District is intended to provide for low density, single family detached or attached dwelling units to serve as a buffer between more restrictive detached single family districts and less restrictive uses and arterials.

##### **SECTION 501 PERMITTED USES**

In the R-1 and R-2 Single-Family Residential Districts, no building or land shall be used or erected, except for one (1) or more of the following specified uses unless otherwise provided in this Ordinance:

- a. Single-family detached dwellings meeting the standards of Section 305. Single-family subdivisions and site condominium projects must also comply with the City's Subdivision Control Ordinance.
- b. Single-family attached dwelling units in the R-3 District only (maximum four units attached per building).
- c. Publicly owned libraries, parks, parkways, recreational facilities, court buildings, post offices, community centers, civic centers and municipal buildings, provided the building architecture and materials are consistent with the materials used at the Grand Blanc City Hall.
- d. Cemeteries which lawfully occupied land at the time of adoption of this Ordinance.
- e. Private pools as an accessory use within the rear yard only, and not located in an easement (refer to Section 313).
- f. Family day care homes and family foster care homes subject to the following provisions:  
(amended 2/14/96)
  1. Such uses shall be duly licensed by the State Department of Social Services.
  2. Buildings and lots so used shall conform to all state and local code requirements.
  3. A minimum of thirty-five (35) square feet of indoor play area shall be provided for each child. Indoor play area shall be computed exclusive of hallways, bathrooms, reception and office areas, kitchens, storage areas and closets, basements, except those which are finished and have dual means of egress, and areas used exclusively for rest or sleep.
  4. A minimum of one hundred fifty (150) square feet of outdoor play area for each child. The total outdoor play area shall have a total minimum area of not less than one thousand two hundred (1,200) square feet. All adjacent outdoor play areas shall be fenced and screened in accordance with Section 2310.
- g. Adult foster care homes and adult foster care small group homes with up to six (6) adults.  
(amended 2/14/96)
- h. Essential public services not including storage yards, when operating requirements necessitate their location within the district to serve the immediate vicinity.
- i. Accessory uses, buildings and structures, customarily incident to any of the above-permitted uses defined in Article II and regulated in Sections 312-317.

## ARTICLE VI

### R-T TWO-FAMILY RESIDENTIAL DISTRICTS

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#### SECTION 600 INTENT

The R-T Two-Family Residential District is intended to provide a more intensive residential use of the land with new construction or conversion of existing structures between adjacent residential and commercial, office, thoroughfares or other uses. This district also recognizes the existence of older residential areas of the City where larger houses have been or can be converted from single-family to two-family residences in order to extend the economic life of these structures and allow the owners to justify the expenditures for repairs and modernizations. This district also allows the construction of new two-family residences where slightly greater densities are permitted. Multiple housing and activity centers for the elderly are allowed in this district as Special Land Uses.

#### SECTION 601 PERMITTED USES

In a R-T Two-Family Residential District, no building or land shall be used or erected, except for one (1) or more of the following specified uses unless otherwise provided in this Ordinance:

- a. All uses permitted and as regulated in the One-Family Residential Districts. The standards of the Schedule of Regulations applicable to the R-1 One-Family Residential District, shall apply as minimum standards when one-family detached dwellings are erected.
- b. Two-family dwellings.
- c. Accessory uses, buildings and structures incidental to any of the above permitted uses as defined in Article II and described in Sections 312-317.

#### SECTION 602 SPECIAL LAND USE

The following uses may be permitted, upon review and approval by the City Council, in accordance with the general standards for all special land uses listed in Section 2102, and the standards for the specific use listed in Section 2110.

- a. Housing for the elderly, retirement villages, etc.
- b. Activity center buildings specifically for the elderly when on a minimum size of two (2) acres.
- c. Churches and other facilities normally incidental thereto.
- d. Group day care homes and group foster care homes.
- e. Adult foster care small group homes with seven (7) to twelve (12) residents and adult foster care large group homes. (amended 2/14/96)
- f. Bed and breakfast inns.
- g. Essential public service buildings and uses without storage yards when operating requirements necessitate their location within the district to serve the immediate vicinity.

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- h. Uses of the same nature or class as the majority of the uses listed in this district as either a Principal Permitted Use or a Special Land Use, but not listed elsewhere in this zoning ordinance, as determined by the City Council, following a planning commission public hearing and recommendation. The determination shall be based on the standards of Section 309. Any use not listed and not found to be "similar" is prohibited in this zoning district.
- i. Accessory uses buildings and structures incidental to any of the above permitted uses as defined in Article II and described in Sections 312-317 without requiring an additional Special Land Use permit.
- j. Child care center or day care center.

### **SECTION 603      ADDITIONAL SITE DEVELOPMENT STANDARDS**

No plat or site plan shall be approved unless served by public water and sanitary sewer facilities. All Permitted and Special Land Uses shall comply with all applicable provisions of the Zoning Ordinance including those listed below as a reference guide.

- a. Article II:            Definitions
- b. Article III            General Provisions for Standards on a variety of items such as: calculation of buildable lot, regulations for single family dwellings; illegal dwellings; accessory uses; temporary buildings and structures; parking and repair of vehicles; swimming pools; fences; reception antennae; limitations on clearing and grading site, etc.
- c. Article XX:            Schedule of Regulations (minimum lot area, lot width, setbacks, max. height, etc.).
- d. Article XXII:          Parking, parking area landscaping and loading/unloading and standards.
- e. Article XXIII:        Landscaping Standards
- f. Article XXIV:        Site Plan Review Standards
- g. Ordinance 116        Sign Ordinance (Chapter 1480)
- h. Ordinance 220        Flood Damage Prevention Ordinance
- i. Ordinance 216        Subdivision Control Ordinance



**ARTICLE VII**  
**MH MOBILE HOME PARK DISTRICTS**

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**SECTION 700      INTENT**

The MH Mobile Home Park Districts are intended to provide sites for Mobile Home Parks which are characterized by a relatively high density, transient structures which are replaced periodically and dwelling units which are permitted by State law to exist without conforming to local codes and ordinances applicable to all other dwelling units. Because the Mobile Home Park further possesses site characteristics similar to multiple-family residential development and because they typically develop with private streets and utility systems, thereby creating an interruption in the continuity of the local streets and utility systems, they are not compatible when located in an otherwise single-family area. Therefore, in this Ordinance, Mobile Home Parks are intended to be located so as to provide a transition of use between extensive nonresidential districts, i.e. I-1 Light Industrial and I-2 General Industrial and Multiple-Family Residential Districts.

**SECTION 701      PRINCIPAL USES PERMITTED USES**

In an MH Mobile Home Park District, no building, structure or land shall be used or erected, and no building or structure shall be erected except for one (1) or more of the following specified uses unless otherwise provided in this Ordinance:

- a. Mobile Home Parks, which conform to the requirements of Section 702 of this Ordinance.
- b. Multiple-family dwellings as permitted and as regulated in the LDMF and HDMF Multiple Family Residential Districts. *(amended 2/14/96)*

**SECTION 702      MOBILE HOME PARK REQUIRED CONDITIONS STANDARDS**

- a. Mobile Home Parks shall be subject to the review and approval of the site plan in accordance with Article XXIV. Such review of the site plan is required in order to minimize the possibility of adverse effects upon adjacent property; and furthermore, to find proper relationships in the development features as they relate to traffic safety, service roads, driveways, parking areas, accessory buildings and uses, and open space.
- b. The mobile home park shall be developed with sites averaging 5,500 square feet per mobile home unit. This 5,500 square feet for any one site may be reduced by twenty (20%) percent provided that the individual site shall be equal to at least 4,400 square feet. For each square foot of land gained through the reduction of a site below 5,500 square feet, at least an equal amount of land shall be dedicated as open space, but in no case shall the open and distance requirements be less than that required by the Mobile Home Commission.
- c. Each mobile home site shall have a front yard setback of twenty (20) feet.

Each mobile home shall be in compliance with the following minimum distances:

- 1. Twenty (20) feet from any part of attached structure of another mobile home which is used for living purposes.
- 2. Ten (10) feet from an on-site parking space of an adjacent mobile home site.
- 3. Ten (10) feet from an attached or detached structure or accessory of an adjacent mobile home which is not used for living purposes.

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4. Fifty (50) feet from a permanent building.
5. One hundred (100) feet from a recreation field.
6. Any park or structure that belongs to a mobile home shall be set back the following minimum distances:
  - a) Twenty (20) feet from the edge of an internal road and seven and one-half (7 1/2) feet from a parking bay.
  - b) Seven (7) feet from a common pedestrian walkway.
  - c) Ten (10) feet from a natural or man-made lake, object, or walkway.
- e. Setbacks from property boundary lines:
  1. Mobile homes, permanent buildings and facilities and other structures shall not be located closer than twenty (20) feet from the property boundary line of the mobile home parks or mobile home condominiums.
  2. If mobile homes, permanent buildings and facilities, and other structures about a public right-of-way, they shall not be located closer than fifty (50) feet from the boundary line, except that if the boundary line runs through the center of the public road, the fifty (50) feet shall be measured from the road right-of-way line.
- f. Service drive requirements:
  1. The service drives shall be hard surfaced.
  2. The service drive shall have access to a public thoroughfare or shall be connected to a public thoroughfare by a permanent easement which shall be recorded prior to approval by the State. Sole access by an alley is prohibited.
  3. A dead-end road shall terminate with an adequate turning area. A blunt-end road is prohibited.
  4. An adequate safe-sight distance shall be provided at intersections.
  5. An offset at an intersection or an intersection of more than two (2) streets is prohibited.
  6. All roads shall be clearly marked with appropriate traffic signs, subject to the provisions of the Mobile Home Commission Rules.
  7. A road sign shall be named and so identified by street signs located at all road intersections.
  8. A name of an internal road shall be approved by the City.
  9. The alignment and gradient of a service drive shall be adopted to the topography and shall be graded for its full width to drain surface water. When grading roads in length the finish grade of the street shall not be greater than eight (8%) percent and not less than four-tenths (0.4%) of the length. Short lengths with a maximum grade of twelve (12%) percent may be permitted, provided traffic safety is assured.
  10. A service drive shall be constructed of materials suitable for subgrades and hard surface in compliance with the standards of the American Association of State Highway and

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Transportation Officials, adopted herein by reference. The park developer may use other suitable materials of equal quality, if approved by the Mobile Home Commission.

11. Curbing may be installed on service drives. If curbing is used, it shall be constructed as follows:
    - a) Curbing shall be concrete with the exception of the integral valley curb and gutter (gravity drains), which may be either concrete or asphalt.
    - b) If integral valley curbing and gutter or mountable curb and gutter is used, the height of the curb measured from the gutter line shall be between three (3) and five (5) inches.
    - c) Crosswalks shall conform to Act No. 8 of the Public Acts of 1973.
  12. Service drives width shall be as follows:
    - a) Two-way traffic with no parking - minimum 21 feet.
    - b) Two-way traffic with parallel parking one side - minimum 31 feet.
    - c) Two-way traffic with parallel parking two sides - minimum 41 feet.
  13. The City Engineer shall review ingress and egress of the service drives.
- g. A park electrical system shall, at a minimum, be designed, installed, operated, and maintained in compliance with the rules entitled "Electrical Liners and Equipment," of the Michigan Administrative Code, and pursuant to the construction, installation and safety standards of the servicing public service company. In addition, the following shall be complied with:
1. Primary and secondary distribution lines shall be installed underground.
  2. The system shall be designed to provide adequate service pursuant to applicable codes and the manufacturer's standard for the appliance or appliances to be served.
  3. A mobile home site shall have installed an approved individual weatherproof meter. A park master meter shall not be used.
  4. A mobile home site shall have installed an approved easily accessible electrical systems circuit breaker or fuse system located at the pedestal, which shall be installed by a licensed electrician. The circuit breaker or fuse system shall be covered.
- h. All mobile home Park developments shall further comply with Act 96 of the State of Michigan Public Acts of 1987.

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- j. Essential public services not including storage yards when operating requirements necessitate their location within the district to serve the immediate vicinity.
- k. Accessory uses, buildings and structures customarily incidental to any of the above uses as defined in Article II and described in Sections 312-317, such as leasing offices, community buildings and recreation facilities.

**SECTION 802 SPECIAL LAND USES**

The following uses may be permitted, upon review and approval by the City Council, in accordance with the general standards for all Special Land Uses listed in Section 2102, and the standards for the specific use listed in Section 2110.

- a. Adult foster care large group homes.
- b. Adult congregate care facilities.
- c. All Special Land Uses listed for the Single and Two-Family Residential Districts which are not already listed as a Permitted Use in this district.
- d. Uses of the same nature or class as the majority of the uses listed in this district as either a Principal Use Permitted or a Special Land Use, but not listed elsewhere in this Zoning Ordinance, as determined by the City Council, following a Planning Commission public hearing and recommendation. The determination shall be based on the standards of Section 309. Any use not listed and not found to be "similar" is prohibited in this zoning district.
- e. Accessory uses, buildings and structures customarily incidental to an approved Special Land Use Permit are permitted without a separate Special Land Use Permit.

**SECTION 803 ADDITIONAL SITE DEVELOPMENT STANDARDS**

No site plan shall be approved unless the site is served by public water and sanitary sewer facilities. All Permitted and Special Land Uses shall comply with all applicable provisions of the Zoning Ordinance including those listed below as a reference guide.

- a. Article II: Definitions
- b. Article III: General Provisions for Standards on a variety of items such as: calculation of buildable lot, regulations for single family dwellings; illegal dwellings; accessory uses; temporary buildings and structures; parking and repair of vehicles; swimming pools; fences; reception antennae; limitations on clearing and grading site, etc.
- c. Article XX: Schedule of Regulations (minimum lot area, lot width, setbacks, max. height, etc.).
- d. Article XXII: Parking, parking area landscaping and loading/unloading standards.
- e. Article XXIII: Landscaping Standards
- f. Article XXIV: Site Plan Review Standards
- g. Ordinance 116 Sign Ordinance (Chapter 1480)
- h. Ordinance 220 Flood Damage Prevention Ordinance
- i. Ordinance 216 Subdivision Control Ordinance

## ARTICLE VIII

### **LDMF AND HDMF MULTIPLE-FAMILY RESIDENTIAL DISTRICTS**

#### **SECTION 800 INTENT**

The Multiple-Family Residential Districts, LDMF and HDMF, are intended to provide rental or individually owned multiple-family dwelling units, and related. These districts will generally serve as a transitional zone between the nonresidential districts and lower density Single-Family Districts. The Multiple-Family Districts are provided to serve the limited needs for the apartment units in a medium density, single-family community. The City includes two multiple family zoning districts: Low Density Multiple Family (maximum 6 units per acre) and Medium Density Multiple-Family Residential (maximum 12 units per acre).

#### **SECTION 801 PERMITTED USES**

In the LDMF or MDMF districts, no building or land shall be used or erected, except for one (1) or more of the following specified uses unless otherwise provided in this Ordinance:

- a. Single-Family homes, subject to area and dimensional requirements for the R-3 zoning district.(amended 2/14/96)
- b. Two-Family homes, subject to area and dimensional requirements for the R-T zoning district.(amended 2/14/96)
- c. Multiple-family dwellings provided that a minimum of one hundred (100) square feet of open recreational space shall be provided for each apartment dwelling unit. Said open space shall be developed with appropriate recreational facilities and play equipment. The location, shape, and development plan for recreational area shall be shown on the site plan with access only onto an arterial or collector street.
- d. Multiple housing for the elderly.
- e. Activity center building specifically for the elderly.
- f. Publicly owned libraries, parks, parkways, recreational facilities, court buildings, post offices, community centers, civic centers and municipal buildings, provided the building architecture and materials are consistent with the materials used at the Grand Blanc City Hall.
- g. Family day care homes and family foster care homes when meeting the standards listed in Section 501(f).
- h. Child care centers and day care centers subject to the following provisions: (amended 2/14/96)
  1. Such uses shall be duly licensed by the State Department of Social Services.
  2. Buildings and lots so used shall conform to all state and local code requirements.
  3. A minimum of fifty (50) square feet of indoor play area shall be provided for each child. Indoor play area shall be computed exclusive of hallways, bathrooms, reception and office areas, kitchens, storage areas and closets, basements, except those which are finished and have dual means of egress, and areas used exclusively for rest or sleep.
  4. A minimum of one hundred fifty (150) square feet of outdoor play area for each child. The total outdoor play area shall have a total minimum area of not less than one thousand two hundred (1,200) square feet. It shall be fenced and screened in accordance with Section 2310.
- i. Adult (foster care) home and adult foster care small group homes and adult day care.

## ARTICLE IX

### OS-1 OFFICE SERVICE DISTRICTS

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#### SECTION 900 INTENT

The OS-1 Office Service District is intended to accommodate uses such as offices, banks, and personal services. Office-Service Districts generally serve as a transitional area between residential and commercial districts or to buffer residential neighborhoods from arterial roadways.

#### SECTION 901 PERMITTED USES

In an OS-1 Office Service District, no building or land shall be used or erected, except for one (1) or more of the following specified uses unless otherwise provided in this Ordinance:

- a. Offices for uses including administrative, professional, real estate, legal, accounting, writing, clerical, stenographic, drafting and sales.
- b. Offices of physicians, dentists, optometrists, chiropractors, psychiatrists, psychologists and similar or allied professionals, including medical clinics, urgent medical care centers and accessory pharmacies.
- c. Banks, credit unions, savings and loan associations, and similar uses with or without drive-through facilities and 24 hour ready tellers.
- d. Personal service establishments, performing on-site services, including barber shops, beauty shops, and health salons.
- e. Publicly owned libraries, parks, parkways, recreational facilities, court buildings, post offices, community centers, civic centers and municipal buildings, provided the building architecture and materials are consistent with the materials used at the Grand Blanc City Hall.
- f. Churches, places of worship, and related facilities.
- g. Colleges, universities and similar institutions of higher learning.
- h. Accessory essential public services and structures, excluding buildings and storage yards.
- i. Accessory and uses buildings and structures customarily incidental to the above uses, as defined in Article II and meeting the standards of Sections 312-317.
- j. Child care centers and day care centers when meeting the standards listed in Section 801(h).  
(amended 2/14/96)

#### SECTION 902 SPECIAL LAND USES

The following uses may be permitted, upon review and approval by the City Council, in accordance with the general standards for all Special Land Uses listed in Section 2102, and any standards for the specific use listed in Section 2110.

- a. Essential public service buildings, not including storage yards, such as telephone exchange buildings, transformer stations, substations, or gas regulator stations.
- b. Substance abuse treatment facilities.
- c. General and specialty hospitals and urgent medical care centers.

- d. Nursing and convalescent homes.
- e. Uses of the same nature or class as the majority of the uses listed in this district as either a Principal Use Permitted or a Special Land Use, but not listed elsewhere in this Zoning Ordinance, as determined by the City Council, following a Planning Commission public hearing and recommendation. The determination shall be based on the standards of Section 309. Any use not listed and not found to be "similar" is prohibited in this zoning district.
- f. Funeral homes or mortuary establishments.
- g. Accessory uses, buildings and structures customarily incidental to an approved Special Land Use Permit are permitted without a separate Special Land Use Permit; however, a separate Special Land Use Permit shall be required for any use or storage of hazardous materials and any fuel storage tanks.

**SECTION 903      REQUIRED CONDITIONS**

- a. No interior display shall be visible from the exterior of the building.
- b. The outdoor storage of goods or materials shall be prohibited.
- c. Warehousing or indoor storage of goods or materials, beyond that normally incident to the above-permitted uses, shall be prohibited.

**SECTION 904      ADDITIONAL SITE DEVELOPMENT STANDARDS**

All Permitted and Special Land Uses shall comply with all applicable provisions of the Zoning Ordinance including those listed below as a reference guide.

- a. Article II:            Definitions
- b. Article III:         General Provisions for Standards on a variety of items such as: temporary uses and events; parking and repair of vehicles; fences; reception antennae; limitations on clearing and grading site, etc.
- c. Article XX:         Schedule of Regulations (minimum lot area, lot width, setbacks, max. height, etc.).
- d. Article XXII:        Parking, parking area landscaping and loading/unloading standards.
- e. Article XXIII:       Landscaping Standards
- f. Article XXIV:        Site Plan Review Standards
- g. Ordinance 116      Sign Ordinance (Chapter 1480)
- h. Ordinance 220      Flood Damage Prevention Ordinance
- i. Ordinance 216      Subdivision Control Ordinance

## ARTICLE X

### **CBD CENTRAL BUSINESS DISTRICT (Amended 7/2013)**

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#### **SECTION 1000 INTENT**

The intent of the Central Business District (CBD) is to retain and create a vibrant, attractive and cohesive center for the Grand Blanc community with a variety of quality places to work, live shop, learn, recreate and be entertained. This district is intended to recognize and support the Grand Blanc central business district as both the prime retail center in the city and the centerpiece of the greater Grand Blanc community.

These special regulations are intended to assist with the implementation of goals and objectives contained in the Grand Blanc Downtown Strategic Vision Plan. Among those goals are to eliminate single use zoning and promote development of a compact, walkable, mixed-use district, consisting of a variety of retail, entertainment, office, service, residential, cultural, recreation and municipal uses. To provide for the desired traditional downtown environment and accommodate the wide variety of permitted uses, this district includes specific design standards for site layout, setback continuity, building design, pedestrian amenities, parking arrangement, vehicular circulation and coordination of site features between adjoining sites. One intent of this district is that buildings be placed close to the street, with parking in the side, or preferably, rear yard. Permitted uses shall be designed and arranged to minimize any adverse impact on street capacity or public services, and contribute to the overall image and function of the district. A mixture of uses within a building, such as retail on the ground floor and office on upper floors is permitted. It is the further intent of this district to prohibit automotive related services and non-retail uses which tend to disrupt the continuity of the retail frontage. (Amended 2/14/96)

#### **SECTION 1001 PERMITTED AND SPECIAL LAND USES**

Permitted and Special Land Use shall be in accordance with the following:

- a. All uses shall meet the standards for the CBD listed below in Section 1002 and as set forth in Article XX, Schedule of Regulations.
- b. All uses permitted by the underlying zoning district (as designated on the zoning map) shall be permitted for that lot within the CBD. (For example, if the underlying zoning district is B-2, the uses permitted in B-2 are permitted for that lot).
- c. Any building fronting on Saginaw or Grand Blanc Road and having commercial or office use on the first floor of said street frontage may contain residential uses on upper stories when adequate off-street parking is provided.
- d. Multi-story single family attached or townhouse (row house) buildings may be permitted as Special Land Uses on lots that do not front along Saginaw or Grand Blanc Road. Each dwelling shall comprise a single unit from the lowest floor to the highest floor of the building between common walls except that the Planning Commission may permit stacked units where the front building façade retains a traditional townhouse (row house) appearance. (Amended July 2013)
- e. Any use with a drive through facility shall be regulated as a Special Land Use. Drive through facilities shall be restricted to the side or rear yard. Due to high traffic generation, restaurants with drive through service shall be restricted to lots with frontage along Saginaw Road.
- f. All uses regulated as Special Land Uses in d or e above or in the underlying zoning district shall require conformance with the appropriate standards of Article XXI, Special Land Uses.
- g. All businesses, facilities and uses, including private and public facilities, which use, store or generate hazardous substances and polluting materials in quantities greater than twenty-five (25) gallons or two hundred twenty (220) pounds per month shall require Special Land Use Review. (Amended 2/14/96)
- h. Open-Air Market, temporary (Amended 6/14/06)
- i. Outdoor cafes (Amended 7/2013)



**SECTION 1002 REQUIRED CONDITIONS**

- a. All business establishments shall be retail, entertainment or service establishments dealing directly with customers. All goods produced on the premises shall be sold as retail on premises where produced.
- b. All business, servicing or processing, except for off-street parking or loading, shall be conducted within a completely enclosed building, provided that public plazas, sidewalk sales and open air markets may be permitted as an accessory use upon approval as a special land use.
- c. Exterior walls facing public rights-of-way, customer parking areas and adjoining property that is zoned or used for residential purposes shall have a finished appearance, using the same materials as used on the front facade of the building. Wherever possible, meter boxes, waste receptacles and mechanical equipment should not be located in the front yard or on a side of the building when visible from public views or when facing property zoned or used as residential.
- d. Ornamental lighting consistent with the established lighting system in the Central Business District shall be provided along public street frontages. Except for ornamental fixtures, all lighting shall be downward directed sharp cut-off fixtures. Site, building and parking lot lighting shall be at a scale appropriate for the downtown and to prevent glare off-site. Light spill-over along a front lot line, which is otherwise prohibited by Section 323, may be allowed by the Planning Commission provided a determination is made that is primarily due to existing lighting within the public right-of-way. **(Amended July 2013)**
- e. Parking shall be located in the side or rear yards, not in the front yard; however, parking in one front yard shall be permitted for corner lots. A street wall or continuous hedge row shall be provided to screen view of off-street parking lots and provide a buffer between the site and the public street. Segments of front lot lines, not occupied by a building wall or hedge, shall have a street wall or architectural feature. Street walls shall be a minimum two and one-half (2.5) feet in height and constructed of brick with a limestone cap or decorative stone or black wrought iron fence with stone or brick columns. The street wall shall be constructed along the front lot line, provided the Planning Commission may allow the street wall to be setback from the front lot line to provide for landscaping, to accommodate underground utilities and to comply with clear vision zone requirements at intersections. Openings in the street wall may be permitted for vehicular and pedestrian access to the site, and where open space or landscape plazas are provided.
- f. All garage doors, loading or service areas and waste receptacles shall be located in the rear yard of the lot and screened from view of any public street, adjacent residential zoning district or public property. The screening shall consist of a wall to match the building, landscaping or a combination, as appropriate.
- g. The number of access points shall be the minimum to provide reasonable access. Access points shall be designed and located to minimize conflicts with traffic operations along the street and be placed as far from intersections as practical. The Planning Commission may require the applicant to provide a traffic impact study prepared by a qualified traffic engineer to evaluate traffic circulation and access concerns.
- h. Parking shall be provided for all uses in accordance with the requirements of Article 22 except that the Planning Commission may reduce the amount of on site parking required in the CBD by up to fifty percent (50%) in the following instances: **(Amended 8/19/2008)**
  - 1. The parking requirement may be satisfied through shared parking with an adjacent use. All uses must be located within three hundred (300) feet of the shared parking with a copy of an executed shared parking agreement must be provided to the City. Where uses with different peak hour parking demands, such as a restaurant and office share the same parking lot, the total cumulative parking requirement for all uses may reduce by up to fifty percent (50%).
  - 2. A mixed-use development that has uses with different peak hour parking demands, such as a restaurant in an office building, may reduce the total cumulative parking requirement for all uses by up to fifty percent (50%).

3. Up to fifty percent (50%) of the parking requirement may be satisfied by public parking. This may include on-street parking that is located along the lot's frontage and public off-street parking lots that are located within five hundred (500) feet of the site.
  4. The parking requirement may be reduced by up to fifty percent (50%) where the applicant can demonstrate, based on supporting documentation provided by the applicant, the parking need for that particular use is less than required by this Ordinance or valet service to a satellite parking lot will be provided.
  5. Total parking requirements shall not be reduced by more than fifty percent (50%) even where a site satisfies more than one (1) of the above criteria.
- i. Architectural standards: All new buildings, additions and significant exterior changes or renovations shall be found to be architecturally compatible with the intent of the Central Business District. In making such a determination, the following will be considered:
1. A minimum of eighty percent (80%) of the exterior finish material of all building facades visible from the public street, parking lot or adjacent residentially zoned land, exclusive of window areas, shall consist of the following: brick, cut stone, field stone, cast stone or dimensional wood with an opaque stain. Exterior Insulation and Finishing Systems (EIFS) materials shall not be the primary building material. The remaining maximum twenty (20) percent of the facade may utilize other materials for architectural detailing such as fiberglass reinforced concrete, polymer plastic (fypon) or EIFS. The Planning Commission may permit other materials for facades not visible from a public street that are adequately screened from adjoining land uses.
  2. Roof design shall be consistent with the overall architecture of the building. Single story buildings shall be designed with pitched roofs or a decorative cornice or parapet at least forty-two (42) inches high to screen roof-top mechanical equipment.
  3. Blank walls shall not face a public street. Walls facing a public street shall include windows and architectural features customarily found on the front facade of a building, such as awnings, cornice work, edge detailing or other decorative finish materials. A usable public building entrance shall be provided at the front of the building. Wall massing shall be broken up with vertical pilasters or other architectural elements to reduce scale.
  4. Colors shall be consistent with the majority of the established buildings. Stark or bold colors, white and similar "non-traditional" downtown colors are not permitted.
  5. Facades may be supplemented by awnings which shall be straight sheds or made of an opaque material; translucent awnings shall not be permitted along the front building line.
  6. Sites shall be designed at a pedestrian scale with relationship to the street and sidewalk. Convenient and safe pedestrian access shall be provided between the public sidewalk and the building entrance. Bicycle racks should be provided for uses expected to attract bicyclists, such as fast food restaurants, ice cream parlors and convenience food stores.
  7. Rear or side entrances should be provided where parking is on the side or rear of the building.
  8. Building height may be increased to a maximum of fifty (50) feet for a mixed use building with retail in the first floor and office and/or residential use on the floors above the first floor. Parking structures incorporated into the design of a mixed use building may also warrant the aforementioned increase in building height. (Amended 8/9/06)
  9. Building design, facades and materials shall be consistent with any architectural guidelines published by the City or adopted by the Planning Commission.
- j. For buildings proposed for expansion or renovation that existed prior to the effective date of this ordinance, the Planning Commission shall determine the extent of compliance based on the existing

building and site arrangement, the extent of the changes proposed and the site design elements found to be most in need of modification.

**SECTION 1003    ADDITIONAL SITE DEVELOPMENT STANDARDS**

All Permitted and Special Land Uses shall comply with all applicable provisions of the Zoning Ordinance including those listed below as a reference guide.

- a.    Article II:            Definitions
- b.    Article III:            General Provisions for Standards on a variety of items such as: temporary uses and events; parking and repair of vehicles; fences; reception antennae; limitations on clearing and grading site, etc.
- c.    Article XX:            Schedule of Regulations (minimum lot area, lot width, setbacks, max. height, etc.).
- d.    Article XXII:           Parking, parking area landscaping and loading/unloading standards.
- e.    Article XXIII:           Landscaping Standards
- f.    Article XXIV:           Site Plan Review Standards
- g.    Ordinance 116        Sign Ordinance (Chapter 1480)
- h.    Ordinance 220        Flood Damage Prevention Ordinance
- i.    Ordinance 216        Subdivision Control Ordinance

## ARTICLE XI

### B-1 NEIGHBORHOOD BUSINESS DISTRICTS (amended 4/20/2011)

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#### SECTION 1100 INTENT

The B-1 Neighborhood Business District, is established to meet the shopping and service needs of persons in nearby residential areas.

#### SECTION 1101 PERMITTED USES

In a B-1 Neighborhood Business District, no building or land shall be used or erected, except for one (1) or more of the following specified uses unless otherwise provided in this Ordinance:

- a. Any use permitted in the OS-1 District, subject to the regulations applicable in the following Sections of the Article.
- b. Establishments supplying commodities on the premises, such as but not limited to: florists, dry goods, clothing, hardware, restaurants and establishments with baked goods including carry-out (consumption on the premises is permitted in shopping centers provided there are no more than sixty (60) seats). (amended 4/20/11)
- c. Personal service establishments performing services on the premises, including, but not limited to: repair shops, tailor shops, beauty parlors or barber shops.
- d. Dry cleaning establishments, or pick-up stations, dealing directly with the consumer and not using or storing hazardous materials.
- e. Business establishments which perform services on the premises, such as, but not limited to: banks and their drive-through facilities, loan companies, insurance offices and real estate offices.
- f. Professional medical offices of physicians, dentists, optometrists, medical care centers and similar professions.
- g. Shopping centers with any of the above uses up to fifteen thousand (15,000) square feet of gross floor area. (amended 2/14/96)
- h. Child care or day care centers when meeting the standards listed in Section 801(h). (amended 2/14/96)
- i. Banks and financial institutions with up to three (3) drive-through lanes.
- j. Churches and other religious institutions and related facilities.
- k. Accessory essential public services and structures, excluding buildings and storage yards.
- l. Publicly owned libraries, parks, parkways, recreational facilities, court buildings, post offices, community centers, and civic centers and municipal buildings, provided the building architecture and materials are consistent with the materials used at the Grand Blanc City Hall.

- m. Accessory uses, buildings and structures customarily incident to the above uses as defined in Article II and meeting the standards of Section 312-317.

All of the above listed businesses, facilities and uses, including private and public facilities, which use, store or generate hazardous substances and polluting materials in quantities greater than twenty-five (25) gallons or two hundred twenty (220) pounds per month shall require Special Land Use Review.

(amended 2/14/96)

## **SECTION 1102 SPECIAL LAND USES**

The following uses may be permitted, upon review and approval by the City Council, in accordance with the general standards for all Special Land Uses listed in Section 2102, and the standards for the specific use listed in Section 2110.

- a. Convenience stores.
- b. Shopping centers with a gross floor area of fifteen thousand one (15,001) to forty-five thousand (45,000) square feet. (amended 3/12/08)
- c. Essential public service buildings; telephone exchange buildings; substations, and pumping stations, but without storage yards.
- d. Expansion of an apartment unit within existing buildings in the B-1 District may be permitted, subject to meeting the following standards:
  - 1. Two (2) means of access shall be provided to the residential apartment unit. The primary access shall not be through the existing business establishment.
  - 2. A minimum of two (2) off-street parking spaces shall be required for the apartment unit in addition to the minimum required parking spaces for the principal business use.
  - 3. Minimum floor area requirements for the residential apartment unit shall be the same as those required for units in the LDMF and HDMF residential districts. There shall be no more than one (1) residential apartment per building.
  - 4. The residential apartment use shall not detract or otherwise negatively impact adjacent development or detract from the business of the principal permitted use.
- e. Banks and financial institutions with more than three (3) drive-through lanes.
- f. Uses of the same nature or class as the majority of the uses listed in this district as either a Principal Permitted Use or a Special Land Use, but not listed elsewhere in this Zoning Ordinance, as determined by the City Council, following a Planning Commission public hearing and recommendation. The determination shall be based on the standards of Section 309. Any use not listed and not found to be "similar" is prohibited in this zoning district.
- g. Accessory uses, buildings and structures customarily incidental to an approved Special Land Use Permit as permitted with the approved Special Land Use permit. (amended 2/14/96)
- h. Outdoor cafes (amended 3/12/08)

All of the above listed businesses, facilities and uses, including private and public facilities, which use, store or generate hazardous substances and polluting materials in quantities greater than twenty-five

(25) gallons or two hundred twenty (220) pounds per month shall require Special Land Use Review.  
(amended 2/14/96)

**SECTION 1103      REQUIRED CONDITIONS**

- a. All business establishments shall be retail or service establishments dealing directly with customers. All goods produced on the premises shall be sold at retail on premises where produced.
- b. All business, servicing, or processing, except for off-street parking or loading, shall be conducted within a completely enclosed building.

**SECTION 1104      ADDITIONAL SITE DEVELOPMENT STANDARDS**

All Permitted and Special Land Uses shall comply with all applicable provisions of the Zoning Ordinance including those listed below as a reference guide.

- a. Article II:                Definitions
- b. Article III:             General Provisions for Standards on a variety of items such as: calculation of buildable lot, temporary uses and seasonal events; parking and repair of vehicles; fences; reception antennae; limitations on clearing and grading site, etc.
- c. Article XX:            Schedule of Regulations (minimum lot area, lot width, setbacks, max. height, etc.)
- d. Article XXII:         Parking, parking area landscaping, loading/unloading, and driveway spacing standards.
- e. Article XXIII:        Landscaping Standards
- f. Article XXIV:        Site Plan Review Standards
- g. Ordinance 116        Sign Ordinance (Chapter 1480)
- h. Ordinance 220        Flood Damage Prevention Ordinance
- i. Ordinance 216        Subdivision Control Ordinance

## ARTICLE XII

### **B-2 COMMUNITY BUSINESS DISTRICTS (amended 3/12/2008)**

#### **SECTION 1200 INTENT**

The B-2 Community Business District is designed to provide retail businesses and services to supply the needs of the larger community. The B-2 district is generally characterized by an integrated or planned cluster of establishments served by a common parking area and large volumes of vehicular and pedestrian traffic.

#### **SECTION 1201 PERMITTED USES**

In a B-2 Community Business District, no building or land shall be used or erected, except for one (1) or more of the following specified uses unless otherwise provided in this Ordinance:

- a. Any retail business or service establishment permitted in the B-1 District and shopping centers with up to 30,000 square feet of gross floor area, subject to the regulations applicable in this Article.
- b. Convenience stores.
- c. Retail businesses supplying merchandise on the premises in an enclosed building up to thirty thousand (30,000) square feet of gross floor area. (amended 2/14/96)
- d. Service establishments of an office, showroom or workshop nature of an electrician, decorator, dressmaker, tailor, baker, painter, upholsterer, radio or home appliance repair, photographic reproduction, and similar service establishments that require a retail adjunct.
- e. Private clubs, fraternal organizations, and lodge halls.
- f. Restaurants or other places serving food or beverage, excluding drive-ins or drive-thru restaurants.
- g. Business schools and colleges operated for profit.
- h. Accessory essential public services and structures, excluding buildings and storage yards.
- i. Accessory uses, buildings and structures customarily incident to the above uses as defined in Article II and meeting the standards of Section 312-317.
- j. Outdoor cafes (amended 3/12/08)

All of the above listed businesses, facilities, and uses, including private and public facilities, which use, store or generate hazardous substances and polluting materials in quantities greater than twenty-five (25) gallons or two hundred twenty (220) pounds per month shall require Special Land Use Review. (amended 2/14/96)

#### **SECTION 1202 SPECIAL LAND USES**

The following uses may be permitted, upon review and approval by the City Council, in accordance with the general standards for all Special Land Uses listed in Section 2102, and the standards for the specific use listed in Section 2110.

- a. Commercial outdoor sales and open air business uses when developed in planned relationship with the B-2 District.
- b. Indoor commercial recreation such as bowling alleys, billiard halls, archery ranges, tennis courts, skating rinks, and arcades.

- c. Funeral homes.
- d. Mechanical amusement device centers and arcades as a principal or accessory use if there are more than four (4) such devices.
- e. Shopping centers of over 30,000 gross square feet of floor area.
- f. Automobile service (gasoline) stations when developed as part of a larger planned shopping center with shared access and similar architecture.
- g. Essential public service building and storage yards.
- h. Accessory commercial outdoor sales and storage.
- i. Uses of the same nature or class as the majority of the uses listed in this district as either a Principal Use Permitted or a Special Land Use, but not listed elsewhere in this Zoning Ordinance, as determined by the City Council, following a Planning Commission public hearing and recommendation. The determination shall be based on the standards of Section 309. Any use not listed and not found to be "similar" is prohibited in this zoning district.
- j. Accessory uses, buildings and structures customarily incidental to an approved Special Land Use Permit as permitted with the approved Special Land Use permit. (amended 2/14/96)

All of the above listed businesses, facilities, and uses, including private and public facilities, which use, store or generate hazardous substances and polluting materials in quantities greater than twenty-five (25) gallons or two hundred twenty (220) pounds per month shall require Special Land Use Review. (amended 2/14/96)

### **SECTION 1203 REQUIRED CONDITIONS**

- a. All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.
- b. All business, servicing or processing, except for off-street parking or loading, and those open air uses indicated subject to a Special Land Use Permit shall be conducted within completely enclosed buildings.

### **SECTION 1204 ADDITIONAL SITE DEVELOPMENT STANDARDS**

All Permitted and Special Land Uses shall comply with all applicable provisions of the Zoning Ordinance including those listed below as a reference guide.

- a. Article II: Definitions
- b. Article III: General Provisions for Standards on a variety of items such as: temporary uses and events; parking and repair of vehicles; fences; reception antennae; limitations on clearing and grading site, etc.
- c. Article XX: Schedule of Regulations (minimum lot area, lot width, setbacks, max. height, etc.).
- d. Article XXII: Parking, parking area landscaping and loading/unloading standards.
- e. Article XXIII: Landscaping Standards
- f. Article XXIV: Site Plan Review Standards
- g. Ordinance 116 Sign Ordinance (Chapter 1480)
- h. Ordinance 220 Flood Damage Prevention Ordinance
- i. Ordinance 216 Subdivision Control Ordinance



## ARTICLE XIII

### **B-3 GENERAL BUSINESS DISTRICTS (amended 3/12/2008)**

#### **SECTION 1300 INTENT**

The B-3 General Business District is designed to provide for more intense and diversified business establishments which may be incompatible in the Neighborhood Business District or the Community Business District.

#### **SECTION 1301 PERMITTED USES**

In a B-3 General Business District, no building or land shall be used or erected except for one (1) or more of the following specified uses unless otherwise provided in this Ordinance:

- a. Any retail business or service establishment permitted in B-1 and B-2 Districts as Permitted Uses up to sixty thousand (60,000) square feet of gross floor area. (amended 2/14/96)
- b. Bus passenger stations.
- c. Mechanical amusement device centers and arcades.
- d. Shopping centers of up to sixty thousand (60,000) square feet of gross floor area.
- e. Essential public services and essential public service buildings.
- f. Accessory uses, buildings and structures customarily incidental to the above uses, as defined in Article II and meeting the standards of Sections 312-317.
- g. Outdoor cafes (amended 3/12/08)

All of the above listed businesses, facilities, and uses, including private and public facilities, which use, store or generate hazardous substances and polluting materials in quantities greater than twenty-five (25) gallons or two hundred twenty (220) pounds per month shall require Special Land Use Review. (amended 2/14/96)

#### **SECTION 1302 SPECIAL LAND USES**

The following uses may be permitted upon review and approval by the City Council, in accordance with the general standards for all Special Land Uses listed in Section 2102, and the standards for the specific use listed in Section 2110.

- a. Automobile washes (automatic or self-service).
- b. Automobile or vehicle dealership.
- c. Automobile service center (oil change, muffler shops, minor repair, etc. - see definition).
- d. Automobile service (gasoline) station and gasoline sales as an accessory use.
- e. Adult regulated uses.
- f. Banks and similar financial institutions with more than three (3) drive-through lanes.
- g. Commercial outdoor sales and open air businesses as a principal or accessory use. (amended 2/14/96)
- h. Essential public service storage yards.
- i. General and specialty hospitals.

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- j. Kennels (commercial) without outdoor pens.
- k. Motels, hotels and related facilities.
- l. Recreation: commercial indoor and outdoor establishments (such as bowling alleys, ice arenas, etc.) golf courses, country clubs and par three golf courses.
- m. Recreation: golf driving ranges and miniature golf courses.
- n. Recreation: private recreational clubs.
- o. Restaurants with drive-through or drive-in facilities.
- p. Shopping centers over 60,000 square feet of gross floor area.
- q. Theaters, concert halls and play houses.
- r. Urgent medical care centers.
- s. Veterinary clinics with no outdoor holding pens.
- t. Uses of the same nature or class as the majority of the uses listed in this district as either a Principal Use Permitted or a Special Land Use, but not listed elsewhere in this Zoning Ordinance, as determined by the City Council, following a Planning Commission public hearing and recommendation. The determination shall be based on the standards of Section 309. Any use not listed and not found to be "similar" is prohibited in this zoning district.
- u. Accessory uses, buildings and structures customarily incidental to an approved Special Land Use Permit as permitted with the approved Special Land Use permit. (amended 2/14/96)

All of the above listed businesses, facilities, and uses, including private and public facilities, which use, store or generate hazardous substances and polluting materials in quantities greater than twenty-five (25) gallons or two hundred twenty (220) pounds per month shall require Special Land Use Review. (amended 2/14/96)

**SECTION 1303 ADDITIONAL SITE DEVELOPMENT STANDARDS**

All Permitted and Special Land Uses shall comply with all applicable provisions of the Zoning Ordinance including those listed below as a reference guide.

- a. Article II: Definitions
- b. Article III: General Provisions for Standards on a variety of items such as: calculation of buildable lot, temporary uses and seasonal events; fences; reception antennae; limitations on clearing and grading site, etc.
- c. Article XX: Schedule of Regulations (minimum lot area, lot width, setbacks, max. height, etc.).
- d. Article XXII: Parking, parking area landscaping and loading/unloading standards.
- e. Article XXIII: Landscaping Standards
- f. Article XXIV: Site Plan Review Standards
- g. Ordinance 116 Sign Ordinance (Chapter 1480)
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<u>Yard</u>	<u>Minimum Setback (in feet)</u>
Front Yard (abutting internal street)	20
Front Yard (abutting major thoroughfare)	40
Side Yard (abutting internal street)	20
Side Yard (abutting major thoroughfare)	40
Side Yard (internal between buildings)	Equal to Bldg.
Height Rear Yard (external abutting residence)	50

3. The industrial operation shall not include any stamping or grinding in product preparation unless it is incidental to the primary use.
  4. The processing of material for shipment in bulk form, to be used in an industrial operation at another location, shall not be permitted.
  5. A twenty-foot (20-ft.) greenbelt shall be provided on those sides of the property abutting land zoned for residential use and shall be set aside as a dedicated easement for greenbelt purposes. The greenbelt shall be reviewed and approved by the City Council in conformity with the requirements of Article XXIII.
- c. Uses of the same nature or class as the majority of the uses listed in this district as either a Principal Permitted Use or a Special Land Use, but not listed elsewhere in this Zoning Ordinance, as determined by the City Council, following a Planning Commission public hearing and recommendation. The determination shall be based on the standards of Section 309. Any use not listed and not found to be "similar" is prohibited.
- d. Accessory uses, buildings and structures customarily incidental to an approved Special Land Use Permit as permitted with the approved Special Land Use permit. (amended 2/14/96)

All of the above listed businesses, facilities, and uses, including private and public facilities, which use, store or generate hazardous substances and polluting materials in quantities greater than twenty-five (25) gallons or two hundred twenty (220) pounds per month shall require Special Land Use Review. (amended 2/14/96)

**SECTION 1403 ADDITIONAL SITE DEVELOPMENT STANDARDS**

All Permitted and Special Land Uses shall comply with all applicable provisions of the Zoning Ordinance including those listed below as a reference guide.

- a. Article II: Definitions
- b. Article III: General Provisions for Standards on a variety of items such as: calculation of buildable lot, fences; reception antennae; limitations on clearing and grading site, etc.
- c. Article XX: Schedule of Regulations (minimum lot area, lot width, setbacks, max. height, etc.).
- d. Article XXII: Parking, parking area landscaping and loading/unloading standards.
- e. Article XXIII: Landscaping Standards
- f. Article XXIV: Site Plan Review Standards
- g. Ordinance 116 Sign Ordinance (Chapter 1480)
- h. Ordinance 220 Flood Damage Prevention Ordinance
- i. Ordinance 216 Subdivision Control Ordinance

## ARTICLE XIV

### R-P RESEARCH PARK DISTRICTS

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#### SECTION 1400 INTENT

The R-P Research Park District is intended to provide solely for a community of research and related facilities. This area is further designed to insure the compatibility between the research operations and the existing character of the community in which the park is located.

#### SECTION 1401 PERMITTED USES

In an R-P Research Park District, no building or land shall be used or erected, except for one (1) or more of the following specified uses unless otherwise provided in this Ordinance:

- a. Research, design, and pilot or experimental product development as principal function.
- b. Technical training as principal function.
- c. Office buildings when incident to the above uses and the executive and administrative offices of businesses engaged in basic research, design, and pilot or experimental product design.
- d. Essential public services and essential public service buildings.
- e. Accessory uses, buildings and structures customary and incidental to the principal uses, as defined in Article II and meeting the standards of Section 312-317.

All of the above listed businesses, facilities, and uses, including private and public facilities, which use, store or generate hazardous substances and polluting materials in quantities greater than twenty-five (25) gallons or two hundred twenty (220) pounds per month shall require Special Land Use Review. (amended 2/14/96)

#### SECTION 1402 SPECIAL LAND USES

The following uses may be permitted upon review and approval by the City Council, in accordance with the general standards for all Special Land Uses listed in Section 2102, and the standards for the specific use listed in Section 2110. A Special Land Use request shall be accompanied by an Impact Assessment, as described in Section 328.

- a. Restaurants or other places serving food and/or beverages except open-front stores or drive-ins.
- b. Manufacturing, processing, assembling or packaging of finished or semifinished products from previously prepared material, fully enclosed.
  1. Accessory structures and uses customarily incident to the above-permitted uses.
  2. Industrial operations shall be permitted only as part of a "Planned Industrial Park" consisting of at least fifteen (15) acres and being platted and developed in at least five (5) individual sites having an internal service road system with the following setbacks considered as minimum:

## ARTICLE XV

### I-1 LIGHT INDUSTRIAL DISTRICTS

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#### SECTION 1500 INTENT

The I-1 Light Industrial District is designed to accommodate research, wholesale activities, warehouses, and industrial operations whose external, physical effects are restricted to the area of the district and in no manner detrimentally affect any of the surrounding districts. The I-1 District is intended for the manufacturing, compounding, processing, packaging, assembly, and/or treatment of finished or semifinished products from previously prepared material. The processing of raw material for shipment in bulk form to be used in an industrial operation at another location, shall not be permitted.

The goals of the I-1 district include the following:

- a. Provide sufficient space, in appropriate locations, to meet the needs of the City's future economy for all types of manufacturing and related uses;
- b. Prohibit the use of industrial areas for new residential development;
- c. Promote manufacturing development which is free from danger of fire, explosions, toxic and noxious matter, radiation, and other hazards, and from offensive noise, vibrations, smoke, odor and other objectionable influences.

#### SECTION 1501 PERMITTED USES

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

- a. Research, design, and pilot or experimental product development when conducted within a completely enclosed building.
- b. Warehousing and wholesale establishments, and trucking facilities.
- c. Manufacturing (indoors), compounding, processing, packaging, or treatment of such products as, but not limited to: bakery goods, candy, cosmetics, pharmaceutical, toiletries, food products, hardware and cutlery, tool, die, gauge and machine shops.
- d. Manufacturing, compounding, assembling, or treatment of articles or merchandise indoors from previously prepared materials such as: bone, canvas, cellophane, cloth, cork, elastomers, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, rubber, precious or semiprecious metals or stones, sheet metal, shell, textiles, tobacco, wax, wire, wood (excluding saw and planing mills) and yarns.
- e. Manufacturing of pottery and ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas. (amended 2/14/96)
- f. Manufacturing of musical instruments, toys, novelties, and metal or rubber stamps, or other molded rubber products.
- g. Manufacturing or assembly of electrical appliances and instruments.
- h. Research and experimental laboratories.
- i. Manufacturing and repair of electric or neon signs, light sheet metal products, such as heating and ventilating equipment, cornices, eaves.
- j. Central dry cleaning plants or laundries, with no retail service.

- k. Essential public service buildings, stations structures, storage yards and other related uses.
- l. Radio, television, microwave, and cellular phone towers and similar facilities that meet the standards of Section 334.(as amended 6-10-98)
- m. Public utility plants, tanks; water supply and sewage disposal plants. Railroad transfer and storage tracks, right-of-ways, and freight terminals.
- n. Storage facilities for building materials, sand, gravel, stone, lumber, contractor's equipment and supplies.
- o. Commercial kennels.
- p. Greenhouses.
- q. Trade or industrial schools.
- r. Commercial mini-storage warehouses and storage buildings including the dwelling and office of a caretaker, with no outdoor storage. Buildings spaced not less than thirty (30) feet apart.
- s. Accessory uses, buildings and structures customarily incidental to any of the above-permitted uses as defined in Article II and meeting the standards of Sections 312-317.

All of the above listed businesses, facilities, and uses, including private and public facilities, which use, store or generate hazardous substances and polluting materials in quantities greater than twenty-five (25) gallons or two hundred twenty (220) pounds per month shall require Special Land Use Review. (amended 2/14/96)

#### **SECTION 1502 SPECIAL LAND USES**

The following uses may be permitted upon review and approval by the City Council, in accordance with the general standards for all Special Land Uses listed in Section 2102, and the standards for the specific use listed in Section 2110. All Special Land Use requests shall require submission of an Impact Assessment as described in Section 328.

- a. Major auto repair such as auto engine and body repair shops if completely enclosed. (amended 2/14/96)
- b. Contractor's yards.
- c. Lumber and planing mills if completely enclosed and no property lines from the exterior boundary of the "I-1" District.
- d. Commercial composting.
- e. Metal plating, buffing and polishing, subject to appropriate measures to prevent noxious results and nuisances.
- f. Recycling stations.
- g. Retail uses with an industrial character outdoor storage requirements or activities, such as, but not limited to: lumber yard, building materials outlet, upholsterer, cabinet maker, outdoor sales of boats, house trailers, automobile garages, or agricultural implements.
- h. Retail, restaurant, and service establishments serving the needs of the industrial district, such as, but not limited to: banks, savings and loan associations, credit unions, automobile service stations, motels, bowling alleys, trade or industrial schools, or industrial clinics.
- i. Outdoor theatres.

- j. Uses of the same nature or class as the majority of the uses listed in this district as either a Principal Permitted Use or a Special Land Use, but not listed elsewhere in this Zoning Ordinance, as determined by the City Council, following a Planning Commission public hearing and recommendation. The determination shall be based on the standards of Section 309. Any use not listed and not found to be "similar" is prohibited.
- k. Accessory uses, buildings and structures customarily incidental to an approved Special Land Use Permit as permitted with the approved Special Land Use permit. (amended 2/14/96)

All of the above listed businesses, facilities, and uses, including private and public facilities, which use, store or generate hazardous substances and polluting materials in quantities greater than twenty-five (25) gallons or two hundred twenty (220) pounds per month shall require Special Land Use Review. (amended 2/14/96)

**SECTION 1503 ADDITIONAL SITE DEVELOPMENT STANDARDS**

All Permitted and Special Land Uses shall comply with all applicable provisions of the Zoning Ordinance including those listed below as a reference guide.

- a. Article II: Definitions
- b. Article III: General Provisions for Standards on a variety of items such as: fences; reception antennae; limitations on clearing and grading site, etc.
- c. Article XX: Schedule of Regulations (minimum lot area, lot width, setbacks, max. height, etc.).
- d. Article XXII: Parking, parking area landscaping and loading/unloading standards.
- e. Article XXIII: Landscaping Standards
- f. Article XXIV: Site Plan Review Standards
- g. Ordinance 116 Sign Ordinance (Chapter 1480)
- h. Ordinance 220 Flood Damage Prevention Ordinance
- i. Ordinance 216 Subdivision Control Ordinance

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- g. Accessory uses, buildings and structures customarily incidental to an approved Special Land Use Permit as permitted with the approved Special Land Use permit. (amended 2/14/96)

All of the above listed businesses, facilities, and uses, including private and public facilities, which use, store or generate hazardous substances and polluting materials in quantities greater than twenty-five (25) gallons or two hundred twenty (220) pounds per month shall require Special Land Use Review. (amended 2/14/96)

**SECTION 1603 ADDITIONAL SITE DEVELOPMENT STANDARDS**

All Permitted and Special Land Uses shall comply with all applicable provisions of the Zoning Ordinance including those listed below as a reference guide.

- a. Article II: Definitions
- b. Article III: General Provisions for Standards on a variety of items such as: fences; reception antennae; limitations on clearing and grading site, etc.
- c. Article XX: Schedule of Regulations (minimum lot area, lot width, setbacks, max. height, etc.).
- d. Article XXII: Parking, parking area landscaping and loading/unloading standards.
- e. Article XXIII: Landscaping Standards
- f. Article XXIV: Site Plan Review Standards
- g. Ordinance 116 Sign Ordinance (Chapter 1480)
- h. Ordinance 220 Flood Damage Prevention Ordinance
- i. Ordinance 216 Subdivision Control Ordinance



## ARTICLE XVI

### **I-2 GENERAL INDUSTRIAL DISTRICTS**

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#### **SECTION 1600 INTENT**

The I-2 General Industrial District is designed for large scale or specialized industrial operations, manufacturing, assembling, and fabrication activities. These uses may produce external physical effects on the surrounding districts. The I-2 District is intended for manufacturing, processing, and compounding of semifinished or finished products from raw materials or from previously prepared material.

#### **SECTION 1601 PERMITTED USES**

In an I-2 General Industrial District, no building or land shall be used or erected, except for one (1) or more of the following specified uses unless otherwise provided in this Ordinance:

- a. Any principal use first permitted in an I-1 District.
- b. Heating and electric power generating plants.
- c. Manufacture of corrosive acid or alkali, cement, lime, gypsum or plaster of paris.
- d. Production of petroleum or other inflammable liquids, refining or storage.
- e. Essential public services and buildings without storage yards.
- f. Accessory buildings and uses customarily incident to any of the above-permitted uses as defined in Article II, and meeting the standards of Sections 312-317.

All of the above listed businesses, facilities, and uses, including private and public facilities, which use, store or generate hazardous substances and polluting materials in quantities greater than twenty-five (25) gallons or two hundred twenty (220) pounds per month shall require Special Land Use Review. (amended 2/14/96)

#### **SECTION 1602 SPECIAL LAND USES**

The following uses may be permitted upon review and approval by the City Council, in accordance with the general standards for all Special Land Uses listed in Section 2102, and the standards for the specific use listed in Section 2110. A Special Land Use request shall be accompanied by an Impact Assessment, as described in Section 328.

- a. Radio, television and cellular phone towers.
- b. Blast furnaces.
- c. Chemical plants and storage.
- d. Commercial composting centers.
- e. Essential public service storage yards.
- f. Uses of the same nature or class as the majority of the uses listed in this district as either a Principal Use Permitted or a Special Land Use, but not listed elsewhere in this Zoning Ordinance, as determined by the City Council, following a Planning Commission public hearing and recommendation. The determination shall be based on the standards of Section 309. Any use not listed and not found to be "similar" is prohibited.

## ARTICLE XVII

### P-1 VEHICULAR PARKING DISTRICTS

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#### SECTION 1700 INTENT

The P-1 Vehicular Parking District is intended for areas solely used for off-street parking of private passenger vehicles as a use incidental to a principal use. This district will generally be provided by petition or request to serve a use district which has developed without adequate off-street parking facilities.

#### SECTION 1701 PERMITTED USES

Premises in such districts shall be used only for an off-street vehicular parking area, and shall be developed and maintained subject to such regulations as are hereinafter provided.

#### SECTION 1702 REQUIRED CONDITIONS

- a. The parking area shall be accessory to and for use in connection with one (1) or more businesses, or industrial establishments, located in adjoining business or industrial districts, or in connection with one (1) or more existing professional or institutional office buildings or institutions.
- b. Such parking lots shall be contiguous to a multiple-family residential or nonresidential district. Parking areas may be approved when adjacent to said districts, or on the end of a block where such areas front on a street which is perpendicular to that street servicing the district. There may be a private driveway, or public street or public alley between such P-1 District and above-listed districts.
- c. Parking area shall be used solely for parking of private passenger vehicles, for periods of less than one (1) day and shall not be used as an off-street loading area.
- c. No commercial repair work or service of any kind, or sale or display thereof, shall be conducted in such parking area.
- d. No signs of any kind, other than signs designating entrances, exits and conditions of use, shall be maintained on such parking area.
- e. No buildings other than those for shelter or attendance shall be erected upon the premises and they shall not exceed fifteen (15) feet in height.
- f. Applications for P-1 Districts rezoning shall be made by submitting a dimensional layout of the area requested showing the intended parking plans in accordance with Article XXII.

#### SECTION 1703 MINIMUM DISTANCES AND SETBACKS

- a. **Side and rear yards:** Where the P-1 District is contiguous to the side and/or rear lot lines of premises within a residentially-zoned district, the required wall shall be located along said lot line.
- b. **Front Yards:** Where the P-1 District is contiguous to a residentially zoned district which has a common frontage in the same block with residential structures, or wherein no residential structures have been yet erected, there shall be a setback equal to the required residential setback for said residential district, or a minimum of twenty-five (25) feet, whichever is the greater. The required wall shall be located on this minimum setback line unless, under unusual circumstances, the City Council finds that no good purpose would be served. The land between said setback and street right-of-way line shall be kept free from refuse and debris, and shall be planted with shrubs, trees, or lawn and shall be maintained in a healthy, growing condition, neat and orderly in appearance.

#### SECTION 1704 ADDITIONAL SITE DEVELOPMENT STANDARDS

All Permitted and Special Land Uses shall comply with all applicable provisions of the Zoning Ordinance including those listed below as a reference guide.

- a. Article II: Definitions
- b. Article III: General Provisions for Standards on a variety of items such as: standards for fences; reception antennae; limitations on clearing and grading site, etc.
- c. Article XX: Schedule of Regulations (minimum lot area, lot width, setbacks, max. height, etc.).
- d. Article XXII: Parking, parking area landscaping and loading/unloading standards.

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- e. Article XXIII: Landscaping Standards including parking lot landscaping and screening
- f. Article XXIV: Site Plan Review Standards
- g. Ordinance 116 Sign Ordinance (Chapter 1480)
- h. Ordinance 220 Flood Damage Prevention Ordinance
- i. Ordinance 216 Subdivision Control Ordinance

**ARTICLE XVIII**

**PLANNED UNIT DEVELOPMENT (PUD) DISTRICT** (amended 11/10/04)

**SECTION 1801 INTENT**

The intent of the Planned Unit Development District, PUD, is to permit flexibility in the regulations for development which either includes a mix of land uses or is proposed for a site containing unique natural features which the developer and City desire to preserve. The standards of this section are intended to encourage innovative design and create opportunities which may not be obtainable through the conventional standards of other articles of this Zoning Ordinance.

The PUD standards are not intended to be used as a technique to circumvent the intent of the Zoning Ordinance, to avoid imposition of specific Zoning Ordinance standards, or the planning upon which it is based, unless there is a clear public benefit consistent with the overall intent of the Zoning Ordinance. Thus, the provisions of this section are designed to promote land use substantially consistent with the character of the surrounding area and the City's Master Plan, with modifications and departures from generally applicable requirements made to provide the developer with flexibility in design on the basis of the total PUD plan approved by the City.

**SECTION 1802 DEFINITIONS**

**Mixed Use PUD:** A Mixed Use PUD is a unified development project, comprised of a variety of complimentary uses, located on a specific parcel of land or several contiguous parcels of land, for which a comprehensive development plan meeting the requirements of this Article is approved by the City Council.

**Open Space/Residential PUD:** An Open Space/Residential PUD is a residential development in which dwelling units are placed in a more compact arrangement than is typical of a conventional subdivision, to preserve natural features and provide open space /recreation areas.

**SECTION 1803 ELIGIBILITY**

Planned unit developments may be allowed upon determination by the City Council, following a recommendation by the Planning Commission, that the site and proposed project meet the following eligibility criteria:

- a. The subject site shall be a minimum size of five (5) acres of contiguous land; provided, the minimum site area may be waived by the Planning Commission for previously developed sites that are proposed to be redeveloped with a mixed-use PUD, or for PUD sites that will be an infill development utilizing innovative design to achieve compatibility with surrounding land uses.
- b. The subject site shall be under the control of one owner or group of owners operating collectively, and shall be capable of being planned and developed as one integral unit. An approved PUD plan runs with the land, not with the owner. If the land is sold or otherwise exchanged, the approved PUD plan shall remain in effect unless the applicant submits a request to amend or terminate the PUD plan.
- c. The site shall have frontage along, and direct access to a street(s) capable of accommodating anticipated traffic volumes. Any project over five acres shall have direct access to a Major Street (per the Act 51 Map) or an arterial or collector road as identified in the City's Master Plan.
- d. The site contains significant natural or historic features which will be preserved to a greater extent through development under the PUD standards than if the site was developed under conventional

zoning, or the PUD will provide a complementary mixture of uses or housing types within a unique, high quality design as determined by the Planning Commission.

- e. The planned unit development offers higher design quality and/or provides amenities that will result in a recognizable and substantial benefit to the ultimate users of the project and to the City, where such benefit would otherwise be unfeasible or unlikely to be achieved through conventional zoning. These benefits shall be demonstrated in terms of preservation of natural features, unique architecture, extensive landscaping, special sensitivity to adjacent land uses, particularly well designed access and circulation systems, integration of various site features into a unified development and/or contribution to infrastructure and facility improvements to help offset the impacts of the PUD project.
- f. A finding that the proposed type and density of use shall not result in an unreasonable increase in traffic or the use of public services, facilities and utilities compared to permitted uses under conventional zoning.
- g. The proposed development shall be consistent with the City Master Plan.

**SECTION 1804 PUD SUBMITTAL AND APPROVAL PROCESS**

A PUD may be designated by the City or may be requested by the applicant. If the City initiated the PUD, and the site is already designated PUD on the City Zoning Map, the applicant is still responsible for the submission of a PUD preliminary plan and materials as described below, however the site shall already be deemed as meeting the eligibility criteria of Section 1802 above.

The PUD submittal and approval process is as follows:

- a. **Optional Preapplication Conference.** Prior to formal submission of an application for planned unit development approval, the applicant may request a meeting with City staff and consultants to obtain guidance that will assist the applicant in preparation of the application and plan. The City shall charge a fee for the conference to cover administrative and consultant costs.
- b. **Submit PUD Request and Preliminary Plan:** The applicant shall prepare and submit the following to the Building and Zoning Administrator:
  - 1. A completed application form and application fee. A separate escrow deposit may be required for administrative costs and consultant fees to cover meeting costs and to review the PUD submittal.
  - 2. Proof of ownership of the land to be utilized or evidence of a contractual ability to acquire such land, such as an option or purchase agreement.
  - 3. A complete and current legal description and size of property in acres.
  - 4. An Impact Assessment meeting the requirements of Section 328. The number of submittal copies shall be determined by the Building and Zoning Administrator.
  - 5. A site analysis map illustrating the location of existing buildings and structures, rights-of-way and easements; driveways adjacent to and across from the subject site; woodlands and trees outside woodlands over twelve inches (12") in caliper; significant historical features; existing drainage patterns (by arrow), surface water bodies, floodplain areas and wetlands; topography at two (2) foot contour intervals; and surrounding land uses, zoning and buildings within 100 feet of the subject site.

6. A preliminary site plan illustrating a conceptual layout of proposed land use, acreage allotted to each use, residential density (calculations shall be provided for both overall and buildable acreage as described in Section 322), building footprints, structures, required setbacks, roadways, parking areas, drives, driveways, pedestrian paths, conceptual landscape plan, natural features to be preserved and a preliminary plan for utilities and stormwater management. If a multi-phase Planned Unit Development is proposed, identification of the areas included in each phase. For residential uses identify the number, type, and density proposed by phase.
  7. A list of anticipated deviations from the Zoning Ordinance regulations which would otherwise be applicable.
  8. Any other information which the Planning Commission or Council require to determine if the proposed project meets the eligibility criteria (e.g. preliminary building elevations, floor plans, sign plans, etc.)
  9. A PUD Development Agreement that identifies any modifications from conventional zoning, obligation of the developer and subsequent owners, provisions for maintenance and similar information to clarify conditions of approval.
- c. **Planning Commission Review:** The Building and Zoning Administrator shall submit the information to the Planning Commission. The Planning Commission may request a joint introductory meeting with the City Council to discuss eligibility and help establish direction. The Planning Commission shall review the PUD rezoning request and submittal information, conduct a public hearing, and make a recommendation to the City Council based on the review standards of Section 1804.
  - d. **City Council Review:** Following receipt of a recommendation from the Planning Commission, the City Council shall conduct a public hearing on the requested PUD rezoning and the preliminary PUD site plan and either approve, deny or approve with a list of conditions made part of the approval. The City Council shall review the request based on the standards of Section 1804. The City Council may require a re-submittal of the preliminary PUD site plan reflecting the conditions for approval by the Building and Zoning Administrator prior to submittal of a PUD Final Site Plan. The City Council may impose additional reasonable conditions to insure public services and facilities will be capable of accommodating increased service and facility loads caused by the PUD, to protect the natural environment, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.
  - e. **Final Site Plan Approval:** If the rezoning and preliminary site plan are approved by the City Council, the applicant shall submit a site plan for review by the Planning Commission in accordance with Article XXIV and/or a subdivision for review in accordance with the Subdivision Regulations. The Planning Commission shall ensure that any phasing shall be logical, provide sufficient access if later phases are delayed and provide amenities and infrastructure improvements at least in proportion to the extent of the phase.
  - f. **Amendments:** If the Planning Commission determines that a proposed use or site plan is not consistent with the approved PUD, the applicant shall be directed to submit a request to amend the PUD following the same procedures outlined above.

#### **SECTION 1805 DESIGN AND REVIEW STANDARDS FOR A MIXED USE PUD**

Any Mixed Use PUD shall comply with the following project design standards:

- a. **Eligibility:** The proposed Mixed Use PUD meets the eligibility criteria of Section 1803.

- b. **Uses Permitted:** Any residential, office, commercial, or industrial use may be permitted upon a determination by the City that the uses would meet the intent of this Article, the City's Master Plan, and is compatible with surrounding land uses. Any proposed use listed as a Special Land Use in Article XXI shall meet the standards listed in Section 2110.
- c. **Harmony with surrounding uses:** The uses and design of the Mixed Use PUD will be harmonious with the character of the surrounding area in terms of density, intensity of use, size and height of buildings, architecture and other impacts.
- d. **Dimensional Standards:** The setbacks and other dimensional standards for various uses shall generally be consistent with the standards associated with the most applicable district(s) for the various uses listed in Article XX - Schedule of Regulations. Where the proposed design deviates from the typical standards, the applicant shall provide a table that clearly compares each requested modification to the Ordinance standard and provides justification for the modification for approval by the City Council. Unless variations are specifically requested and approved by the City, the site plan or subdivision plan shall comply with applicable City standards. In no case shall the setbacks for buildings adjacent to existing single family homes be less than fifty (50) feet.
- e. **Architecture:** Buildings shall provide harmony with adjacent uses in terms of texture, materials, peaked roof lines, scale and massing. However, there shall be a variation of front facade setbacks and architectural style to avoid repetition along the street edge. Nonresidential buildings shall utilize brick as the primary material for all exterior walls that are visible from a public road or a parking lot. Other accent materials may be used where the materials are durable and compatible with the type of use and development proposed in keeping with the character of the city. Roofs shall be pitched with architectural shingles. Unifying elements, accents, style, color, and materials shall be provided for different uses within the project.
- f. **Residential Uses:** For a mixed-use PUD with a residential component, portions of the site that are allocated towards residential use shall comply with the requirements of section 1806.
- g. **Natural Features:** The development shall be designed to promote preservation of any significant natural or historic features on the site.
- h. **Infrastructure:** The uses and design shall be consistent with the available capacity of the existing street network and utility systems or the applicant shall upgrade the infrastructure as required to accommodate the Mixed Use PUD. (amended 2/14/96)
- g i. **Additional Considerations:** The Planning Commission and City Council shall consider the following design elements as appropriate: perimeter setback and landscaping; drainage and utility design; underground installation of utilities; facilities for pedestrian circulation; internal roadway design; and the achievement of an integrated development with respect to signs, lighting, landscaping and building materials.
- j. **Design:** The site design, site elements and architecture shall be of high quality, coordinated and consistent with the City's design guidelines.

**SECTION 1806 DESIGN AND REVIEW STANDARDS FOR AN OPEN SPACE/RESIDENTIAL PUD**

Any Open Space/Residential PUD shall comply with the following project design standards:

- a. **Eligibility:** The proposed Open Space/Residential PUD meets the eligibility criteria of Section 1803.

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- b. **Uses Permitted:** Only residential uses as listed in Articles V, VI, and VIII are permitted. Attached residential units shall be permitted only upon a determination by the City when the following criteria are met.
1. Attached unit buildings shall meet the dimensional standards set forth in Article XX for either LDMF or HDMF Districts.
  2. Attached unit buildings shall be arranged and designed to promote compatibility with adjacent uses.
  3. Attached unit buildings shall provide a variation in building height, setbacks, rooflines, window, door openings, materials, and colors.
  4. The units shall relate well to the streetscape and minimize the visual dominance of garage doors in the front yard through the provision of front porches, doors, windows, architectural details that face the street, and a variation in garage door design and location (e.g. side entry, recessed from front building line, limited projection beyond front building line).
  5. The arrangement of units maximizes the preservation of open space and the protection of natural features.
  6. The overall density is no greater than could be achieved through the underlying zoning. See “d” below.

- c. **Harmony with surrounding uses:** The uses and design of the Open Space/Residential PUD will be harmonious with the character of the surrounding area in terms of density, intensity of use, size and height of buildings, architecture and other impacts.

If the proposed units are to be developed as part of a golf course, the arrangement of units should not unduly interfere with the operations of the golf course. The City may require a review by an independent golf course design professional.

- d. **Density Standards:** The permitted density within an Open Space/Residential PUD shall not exceed the density allowed by the underlying residential zoning district as described in Article XX Schedule of Regulations.

1. The maximum number of dwelling units permitted within an Open Space/Residential PUD project shall be the number of units permitted under a conventional plan. This shall be demonstrated through the preparation of a comparison plan that illustrates how many dwelling units could feasibly and practically be constructed on the subject site in accordance with all dimensional requirements of the zoning district and design standards for stormwater and public streets. Portions of a MDEQ regulated wetland shall not be located within an individual lot. The lots on the comparison plan shall not require exceptional or unusual engineering to accommodate residential construction, as determined by the City.
2. The area used for density calculations shall not include public street rights-of-way, private road access easements, lakes, streams, detention ponds, or submerged wetlands containing surface water or open water ponds during at least one (1) month of the year.

- e. **Dimensional Standards:** The setbacks and other dimensional standards for various uses shall be consistent with the standards associated with the various uses listed in Article XX - Schedule of Regulations. Where the proposed design deviates from the typical standards, the deviations



shall meet the intent of this Article and the applicant shall provide a table that clearly compares each requested modification to the Ordinance standard. Unless variations are specifically requested and approved by the City, the site plan or subdivision plan shall comply with applicable City standards. In no case shall the setbacks for buildings adjacent to existing single family homes be less than fifty (50) feet.

**f. Open Space**

1. Area included in the open space calculations
  - a. At least twenty (20) percent of the sites gross area or two (2) acres, whichever is greater, shall be dedicated open space and held in common ownership.
  - b. The total area of dedicated open space shall equal or exceed any reduction in area for minimum lot sizes in the development based on the parallel plan, except where a density bonus is approved as permitted herein.
  - c. The minimum size of an individual open space area shall be 20,000 square feet with a maximum width to depth ratio of 3:1. This standard is intended to ensure open space is valuable and usable rather than scattered, isolated, or remnant lands. The City may waive this standard for clearly identified pathway corridors between a single row of lots intended to connect open spaces, if such corridors are determined to be desirable.
  - d. At least 50% of the open space must be usable to the residents for passive or active recreation, exclusive of permitted water bodies, stormwater facilities, or other required site plan elements. At least one active neighborhood park area shall be provided that includes facilities such as playground equipment, picnic pavilions, soccer fields, ball fields or similar facilities.
  - e. All natural land, including fairways, associated with golf courses.
  - f. No more than twenty-five (25) percent of any required open space shall include detention ponds, surface water bodies, or wetlands regulated by the Michigan Department of Environmental Quality. Detention ponds that do not provide a natural appearance and are not incorporated into the overall plan as an amenity, as determined by the City, shall not be included as required open space.
  - g. Any building or use accessory to recreation, conservation, or an entryway may be erected within the dedicated open space, subject to the approved open space plan. Accessory structures or uses of a significantly different scale or character than the abutting residential districts shall not be located near the boundary of the development if it may negatively impact the residential use of adjacent lands, as determined by the City.
2. To be included in the calculations for the minimum open space area, the following design standards must be met.
  - a. The open spaces shall be organized around the site's most important natural features on the site and link existing and planned greenways, as illustrated on the City Pathways and Parks and Recreation Plans. A preliminary meeting with City staff, consultants and/or the Planning Commission to discuss the site analysis, natural feature priorities and development concepts prior to preparation of plans is encouraged.

- b. The open space shall include pathways to link adjacent open spaces, public parks, bike paths or non-motorized routes.
- c. In addition to preservation of the most important natural features, where possible additional open space shall be located and designed to achieve the following:
  - 1. preserve or create a buffer from adjacent land uses where appropriate;
  - 2. maintain existing natural viewsheds; and
  - 3. open space shall be located within prominent and highly visible areas of the development, such at the terminus of key views along roads, at the intersection of arterial or collector streets, at high points or centrally located within a residential area.
- 3. The following land areas shall not be included in calculations for required open space:
  - a. the area within any existing or future public street right-of-way;
  - b. the area within private road easements or other easements that include roads, drives, or overhead utility lines;
  - c. the area located below the ordinary high water mark of an inland lake, river or stream or any pond with standing water year round;
  - d. the required setback areas around, or minimum spacing between buildings, except that the setback area around a permitted open space accessory building may be considered open space;
  - e. parking and loading areas, except those exclusively associated with a recreation facility or common open space area; and
  - f. any other undeveloped areas not specifically addressed in this Article, but determined by the Planning Commission to inadequately meet the intent and standards for open space.
- 4. Protection of Open Space

The dedicated open space shall be set aside by the developer through an irrevocable conveyance and protected by a Maintenance Agreement, in a form and manner acceptable to the City. Such conveyance shall assure the open space will be protected from alteration and all forms of development, except as shown on an approved site plan or subdivision plat. Said documents shall bind all successors and future owners in fee title to commitments made as part of the proposal, but shall allow transfer of ownership and control to a subdivision or condominium association consisting of residents within the development, provided notice of such transfer is provided to the City. Such conveyance shall indicate the allowable use(s) within the dedicated open space. Upon transfer to a successor of the developer, the open space shall be maintained by the property owners association or condominium association. The City may require the inclusion of open space restrictions to prohibit activities such as the following:

- a. dumping or storing of any material or refuse;
- b. activity that may cause risk of soil erosion or threaten plant material;

- c. cutting or removal of plant material except for removal of dying or diseased vegetation;
  - d. use of motorized off-road vehicles;
  - e. cutting, filling or removal of vegetation from wetland areas; and
  - f. use of pesticides, herbicides or fertilizers within or adjacent to wetlands.
- g. **Infrastructure:** The uses and design shall be consistent with the available capacity of the existing street network and utility systems or the applicant shall upgrade the infrastructure as required to accommodate the Open Space/Residential PUD. (amended 2/14/96)
- h. **Architecture:** Typical elevations shall be approved by the planning commission as part of the final site plan or, alternatively, design guidelines or a “pattern book” or design code shall be included in the Development Agreement. Identical or similar single family buildings or elevations may not be repeated more frequently than every sixth house along the same side of any street. Buildings shall be considered similar if they have similar door and window configuration, direction of roof pitch, building mass and building form. Attached unit buildings shall provide a variation in building height, setbacks, rooflines, window, door openings, materials and colors. Buildings shall relate well to the streetscape through the provision of front porches, doors, windows and architectural details that face the street and assist in minimizing the dominance of garages. For at least 50% of all units, garages shall be side entry, rear entry or front entry with the garage recessed a minimum of five (5) feet behind the front building line.
- i. **Additional Considerations:** The Planning Commission and City Council shall consider the following design elements as appropriate: perimeter setback and landscaping; drainage and utility design; underground installation of utilities; facilities for pedestrian circulation; internal roadway design; and the achievement of an integrated development with respect to signs, lighting, landscaping and building materials.

**SECTION 1807 APPEALS, VIOLATIONS, VARIANCES AND EXPIRATION**

- a. The Board of Appeals shall have the authority to hear and decide appeal requests by property owners for variances from the Zoning Ordinance. However, the Board of Zoning Appeals shall not have the authority to change conditions or make interpretations to the PUD site plan or written agreement.
- b. A violation of the PUD plan or agreement shall be considered a violation of this Ordinance.
- c. The Board of Zoning Appeals shall not have authority to grant variances from the approved PUD plan pertaining to uses, perimeter setbacks, perimeter landscaping or setbacks. Such changes shall require an amendment to the PUD plan.
- d. Approval of the PUD rezoning and preliminary site plan by the City Council shall confer upon the applicant the right to proceed through the subsequent planning phase for a period not to exceed two (2) years from date of approval. If application for final site plan approval is not requested within this time period, re-submittal of the application shall be required. The City Council may extend the period up to an additional two (2) years, if requested in writing by the applicant prior to the expiration date.

**SECTION 1905    ADDITIONAL SITE DEVELOPMENT STANDARDS**

All Permitted and Special Land Uses shall comply with all applicable provisions of the Zoning Ordinance including those listed below as a reference guide.

- a.    Article II:            Definitions
- b.    Article III:            General Provisions for Standards on a variety of items such as: fences; reception antennae; limitations on clearing and grading site, etc.
- c.    Article XX:            Schedule of Regulations (minimum lot area, lot width, setbacks, max. height, etc.).
- d.    Article XXII:           Parking, parking area landscaping and loading/unloading standards.
- e.    Article XXIII:           Landscaping Standards
- f.    Article XXIV:           Site Plan Review Standards
- g.    Ordinance 116        Sign Ordinance (Chapter 1480)
- h.    Ordinance 220        Flood Damage Prevention Ordinance
- i.    Ordinance 216        Subdivision Control Ordinance

**SECTION 1903 USES NOT PERMITTED**

Uses which generate excessive traffic or noise, alter the natural terrain or features of the site, create noxious fumes or other air pollutants, or disturb the peace shall not be permitted because these uses typically have characteristics which are incompatible with the intent and purposes of this district. Such uses may include, but are not limited to:

- a. Motorcycle, snowmobile or other form or motorized off-road vehicle trails or tracks.
- b. Camp sites, lodges and recreational vehicle campgrounds.
- c. Firing ranges.

**SECTION 1904 REQUIRED CONDITIONS**

- a. Site Plan Review - Submission of a site plan for review and approval by the City shall be required, in accordance with the provisions of Article XXIV Site Plan Review and Approval prior to issuance of a building permit and/or development. However, submittal of a sketch plan may be permitted in certain instances in accordance with Section 2403, such as improvements within an existing park, where a complete site plan is not considered essential.
- b. Natural Features Standards – Uses shall be developed to preserve the natural features of the site, in accordance with the intent of the district and shall comply with the following standards:
  - 1. Buildings shall not be developed on areas with slopes greater than thirteen percent (13%), unless the City determines that there is no alternative to locating the building within the steeply sloped area. Trails located in areas with slopes greater than thirteen percent (13%) shall be designed to minimize impact to slopes.
  - 2. Storm drainage facilities shall be designed to provide a naturalistic appearance in terms of natural shape, shallow depth, minimum side slopes and perimeter landscaping.
  - 3. There shall be no structures or fill material placed within the 100 year floodplain, except landscaping, trails and passive recreation facilities that do not obstruct the flow of the floodway may be allowed within the 100 year floodplain by the City during site plan review.
  - 4. All site plans shall be designed to minimize impact to woodlands, as demonstrated to the satisfaction of the City during site plan review in accordance with the regulations set forth in Section 318.
  - 5. Uses shall protect wetlands and drainage ways in accordance with the regulations set forth in Section 319.
- c. Public Access – Uses shall have direct access onto a public hard-surface street, except that indirect access onto a public street may be permitted where the City determines that such an alternative would promote traffic safety and would not cause undue disruption to surrounding properties. All streets, roads and access drives shall be concrete or asphalt, and be designed and constructed in accordance with City standards. The City has the discretion to modify the design standards for internal roads where such modification will enhance preservation of natural features.
- d. Off-Street Parking and Loading Requirements – Uses shall provide off-street parking and loading in accordance with the provisions set forth in Article XXII Parking and Loading. However, for those uses not specifically listed in Article XXII, the City shall have the discretion to determine parking requirements during site plan review with consideration given to the ITE Parking Generation Manual.

**ARTICLE XIX** (adopted 6/9/04)

**PRD PUBLIC RECREATION DISTRICT**

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**SECTION 1900 INTENT**

The purpose of the PRD Public Recreation District is to enhance the quality of life in the community by preserving certain public lands characterized by distinctive natural features for the enjoyment and benefit of all residents of the City, to be used as passive recreation areas. Distinctive natural features may include, but are not limited to, woodlands, wildlife habitat, wetlands, or other ecologically significant lands.

It is further the intent of this district to preserve certain public open lands for the enjoyment and benefit of all residents of the City for use as active recreation areas and facilities where playground and sports activities may occur. Such public active or passive recreation areas should be located where the activities occurring thereon will minimize disturbance to nearby residential uses.

**SECTION 1901 PERMITTED USES**

No building shall be erected and no building or land shall be used except for the following uses, and subject to the standards and requirements set forth in this Ordinance and the review procedures in Article XXIV Site Plan Review and Approval. The following shall apply to each individual use which may be located on a lot with other uses:

- a. Passive outdoor recreation activities including, but not limited to hiking, fishing, interpretive nature trails, equestrian trails and cross-country skiing.
- b. Outdoor athletic fields for activities including, but not limited to soccer, baseball/softball, football, tennis and hockey/ice skating, provided that such uses are located on sites maintaining not less than 2 acres and are setback a minimum of 50 feet from any property line.
- c. Outdoor playgrounds including, but not limited to play structures and playground equipment, provided that such uses are located on sites maintaining not less than ¼ acre and are setback a minimum of 20 feet from any property line.
- d. Forest preserves and natural areas.
- e. Conservation of soil, vegetation, water, fish and wildlife.
- f. On-site driveways, parking and roads where alternative means of access are proven to be impractical.
- g. Accessory building and uses which are customarily incidental to the principal use on the lot, subject to the same required conditions that are applicable to the principal uses and the standards of Article III. Such accessory uses may include, but are not limited to:
  - Nature Centers;
  - Maintenance and storage buildings;
  - Pavilions;
  - Restroom facilities.

**SECTION 1902 SPECIAL LAND USES**

The following uses shall be permitted as Special Land Uses subject to the following requirements and subject to the review procedures in Article XXI Special Land Use. The following shall apply to each individual use, which may be located on a lot with other uses.

- a. Indoor ice rinks.
- b. Community Centers.
- c. Park or recreation administration buildings.
- d. Water parks, splash parks or public pools

## Article XX Schedule of Regulations for Principal Buildings: Residential Districts

DISTRICT	MINIMUM LOT SIZE OR MAXIMUM DENSITY		MAXIMUM BUILDING HEIGHT		PRINCIPAL STRUCTURE MINIMUM YARD SETBACK <sup>6,7</sup>			MAX LOT COVERAGE BY ALL BLDGS	MINIMUM FLOOR AREA (PER UNIT)
	MIN. LOT AREA, MAX UNITS PER ACRE <sup>1</sup>	WIDTH <sup>2</sup>	STORIES	FEET <sup>3</sup>	FRONT <sup>4,5</sup>	EACH SIDE	REAR		
<b>R-1 Single Family</b>	12,000 sq. ft., 2.7 units/acre <sup>8</sup>	90 feet <sup>8</sup>	2	30	30 <sup>9</sup>	10 <sup>9</sup>	35 <sup>9</sup>	25%	See Footnote <sup>10</sup>
<b>R-2 Single Family</b>	9,000 sq. ft., 3.6 units/acre <sup>8</sup>	75 feet	2	30	25 <sup>9</sup>	8 <sup>9</sup>	30 <sup>9</sup>	25%	See Footnote <sup>10</sup>
<b>R-3 Single Family Detached or Attached</b>	7,200 sq. ft., 4.5 units/acre	65 feet	2	25	25 <sup>9</sup>	8 <sup>9</sup>	30 <sup>9</sup>	25%	See Footnote <sup>10</sup>
<b>R-T Two Family Residential</b>	4,000 sq. ft., 8.0 units/acre 20 units per acre for extended care and nursing care for the elderly	80 feet	2	25	30 <sup>9,11</sup>	10 <sup>9,11</sup>	35 <sup>9,11</sup>	25%	700 sq. ft.
<b>Low Density Multiple Family Residential (LDMF)</b>	Minimum 15,000 sq. ft. lot Maximum six (6) units per acre, maximum 4 units per building	100 feet	2	35	35	16 feet between buildings, 25 feet between every 4th building <sup>11</sup>		25%	1 BR = 700 sq. ft. 2 BR = 850 sq. ft. 3 BR = 1,000 sq. ft. 4 BR = 1,150 sq. ft. max 10% efficiencies, max 40% 1 BR unit
<b>High Density Multiple Family Residential (HDMF)</b>	Maximum 12 units per acre, 20 units per acre for extended care and nursing care for the elderly	165 feet	5	50	50 feet from all property lines and between buildings or the height of the building, whichever is greater <sup>11</sup>			25%	
<b>Manufactured Housing Park (MHP)</b>	8 units per acre	50 feet per unit	1	14	See Article VII Mobile Home Park District <sup>12</sup>				
<b>Planned Unit Development (PUD)</b>	minimum 5 acre lot	Same as underlying zoning district		See Article XVIII. Setbacks from perimeter property lines shall be consistent with the underlying zoning dist. for the specific use			25%	Same as underlying zoning district for the specific use	

(amended 2/14/96)

1 Maximum density shall be based on 25% calculation for lakes, rivers, streams and land defined as a wetland regulated by the MDNR. Public street rights-of-way for streets within the project can be included.

- 2 Measurement for irregular shaped lots and lots along curvilinear streets. In no case shall frontage measured along the street right-of-way be less than sixty (60) feet. (See Section 321). Narrow deep lots shall be avoided. The depth of a lot generally shall not exceed three (3) times the width as measured at the building line for platted lots and four (4) times the width for unplatted lots.
- 3 Exceptions to Supplementary Height Regulations. The following kinds of structural appurtenances may exceed the height limitations for authorized use, upon approval of the Planning Commission. (a) Schools, churches and other similar institutional buildings may be erected to a height not exceeding sixty (60) feet provided the front, side and rear yards shall not be less than the height of the building wall abutting on such yard; (b) chimneys, church spires, cupolas, domes, towers, flag poles, penthouses, water tanks, radio or television or cellular phone antennae, monuments may be erected to a height not exceeding sixty (60) feet unless approved by the Board of Zoning Appeals. Setbacks or television and cellular phone antennae shall be equal to half the height of the structure; (c) mechanical equipment such as blowers, ventilating fans and air conditioning units, shall be placed no closer than twelve (12) feet to any lot line.
- 4 In the case of corner lots or lots with dual frontage, front setback requirements shall be maintained along all street frontages.
- 5 Exceptions to Front and Side Yard Setbacks: Where fifty (50) percent or more of the aggregate street frontage between two (2) successive intersecting streets is occupied by buildings of the type and use permitted in the district before the effective date of this Ordinance or any amendments thereto, with a front yard setback less than required by this Ordinance, the minimum front yard for new buildings shall be the average setback distance of existing buildings located within two hundred (200) feet on either side of a given lot. However, the depth of the front yard resulting therefrom shall not be less than one-half (1/2) of the dimensions specified in the Schedule of Regulations.
- 6 Architectural features, not including vertical projections, may extend or project into a required side yard not more than two (2) inches for each one (1) foot of width of such side yard; and, may extend or project into a required front yard or rear yard not more than three (3) feet. An unenclosed, open and uncovered porch or paved terrace may project into the front yard a maximum of ten (10) feet.
- 7 See Sections 312 through 317 for accessory building and structure setbacks.
- 8 See Section 2000, Average Lot Size Option and Section 2001, Subdivision Open Space Option, regarding flexibility allowances.
- 9 For all permitted and special land uses other than single family residential, the minimum setback shall be equal to the height of the principal building unless a greater setback is specified in the zoning district.
- 10 The following regulations shall govern the minimum floor area required of each residence hereafter erected:

		<b>R-1</b>	<b>R-2</b>	<b>R-3</b>
1 Story		1,400 sq. ft.	1,200 sq. ft.	1,000 sq. ft.
1-1/2 Story	1st Floor	1,200 sq. ft.	1,000 sq. ft.	800 sq. ft.
1-1/2 Story	2nd Floor	500 sq. ft.	450 sq. ft.	350 sq. ft.
2 Story	1st Floor	825 sq. ft.	750 sq. ft.	600 sq. ft.
2 Story	2nd Floor	825 sq. ft.	750 sq. ft.	600 sq. ft.

In one and one-half (1 1/2) story and two (2) story dwelling units, the required square footage of the upper level in each zoning district may be reduced one (1) square foot for each square foot that the lower level exceeds the minimum allowable floor area, provided that in no case shall the square footage of the upper level be less than four hundred and fifty (45) square feet. Also, in no case shall the one and one-half (1 1/2) or two (2) story dwelling have less total square footage than the combined square footage as it relates to one and one-half (1 1/2) or two (2) story dwellings in the schedule above.

- 11 For buildings with multiple dwelling units, a ten (10) foot landscaped setback from all roads, drives, parking areas and adjacent single family residential districts shall be provided.
- 12 All mobile homes shall be setback at least fifty (50) feet from the park property line and arterial street. The 50 foot buffer shall include a landscaped greenbelt as described in Section 2303.



## Article XX Schedule of Regulations for Principal Buildings, Nonresidential and Planned Unit Development Districts

DISTRICT	MIN. LOT AREA <sup>1</sup>	MIN. LOT WIDTH <sup>2</sup>	MINIMUM YARD SETBACKS <sup>3</sup>				MAX. LOT COVERAGE	MAX. <sup>5,6</sup> HEIGHT
			FRONT YARD <sup>4</sup>	EACH SIDE YARD	REAR YARD	PARKING LOT / LOADING AREA		
<b>Office Service District</b>	governed by setbacks	85 ft.	20 ft.	15 ft. each side	20 ft.	10 ft. front yd, rear yd and adjacent to residential dist;( or 5 ft. high wall in rear per Sec. 2310)	35% bldg. 60% impervious surface	30 ft. 2.5 stories
<b>Neighborhood Business District (B-1)</b>	23,280 sq. ft. (½ acre)	60 ft.	25 ft.	10 ft. 20 ft. adjacent to residential district <sup>7</sup>	20 ft.	10 ft. front yd, rear yd and adjacent to residential dist; (or 5 ft. high wall in rear yard per Sec. 2310)	governed by setbacks	30 ft. (amended 8/9/06)
<b>Central Business District Overlay Zone (CBD)</b>	none	none	Old Town 10 ft. <sup>10</sup> North Gateway 25 ft. <sup>10</sup> (Amended 12/9/09)	0 ft. <sup>7</sup>	10 ft., 25 ft. from res. dist. (Amended 8/19/2008)		none	40 ft. *** (amended 8/9/06)
<b>Community Business District (B-2)</b>	23,280 sq. ft. (½ acre)	85 ft.	30 ft., 75 ft. from res. dist. or arterial r.o.w.	10 feet, 75 ft. from res. or arterial r.o.w.	20 ft., 75 ft. from res. dist.		35% bldg. 75% impervious surface	30 ft.
<b>General Business District (B-3)</b>	1 acre	100 ft.	30 ft.	10 ft.; 20 ft adjacent to residential dist.	20 feet; 50 feet adjacent to residential dist.	35% bldg 75% impervious surface	30 ft. 2 stories	
<b>Research Park District</b>	15 acres	min. lot size = 2 acres; min. 250 ft. of frontage	40 ft.	20 feet; 50 feet or equal to the height of building (whichever is greater) when abutting a residential district <sup>8</sup>		20 feet, 30 feet adjacent to a residential district	20% bldg. 60% impervious surface	30 ft. 2 ½ stories
<b>Light Industrial District</b>	1 acre	min. 100 ft. of frontage	40 ft.	20 feet; 50 feet or equal to the height of building (whichever is greater) when abutting a residential district <sup>8,9</sup>		20 feet, 40 feet adjacent to a residential district	governed by setbacks and landscaping standards	40 ft.
<b>General Industrial District</b>	2 acres	min. 100 ft. of frontage	60 ft.	30 feet; 50 feet or equal to the height of building (whichever is greater) when abutting a residential district <sup>9</sup>		20 feet, 40 feet adjacent to a residential district	governed by setbacks and landscaping standards	60 ft.
<b>Parking District</b>	none	none	All setbacks adjacent to a residential district shall equal the required rear yard setback of the residential district. In other cases, the minimum setback along a public street right-of-way shall be; ten (10) feet and 0 where the parking lot abuts the adjacent principal property which the lot serves. The setback for any parking structure shall be a minimum fifty (50) feet from any residential district.			70% impervious surface or as governed by setbacks whichever is less.	Accessory building 14 ft. Parking structure 40 ft.	

\*\*\* Amendment to Article X allows a building height of 50' for mixed use. (8/9/06)

(amended 2/14/96)

1 For property containing easements, floodplain or MDNR regulated wetlands refer to the description of "lot area" in Section 322.

2 Minimum lot width is measured at the required front yard setback distance from right-of-way except corner lots and double frontage lots are considered to have two front yards. Narrow deep lots shall be avoided. The depth of a lot generally shall not exceed three (3) times the width as measured at the building line for platted lots and four (4) times the width for unplatted lots.

- 3 See Article XXIII for landscaping, screening and buffering standards which may increase the width of the required setback area.
- 4 Exceptions to front yard setback: Where fifty (50) percent or more of the aggregate street frontage between two (2) successive intersecting streets is occupied by buildings of the type and use permitted in the district before the effective date of this Ordinance or any amendments thereto, with a front yard setback less than required by this Ordinance, the minimum front yard for new buildings shall be the average setback distance of existing buildings located within two hundred (200) feet on either side of a given lot. However, the depth of the front yard resulting therefrom shall not be less than one-half (1/2) of the dimensions specified in the Schedule of Regulations.
- 5 Exceptions to height requirements: The following kinds of structural appurtenances may be permitted to exceed the height limitations for authorized use, upon approval of the Planning Commission.
  - a. Schools, churches and other similar institutional buildings may be erected to a height not exceeding sixty (60) feet provided the front, side and rear yards shall not be less than the height of the building abutting on such yard.
  - b. Chimneys, church spires, cupolas, domes, towers, flag poles, penthouses, water tanks, radio or television or cellular phone antennae, monuments may be erected to a height not exceeding sixty (60) feet unless approved by the Board of Zoning Appeals. Setbacks for television and cellular phone antennae shall be equal to half the height of the structure, provided that applicant demonstrates the design will protect adjacent uses and structures if the structure collapses.
  - c. Mechanical equipment such as blowers, ventilating fans and air conditioning units, shall be placed no closer than three (3) feet to any lot line in commercial districts and no closer than twelve (12) feet to any lot line in residential districts. Mechanical equipment in industrial districts shall comply with all yard setbacks.
  - d. Any mechanical equipment located on the roof of any building shall not exceed a height of ten (10) feet above the surrounding roof surface, and shall occupy no more than fifteen percent (15%) of the total roof area. When roof-mounted equipment is located on a building that is adjacent to a residential use or is in view from the adjacent roadway, appropriate architectural screening shall be required.
  - e. Structural extensions appropriate to the building design, such as cornices, shall be limited to five feet above the stated height limit.
- 6 Where maximum height is described in both height and stories, the maximum height shall be whichever is less.
- 7 Where the building is connected to building on an adjoining lot by an approved fire wall, the required side yard on the common side may be reduced to zero (0) feet if permitted by the building and fire codes, provided a ten (10) foot setback shall be provided if the wall includes any windows or similar openings.
- 8 The setback may be reduced to not less than twenty-five (25) feet by the Planning Commission if a wall or landscaped berm is provided to screen loading areas, and the rear of the building has the same architectural character and materials as the front and side.
- 9 All outdoor storage and display areas shall be in the rear yard and shall be completely screened with an obscuring wall as required in Section 2310. The Planning Commission may require the wall be up to eight (8) feet high in consideration of adjacent uses.
- 10 A greater or lesser distance may be required by the Planning Commission. If a lesser setback is authorized, a corresponding width reduction to the requirements of Section 2303 Required Landscaping Along Public Streets shall also be permitted. The following criteria shall be employed by the Planning Commission to determine the minimum and maximum setback for a specific site in the Central Business District:
  - (1) Consistency with existing setbacks within one hundred fifty (150) feet of the same blockface or area, as appropriate; or
  - (2) Consistency with site limitations and constraints; or
  - (3) For sites bound by vacant lots, consistency with existing or historical setbacks within the same or opposite blockface or area (amended 2/14/96); or
  - (4) Avoidance of impacts upon recorded easements, rights-of-way, or sight distances; or
  - (5) Other site-specific considerations that may warrant an increase or decrease in setback.
  - (6) Parking shall be located behind the front building line and no closer than 10 feet to a residential property line. (Amended 7/14/10)

**SECTION 2000**

The intent of this Section is to permit the subdivider or developer to vary lot sizes and lot widths to average the minimum size of lot per unit as required in Article XX - Schedule of Regulations for each Single-Family Residential District. If this option is selected, the following conditions shall be met:

- a. In meeting the average minimum lot size, the Subdivision shall be designed so that no lot has area or width reduced more than ten percent (10%) than the minimum area or width required in the Schedule of Regulations and shall not create an increase in the number of lots.
- b. Each final plat submitted as part of a Preliminary Plat shall average the minimum required for the district in which it is located. The dimensions shall be illustrated on the plan or in tabular form.

**SECTION 2001 SUBDIVISION OPEN SPACE OPTION**

a. **Intent:** The intent of the Subdivision Open Space Plan is to promote the following objectives:

1. Provide a more desirable living environment by preserving the natural features such as woodlands, steep topography, water bodies and wetlands.
2. Encourage developers to use a more creative approach in the development of residential areas.
3. Encourage a more efficient, aesthetic and desirable use of open area while recognizing a reduction in development costs, and allowing the developer to avoid natural obstacles on the site.
4. Encourage the provision of open space within reasonable distance to lots in the subdivision and to further encourage the development of recreational facilities, such as pathways which link up to the City's sidewalk system.

b. Modifications to the standards as outlined in Article XX - Schedule of Regulations may be made in the R-1, R-2 and R-3 Single-Family Residential Districts when the following conditions are met:

1. Individual lots in the R-1, R-2 and R-3 Single-Family Residential Districts may be reduced up to twenty percent (20%). In the R-2 Districts, this reduction may be accomplished in part by reducing lot widths up to five (5) feet. In the R-1 Districts, this reduction may be accomplished in part by reducing lot widths up to ten (10) feet. These lot-area reductions shall be permitted, provided that the dwelling unit density shall be no greater than if the land area to be subdivided were developed in the minimum square-foot lot areas as required for each Single-Family District under Article XX - Schedule of Regulations. The area remaining through the reduction of lot sizes shall be retained as permanent open space. The City may require submission of a "parallel" plan to illustrate that the number of lots provided under the Open Space option would be feasible with a traditional subdivision layout (for example, each lot in the parallel plan must have buildable envelope meeting setback requirements and not including ponds or wetlands regulated by the MDNR).
2. The City may allow up to fifty percent (50%) of the area considered not to be buildable under traditional subdivision practices (such as MDNR regulated wetlands, non-regulated wetlands, floodplain, steep slopes, etc.) to be used in the "parallel" plan for determining density if the City finds that the project will result in a recognizable benefit to the City and the residents of the proposed subdivision.
3. Rear yards may be reduced to no less than thirty (30) feet when such lots border land dedicated for park, recreation and/or open space purposes, provided the width of the dedicated land shall not be less than one hundred (100) feet measured at the point at which it

*abuts the rear yard of the adjacent lot.*

- 4. The area to be dedicated for subdivision open space purposes shall in no instance be less than four (4) acres, and shall be in a location and shape approved by the City Council.*
- 5. This plan, for reduced lot sizes, shall be permitted only if it is mutually agreeable to the City and the subdivider or developer.*
- 6. This plan, for reduced lot sizes, shall be started within six (6) months after having received approval of the final plat, and must be completed in a reasonable time. Failure to start within this period shall void all previous approval.*

**ARTICLE XXI**  
**SPECIAL LAND USES**

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**SECTION 2100 INTENT**

This Article is intended to regulate uses which may be compatible with uses in some, but not all, locations within a particular zoning district. Among the purposes of the Special Land Use standards of this Article are to accomplish the following:

- ! Provide a mechanism for public input on decisions involving more intense land uses.
- ! Establish criteria for both new development and infill/redevelopment consistent with the City's land use goals and objectives as stated in the City Master Plan.
- ! Ensure uses can be accommodated by the environmental capability of specific sites.
- ! Provide site design standards to diminish negative impacts of potentially conflicting land uses.
- ! Provide greater flexibility to integrate land uses within the City.

This Article provides both general standards for all Special Land Uses (Section 2101) and specific location, site or operational standards for particular Special Land Uses (Section 2102). The process for a Special Land Use involves a Public Hearing with the Planning Commission with final review on the use and site plan by the City Council. Approval of any Special Land Use requires a Special Land Use Permit.

**SECTION 2101 APPLICATION, REVIEW AND APPROVAL PROCEDURES**

The procedure for Special Land Use review shall be as follows:

a. An applicant for a Special Land Use shall submit an application for review and pay the required fee. The application presented for consideration shall contain the following:

1. Name of proposed development.
2. Common description of the property and complete legal description (also address, if available.)
3. Dimensions of land: width, length, acreage, and frontage.
4. Existing zoning classification and zoning of all adjacent properties.
5. Proposed use of the land.
6. Name, address, City and phone number of:
  - (a) Firm or individual who prepared the application.
  - (b) Legal owner of the property.
  - (c) Applicant (including basis of representation.)
7. Signature of the legal owner and the Applicant.
8. A site plan, prepared in accordance with the provisions of Article XXIV of this Ordinance.

b. Planning Commission Public Hearing

1. If the Building and Zoning Administrator finds all of the information required above is in order, the Planning Commission shall schedule a Public Hearing to review the request.

2. The Planning Commission shall direct the City Clerk to publish a notice of the public hearing in a newspaper which circulates in the City and copies of the notice shall be sent by mail to property owners and occupants of structures within three hundred (300) feet of the property in question. The notice shall be given not less than five (5) days nor more than fifteen (15) days before the date of the public hearing, and shall:

- (a) Describe the nature of the Special Land Use request.
- (b) Indicate the property which is the subject of the Special Land Use request.
- (c) State the date, time and place of public hearing.
- (d) Indicate that written comments may be submitted prior to or at the public hearing.

c. The Planning Commission shall conduct the required public hearing.

## ***Grand Blanc City Zoning Ordinance***

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- d. The Planning Commission shall review the application in terms of the requirements of the Special Land Use General standards listed in Section 2102 below and any specific standards of Section 2110.
- e. The Planning Commission shall recommend that the City Council either approve, approve with conditions (as described below in Section 2104) or deny the Special Land Use and the accompanying site plan.
- f. The Special Land Use request and other pertinent information, together with the recommendation of the Planning Commission, shall be placed on the agenda of the next City Council meeting. The City Council shall either approve or reject the request within sixty (60) days, unless an extension has been agreed upon in writing by both the City Council and the Applicant.

### **SECTION 2102 GENERAL REVIEW STANDARDS FOR ALL SPECIAL LAND USES**

Prior to approving a Special Land Use application, the Planning Commission and City Council shall require the following general standards be satisfied for the use at the proposed location. In addition to specific standards for individual Special Land Uses listed in Section 2110, the Planning Commission and City Council shall require stipulation to ensure that the following are met:

- a. The Special Land Use will be consistent with the goals, objectives and future land use plan described in the Grand Blanc Community Master Plan.
- b. The Special Land Use will be consistent with the stated Intent of the zoning district.
- c. The Special Land Use will be designed, constructed, operated and maintained to be compatible with, and not significantly alter, the existing or intended character of the general vicinity in consideration of environmental impacts, views, aesthetics, noise, vibration, glare, air quality, drainage, traffic, property values or similar impacts.
- d. The Special Land Use will not significantly impact the natural environment.
- e. The Special Land Use can be served adequately by public facilities and services such as police and fire protection, drainage structures, water and sewage facilities, refuse disposal and schools.
- f. The proposed use shall be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration the following:
  - 1. vehicular turning movements;
  - 2. proximity and relationship to intersections;
  - 3. adequacy of sight distances;
  - 4. location and access of off-street parking; and,
  - 5. provisions for pedestrian traffic.
- g. The proposed use shall be such that the location and height of buildings or structures, and the location, nature and height of walls, fences, and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.
- h. The proposed use shall be designed, located, planned, and operated to protect the public health, safety, and welfare.

### **SECTION 2103 CONDITIONS OF APPROVAL**

- a. The City Council may impose conditions of approval, which will help ensure the Special Land use meets the standards of this Ordinance provided that the conditions:
  - 1. protect the health, safety, and welfare of those affected;

## ***Grand Blanc City Zoning Ordinance***

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2. are related to the valid exercise of the police power of the City;
  3. are necessary to meet the intent and purpose of this Ordinance;
  4. are related to the standards established in this Ordinance for the land use or activity under consideration and are necessary to ensure compliance with those standards;
  5. provide adequate protection to existing land uses so the proposed land use will not be detrimental or injuries to the surrounding neighborhood.
- b. Approval of a Special Land Use, including conditions made part of the approval, is attached to the property described in the application and not to the owner of such property. A record of conditions imposed shall be made a part of the City Council minutes and maintained by the Building and Zoning Administrator. The conditions shall remain unchanged unless an amendment to the Special Land Use permit is approved by the City Council.

### **SECTION 2104 VALIDITY OF PERMIT**

- a. **Building Permit:** The Building and Zoning Administrator or Building Inspector may issue a building permit in conformity with the particular Special Land Use so approved. In all cases where a particular Special Land Use has been granted as provided herein, application for a building permit must be made and received by the City no later than one hundred twenty (120) days thereafter, or such approval shall automatically be revoked unless an extension is granted. The City Council may grant an extension of the first approval for good causes shown under such terms and conditions for such a period of time not to exceed six (6) months.
- b. **Performance Guarantee:** The City Council shall require a performance guarantee to ensure completion of the improvements (excluding the building). The performance guarantee may take the form of a cash deposit, surety bond, certified check, or an irrevocable bank letter of credit.
- c. Where actual physical construction of a substantial nature of structures authorized by a Special Land Use permit has not commenced within one (1) year of issuance, and a written application for extension of the approval has not been filed as provided below, the permit shall become null and void and all rights thereunder shall terminate (note: it is the responsibility of the applicant to request such an extension).
- d. Upon written application filed prior to the termination of the one (1) year period as provided above, the City Council may authorize a single extension of the time limit for a further period of not more than one (1) year. Such extension shall be granted only based on evidence from the applicant that the development has a reasonable likelihood of commencing construction during the one (1) year extension period.
- e. Any approved Special Land Use shall be deemed a use permitted in the district in which it is located and is not to be considered a non-conforming use.
- f. If a use regulated as a Special Land Use which has not previously received a Special Land Use permit ceases operations for more than one (1) year, the Special Land Use permit shall become null and void, and a new Special Land Use permit shall be required to reopen the use. The time frame shall be extended to two (2) years for a use which was approved as a Special Land Use under this Ordinance amendment (i.e. a Special Land Use Permit is on file).
- g. The Building and Zoning Administrator shall make periodic investigations of development authorized by Special Land Use permit to determine continued compliance with all requirements imposed by the Planning Commission and this Ordinance. Non-compliance with the requirements and conditions approved for the Special Land Use shall constitute grounds to terminate said approval following a public hearing.

**SECTION 2105 INSPECTIONS**

The Building and Zoning Administrator shall make periodic investigations of developments authorized by Special Land Use permit to determine continued compliance with all requirements imposed by the Planning Commission and this Ordinance. Non-compliance with the requirements and conditions approved for the Special Land Use shall constitute grounds to terminate said approval following a public hearing.

**SECTION 2106 REVOCATION**

The revocation of a Special Land Use may occur if its recipient fails to continuously abide by its terms and conditions. The revocation procedure is as follows:

- a. The City Council, through its designated administrators, shall notify the recipient, in writing, of any violations of City codes or provisions of the Special Land Use.
- b. The recipient shall have thirty (30) days to correct all deficiencies to the satisfaction of the City Council.
- c. If after thirty (30) days any deficiencies remain, the City Council may then revoke the Special Land Use, or if the conditions warrant, allow additional time.
- d. A repeat violation may cause immediate revocation of the Special Land Use.

**SECTION 2107 AMENDMENTS TO SPECIAL LAND USE PERMITS**

Any person or agency who has been granted a Special Land Use permit shall notify the Building and Zoning Administrator of any proposed amendment to the approved site plan of the Special Land Use permit. The Building and Zoning Administrator shall determine whether the proposed amendment constitutes a minor or major amendment based on the determination standards for all site plans in accordance with Article XXIV. A major amendment to a Special Land Use permit shall comply with the application and review procedures contained in this Article.

**SECTION 2108 SPECIAL LAND USES EXPANSIONS**

The expansion, change in activity, reuse or redevelopment of any use requiring a Special Land Use Permit shall require resubmittal in manner described in this Article. A separate Special Land Use Permit shall be required for each use requiring Special Land Use review on a lot, or for any expansions of a Special Land Use which has not previously received a Special Land Use Permit.

**SECTION 2109 RESTRICTIONS ON RESUBMITTAL OF A SPECIAL LAND USE REQUEST**

No application for a Special Land Use permit which has been denied wholly or in part shall be resubmitted for a period of one (1) year from the date of denial, except on the grounds of new evidence or proof of changed conditions relating to all of the reasons noted for the denial found to be valid by the Planning Commission or City Council. A resubmitted application shall be considered a new application.

**SECTION 2110 SPECIAL LAND USE SPECIFIC REQUIREMENTS**

The following sections identify specific requirements which shall be complied with by individual Special Land Uses, as determined by the Planning Commission and City Council, in addition to the general standards of Section 2102.

- a. Listing: Special Land Uses with specific site and/or use standards described on the following pages:
  - 1. Accessory apartment in a single family home



2. Accessory above ground fuel services and storage
3. Principal and/or Accessory use, generation or storage of hazardous materials (amended 2/14/96)
4. Accessory commercial outdoor sales or storage (see commercial outdoor sales)
5. Adult regulated uses
6. Adult foster care homes (amended 2/14/96)
7. Arcades and similar devices at public commercial mechanical amusement device centers
8. Automobile service centers (minor repair) and major auto repair establishments
9. Automobile service (gasoline) stations including those accessory to another use
10. Automobile washes, automatic or self-service
11. Banks, credit unions, savings and loan institutions with over three drive-through lanes
12. Bed-and-breakfast inns in R1 - R3
13. Cemeteries
14. Churches
15. Commercial outdoor sales or storage (as permitted or accessory use)
16. Composting centers
17. Essential public service buildings and structures
18. Essential public service storage yards
19. Funeral Homes
20. General and specialty hospitals
21. Group Foster Care Homes
22. Group day care homes
23. Housing for the elderly, retirement villages, etc.
24. Kennels, commercial
25. Motels, hotels including accessory convention/meeting facilities and restaurants
26. Nursing and convalescent homes
27. Open air business - see commercial outdoor display, sales and storage
28. Outdoor cafes, outdoor eating areas and open front restaurants
29. Outdoor theaters

30. Radio, television microwave, and cellular phone towers (impact assessment per Section 328 is not required)
31. Recreation: Commercial outdoor establishments (excluding golf related uses)
32. Recreation: Golf courses, Country Clubs, and par three golf courses
33. Recreation: Golf driving ranges, miniature golf courses
34. Recreation: Indoor commercial recreation (bowling alleys, ice areas, skating rinks, etc.)
35. Recreation: Private, non-commercial institutional or community recreation facilities, and swimming pool clubs.
36. Recycling Centers
37. Restaurants and other establishments with drive-in or drive-thru facilities
38. Schools: Public, parochial and private intermediate or secondary schools
39. Shopping centers
40. Theaters, concert halls and play houses
41. Urgent medical care centers
42. Veterinary Clinics

b. List of specific requirement by use:

**1. Accessory apartment in a single family home**

These standards are intended to assist in accommodating the needs of the growing number of senior citizens in the City while providing reasonable control in recognition of the high percentage of owner occupied single family homes in the City. The purpose of these standards is also to prevent the undesirable proliferation of permanent two-family units which would, over time, disrupt the character of single family neighborhoods.

- a. Accessory apartments shall be entirely within the existing structure and shall include no more than twenty-five percent (25%) of the total floor area of the home.
- b. The exterior of the home shall remain unchanged, so it does not give the appearance of being divided into separate units. The addition of a separate exterior door is prohibited. The applicant shall demonstrate the home may be easily converted back to a one unit single family home when the accessory apartment dweller(s) leave the premises or the house is sold.

**2. Accessory above ground fuel services and storage**

Location of accessory fuel services related to the marine, aviation, agriculture, mobile home parks, recreational uses, medical facilities, and industrial uses shall be permitted subject to the following:

- a. Such uses are only allowed in the General Business District, Research Park (RP), Light Industrial (I-1) and General Industrial (I-2) zoning districts.
- b. Minimum lot size for above ground fuel service or storage shall be three (3) acres.
- c. Above ground storage tanks other than those holding water shall be located not less than seventy-five (75) feet from any occupied building or any lot line and shall be mounted on a solid concrete slab to prevent overturn and spilling, according to EPA specifications.

d. A Pollution Incidence Prevention Plan shall be submitted and approved.

**3. Principal and/or accessory use, generation or storage of hazardous materials** (amended 2/14/96)

These standards, intended to protect groundwater and city wellheads, seek to ensure the following:

- § Projects and related improvements shall be designed to protect the natural environment, including lakes, ponds, streams, wetlands, floodplain, groundwater, and steep slopes.
- § Stormwater management and drainage facilities shall be designed to retain the natural retention and storage capacity of any wetland, water body, or watercourse, and shall not increase flooding or the potential for pollution of surface or groundwater, on-site or off-site.
- § General purpose floor drains shall be connected to a public sewer system or an on-site holding tank in accordance with state, county, and township requirements, unless a groundwater discharge permit has been obtained from the Michigan Department of Natural Resources.
- § Sites at which hazardous substances and polluting material are stored, used, or generated shall be designed to prevent spills and discharges of polluting materials to the air, surface of the ground, groundwater, lakes, streams, rivers or wetlands.
- § State and federal agency requirements for storage, spill prevention, recordkeeping, emergency response, transport and disposal of hazardous substances and polluting materials shall be met. No discharges to groundwater, including direct and indirect discharges, shall be allowed without appropriate state and county permits and approvals.

The applicant shall provide documentation for the following, with appropriate correspondence from the Michigan Department of Natural Resources (MDNR), Michigan State Police Fire Marshall, the EPA, local fire department, and other applicable local codes and ordinances:

- a. Description of any discharge of any type of wastewater to a storm sewer, drain, lake, stream, wetland, other surface water body or into the groundwater.
- b. Description of storage of any salt, oil or other potentially hazardous materials including common name, name of chemical components, location, maximum quantity expected on hand at any time, type of storage containers or base material, and anticipated procedure for use and handling.
- c. Description of any transportation, on-site treatment, storage or disposal of hazardous waste generated in quantities of 250 gallons or 220 pounds per month.
- d. Description of any secondary containment measures proposed including design, construction materials and specifications, volume and security measures.
- e. Name and phone number(s) of person(s) responsible for materials and available 24 hours, in case of detected spill.
- f. Location of existing and proposed service facilities and structures, above and below ground, including:
  - 1. Public and private groundwater supply wells on-site.
  - 2. City wells located within an one thousand (1,000) foot radius of the site.
  - 3. Septic systems and other wastewater treatment systems (the location of the drainfield and the septic tank should be clearly distinguished).
  - 4. Areas to be used for the storage, use, loading/unloading, recycling, or disposal of hazardous substances and polluting materials, including interior and exterior areas.

- 5. Underground storage tanks locations.
  - 6. Location of exterior drains, dry wells, catch basins, retention/detention areas, sumps and other facilities designed to collect, store, or transport stormwater or wastewater. The point of discharge for all drains and pipes should be specified on the site plan.
  - g. Location of existing wetlands and watercourses, including lakes, ponds, rivers, and streams.
  - h. Soil characteristics of the parcel, at least to the detail provided by the U.S. Soil Conservation Service.
  - i. Existing topography, with a maximum contour interval of two (2) feet indicated.
  - j. Delineation of areas on the site which are known or suspected to be contaminated, together with a report on the status of site cleanup.
  - k. Completion of the form title "Groundwater Protection Information for Site Plan Review".  
(amended 2/14/96)
- In addition, the City may require businesses, facilities, and uses which generate, use or store hazardous materials to submit an Environmental Impact Assessment according to Section 328.

**4. Accessory commercial outdoor display, sales or storage - see commercial outdoor sales**

**5. Adult Regulated Uses**

- a. **Intent:** In the development and execution of these zoning regulations, it is recognized there are some uses that, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances, thereby causing a deleterious effect upon the adjacent areas. The proximity of adult uses to certain uses considered particularly susceptible to the negative impacts or the concentration of adult uses tends to erode the quality of life, adversely affect property values, disrupt business investment, encourage residents and businesses to move or avoid the community, increase crime and contribute a blighting affect on the surrounding area. This subsection describes the uses regulated and the specific standards needed to insure that the adverse effects of these uses will not contribute to the deterioration of the surrounding neighborhood, to prevent undesirable concentration of these uses and to require sufficient spacing from uses considered most susceptible to negative impacts.
- b. **Uses Regulated:** The following uses are regulated by this subsection.
  - (1) Adult Book or Supply Store
  - (2) Adult Model Studio
  - (3) Adult Motion Picture Arcade
  - (4) Adult Motion Picture Theater or Adult Live Stage Performing Theater
  - (5) Adult Outdoor Motion Picture Theater
  - (6) Adult Physical Cultural Establishment
  - (7) Cabaret
  - (8) Massage Parlor except those licensed by the State of Michigan and meeting the criteria outlined in the definitions section (Article II).
- c. **Required Spacing:** The establishment of the types of Adult Regulated Uses listed in "b" above shall meet all of the following space requirements; with the distance between uses measured horizontally between the nearest point of each property line:
  - (1) at least one thousand (1,000) feet from any other adult regulated use;
  - (2) at least one thousand (1,000) feet from all churches, convents, temples and similar religious institutions;

- (3) at least one thousand (1,000) feet from all public, private or parochial nursery, primary or secondary schools, public parks and hospitals;
  - (4) at least one thousand (1,000) feet from any use defined as a "care organization";
  - (5) at least eight hundred (800) feet from any single family or multiple family residential district or use;
  - (6) at least eight hundred (800) feet from any pool or billiard hall, coin-operated amusement center, indoor and outdoor recreation such as miniature golf; dance club catering primarily to teenagers, movie theaters, ice or roller skating rinks and similar uses frequented by children and teenagers.
- d. **Special Site Design Standards**
- (1) Maximum size of the building shall be five thousand (5,000) square feet.
  - (2) The building and site shall be designed, constructed and maintained so material such as a display, decoration or sign depicting, describing, or relating to "specific sexual activities" or "specified anatomical areas" (as defined in this ordinance) cannot be observed by pedestrians, motorists on a public right-of-way or from an adjacent land use.
  - (3) Adult regulated uses shall be located within a free standing building. A shared or common wall structure or shopping center are not considered to be a free standing building.
  - (4) The color of the building materials shall be reviewed by the Planning Commission and approved by the elected body.
  - (5) A six (6) foot high brick or masonry wall shall be constructed to screen the parking lot. The Planning Commission may permit use of landscaping in place of the wall.
  - (6) Access shall be from an arterial roadway.
- e. **Waivers:**  
Upon denial of any application for a regulated use under Section, the applicant may appeal for a waiver of the location provisions above to the Board of Zoning Appeals consistent with the standards set forth below. The Board of Zoning Appeals may waive the location provisions set forth in Section, after all the following findings are made:
- (1) **Compliance with Regulations:** The proposed use will not be contrary to any other provision of these zoning regulations, or injurious to nearby properties;
  - (2) **Not Enlarge District:** The proposed use will not enlarge or encourage the development of a "skid row" or "strip";
  - (3) **Consistent with Programs:** The establishment of an additional regulated use will not be contrary to, or interfere with, any program of urban renewal or neighborhood development;
  - (4) **Consistent with Law:** All applicable City, state or federal laws and regulations will be observed.
  - (5) **Procedure for Waiver:** Prior to granting a waiver of the location restrictions set forth above, and not less than five (5), nor more than fifteen (15) days before the request for waivers is considered or a public hearing held pursuant to this section, the Council shall publish, in a newspaper of general circulation in the City, one notice indicating that a request for waivers to establish a regulated use has been received, and shall send by mail or personal delivery a copy of that notice to the owners of the property for which waivers are being considered, and to all waivers are being considered, and to all persons to whom any real property is assessed within 300 feet of the boundary of the premises in question, and to the occupants of all structures within 300 feet. If the name of the occupant is not known, the term "occupant" may be used in making notification.
- The notice of application shall further indicate that a public hearing on the proposed regulated use may be requested by a property owner or occupant, no less than eighteen (18) years of age, or a structure located within 300 feet of the

boundary of the property being considered for the regulated use. The applicant, City Council, or Board of Zoning Appeals may request a public hearing.

- f. **Conditions of Approval:** Prior to the granting of approval for the establishment of any regulated use, the Planning Commission may impose any conditions or limitations upon the establishment, location, construction, maintenance, or operation of the regulated use as in its judgment may be necessary for the protection of the public interest. Any evidence, bond, or other performance and guarantee may be required as proof that the conditions stipulated in connection therewith will be fulfilled.
- g. **Specific Penalties:** No person operating an adult entertainment business shall permit any person under the age of 18 to be on the premises of said business either as an employee or customer.

**6. Adult foster care homes:**

- 1. Such uses shall be duly licensed by the State Department of Social Services.
- 2. Buildings and lots so used shall conform to all state and local code requirements.
- 3. The facility shall not result in an excessive concentration of such facilities in the general area or the City of Grand Blanc overall, as determined by the City Council.  
(amended 2/14/96)

**7. Arcades, mechanical amusement devices and similar devices:**

- a. Any part of the lot occupied by such use shall not be located within three hundred (300) feet of any residential district or within five hundred (500) feet of the property line of any public, parochial or other private school offering courses in general education.
- b. Access to the site shall be directly from a Regional Arterial or Arterial street.
- c. All activities, except for off-street parking or loading, shall be conducted within completely enclosed buildings constructed in accordance with all other applicable codes and City Ordinances.

**8. Automobile service centers (minor repair) and major automotive repair (such as body shops)**

All principal and accessory structures shall be set back a minimum of five hundred (500) feet from a single family residential district.

- a. If the gas station has auto repair or automobile mall, there shall be a minimum lot frontage on a paved road of two hundred (200) feet.
- b. Overhead doors shall not face a public street or residential district. The City Council can modify this requirement upon determining there is no reasonable alternative and the poor visual impact will be diminished through use of landscaping beyond that required in Article XXIII.
- c. Only one driveway shall be permitted from any street unless the City Council determines additional driveways are necessary and will not increase potential for accidents or congestion.
- d. Where adjoining residential district, a wall six (6) feet in height shall be erected along any common lot line. Such fence or wall shall be continuously maintained in good condition.
- e. All repair work shall be conducted completely within an enclosed building.
- f. There shall be no outdoor storage or display of vehicle components and parts, materials, commodities for sale, supplies or equipment.

- g. Storage of wrecked, partially dismantled, or other derelict vehicles, or overnight parking of any vehicle except a wrecker is prohibited beyond one (1) day.
- h. The applicant shall submit a Pollution Incidence Protection Plan (PIPP). The PIPP shall describe measures to prevent groundwater contamination caused by accidental gasoline spills or leakage, such as: special check valves, drain back catch basins and automatic shut off valves, as approved by the Fire Department.
- i. The applicant must submit an Impact Assessment as described in Section 328.

**9. Automobile service (gasoline) stations (including those accessory to another use)**

- a. The minimum lot area for gasoline service stations shall be fifteen thousand (15,000) square feet for stations having no more than two (2) service bays and no more than two (2) pump islands. There shall be added three thousand (3,000) square feet for additional service bay and fifteen hundred (1,500) square feet for each additional pump island. At least one (1) street lot line shall be at least one hundred fifty (150) feet in length along one (1) major thoroughfare. The lot shall be so shaped and the station so arranged as to provide ample space for vehicles which are required to wait.
- b. Pump islands shall be a minimum of forty (40) feet from any public right-of-way or lot line. Tanks, propane, and petroleum products shall be set back at least fifteen (15) feet from any lot line.
- c. Overhead canopies shall be setback at least twenty (20) feet from the right-of-way with materials consistent with the principal building. The proposed clearance of any canopy shall be noted on the site plan.
- d. Access driveways shall be along an arterial street. Only one driveway shall be permitted from any street unless the City Council determines additional driveways are necessary and will not increase accident or congestion potential.
- e. Where adjoining residential district, a wall six (6) feet in height shall be erected along any common lot line. Such wall shall be continuously maintained in good condition. The City Council may require landscaping, including a berm, as an alternative.
- f. All repair work shall be conducted completely within an enclosed building.
- g. There shall be no outdoor storage or display of vehicle components and parts, supplies or equipment, except within an area defined on the site plan approved by the City Council and which extends no more than ten (10) feet beyond the building.
- h. Storage of wrecked, partially dismantled, or other derelict vehicles is prohibited.
- i. The applicant shall submit a Pollution Incidence Protection Plan (PIPP). The PIPP shall describe measures to prevent groundwater contamination caused by accidental gasoline spills or leakage, such as: special check valves, drain back catch basins and automatic shut off valves.
- j. A Traffic Impact Study shall be provided in accordance with Section 329.
- k. In the event that an automobile service station use has been abandoned or terminated for a period of more than one (1) year, all underground gasoline storage tanks shall be removed from the premises, as per state requirements.

**10. Automobile washes, automatic or self-service**

- a. Only one (1) ingress/egress driveway shall be permitted on any single street.
- b. Where adjoining a residential district, a solid fence or wall six (6) feet in height shall be erected along any common lot line. Such fence or wall shall be continuously maintained in good condition. The Planning Commission may require landscaping, including a berm, as an alternative.

- c. All washing facilities shall be within a completely enclosed building.
- d. Vacuuming and drying may be located outside the building, but shall not be in the required front yard and shall be set back at least fifty (50) feet from any residential district.
- e. All cars required to wait for access to the facilities shall be provided stacking spaces fully off the street right-of-way which does not conflict with vehicle maneuvering areas to access gasoline pumps or vacuums, and as required in Article XXII, Parking Standards.
- f. A Traffic Impact Study shall be provided in accordance with Section 329.
- g. Truck wash must be at least one hundred (100) feet from all property lines and entirely screened using landscaping from residential

**11. Banks, credit unions, savings and loan institutions with drive-through facilities with over three (3) drive-through lanes.**

- a. Only one (1) ingress/egress driveway or one (1) pair of one-way driveways or one stand-alone ready teller structure, shall be permitted along any street.
- b. Exit and required stacking lanes shall not face directly at a single family residence zoned for residential use unless the alignment is designed or landscaped to prevent headlight glare.
- c. A Traffic Impact Study shall be provided in accordance with Section 329.

**12. Bed-and-breakfast inns in R-1 through R-3**

- a. Sufficient parking for the rooms shall be located off-street and shall not be located in the front yard.
- b. No bed-and-breakfast inn shall be located closer than three hundred (300) feet to another bed-and-breakfast inn.
- c. Meals or other services provided on the premises shall only be available to residents, employees and overnight guests of the inn.
- d. The dwelling unit in which the bed and breakfast establishment is located shall be the principal residence of the operator, and said operator shall live on the premises while the establishment is active.
- e. There shall be a maximum of six (6) rooms for lodging.
- f. Sufficient landscaping shall be used to screen adjacent residences from parking areas or any outdoor eating area.
- g. A sketch plan showing the floor plan shall be submitted for approval.
- h. Maximum sign size shall be twenty (20) square feet with a maximum height of five (5) feet. Sign materials are to be comparable with the arch of the building.

**13. Cemeteries**

- a. Minimum property size shall be twenty (20) acres.
- b. All grave sites, buildings and structures shall be setback at least one hundred (100) feet from all property lines.
- c. The City Council shall determine that the cemetery will have a "parklike" setting.



- d. Uses such as crematoriums, mausoleums, casket sales and monument sales shall be permitted as an accessory use to a cemetery. Setbacks and landscaping shall be compatible with adjacent uses.

**14. Churches, temples and similar places of worship**

- a. Minimum lot area shall be three (3) acres plus an additional fifteen thousand (15,000) square feet for each one hundred (100) persons of occupant load as determined by City Building Code.
- b. Buildings of greater than the maximum height permitted in Article XX - Schedule of Regulations may be allowed provided the front, side and rear yard setbacks are increased above the minimum required by one (1) foot for each foot of building height that exceeds the maximum permitted.
- c. All vehicular access to the site shall be onto a Regional Arterial, Arterial or Collector street, as classified in the City Master Plan. The Planning Commission may allow secondary access onto local (residential) streets if the uses fronting the street which would be most impacted by traffic flow are predominantly non-single family homes.
- d. Wherever an off-street parking area is adjacent to a residential district, a continuous obscuring wall, fence and/or landscaped area at least five (5) feet in height shall be provided. The City Council may reduce this buffer based on the standards of Section 2511.
- e. The City Council may require a Traffic Impact Study, particularly if the church is to have services or activities during peak times on the roadway, or if there are other religious institutions in the vicinity which could create traffic conflicts (refer to Section 329).

**15. Commercial Outdoor Sales or Storage and Open Air Businesses** (as a permitted or accessory use, including sales or storage of: building/lumber supply, contractors yards, flea markets, auctions, garden/landscape supplies, nurseries, greenhouses, stone, farm implement, automobiles, trucks, recreational vehicles, mobile homes, boats, jet skis, mowing equipment, construction equipment and similar materials or equipment).

- a. Any stockpiles of soils, fertilizer or similar loosely packaged materials shall be sufficiently covered or contained to prevent dust or blowing of materials.
- b. All outdoor storage areas shall be paved and include a stormwater drainage system approved by the City Council.
- c. No outdoor storage shall be permitted in the front yard or in any required side yard or required rear yard of buildings for the district in which the commercial outdoor display, sales or storage use is located.
- d. The site shall include a building of at least five hundred (500) feet of gross floor area for office use in conjunction with the approved use.
- e. The display and storage area shall be paved with a permanent, durable and dustless surface and shall be graded and drained to dispose stormwater without negatively impact adjacent property.
- f. All loading and truck maneuvering shall be accommodated on-site.
- g. All outdoor storage areas adjacent to a residential district shall provide a wall or buffer strip as described in Article XXIII.

**16. Commercial Composting Centers**

- a. The applicant shall submit an Impact Assessment (See Sec. 328) describing the expected odors, aesthetics, environmental impacts, vehicular and truck traffic impacts associated with the use, and any mitigation measures to be employed.
- b. The site plan which shall clearly illustrate the layout of the composting operation, including: buildings, staging area, parking, on-site truck maneuvering (truck turning radii shall be illustrated), curing area, landscaped buffers, sales area and fencing.
- c. Commercial composting operations shall be at least one thousand (1000) feet from any residential district.
- d. All composting operations shall be at least two hundred (200) feet from the boundary of any lake, stream, drain, wetland or other surface water body. The applicant shall describe procedures for managing stormwater runoff and preventing pollution of surface water bodies or groundwater. Groundwater quality monitoring devices shall be provided.
- e. Documentation shall be provided indicating that the soils percolate and are not characterized by a high water table.
- f. The applicant shall describe acceptable methods for control of odors.
- g. A landscaped buffer strip or wall, as described in Article XXIII shall be provided on all sides adjacent to a residential district.
- h. Access shall be provided solely on Class A truck routes.
- i. All storage areas shall be enclosed in a building.
- j. Temporary signs shall be prohibited.

**17. Essential Public Service Buildings and Structures**

- a. Operating requirements necessitate that the facility be located at the subject site to serve the immediate vicinity.
- b. Electric or gas regulator equipment and apparatus shall be setback a minimum of thirty (30) feet from all lot lines or equal to district setbacks, whichever is greater. They can not be located in the district front yard setback.
- c. Essential Public Service Storage Yards shall be screened from any adjacent residential district by a buffer strip or berm (See Section 2303).
- d. The buildings or structures shall be architecturally compatible with the surrounding buildings and shall be of brick construction.

**18. Essential Public Service Storage Yards**

- a. Requirements of item 16 above.
- b. The minimum lot size shall be three (3) acres.
- c. An open air fence six (6) feet in height shall be constructed on the boundary property lines.

**19. Funeral Home**

- a. Adequate assembly area is provided off-street for vehicles to be used in a funeral procession, provided further that such assembly area shall be provided in addition to any required off-street parking area. A caretaker's residence may be provided within the main building of mortuary establishments.

**20. General and Specialty Hospitals**

- a. All such hospitals shall be developed only on sites consisting of at least ten (10) acres in area.
- b. The minimum distance of any main or accessory building from bounding lot lines or streets shall be at least one hundred (100) feet for front, rear and side yards for all two (2) story structures. For every story above two (2), the minimum yard distance shall be increased by at least twenty (20) feet.

**21. Group Foster Care Homes or Family Group Home**

- a. No foster care group home shall be located closer than fifteen hundred (1500) feet to any other foster care group home or foster care family home, measured from the nearest wall of each such structure.
- b. The City Council shall approve no additional facility which would contribute to an excessive concentration of Foster Care Group Homes within a neighborhood.
- c. A minimum of thirty-five (35) square feet of indoor play area shall be provided for each child. Indoor play area shall be computed exclusive of hallways, bathrooms, reception and office areas, kitchens, storage areas and closets, basements, except those which are finished and have dual means of egress, and areas used exclusively for rest or sleep.
- d. A minimum of one hundred and fifty (150) square feet of outdoor play area for each child. The total outdoor play area shall have a total minimum area of not less than five thousand (5000) square feet.

**22. Group Day Care Homes**

- a. Group Day Care Homes shall have a minimum lot area of one half acre (21,780 square feet).
- b. An on-site drive shall be provided for drop offs/loading. This drive shall be arranged to allow maneuvers without affecting traffic flow on the public street.
- c. There shall be a fenced, contiguous open space with a minimum area of 5,000 square feet provided on the same premises as the group day care home. The required open space shall not be located within a required front yard.
- d. A minimum of thirty-five (35) square feet of indoor play area shall be provided for each child. Indoor play area shall be computed exclusive of hallways, bathrooms, reception and office areas, kitchens, storage areas and closets, basements, except those which are finished and have dual means of egress, and areas used exclusively for rest or sleep.
- e. A minimum of one hundred and fifty (150) square feet of outdoor play area for each child. The total outdoor play area shall have a total minimum area of not less than five thousand (5000) square feet and be fenced and screened with landscaping on the exterior side of the fence.

**23. Housing for the Elderly**

- a. All sites shall be located within adequate walking distance of food stores, shopping centers, restaurants and drug stores, as determined by the City Council.
- b. All dwelling units shall consist of at least three hundred fifty (350) square feet per unit (not including kitchen and sanitary facilities.)
- c. Total area coverage of all buildings (including dwelling units and related service buildings) shall not exceed twenty-five (25) percent of total site, exclusive of any dedicated public right-of-way.

- d. Passive recreation area(s) shall be provided at the rate of twenty-five (25) square feet per one hundred (100) square feet of living area.
- e. The minimum lot size shall be not less than three (3) acres.
- f. All units shall have at least one (1) living room and one (1) bedroom, except that not more than ten (10) percent of the units may be of an efficiency-type apartment.
- g. The gross density of the dwelling units shall not exceed twenty (20) units per acre, exclusive of any dedicated public right-of-way of either interior or bounding roads.
- h. Except as provided herein, all buildings and sites shall be in compliance with RM-1 requirements in Article XX - Schedule of Regulations.
- i. No housing for the elderly shall be converted to any other use without complying with the provisions of the Zoning Ordinance in effect.
- j. The City Council may add any conditions it deems appropriate to ensure the compatibility of the development with the surrounding area.
- k. All buildings permitted hereunder shall not exceed forty (40) feet in height.

**24. Kennels, Commercial**

- a. For kennels housing dogs, the minimum lot size shall be two (2) acres.
- b. Building wherein dogs are kept, dog runs, and/or exercise areas shall not be located nearer than one hundred (100) feet to property lines and shall not be located in any required front, rear or side yard setback area.
- c. Such facilities shall be subject to other conditions and requirements necessary to prevent possible nuisances (i.e., fencing, sound-proofing, sanitary requirements).
- d. An operations/management plan shall be submitted to the City.

**25. Motels:** Hotels, bed and breakfast inns, including accessory convention/meeting facilities and restaurants.

- a. Access shall be provided so as not to conflict with the adjacent business uses or adversely affect traffic flow on a major thoroughfare.
- b. Each unit shall contain not less than two hundred fifty (250) square feet of floor area.
- c. No guest shall establish permanent residence at a motel for more than thirty (30) days within any calendar year.

**26. Nursing and Convalescent Homes**

- a. There shall be provided on the site, not less than fifteen hundred (1,500) square feet of open space for each bed in the home. The fifteen hundred (1,500) square feet of land area shall provide for landscape setting, off-street parking, service drives, loading space, yard requirement and accessory uses, but shall not include the area covered by main or accessory buildings.
- b. Principal buildings shall not be closer than forty (40) feet to any property line.

**27. Open Air Businesses - see commercial outdoor display, sales and storage**

**28. Outdoor Cafes or eating areas and open front restaurant (i.e. window service)**

- a. Any outdoor eating area shall not exceed fifteen (15) percent of the gross floor area of the principal building; and shall not be located in any required front, side or rear

setback area; except in the CBD District when specifically approved by the City Council.

- b. Any outdoor eating area shall be located no closer than fifteen (15) feet from any street right-of-way or any vehicular parking or maneuvering areas. Such eating areas shall be separated from all vehicular parking and maneuvering areas by means of a greenbelt, wall, or architectural feature.
- c. The outdoor eating area shall not be located within fifty (50) feet of any properties used or zoned for residential purposes. The area shall be completely screened from view from all residential properties by an obscuring wall or greenbelt, in compliance with this Ordinance.
- d. The outdoor eating area shall be kept clean and void of litter at all times. Fences or landscaping shall be provided to control blowing debris.
- e. All vending machines and arcades shall be located within a completely enclosed building.

**29. Outdoor Theaters**

Because outdoor theaters possess the unique characteristics of being used only after darkness and since they develop a concentration of vehicular traffic in terms of ingress and egress from their parking area, they shall be permitted in I-1 District only. Outdoor theaters shall further be subject to the following conditions:

- a. Outdoor theaters shall abut, and have all access from, a Regional Arterial or Arterial.
- b. All vehicles, waiting or standing to enter the facility, shall be provided off-street waiting space. No vehicle shall be permitted to wait or stand within a dedicated right-of-way.
- c. The area shall be designed as to prevent the movie screen from being viewed from residential areas or adjacent major roadways. All lighting used to illuminate the area shall be installed and confined within, and directed onto the premises of the outdoor theater site. Landscaping shall be provided to screen automobile headlights off-site.
- d. A Traffic Impact Study shall be provided in accordance with Section 329.

**30. Radio, Television, Microwave, and Cellular Phone Towers**

- a. Height: Towers for radio, television, cellular phones and other transmitting and relay antenna towers shall be located so any setback equals the setback from any residential district. The setback from all other districts shall be at least one-half (2) the height of the tower, provided the applicant provides engineering information the tower is self collapsing. The setback area shall remain clear of any building or structure except an accessory utility building.
- b. Lighting: The City Council shall approve any lighting on the tower.
- c. No signs or logo shall be permitted on the tower.
- d. The City Council may require a security fence to prevent access to the tower.

**31. Recreation: Commercial Outdoor Recreation Establishments (excluding golf related uses)**

- a. Such uses shall include, but are not limited to, the following: recreational fields, rinks or courts, including football, softball, soccer, tennis, basketball, ice skating, and similar activities, swimming pools open to the general public or operated by a private non-profit organization, archery and shooting ranges, commercial riding stables, animal racing, go-cart, automobile or motorcycle tracks, music concert pavilions and bandshells, amusement parks and uses accessory to the above uses, such as refreshment stands, retail shops selling items related to the above uses, maintenance

buildings, office for management functions, spectator seating and service areas, including locker rooms and rest rooms.

- b. The site shall be adequate to accommodate the intended use(s), parking and adequate buffer areas without significant impact on nearby properties in terms of noise, traffic, lighting glare, views, odors, trespassing, dust or blowing debris, as determined by the City Council. The applicant shall provide documentation that the site area is adequate using national facility standards.
- c. The site shall be located on a paved street which is classified as a Regional Arterial or arterial in the City Master Plan.
- d. No building or spectator seating facility shall be located within one hundred (100) feet of a property line.
- e. The site shall be periodically cleared of debris.

**32. Recreation: Golf courses, Country Clubs, Par Three Golf Courses as principal use**

- a. The site shall have access directly onto a Regional Arterial or Arterial road, as defined in the City Master Plan.
- b. The site plan shall be designed to achieve a relationship between the arterial and any proposed service roads, entrances, driveways and parking areas which will contribute pedestrian and vehicular traffic safety.
- c. Development features including the principal buildings, accessory structures and fairways, shall be designed and arranged to minimize any adverse effects upon adjacent property. All principal or accessory buildings shall be not less than two hundred (200) feet from any public street right-of-way or property line abutting residentially zoned lands; provided the City Council may modify this requirement where topographic conditions, existing vegetation or new landscaping will screen views. In no case shall the setback be less than seventy five (75) feet.
- d. Operational hours for maintenance vehicles, course maintenance and/or irrigation may be restricted by the City Council to protect nearby residential districts. Maintenance sheds shall not be visible from any adjacent single family residential areas.
- e. Any swimming pool shall meet the standards of Section 313 and comply with all applicable building codes and City Ordinances.

**33. Recreation: Golf Driving Ranges, Miniature Golf Courses**

- a. All traffic ingress and egress shall be from Regional Arterial or Arterial as classified in the City Master Plan.
- b. Parking lots shall be set back at least thirty (30) feet from the street right-of-way and one hundred (100) feet from any property line abutting a residential district.
- c. Any lot line abutting a residential district shall provide a fifty (50) foot wide, landscaped buffer strip with landscaping meeting the standards of Article XXIII.
- d. No building shall be constructed or located closer than two hundred (200) feet from the property line of any abutting residential lot.
- e. The site plan shall illustrate expected trajectory or ball dispersion patterns along fairways and for driving ranges where adjacent to residential uses, buildings, parking lots or public streets.
- f. Site size shall be sufficient to retain errant balls within the site by means of landscaping, berms or a six (6) foot high fence. Netting shall be prohibited unless the City Council determines the netting would be compatible with surrounding uses.

- g. The City Council may restrict lighting and hours of operation for a driving range in consideration of surrounding land uses and zoning.
- h. Tee areas for a driving range shall be clearly distinguished by elevating the stations six (6) inches to one and one half (1-1/2) feet above the ground, or through use of short walls or alternate distinction to separate tee stations.

**34. Recreation: Indoor commercial recreation such as bowling alleys, indoor golf, ice arenas, skating rinks, etc.)**

- a. The principal and accessory buildings and structures shall not be located within one hundred (100) feet of any residential district or permitted use.
- b. All uses shall be conducted completely within a fully enclosed building.
- c. The buildings shall be sound-proofed.
- d. A minimum eight (8) foot high, twenty (20) foot wide berm landscaped with evergreen trees to create a totally obscuring screen shall be provided.

**35. Recreation: Private, non-commercial institutional or community recreation facilities, and swimming pool clubs.**

- a. The proposed site shall have at least one (1) property line abutting a Regional Arterial or Arterial roadway as classified in the City Master Plan, and the site shall be so planned as to provide all ingress and egress directly onto or from said road.
- b. Front, side and rear yards shall be at least eighty (80) feet wide, and shall be landscaped in trees, shrubs, and grass. All such landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted in these yards, except required entrance drives and those walls used to obscure the use from abutting residential districts.
- c. Off-street parking shall be provided so as to accommodate not less than one half of the member families and/or individual members. The City Council may modify the off-street parking requirements in those instances wherein it is determined that the users will be pedestrian and originate from the immediately adjacent areas. Prior to the issuance of a building permit or zoning compliance permit, by-laws of the organization shall be provided in order to establish the membership involved for computing the off-street parking requirements. In those cases wherein the proposed use or organization does not have by-laws or formal membership, the off-street parking requirements shall be determined by the City Council on the basis of usage.
- d. Swimming pools shall meet the applicable standards of Section 313, all applicable building and health codes.

**36. Recycling Centers**

- a. Recycling stations shall be only for the collection of recyclable materials for hauling to another site for processing. A one (1) or two (2) yard dumpster may be provided for non-recyclable waste, such as twine, lids, etc.
- b. Paved loading and stacking spaces shall be provided for at least three (3) automobiles.
- c. All storage of recycled materials shall be within appropriate containers, with access through doors on the sides of the container.
- d. The City Council may require a totally obscuring fence or wall around the perimeter of the recycling center.
- e. The hours of operation and materials accepted shall be clearly posted.

- f. Front, side and rear yards shall be at least eighty (80) feet wide, and shall be landscaped in trees, shrubs, and grass. All such landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted in these yards, except required entrance drives and those walls used to obscure the use from abutting residential districts.

**37. Restaurants and other establishments with drive-in or drive-through facilities**

- a. Principal and accessory buildings shall be setback at least seventy-five (75) feet from any adjacent public right-of-way line or property line. Location shall be along a Regional Arterial or Arterial, as classified in the City Master Plan.
- b. Only one (1) access shall be provided onto any Regional Arterial or Arterial. Access points shall be located at least sixty (60) feet from the intersection of any two streets.
- c. Such restaurants constructed adjacent to other commercial developments shall have a direct vehicular access connection where possible.
- d. A six (6) foot high wall which creates a completely obscuring effect shall be provided when abutting or adjacent districts are zoned residential, OS-1 or B-1.
- e. Applicant shall provide a traffic impact assessment including projected traffic generation according to Section 329.
- f. The establishment of a new drive-through restaurant shall require the lot be separated a minimum of two hundred fifty (250) feet from any other lot containing a drive-through restaurant. (amended 2/24/10)

**38. Schools: Public, parochial and private intermediate and/or secondary schools** offering courses in general education.

All vehicular access to the site shall be onto a Regional Arterial, Arterial or Collector road, as classified in the City Master Plan. The City Council may allow secondary access onto local (residential) streets if the uses fronting the street which would be most impacted by traffic flow are predominantly non-single family homes.

**39. Shopping centers**

Shopping centers of over 30,000 square feet or gross floor area in the Community Business District and over 60,000 square feet in the General Business District shall meet the standards below. For purposes of calculation, the principal building and all outbuildings including those on outlots, shall be including in calculating the gross floor area threshold for this section.

- a. A Traffic Impact Study shall be submitted (refer to Section 329).
- b. The principal building with front parking shall be setback two hundred-fifty (250) feet from any public right-of-way or property line.
- c. Such shopping centers shall have access to at least one (1) Arterial when in a Community Business District; access to at least one (1) Regional Arterial when located within a General Commercial District.
- d. The design of regional shopping centers shall ensure that vehicular circulation patterns are designed and regulated to reduce conflicts between vehicles and pedestrians on-site, and the impacts of traffic generated by the center on adjacent streets.
- e. Internal circulation shall be designed such that no intersection includes more than four (4) aisles or drives.
- f. Site entrances shall be restricted to three-way movements, with unrestricted inbound movements.



- g. Internal drives defined by the ends of aisles shall have raised curbed islands at appropriate locations to define circulation paths and control movements through the parking lot.
- h. Loading facilities which serve the commercial establishment in the principal building shall be screened from public view.
- i. Any building side facing a public street or residential district shall be constructed with brick, fluted block or similar decorative material.
- j. Any outlots shall have circulation and parking designed to complement the entire site.

**40. Theaters (indoor), cinemas, concert halls and play houses**

- a. Access shall be from a Regional Arterial or Arterial roads.
- b. A traffic impact study shall be submitted according to Section 329.
- c. Wrought iron fencing may be placed along the frontage to direct pedestrians to safe crossing points, if the City Council determines the need.
- d. The subject site shall be located with access to an existing traffic signal, or placed such that installing a traffic signal will not significantly impact through traffic flow.
- e. The principal building and parking lot shall be setback at least fifty (50) feet from any adjacent residential district. This setback shall be landscaped with at least the amount of plant materials specified in Article XXIII.

**41. Urgent medical care centers**

- a. Access shall be from a Regional Arterial or Arterial.
- b. Building entrances shall not be visible to residences or schools.

**42. Veterinary Clinics**

- a. The use shall be operated by a licensed or registered veterinarian.
- b. The principal and all accessory buildings or structures used for the treatment or holding of animals shall be setback at least two hundred (200) feet from abutting residential districts, churches or restaurants on the same side of the street; fifty (50) feet from the front property line and fifty (50) feet from all other property lines.
- c. All principal use activities shall be conducted within a totally enclosed principal building; no outdoor pet enclosures or runs are permitted.
- d. Any indoor boarding shall be limited to that incidental to treatment or surgery.
- e. Any veterinary clinic building or structure which is used for the treatment or holding of animals which is adjacent to a residential district shall have the following construction features:
  - 1) walls are soundproofed to all a maximum transmission of 65 dB measured at any point on the outside of the exterior wall,
  - 2) doors must be solid core,
  - 3) ventilation must be force air.
- f. Outdoor exercising is allowed when the pet is accompanied by a employee provided no animals shall be permitted outside of the buildings between 8:00 p.m. and 7:00 a.m.

- g. A caretakers quarters may be permitted.

## ARTICLE XXII

### PARKING AND LOADING

#### SECTION 2200 OFF-STREET PARKING REQUIREMENTS

The purpose of this section is to provide in all districts at the time of erection or enlargement of any main building or structure, automobile off-street parking space with adequate access to all spaces. Off-street parking spaces, in conjunction with all land or building uses, shall be provided, prior to the issuance of a certificate of occupancy, as hereinafter prescribed:

- a. Off-street parking spaces may be located within a nonrequired side or rear yard and within the rear yard setback unless otherwise provided in this Ordinance. Off-street parking shall not be permitted within a front yard or a side yard setback unless otherwise provided in this Ordinance.
- b. Off-street parking for other than residential use shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership shall be shown of all lots or parcels intended for use as parking by the Applicant.
- c. Required residential off-street parking spaces shall consist of a parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve, and subject to the provisions for accessory uses, buildings and structures (Sections 312-317).
- d. Any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities are provided elsewhere.
- e. Off-street parking existing at the effective date of this Ordinance, in connection with the operation of an existing building or use, shall not be reduced to an amount less than hereinafter required for a similar new building or new use.
- f. Two (2) or more buildings or uses may collectively provide the required off-street parking; in which case, the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.

Two (2) or more buildings or uses may collectively provide the required off-street parking, in which case the required number of parking spaces for the uses calculated individually may be reduced if a signed agreement is provided by the property owners, and the Planning Commission determines that the peak usage will occur at significantly different periods of the day and/or there is potential for a parker to visit two (2) or more uses.

- g. Where two or more uses are present on the premises, parking requirement shall be calculated for each use, unless specifically provided otherwise herein.
- h. The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited.
- i. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which the Planning Commission considers similar in type.

For uses not specifically listed in Section 2201, the requirements for off-street parking facilities shall be in accordance with a similar use or based on documentation regarding the specific parking needs for the particular use, as determined by the Planning Commission.

- j. When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half (1/2) shall be disregarded and fractions over one-half (1/2) shall require one (1) parking space.

- k. During construction, off-street parking shall be provided on site for all construction vehicles and employees.
- l. Carports and garages or multiple-family dwellings shall be calculated as parking spaces on a one to one basis. Carports and garages in multiple-family dwelling developments shall have a maximum height of fourteen (14) feet, measured from the grade to the peak of the structure. Carports shall be enclosed or obscured at least twenty-five percent (25%) along all sides visible from public streets, residential districts or vehicular drives within the site.

**SECTION 2201 PARKING UNITS OF MEASUREMENT**

**a. Floor Area:**

- 1. Where floor area is the unit for determining the required number of off-street parking and loading spaces, said unit shall mean the gross floor area (GFA), unless otherwise noted.
- 2. Where the floor area measurement is specified as gross leasable floor area (GLA), parking requirements shall apply to all internal building areas excluding the floor area used for incidental service, storage, mechanical equipment rooms, heating/cooling systems and similar uses, and other areas not intended for use by the general public. Where these areas are not yet defined, leasable floor area shall be considered to be eight-five percent (85%) of the gross floor area, unless a higher percentage is applicable, as determined by the City Building and Zoning Administrator.
- 3. In calculating bench seating for places of assembly, each twenty-four (24) inches of benches, pews or other such seating, shall be counted as one seat.
- 4. Where the number of spaces required is based on the number of employees, calculations shall be based upon the maximum number of employees likely to be on the premises during the peak shift.
- 5. When units of measurements determining the number of required parking or loading spaces results in a fractional space, any fraction shall be counted as one (1) additional space.

**b. The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:**

<u>USE</u>	<u>NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE</u>
<u>Residential</u>	
1. Single- and two-family dwellings	2.0 spaces per dwelling unit
2. Multiple-family dwellings	1.5 spaces per each efficiency or one bedroom dwelling unit 2.0 spaces per each two bedroom unit and 3.0 spaces for each three or four bedroom unit

<u>USE</u>	<u>NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE</u>
3. Senior independent units	1.5 spaces per unit
Senior "interim care" and "intermediate care" units retirement villages, etc.	1.0 space per each room or two beds, whichever is less, plus 1.0 space per each employee expected during the peak shift
Convalescent homes, nursing home units, sanitariums, rest homes, etc.	1.0 space per each three beds or two rooms, whichever is less, up to 120 beds; plus 3.0 spaces per each additional eight beds over 120 beds
4. Manufactured homes in a mobile home park	2.0 spaces per each manufactured/mobile home unit or site
<u>Institutional</u>	
1. Churches, places of worship	1.0 spaces per each three seats or six feet of pews
2. Hospitals, including emergency rooms but excluding areas devoted to outpatient care	2.5 spaces per each licensed bed; or 1.0 space per each two licensed beds, plus 1.0 space per each staff doctor and employee during peak shifts, whichever is greater (requirements for outpatient care listed separately)
3. Primary schools (elementary and junior high schools)	10.0 space per each instructor, plus 1.0 space per each employee and administrator, plus spaces required for any assembly hall, auditorium and/or outdoor arena
4. Secondary (high) schools, commercial schools, colleges required for any assembly hall, auditorium, or outdoor arena	1.0 per each instructor, plus 1.0 per each employee and administrator, plus 5.0 spaces per each classroom, plus parking
5. Dance and union halls, fraternal orders, civic clubs, banquet rooms, and similar uses or facilities	1.0 space per every two persons of capacity authorized by the City Building Code (amended 2/14/96)
7. Golf course driving range	1.0 space per two tees
Golf course, par three	3.0 spaces per each course hole
8. Golf Course Open to the General Public, or Country Club, Except Miniature or "Par-3" Courses	Six (6) spaces for each one (1) golf hole and one (1) for each one (1) employee, plus spaces required for each accessory use such as a restaurant or bar or banquet rooms
9. Fraternity or Sorority	One (1) for each five (5) permitted active members, or one (1) for each two (2) beds, whichever is greater
10. Auditoriums, assembly halls and outdoor arenas	1.0 space per each three seats or six feet of bleachers
11. Theaters and Auditoriums	One (1) for each three (3) seats plus one (1) for each two (2) employees

<u>USE</u>	<u>NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE</u>
12. Child care centers	2.0 spaces plus 1.0 additional space per each eight children of licensed authorized capacity (amended 2/14/96)
13. Public Libraries	One (1) for each three hundred fifty (350) square feet of usable floor space
14. Public Recreation Centers	5.0 spaces per 1000 square feet or gross floor area
<u>Business and Commercial</u> (amended 8/19/2008)	
1. Planned Commercial or Shopping Center or enclosed malls	1.0 space per 250 sq. ft. of gross leasable floor area
2. Automobile Wash (Automatic) *	2.0 spaces, plus 1.0 space per each employee on peak shift
3. Auto Wash (Self-Service or Coin Operated) *	5.0 spaces per each washing stall in addition to the stall itself
4. Barber Shop/Beauty Salon	2.5 spaces per each barber or beautician's chair/station
5. Bowling Centers	5.0 spaces per lane plus 25% of the required parking for any lounge
6. Ice/Roller Skating Rink	6.0 spaces per 1,000 sq.ft. GFA
7. Restaurant - sit-down type without liquor license	1.0 space per 1,00 sq.ft. gross leasable floor area
Restaurant/bar/nightclub with liquor license	15 spaces per 1,000 sq.ft. gross leasable floor area
Restaurant with drive-through	1.0 space per 50 sq. ft. gross leasable floor area
Restaurant - take out with less than six tables and/or booths	6.0 spaces plus 1.0 space for each employee on peak shift
8. Showroom of a plumber, decorator or similar trade	1.0 space per 800 sq.ft. gross leasable floor area
Appliance Store	1.0 spaces per 250 sq.ft. gross leasable floor area
9. Convenience Store, with or without gasoline service *	1.0 space per 250 sq.ft. gross leasable floor area, plus spaces required for an auto service station activities or gasoline sales.
Equipment Repair	1.0 space per 800 sq.ft. gross leasable floor area
10. Laundromat	1.0 space per each two washing machines
11. Funeral Homes	1.0 space per 50 sq.ft. of service parlors, chapels and reception area, plus 1.0 space per each funeral vehicle stored on the premises.

<u>USE</u>	<u>NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE</u>
12. Motel/Hotel with Lounge, Restaurant, Conference or Banquet Rooms or Exhibit	1.0 space per guest room plus 10.0 spaces per 1,000 sq.ft. of lounge, restaurant, conference or banquet rooms or exhibit space
Motel with Restaurant/Lounge	1.0 space per guest room, plus 12.0 spaces per 1,000 sq.ft. of restaurant/lounge space
Motel without Restaurant/Lounge; Bed and Breakfast Inn	1.0 spaces per guest room, plus 2.0 spaces for employees
13. Automobile Sales	1.0 space per 200 sq.ft. gross leasable floor area, plus 3.0 spaces per each auto service bay
Auto Service Station and Auto Care Centers without Convenience Goods	2.0 spaces per each service bay, plus 1.0 space per employee, plus 1.0 space per each tow truck, plus 1.0 space for each 500 square feet devoted to sales of automotive goods
14. Other general retail uses not specified *	1.0 space per 250 sq.ft. gross leasable floor area
15. Health Fitness Centers without Swimming Pool	1.0 space per 200 sq.ft. gross leasable floor area
Swimming Pool	1.0 space per each three persons of capacity authorized by the City Building Code (amended 2/14/96)
Racquetball/Tennis Centers	1.0 space per 1,000 sq.ft. gross floor area or 6.0 spaces per court, whichever is greater

\* See Section 2202 for required stacking spaces

Offices (amended 8/19/2008)

1. Branch Bank, Credit Union or Savings and Loans *	1.0 spaces per 200 sq.ft. gross floor area plus 2.0 spaces per each 24-hour teller
2. General Office Building	3.0 spaces per 1,000 sq.ft. gross floor area
3. Medical/Dental Clinic/Office	6.0 spaces per 1,000 sq.ft. gross floor area

\* See Section 2202 for required stacking spaces

<u>USE</u>	<u>NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE</u>
<u>Industrial</u>	
1. Light Industrial, Manufacturing, Testing Labs, Research and Development Centers	1.5 spaces per 1,000 sq.ft. gross floor area, or 1.2 spaces per employee at peak shift, whichever is greater; plus 1.0 space for each corporate vehicle
2. Warehousing	1.0 space per each 1500 sq.ft. gross floor area, or 1.0 space per employee at peak shift, whichever is greater; plus 1.0 space for each corporate vehicle (separate standard provided for mini-storage)

**SECTION 2202 STACKING SPACE REQUIREMENTS**

- a. Separate, outdoor, stacking spaces which will not conflict with traffic accessing the use, and each twenty-five (25) feet in length, shall be provided for the following uses:
- |   |                            |
|---|----------------------------|
| (1) Automobile repair station           | = 1 space per bay          |
| (2) Automobile service station          | = 2 spaces per pump island |
| (3) Convenience store drive through     | = 2 spaces                 |
| (4) Drive-through financial institution | = 4 spaces per window      |
| (5) Drive-through food service          | = 10 spaces                |
| (6) Dry cleaning drop-off station       | = 2 spaces                 |
| (7) Fully automatic car wash            | = 10 spaces per bay        |
| (8) Self serve car wash                 | = 2 spaces per bay         |
| (9) Semi-automatic car wash             | = 10 spaces per bay        |
- b. Stacking spaces which block access to parking spaces shall not be included in calculating the required number of spaces.

**SECTION 2203 BARRIER FREE PARKING REQUIREMENTS**

Handicapped parking space(s) shall be located as close as possible to elevators, ramps, walkways, and entrances so that the physically handicapped are not compelled to wheel or walk behind parked cars to reach them. Access from the parking lot to the principal use and all accessory uses shall be by means of ramping consisting of asphalt and/or concrete material constructed to the engineering specifications and standards of the City.

On each site proposed for use, additions, and/or redevelopment, for which the Zoning Ordinance requires submission of a site plan, designated handicapped parking spaces shall be provided in accordance with the following table. The number of barrier free spaces may be increased if needed to comply with the Michigan Department of Labor, Construction Code Commission, Barrier Free Design Division, or the Americans with Disabilities Act or for which the Planning Commission determines may have a higher demand for such spaces. Such space(s) shall be a minimum of twelve (12) feet wide and twenty (20) feet in depth, clearly depicted upon the site plan, and clearly indicated by a sign and/or pavement markings. A fifteen (15) foot wide space for vans may also be required. Also refer to the adopted Building Code for additional information relating to accessibility standards for barrier free parking. (amended 2/14/96)



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<u>Total Spaces</u>	<u># Required</u>	<u>Total Spaces</u>	<u># Required</u>
1-25	1	151-200	6
26-50	2	201-300	8
51-75	3	301-400	12
76-100	4	Over 400	12 plus 2 for every 250 or fraction thereof over 400
101-150	5		

- b. Where a curb exists between a parking lot surface and a sidewalk entrance, an inclined approach or curb cut with a gradient of not more than a 1:12 slope and width of a minimum four (4) feet shall be provided for wheelchair access.

**SECTION 2204 OFF STREET PARKING SPACE LAYOUT, STANDARDS, CONSTRUCTION AND MAINTENANCE**

Whenever the off-street parking requirements above require the building of an off-street parking facility, or where P-1 Vehicular Parking Districts are provided, such off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations:

- a. No parking lot shall be constructed until a permit is issued by the Building and Zoning Administrator. Applications for a permit shall be submitted in a form specified by the Building and Zoning Administrator. Applications shall be accompanied with two (2) sets of site plans for the development and construction of the parking lot showing that the provisions of this Section will be fully complied with.
- b. Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements:

<u>Parking Pattern</u>	<u>Maneuvering Lane Width</u>	<u>Parking Space Width</u>	<u>Parking Space Length</u>
0°(Parallel Parking)	12 ft.	8 ft.	23 ft.
30° to 53°	12 ft.	8 ft. 6 in.	20 ft.
54° to 74°	15 ft.	8 ft. 6 in.	20 ft.
75° to 90°	24 ft.	9 ft.	18 ft.

Note: The vehicle overhang of the curb may be credited as two (2) feet if abutting landscaping or a sidewalk at least seven (7) feet wide. (amended 2/14/96)

- c. All spaces shall be provided adequate access by means of maneuvering lanes.  
  
Parking lots shall be designed to prevent vehicles from backing into the street or requiring use of the street for maneuvering between parking rows.
- d. Adequate ingress and egress to the parking lot by means of clearly defined drives shall be provided for all vehicles. Adequate ingress and egress to the parking facility shall be provided by clearly defined driveways. All driveways and parking lots shall have a concrete or asphalt surface and adequate concrete curbing in accordance with specifications of the City of Grand Blanc. The parking area shall be surfaced within one (1) year of the date the occupancy permit is issued. (amended 2/14/96)

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- Ingress and egress to a parking lot lying in an area zoned for other than single-family residential use shall not be across land zoned for single-family residential use.
- e. All maneuvering lane widths shall permit one-way traffic movement, except that the 90° pattern may permit two-way movement.
  - f. Each entrance and exit to and from any off-street parking lot located in an area zoned for other than single-family residential use shall be at least twenty-five (25) feet distant from adjacent property located in any Single-Family Residential District.
  - g. See Article XXIII for required parking lot screening walls and internal landscaping.
  - h. Off-street parking areas shall be drained to prevent surface flow into adjacent property or toward buildings.
  - i. All lighting used to illuminate any off-street parking area shall be installed to be shielded within and directed onto the parking area only. All parking lot or display lighting shall be designed, located and/or shielded to prevent spillover onto adjacent properties, and shall be arranged to prohibit adverse affect on motorist visibility on adjacent public roadways. (See Section 323, Exterior Lighting.)
  - j. Curbing shall be provided where parking spaces abut landscaping, lot lines, sidewalks or required setback areas. (amended 2/14/96)

**SECTION 2205 OFF-STREET LOADING AND UNLOADING**

On premise space for standing, loading and unloading vehicles shall be provided for each use involving the receipt or distribution of goods.

- a. All spaces shall be provided as required in Article XX, Schedule of Regulations.
- b. Loading docks and loading areas facing a residential district shall be adequately screened by a wall and/or landscaping as described in Article XXIII, Landscape Standards.
- c. All required loading and unloading spaces shall be laid out in the dimension of at least ten by fifty (10 x 50) feet, or five hundred (500) square feet in area, with a clearance of at least fourteen (14) feet in height. Loading dock approaches shall be provided with a pavement having an asphalt or Portland cement binder so as to provide a permanent, durable and dustless surface:
- d. All loading and unloading in an "I" District shall be provided off-street in the rear yard or interior side yard, and shall in no instance be permitted in a front yard. In those instances where exterior side yards have a common relationship with an industrial district across a public thoroughfare, loading and unloading may take place in said exterior side yard when the setback is equal to at least fifty (50) feet. Required loading areas shall not be included in calculations for off-street parking space requirements.
- e. The minimum number of loading spaces provided shall be in accordance with the following table:

Institutional, Commercial and Office Uses

Up to 5,000 sq. ft. GFA	=	1.0 space
5,001 - 60,000 sq. ft. GFA	=	1.0 space, plus 1.0 space per each 20,000 sq. ft GFA
60,001 sq. ft. GFA and over	=	3.0 spaces, plus 1.0 space per each additional 50,000 sq. ft. GFA

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**Industrial Uses**

up to 1,400 sq. ft. GFA	=	0
1,401 - 20,000 sq. ft. GFA	=	1.0 space
20,001 - 100,000 sq. ft. GFA	=	1.0 space, plus 1.0 space per each 20,000 sq. ft. GFA in excess of 20,000 sq. ft.
100,001 sq. ft. GFA and over	=	5.0 spaces

**SECTION 2206 RESTRICTIONS OF THE USE OF PARKING LOTS**

- a. Parking and/or storage of recreational vehicles or recreational equipment shall meet the standards listed in the General Provisions (Section 308).
- b. Parking or outdoor storage of commercial vehicles greater than one (1) ton, semi-trucks and trailers, mobile homes, tractors, earthmoving equipment, and similar vehicles shall be prohibited from residential districts unless associated with approved construction on the site.
- c. Parking of commercial vehicles over one (1) ton for a period exceeding 24 hours shall be prohibited in the Neighborhood Business and Office Districts, and prohibited in the front yard in the Community and General Business Districts.
- d. The parking of vehicles advertised for sale on land not leased or owned by the owner of the vehicle for over 24 hours shall be restricted to permitted automobile sales establishments.

## ARTICLE XXIII

### LANDSCAPING STANDARDS

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#### SECTION 2300 INTENT

The intent of this Article is to establish minimum standards for the design, installation and maintenance of landscaping along public streets, as buffer areas between uses, on the interior of a site, within parking lots and adjacent to buildings. Landscaping is viewed as a critical element contributing to the aesthetics, development quality, stability of property values and the overall character in the City. The standards of this Article area also intended to provide incentives to preserve quality mature trees, screen headlights to reduce glare, integrate various elements of a site, help ensure compatibility between land uses, assist in directing safe and efficient traffic flow at driveways and within parking lots, and minimize negative impacts of stormwater runoff and salt spray.

The landscape standards of this section are considered the minimum necessary to achieve the intent. In several instances, the standards are intentionally flexible to encourage flexibility and creative design. Applicants are encouraged to provide additional landscaping to improve the function, appearance and value of their property.

#### SECTION 2301 REQUIREMENTS AND TIMING OF LANDSCAPING

Landscaping shall be illustrated on any site plan, sketch plan or plot plan reviewed by the City. The landscape plan shall clearly describe the location, type, size and spacing of all plant materials. Wherever the Zoning Ordinance requires landscaping or plant materials, it shall be planted within six (6) months from the date of issuance of a certificate of occupancy and shall thereafter be reasonably maintained with permanent plant materials which may be supplemented with other plantings. The Building and Zoning Administrator may require a performance guarantee to cover the cost of landscaping prior to issuing a Certificate of Occupancy,

#### SECTION 2302 SPECIAL PROVISIONS FOR EXISTING SITES

Special provision is made for applying these standards to developed sites which existed prior to the City adopting landscaping requirements. Therefore, when an existing site is undergoing improvement, a change in use or expansion, the objective of these standards is to gradually bring the existing site into compliance with the minimum standards of this Article in relation to the extent of expansion or change on a site.

When reviewing plans for a change in use or expansion which requires site plan or sketch plan review, the Building and Zoning Administrator or body reviewing the plan shall require an upgrade in landscaping, using the following as guidelines:

- a. Each building expansion of one percent (1%) of gross floor area should include at least four percent (4%) of the landscaping required for new developments.
- b. The estimated cost of landscaping added should generally be equal to at least 5% of the estimated value of the new construction.
- c. Landscaping along the street and as a buffer between adjacent land uses should take priority over parking lot and site landscaping, particularly where there is no excess parking over that required by Article XXII. Where parking lot landscaping can not be provided, additional landscaping along the street or in the buffer areas should be considered.

**SECTION 2303 REQUIRED LANDSCAPING ALONG PUBLIC STREETS**

One of the following street landscaping options is required on land abutting City street rights-of-way or where otherwise referenced.

a. **Greenbelt:** A greenbelt meeting the following standards:

1. Minimum width of ten (10) feet; all required landscaping shall be within the required setback. (amended 2/14/96)
2. At least one (1) deciduous tree (minimum 2.5 inch caliper) and two (2) minimum eighteen inch (18") high shrubs per each thirty (30) lineal feet of street frontage. Location of the trees and shrubbery along the length of the greenbelt is discretionary (refer to Section 2308). The body or individual with authority to approve the plan may approve evergreens at least five foot (5') high as a substitute for some of all or the canopy trees.
3. The greenbelt area shall contain grass, ground cover, six-inch (6") deep wood chips, or six-inch (6") deep crushed stone and curbed or edged as necessary. Black edging shall be used for any planting beds.
4. Where headlights from parked vehicles will shine into the roadway, the City may require use of a totally obscuring hedge.

b. **Berms:** A combination of a raised earth berm and plantings meeting the following standards:

1. Minimum height of two (2) feet with a crest at least three (3) feet in width. The height of the berm may meander if the intent of this Article is met.
2. The exterior face of the berm shall be constructed as an earthen slope, with a slope not to exceed one (1) foot of vertical rise to three (3) feet of horizontal distance (1:3). The interior face of the berm may be constructed as an earthen slope or retained by means of a wall, terrace or other means acceptable to the Building and Zoning Administrator.
3. At least one (1) deciduous tree (minimum 2.5 inch caliper) shall be provided for each thirty (30) lineal street berm length.
4. At least one (1) minimum eighteen inch (18") high shrub shall be provided for each one hundred (100) square feet of berm surface area (calculated from a plan view).
5. Berm slopes shall be protected from erosion by sodding or seeding. If slopes are seeded, they shall be protected, until the seed germinates and a permanent lawn is established by a straw mulch, hydromulching or netting specifically designed to control erosion.
6. The base of any signs placed within the berm shall be at, or below, the average grade along the berm.

c. **Buffer Strip:** A buffer strip may be required, particularly where the uses across the street are less intense than the use of the subject site. The intent of the buffer strip is to have a minimum five (5) foot high obscuring area. A buffer strip shall meet the following requirements:

1. Minimum width of ten (10) feet.
2. All trees shall be evergreens a minimum five (5) feet high at planting.
3. The buffer planting area shall contain grass, ground cover, six-inch (6") deep wood chips, or six-inch (6") deep crushed stone and curbed or edged as necessary.

4. The following species and planting spacings are recommended:

<b><u>COMMON NAME</u></b>	<b><u>SCIENTIFIC NAME</u></b>	<b><u>(FT. ON CENTER)</u></b>
"Burki" Red Cedar	Juniperus in Virginia "B"	5
Stone Pine	Pinus Cembra	10
Mugo Pine	Pinus Mugo	5
American Arborvitea	Thuja Occidentalis	5
Canadian Hemlock	Tsuga Occidentalis	12
Serbian Spruce	Picea Omoriac	10
Irish Juniper	Juniperus Communis	3
White Fir	Abies Concolor	8
Japanese Cryptomeria	Cryptomeria Japonica	8
White Pine	Pinus Strobus	10
Ketleeri Juniper	Juniperus Chinensis "Ketleeri"	5

**SECTION 2304 INTERIOR LANDSCAPING**

For every new development, except in the R-1 to R-3 Single Family Districts, the R-T Two Family Residential District and the MH - Mobile Home Park District, there shall be interior landscaping areas exclusive of any other required landscaping consisting of at least five percent (5%) of the total lot area. This landscaped area should be grouped near building entrances, along building foundations, along pedestrian walkways, and along service areas. All interior landscaping shall conform to the following:

- a. One (1) deciduous (minimum 2.5 inch caliper) or ornamental tree (minimum 2.0 inch caliper) or evergreen tree (minimum 5 foot height) shall be provided for every four hundred (400) square feet of required interior landscaping area.
- b. One (1) eighteen inch (18") high shrub shall be provided for every two hundred fifty (250) square feet of required interior landscaping area.
- c. The interior landscaping area shall contain grass, ground cover, six-inch (6") deep wood chips, or six-inch (6") deep crushed stone and shall be curbed or edged as necessary. Black edging shall be used for any planting beds.

**SECTION 2305 PARKING LOT LANDSCAPING**

Within every parking area containing ten (10) or more spaces, at least three percent (3%) of the total parking lot area shall be landscaped, in addition to any other landscaping requirements. This landscaping shall meet the following standards:

- a. Deciduous trees (2.5 inch minimum caliper) and ornamental trees (minimum 2.0 inch caliper if tree form, six foot minimum height if clump form) shall be used with at least one hundred (100) square feet of planting area per tree. The area per tree may be reduced to seventy-five (75) square feet if the landscaped area is irrigated.
- b. Landscaping shall be dispersed throughout the parking lot in order to break up large expanses of pavement and help direct smooth traffic flow within the lot.
- c. Landscaping shall be installed such that, when mature, it does not obscure traffic signs or lighting, obstruct access to fire hydrants nor interfere with adequate motorist sight distance.
- d. All islands shall be curbed. Dimensions of islands shall be shown on the site plan. Minimum island width shall be ten (10) feet; minimum radii shall be ten (10) feet at ends facing main aisles and a

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minimum one (1) foot for radii not adjacent to main circulation aisles. The length of the islands shall be two (2) feet shorter than adjacent parking space to improve maneuvering.

**SECTION 2306 WASTE RECEPTACLE AND MECHANICAL EQUIPMENT SCREENING**

Waste receptacles shall be located and screened in accordance with the standards of Section 314, waste receptacles. Ground mounted mechanical equipment shall be screened with plant materials or a wall, when deemed necessary by the Planning Commission.

**SECTION 2307 PLANT MATERIALS AND MINIMUM SPACING**

All plant material shall be hardy to the area, free of disease and insects, and conform to the American Standard for Nursery Stock of the American Association of Nurserymen. The overall landscape plan shall not contain more than 33% of any one plant species. The use of trees native to the area and Southeast Michigan, and mixture of trees from the same species association, is encouraged.

a. Recommended Trees and Shrubs for Parking Areas

London Plane Tree	Snowdrift Crabapple
Sweetgum	Marshal Green Ash
Linden Tree	Hardy Rubber Tree
Junipers	Hibiscus
Hawthorns	Scotch Pine
Dwarf Callery Pear	

b. Recommended Trees and Shrubs for Greenbelt and Interior Landscape Areas

Amur Maple	Sweetgum	Goldenrain Tree
Hackberry	London Plane Tree	Scarlet Oak
Hawthorns	Pin Oak	European Linden
White Ash (seedless)	Russian Olive	Littlelf Linden
Honeylocust	Zelkova	Japanese Tree
Lilac Scotch Pine	Border Privet	Buckthorn
Henry St. Johnswort	Junipers	Gingko
Mugo Pine	Serbian Spruce	Bristly Locust
Mockorange	Evonymus	Eastern Ninebark
Beauty Bush	Smoke Tree	Cottoneaster
Snowdrift Crabapple	Hedge Maple	Dwarf Callery Pear
Hardy Rubber Tree	Bayberry	European Hornbean

c. Recommended Salt Resistant Trees and Shrubs

Pinus Nigra	Sweetgum	Tamarix
Russian Olive	Black Locust	Hibiscus
Adnorra Juniper	Honey Locust	

d. Recommended Trees and Shrubs for Shady Areas

Evonymus	Honey Locust	Arborviteas
Mabonia Aquifolium	Alpine Currant	Dogwoods
Amelanchier	Mountain Laurel	Viburnums
Crownvetch	Cottoneasters	

e. Trees not Permitted (except where they are considered appropriate for the ecosystem, such as in a wetland environment not in proximity to any existing or proposed buildings or structures)

1. Box Elder
2. Soft Maples (Red-Silver)
3. Elms
4. Poplars
5. Willows
6. Horse Chestnut (nut bearing)
7. Tree of Heaven
8. Catalpa

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- f. **Plant Material Spacing:** Plant materials shall not be placed closer than four (4) feet from the fence line or property line. Plant materials used together in informal groupings shall meet the following on-center spacing requirements:

PLANT MATERIAL TYPES	Evergreen	Narrow Evergreen Trees	Large Deciduous Trees	Small Deciduous Trees	Large Shrubs	Small Shrubs
Evergreen Trees	Min. 10' Max. 20'	Min. 12'	Min. 20'	Min. 12'	Min. 6'	Min. 5'
Narrow Evergreen Trees	Min. 12'	Min. 5' Max. 10'	Min. 15'	Min. 10'	Min. 5'	Min. 4'
Large Deciduous Trees	Min. 20'	Min. 15'	Min. 20' Max. 30'	Min. 15'	Min. 5'	Min. 3'
Small Deciduous Trees	Min. 12'	Min. 10'	Min. 15'	Min. 8' Max. 15'	Min. 6'	Min. 3'
Large Shrubs	Min. 6'	Min. 5'	Min. 5'	Min. 6'	Min. 4' Max. 6'	Min. 5'
Small Shrubs	Min. 5'	Min. 4'	Min. 3'	Min. 3'	Min. 5'	Min. 3' Max. 4'

**SECTION 2308 GENERAL LAYOUT AND DESIGN STANDARDS**

- a. Landscaped areas and plant materials required by this Ordinance shall be kept free from refuse and debris. Plant materials, including lawn, shall be maintained in a healthy growing condition, neat and orderly in appearance. If any plant material required by this Ordinance dies or becomes diseased, they shall be replaced within thirty (30) days of written notice from the Township or within an extended time period as specified in said notice.
- b. Tree stakes, guy wires and tree wrap are to be removed after one (1) year.
- c. All landscaped areas shall be provided with a readily available and acceptable water supply, or with at least one (1) outlet located within one hundred (100) feet of all planted material to be maintained.
- d. Landscaping materials and arrangement shall ensure adequate sight visibility for motorists, adequate clearance for pedestrians and vehicles, and accessibility to fire hydrants (see also Section 330, Clear Vision Zone).
- e. Cul-de-sacs, site entrances and boulevard medians shall be landscaped with species tolerant of roadside conditions in southeast Michigan.
- f. Landscape within the site shall be approved in consideration of sight distance, size of planting area, location of sidewalks, maintenance of adequate overhead clearance, accessibility to fire hydrants, visibility to approved signs of adjacent uses, compatibility with the visual character of the surrounding area, maintenance-performance guarantee, curbing around landscape areas.
- g. Plantings within fifteen (15) feet of a fire hydrant shall be no taller than six (6) inches at maturity.

**SECTION 2309 INCENTIVES TO PRESERVE EXISTING TREES**

The City encourages the preservation of quality and mature trees by providing credits toward the required trees for greenbelts, buffer strips, interior landscaping and within parking lots. Trees intended to be preserved shall be indicated with a special symbol on the site plan and be protected during construction through use of a fence around the drip line. To obtain credit the preserved trees shall be of a high quality



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and at least two and one half inches (2 ½") caliper. Trees to be preserved shall be counted for credit only if they are located on the developed portion of the site as determined by the review body or individual.

The credit for preserved trees shall be as follows. Any preserved trees receiving credit which are lost within two (2) years after construction shall be replaced by the land owner with trees otherwise required.

<u>Caliper of Preserved Tree (in inches)</u>	<u>Numbers of Trees Credited</u>
over 12 inches	3
8" - 11.9"	2
2.5" - 7.9"	1

Note: Caliper measurement for existing trees is the diameter at a height of four and one-half (4.5) feet above the natural grade. (Diameter at Breast Height, D.B.H.)

**SECTION 2310 WALLS AND BUFFER STRIPS BETWEEN LAND USES**

In those instances where the following conditions occur, the need for the wall or berm or similar type of landscaped buffer strip shall be determined by the Planning Commission, City Council or the Building and Zoning Administrator, as appropriate.

- a. For those Use Districts and uses listed below, there shall be provided and maintained on those sides abutting or adjacent to a residential district an obscuring wall as required below (except as otherwise required).

<u>Use</u>	<u>Requirements</u>
1. P-1 Vehicular Parking District	5 foot high wall
2. Off-street Parking area (other than P-1 Districts)	5 foot high wall
3. B-1, B-2, B-3 and OS-1 Districts	5 foot high wall
4. I-1, I-2 and R-P Districts - open storage areas, loading or unloading areas, service areas	5 foot to 8 foot high wall or fence plus buffer strip.
5. Auto Wash, Drive-in Restaurants	6 foot high wall
6. Hospital - ambulance and delivery areas	6 foot high wall
7. Utility buildings, stations and/or substations	6 foot high wall

- b. Required walls shall be located on the lot line except where underground utilities interfere and except in instances where this Ordinance requires conformance with front yard setback lines in abutting Residential Districts where there is an established wall height and material acceptable to the City, the wall shall be continued on the subject site.
- c. Such walls and screening barrier shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this Ordinance and except such openings as may be approved by the Zoning and Building Administrator. All walls herein required shall be constructed of materials

approved by the Building and Zoning Administrator to be durable, weather resistant, rustproof and easily maintained; and, wood or wood products shall be specifically excluded.

Masonry walls may be constructed with openings which do not in any square section (height and width) exceed twenty (20%) percent of the surface. Where walls are so pierced, the openings shall be so spaced as to maintain the obscuring character required, and shall not reduce the minimum height requirement. The arrangement of the openings shall be reviewed and approved by the Building and Zoning Administrator.

- d. The City may approve a three (3) to four (4) foot high heavily landscaped berm as an alternative to a wall upon finding the landscaped berm will provide a similar screening effect.

**SECTION 2311 WAIVER OR MODIFICATION OF STANDARDS FOR SPECIAL SITUATIONS**

The Planning Commission, City Council or Building and Zoning Administrator may determine existing landscaping or screening intended to be preserved, or a different landscape design, would provide all or part of the required landscaping and screening. In making such a determination to waive or reduce the landscape and screening requirements of this Article, the following may be considered.

- a. Extent that existing natural vegetation provides desired screening.
- b. There is a steep change in topography which would limit the benefits of required landscaping.
- c. The presence of existing wetlands.
- d. Existing and proposed building placement.
- e. The abutting or adjacent land is developed or planned by the City for a use other than residential.
- f. Building heights and views.
- g. The adjacent residential district is over 200 feet away from the subject site.
- h. Similar conditions to the above exist such that no good purpose would be served by providing the landscaping or screening required.

## ARTICLE XXIV

### ARTICLE XXIV SITE PLAN REVIEW AND APPROVAL

#### SECTION 2400 INTENT

The intent of this article is to establish the procedures and consistent standards for review and approval of site plans to ensure full compliance with the regulations in this Ordinance and other applicable ordinances and state and federal regulations of development proposals. Site plan review standards are intended to encourage consultation and cooperation between the applicant and the City to balance the property owners right to a reasonable rate of return on investment with the City's overall land use goals and desire to minimize adverse impacts on the investments of surrounding landowners. Therefore, these site plan review standards insure a thorough evaluation of a development in relation to the goals of the City of Grand Blanc Master Plan and the potential impacts on the environment, drainage, utilities, traffic, aesthetics, property values and other public health, safety and welfare issues.

This section also contains special provisions to evaluate impacts of particular uses and to allow administrative approval in certain cases where there is a change in use, a minor change to an existing site or a minor change determined necessary in the field during construction.

#### SECTION 2401 RELATIONSHIP TO PLATTING AND LAND DIVISIONS OR COMBINATIONS

The City Council shall require the platting of parcels of property and/or the approval of land divisions or land combinations prior to the consideration of site plans where the City Council determines a site plan is needed to ensure capability to comply with the standards of the Zoning Ordinance or other ordinances.

#### SECTION 2402 USES REQUIRING SITE PLAN REVIEW

Except as specifically provided in Section 2403 and Section 2404, the development of any new use, the construction of any new structures, any change of an existing use of land or site, and all other building or development activities shall require site plan approval pursuant to this Article. For example, site plan review shall be required for, but not limited to, the following:

- a. Development of any non-single family use or building in the R-1 thru R-3 District.
- b. Any residential development, except construction or expansion of one single-family or two-family dwelling unit on an individual lot or parcel in the R-1 through R-3 and the R-T zoning districts, or placement of dwelling units in an approved mobile home park.
- c. Development of any nonresidential use or building.
- d. The erection, relocation, conversion or structural alteration to any non single-family or two-family building, structure or site which results in additional floor space.
- e. Any development which would establish more than one (1) principal use on a single lot, for example, a single family site condominium or similar project where a single parcel is to be developed with more than one (1) detached dwelling unit.
- f. Special Land Uses in all zoning districts.
- g. Cellular phone towers.
- h. Essential public service buildings and storage areas.
- i. Any change in the use of land or a building to a different class or type or to a more intensive use, as determined by the Building and Zoning Administrator, that may involve significant changes to features such as building appearance, parking needs, traffic flow, traffic volumes, buffering needs, hours of operation, noise, effluent discharge, drainage and similar impacts. Any significant change adjacent to, or across the street from a Single-Family Residential District shall require site plan review.

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- j. A change in use on a site which does not conform to the site design standards of this Zoning Ordinance.

### **SECTION 2403 PROJECTS ELIGIBLE FOR SKETCH PLAN REVIEW (I.E. ADMINISTRATIVE APPROVAL)**

- a. **Intent:** The intent of this Section is to permit submittal of sketch plan in certain specific instances where a complete site plan is not considered essential to ensure compliance with the intent and standards of this Zoning Ordinance.
- b. **Procedure:** The process for administrative approval shall involve submittal of a sketch plan and required application form and fee to the Building and Zoning Administrator. The Building and Zoning Administrator shall review the sketch plan to ensure compliance with standards of this ordinance and make a report of administrative approvals to the Planning Commission.

The Building and Zoning Administrator retains the option to require a complete site plan for review by the Planning Commission, particularly for sites which do not comply with previously approved site plans, sites with parking deficiencies, sites abutting residential districts or sites experiencing problems with drainage, traffic, noise, aesthetics or other general health and safety issues. If a full site plan is required, the Building and Zoning Administrator shall inform the applicant to submit a set of plans in accordance with Section 2406 of this Ordinance within fourteen (14) days of receipt of the application.

- c. **Eligibility:** A sketch plan, rather than a complete site plan package, may be submitted for minor modifications to a legally existing and conforming use and building which is permitted in the zoning district (i.e. Special Land Uses are not eligible) including alterations to a building or site that do not result in expansion or substantially affect the character or intensity of the use, vehicular or pedestrian circulation, drainage patterns, the demand for public infrastructure or services, significant environmental impacts or increased potential for hazards; including the following uses and situations:
1. Group day care homes.
  2. Home occupations.
  3. Temporary uses, sales and seasonal events.
  4. An increase in the floor area on the site by up to one thousand (1,000) square feet or five percent (5%) of the existing floor area, whichever is less, with no required increase in parking area. Administrative approval is not permitted if the cumulative total of the proposed expansion and any expansion within the last five (5) years, as determined by the Building and Zoning Administrator, exceeds this amount.
  5. An existing building and site are to be re-occupied by a use permitted in the subject zoning district and the new use will not require any significant changes in the existing site facilities such as parking, landscaping, lighting, signs, bikepaths or sidewalks.
  6. Improvements to outdoor recreational uses and parks.
  7. Expansion, replanting or alterations of landscaping areas consistent with the other requirements of this Ordinance.
  8. Improvements or installation of walls, fences, lighting or curbing consistent with the other requirements of this Ordinance.
  9. Alterations to the off-street parking layout or installation of pavement or curbing improvements provided the total number of spaces shall remain constant, and the construction plans and lot construction are approved by the City Engineer.
  10. Relocation of a waste receptacle to a more inconspicuous location or installation of screening around the waste receptacle.
  11. Changes to the facade or architectural features (an elevation plan describing changes and construction materials is required).

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12. Construction or relocation of a permitted accessory building of less than one hundred (100) square feet.
  13. Approved changes to utility systems.
  14. Grading, excavation, filling, soil removal, creation of ponds or clearing of trees.
  15. A change in use in a nonconforming use building or site to a more conforming situation.
  16. Modifications to upgrade a building to improve barrier free design, or to comply with the Americans with Disabilities Act or other federal, state or county regulations. (amended 2/14/96)
  17. Accessory structures (amended 2/14/96)
  18. Wireless communication facilities as described in section 334.(as amended 6-10-98)
- d. **Requirements for a Sketch Plan:** A "sketch plan" submittal shall include at least the following:
1. Application form and review fee.
  2. Name, address and telephone number of the applicant and the person(s) responsible for preparing the plot plan.
  3. North arrow.
  4. Legal description of the property.
  5. The "sketch plan" shall be drawn at an engineers scale. Any building expansion over five hundred (500) square feet within a five (5) year period involving public safety issues, as determined by the Building and Zoning Administrator, shall require a professional seal of an architect, landscape architect or engineer.
  6. Property lines and dimensions.
  7. Existing and proposed buildings and structures with dimensions, setbacks and details or elevations where appropriate.
  8. Existing and proposed parking including number of spaces provided v. needed according to Article XXII. If changes are made to the parking area, a detail of pavement, stormwater runoff calculations and description of detention methods shall be provided.
  9. Details on any new driveways or changes to existing driveways (radii, throat width, slope, boulevard design, etc).
  10. Location of existing signs and details on any proposed changes or new signs.
  11. General illustration of existing landscaping; location, size and species of any new landscaping.
  12. Layout of any proposed changes to utilities.
  13. Description of any proposed changes to drainage.
  14. Floor plan of any new building area or building elevations, if applicable.
  15. Any other items requested by City staff or the Planning Commission.

### **SECTION 2404 EXCEPTIONS TO SITE PLAN REVIEW**

Site plan review shall not be required for the following:

- a. Construction or erection of permitted accessory buildings and structures accessory to a single- or two- family dwelling unit.

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- b. Construction or erection of permitted accessory buildings and structures less than one hundred (100) square feet in area accessory to a multiple family, commercial, office, essential service, municipal or industrial use.
- c. Grading, excavation, filling, soil removal, creation of ponds or clearing of trees within an area up to one hundred (100) square feet, provided such activity is normally and customarily incidental to single- family uses on the site.
- d. Permitted family foster care homes, family day care homes and adult day care homes in single family zoning districts.
- e. Keeping of animals, except kennels.
- f. Internal construction or change in the floor plan that does not increase gross floor area, increase the intensity of use or affect parking requirements on a site which meets all site design standards of the Ordinance.
- g. Repairing or curbing of parking lots.
- h. Construction or erection of signs, retaining walls, fences, waste receptacles, sidewalks, antennas, lights, poles, cooling/heating or other mechanical equipment, telephone booths, newspaper boxes, landscaping and similar structures which conform to other City standards.

### **SECTION 2405 CRITERIA OF SITE PLAN REVIEW**

The Planning Commission (and City Council for Special Land Uses) shall review the site plan to insure that it complies with all of the criteria below:

- a. The proposed use will not be injurious to the surrounding neighborhood.
- b. The location of buildings, outside storage receptacles, parking areas, fences or obscuring walls, and utility areas will minimize adverse effects of the proposed use for the occupants of that property and the tenants, owners, and occupants of surrounding properties.
- c. There is a proper relationship between major thoroughfares and proposed service drives, driveways, and parking areas to encourage the safety and convenience of pedestrian and vehicular traffic. The site plan includes the minimum number of driveways required to provide reasonable access. Driveways are spaced as far apart from intersections and other driveways as practical to reduce accident and congestion potential. Sharing with adjacent uses is encouraged. The Planning Commission may require a traffic impact study as outlined in Section 329.
- d. The site plan provides for proper development of roads, easements, and public utilities and protects the general health, safety, and welfare of the City and its residents.
- e. Building architecture, materials, roof line, colors, windows and similar elements shall be consistent with the majority of other buildings in the City, as determined by the Planning Commission (or City Council for Special Land Uses). Brick construction or brick trim, varying facade depths and peaked roofs, is encouraged. Stark white or bold colors and reflective glass are discouraged. The intent of this standard is to provide a harmonious, unified community to help create a sense of place and contribute to the image and quality of life in the City.
- f. The proposed site plan complies with all City codes and ordinances. Site plans for Mobile Home Park Districts shall comply with the preliminary plan requirements established in the Michigan Mobile Home Commission Acts.

### **SECTION 2406 APPLICATION FOR SITE PLAN REVIEW**

The detailed site plan presented for consideration shall contain all information required in this Ordinance.

- a. Application form provided by the City and required fee established by resolution of the City Council.
- b. Site Plan Drawings and Illustrations (Fully Dimensioned):

Site plans shall contain all of the required data prior to approval of such plans by the City. Site plans shall consist of an overall plan for the entire development. Sheet size shall be at least 24" x 36", with the plan view drawn to a scale

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of 1" = 20' for property less than three (3) acres or 1" = 100' for property of three (3) or more acres. Included on the site plan will be all of the following data as applicable.

<b>Data Required</b>	<b>Multiple-Family</b>	<b>Commercial, Industrial, Public, and Semi-Public Development</b>
1. Applicant's name, address, and telephone number.	●	●
2. Date (month, day, year) including dates of any revisions.	●	●
3. Title block.	●	●
4. Engineers Scale.	●	●
5. Northpoint.	●	●
6. Location map drawn at a scale of 1" = 2,000', with northpoint indicated sufficient to indicate general surroundings and street network.	●	●
7. Name of the proposed development.	●	●
8. Common description of the property and complete legal description (also address, if available).	●	●
9. Dimensions of site including width, length, frontage and acreage exclusive of rights-of-ways.	●	●
10. Name, address, signature, and seal of Architect, Engineer, Surveyor, or Landscape Architect, who was responsible for the preparation of the site plan.	●	●
11. Zoning classification of Applicant's parcel and all abutting parcels.	●	●
12. A site analysis map illustration, current drainage flows (with arrows), boundaries of any wetland regulated by the MDNR, location and elevation of bodies of water, trees over eight inches (8") caliper, steep slopes, floodplain boundaries and elevation and existing structures	●	●
13. Proximity to major thoroughfares and/or section corner.	●	●
14. Location of any required fire lanes.	●	●
15. Existing and proposed contours of the site in sufficient detail to determine drainage.	●	●
16. Location and elevation of existing drainage courses, floodplains, and lakes and streams.	●	●
17. Existing and proposed lot lines, property lines.	●	●
18. Existing and future right-of-way lines and easements.	●	●
19. All buildings, structures, signs, parking areas, sidewalks, etc. on the site and within 100 feet.	●	●
20. Proposed locations and dimensions of access drives, street materials and curbing, drives and driveways (all radii measurements shown).	●	●
21. Proposed street names.	●	●
22. Location of existing and proposed sanitary sewers.	●	●
23. Locations and sizes of the following:		
a) well sites in the proposed development.	●	●

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<b>Data Required</b>	<b>Multiple-Family</b>	<b>Commercial, Industrial, Public, and Semi-Public Development</b>
b) water mains, hydrants, and building services.	●	●
c) storm sewers, site grading, drainage, retention basin, and/or other pertinent facilities including drainage and retention calculations and design details.	●	●
24. Building footprints with length and width dimensions.	●	●
25. Building elevations including types of materials and colors.	●	●
26. Setback and yard dimensions for buildings.	●	●
27. Location of interior and exterior sidewalks, pathways and bikepaths. Any development on City arterial and collector streets, shall require the construction of sidewalks within City right-of-way. (amended 2/14/96)	●	●
28. Location, type, intensity height and fixture details of external lighting. Projects in the downtown may require ornamental street lighting.	●	●
29. Locations and design details of any obscuring walls, berms, and fences.	●	●
30. Table illustrating compliance with parking requirements of Article XXII for number of spaces, dimensions and pavement materials.	●	●
31. Landscape plan in accordance with Article XXIII.	●	●
32. Entrance details and signs (Note: signs are subject to separate review under the sign ordinance.)	●	●
33. Location and type of all regulatory signs (stop sign, no parking signs, etc.)	●	●
34. Location of waste receptacle(s), if any, and screening details in accordance with Section 314. Turning radii of the waste receptacle vehicle shall be illustrated.	●	●
35. Location and method of screening of all transformer pads, reception antenna and air conditioners.	●	●
36. A density schedule showing the number of dwelling units by type per gross acre and net acre (see Sec. 322).	●	
37. Floor plans of a typical building.	●	
38. Carport locations and details, if applicable, indicating carports will net the standards of Sec. 2200 (I).	●	
39. Details of community buildings and fencing of swimming pool, if applicable.	●	
40. Location and details of any mail box clusters.	●	
41. Specific amount, type, and location of recreation space and facilities.	●	
42. Loading and unloading areas meeting dimensional requirements of Article XXII.		●
43. An impact assessment or traffic analysis, if required (Sec. 2407).	●	●



<b>Data Required</b>		<b>Multiple-Family</b>	<b>Commercial, Industrial, Public, and Semi-Public Development</b>
44.	For condominiums in developments, an illustration of all general commons and limited commons.	●	●
45.	All businesses, facilities, and uses, including private and public facilities, which use, store or generate hazardous substances and polluting materials in quantities greater than 25 gallons or 220 pounds per month shall require the completion of the "Groundwater Protection Information Check List for Site Plan Review" and Special Land Use Review. (amended 2/14/96)		●

- c. The applicant shall submit the required number of copies of an application for site plan approval, site plans, and other information where applicable. The number of copies required will be determined by the Building and Zoning Administrator. The applicant or the applicant's representative must be present at the scheduled reviews or the matter will be tabled.
- d. If the site plan is in order and contains the required information, the site plan shall be placed on the agenda of a regular or special Planning Commission meeting.
- e. The Planning Commission shall have final authority on site plans for permitted uses. The Planning Commission shall make a recommendation on the site plan for Special Land Uses, with the final action by the City Council.
- f. The Planning Commission shall take action no sooner than fourteen (14) days and within seventy (70) days of the meeting at which the application first appeared on the agenda. However, preliminary plans for mobile home parks within a Mobile Home Park District shall be submitted and reviewed in accordance with the timetable established in the Michigan Mobile Home Commission Act.
- g. The Planning Commission, as a condition of its approval of a site plan, may require reasonable modifications relating to: the location, height, number of stories, and size of dwellings, buildings, and other structures; the area of the yards, courts, and other open spaces; and the sanitary, safety, and protective measures which shall be required for such dwellings, buildings, and structures; and any other changes to meet the standards and intent of this Zoning Ordinance and other Ordinances, laws and regulations.
- h. For any approval with condition, the applicant shall submit a revised plan within sixty (60) days illustrating compliance with all conditions for approval by the Building and Zoning Administrator. No permits shall be issued until such revised plan is submitted and approved.
- i. The applicant shall be responsible for the cost of preparing all site plan submittal information and for the evaluation of the site plan and related documents by consultants selected by the City.

**SECTION 2407 ENVIRONMENTAL IMPACT ASSESSMENT**

**Environmental Impact Assessment:** The requirement for the submission of an Environmental Impact Assessment, in accordance with Sec. 328 during the rezoning, Special Land Use and/or site plan review process is to provide relevant information concerning the environmental, economic, social, and cultural effects on the community that a proposed project may have and to provide the necessary data for the City to make a rational determination on the request. It is necessary to minimize pollution, retain environmental resources, and to investigate the adequacy of public utilities and facilities such as sewer, water, and transportation system.

An Environmental Assessment providing the information and data specified herein, shall be submitted by the applicant and prepared and reviewed at the expense of the applicant:

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- a) whenever a request for rezoning or site plan approval is submitted, whichever shall occur first, for parcels having an area of twenty (20) acres or greater; or,
- b) whenever a request for rezoning is not consistent with the City's Master Plan; or
- c) whenever a development of one hundred fifty thousand (150,000) square feet of gross floor area or greater is submitted for site plan review; or,
- d) whenever a development of two hundred (200) dwelling units or greater is submitted for site plan review; or
- e) for any Special Land Use in the I-1 or I-2 industrial districts; or
- f) whenever required for a Special Land Use; or
- g) for a site containing significant wetlands, steep slopes or other natural features, as determined by the Planning Commission.
- h) for businesses, facilities, and uses, including private and public facilities, which use, store or generate hazardous substances and polluting materials in quantities greater than 25 gallons or 220 pounds per month.(amended 2/14/96)

### **SECTION 2408 PERFORMANCE GUARANTEE**

- a. The Zoning and Building Administrator shall require a performance guarantee to ensure completion of the site improvements (excluding building). The performance guarantee may take the form of a cash deposit, surety bond, certified check, or an irrevocable bank letter of credit.
- b. At the time the building permit application is filed with the Building and Zoning Administrator, the applicant shall deposit the performance guarantee with the City Clerk. The amount of the performance guarantee shall be determined by the City Engineer and the Building and Zoning Administrator in consultation with the applicant. If the required improvements take longer than six (6) months to complete, the City Manager shall authorize a rebate of any cash deposit in proportion to the amount of work that has been completed.

### **SECTION 2409 BUILDING PERMITS**

- a. An Applicant whose site plan has been approved shall file with the Building and Zoning Administrator a building permit application and two (2) sets of construction drawings stamped with an appropriate seal.
- b. The Building and Zoning Administrator shall issue a building permit only after receiving a building application, two (2) sets of construction drawings stamped with an appropriate seal and the required performance guarantee.
- c. Application for building permit:

Following final approval of the site plan and the engineering plans, the applicant may apply for a building permit. It shall be the responsibility of the applicant to obtain all other applicable City, county, or state permits prior to issuance of a building permit.

A building permit for a structure in a proposed condominium project shall not be issued until evidence of a recorded Master Deed has been provided to the City. However, the Building and Zoning Administrator may issue permits for site grading, erosion control, installation of public water and sewage facilities, and construction of roads, prior to recording the Master Deed. No permit issued or work undertaken prior to recording of the Master Deed pursuant to this Section shall grant any rights or any expectancy interest in the approval of the Master Deed.

- d. Expiration of site plan approval:

If construction has not commenced within twelve (12) months of final approval of the site plan, or if construction has not been completed within twelve (12) months after it was commenced, the site plan approval becomes null and void and a new application for site plan review shall be required. The Planning Commission may grant one (1) extension

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of up to twelve (12) months, upon written request from the applicant, if it finds that the approved site plan adequately represents current conditions on and surrounding the site and provided that the site plan conforms to the current Zoning Ordinance standards.

e. Application for Certificate of Occupancy:

Following completion of site work and building construction, the applicant shall apply for a Certificate of Occupancy or a Temporary Certificate of Occupancy from the Building and Zoning Administrator. It shall be the applicant's responsibility to obtain these required certificates prior to any occupancy of the property.

### **SECTION 2410 RECORDED AND AS-BUILT CONDOMINIUM DOCUMENTS**

Upon approval of the site plan for a condominium project involving new construction, the condominium project developer or proprietor shall furnish the City with the following:

- a. One (1) copy of the recorded Master Deed, and
- b. One (1) copy of any Condominium Bylaws and restrictive covenants.
- c. Upon completion of the project, the condominium project developer or proprietor shall furnish the City with two (2) copies of an "as built survey" and one (1) copy of the site plan on a mylar sheet of at least thirteen by sixteen (13 x 16) inches with an image not to exceed ten and one half by fourteen (10 1/2 x 14) inches. The as-built survey shall be reviewed by the City Engineer for compliance with City Ordinances. Fees for this review shall be established by the City Council.

### **SECTION 2411 EFFECT OF APPROVAL**

Upon final approval of the site plan, construction or expansion of any permitted or special use shall conform to the site plan. The approval by the Planning Commission of a site plan shall expire within one (1) year after the date of such approval, unless construction has commenced or an extension was requested by the applicant in writing prior to the expiration and approved by the Planning Commission. The Building and Zoning Administrator shall not issue a building permit for any type of construction on the basis of the approved site plan after such approval has expired. Approval shall also confer upon the Building and Zoning Administrator the authority to approve minor modifications to an approved site plan during construction, as described in Section 2403.

### **SECTION 2412 AMENDMENT OF A SITE PLAN**

A previously approved site plan may be amended by the Planning Commission upon application by the applicant in accordance with the procedures provided in Section 2406, or if eligible, Section 2403. Minor changes during construction or for expansion or certain changes in use may be approved administratively when the following are proposed:

- a. A change in internal floor plan which does not increase the intensity of use or parking requirements.
- b. Movement of a building, drive, road or parking by up to ten (10) feet during construction due to an unanticipated and documented constraint, to improve safety or to preserve natural features. The site plan shall still meet all required setbacks and other standards of this ordinance.
- c. An increase or decrease road width by up to three (3) feet to improve safety or preserve natural features. The design shall remain consistent with the standards of the City.
- d. An increase in open space or alteration of the open space boundary by up to ten (10) feet with no decrease in overall open space.
- e. Expansion, replanting or alterations of landscaping areas or change in plant materials to a similar species, consistent with the other requirements of this Ordinance.
- f. Relocation of a waste receptacle to a more inconspicuous location.

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- g. A change in the exterior materials to a material of the same color and quality as approved by the Planning Commission.
- h. Relocation of a sign or light fixture meeting the dimensional and locational standards of this Zoning Ordinance.
- i. Relocation of sidewalks, bike paths or pathways with the intent of improving public convenience and safety.
- j. Minor modifications to comply with a City, state or federal regulations.

### **SECTION 2413 REVOCATION**

Approval of a site plan may be revoked by the Planning Commission if construction is not in conformance with the approved plans. In such case, the site plan shall be placed on the agenda of the Planning Commission for consideration and written notice shall be sent to the applicant at least ten (10) days prior to the meeting. The Building and Zoning Administrator, applicant, and any other interested persons shall be given the opportunity to present information to the Planning Commission and answer questions. If the Planning Commission finds that a violation exists and has not been remedied prior to the hearing, then it shall revoke the approval of the site plan and all construction shall terminate.

### **SECTION 2414 PROPERTY MAINTENANCE AFTER APPROVAL**

It shall be the responsibility of the owner of a property for which site plan approval has been granted to maintain the property in accordance with the approved site design on a continuing basis until the property is razed, or until new zoning regulations supersede the regulations upon which site plan approval was based, or until a new site design is approved. This maintenance requirement includes healthy landscaping, walls, fences, pavement, pavement markings, signs, building exterior, drainage facilities and all other elements of a site. Any property owner who fails to so maintain an approved site design shall be deemed in violation of the use provisions of this Ordinance and shall be subject to the same penalties appropriate for a use violation.

With respect to condominium projects, the Master Deed shall contain provisions describing the responsibilities of the condominium association, condominium owners, and public entities, with regard to maintenance of the property in accordance with the approved site plan on a continuing basis. The Master Deed shall further establish the means of permanent financing for required maintenance and improvement activities which are the responsibility of the condominium association. Failure to maintain an approved site plan shall be deemed in violation of the use provisions of this Ordinance and shall be subject to the same penalties appropriate for a use violation.

**ARTICLE XXV**

**RESERVED**

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**ARTICLE XXVI**

**NONCONFORMING LOTS, NONCONFORMING USES OF LAND,  
NONCONFORMING STRUCTURES AND NONCONFORMING  
USES OF STRUCTURES AND PREMISES**

**SECTION 2600 INTENT**

It is the intent of this Ordinance to permit legal nonconforming lots, structures, or uses to continue until they are removed, but not to encourage their survival.

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

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

A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after passage of this Ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by addition of other uses of a nature which would not be permitted generally in the district involved.

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

The following table summarizes the nonconforming regulations contained in this Section:

**SUMMARY OF NONCONFORMING REGULATIONS**

<u>ISSUE</u>	<u>REQUIREMENTS</u>
Period of nonuse before nonconformity must cease	Nonconforming use: 180 days Nonconforming structure: 12 months
Establishment of new conforming use	Not permitted
Change in ownership	No affect on nonconformity
Nonconforming single family use	May be enlarged, subject to conditions
Substitution of one nonconformity for another including change of use	Permitted under certain conditions Landscaping and other site development standards must be met under present Ordinance standards

<u>ISSUE</u>	<u>REQUIREMENTS</u>
Contiguous nonconformity lots under same ownership	Must be combined
Expansion of nonconformity use within building	Permitted subject to conditions
Expansion of nonconformity use beyond existing building	Not permitted

Enlargement of nonconforming structure or buildings	The nonconformity may not be increased (example: if a front setback is nonconforming, expansion is still permitted to the side or rear providing the front setback is maintained).
Maintenance, structural repairs	Generally permitted
Renovation, modernization	Maximum value: 25% of fair market value
Rebuilding after catastrophe	Permitted if damage is less than 50% of pre-catastrophe fair market value

**SECTION 2601 DEFINITIONS**

For the purposes of this section, the following words and phrases shall have the meaning ascribed to them:

- a. **Effective Date:** Whenever this article refers to the "effective date," the reference shall be deemed to include the effective date of any amendments to this Ordinance if the amendments created a nonconforming situation.
- b. **Nonconforming Building:** A building or portion thereof which was lawfully in existence at the effective date of this Ordinance, or amendments thereto, that does not meet the limitations on building size, location on a lot, or other regulations for the district in which such building is located.
- c. **Nonconforming Lot:** A lot which was lawfully in existence at the effective date of this Ordinance, or amendments thereto, that does not meet the minimum area or lot dimensional requirements of the district in which the lot is located.
- d. **Nonconforming Use:** A use which was lawfully in existence at the effective date of this Ordinance, or amendment thereto, and which does not now conform to the use regulations of this Ordinance for the zoning district in which it is now located.
- e. **Structural Nonconformity:** A nonconformity that exists when the height, size, or minimum floor space of a structure, or the relationship between an existing building and other buildings or lot lines, does not conform to the standards of the district in which the property is located. Also sometimes referred to as a Dimensional Nonconformity.

**SECTION 2602 NONCONFORMING LOTS**

Any nonconforming lot shall be used only for a use permitted in the district in which it is located. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot or record at the effective date of adoption or amendment of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Yard requirement variances may be obtained through approval of the Board of Appeals.

If two or more lots or combination of lots with contiguous frontage in single ownership are of record at the time of adoption or amendment of this Ordinance, and if all or part of the individual lots do not meet the requirements established for lot width and area, the lots involved shall be considered to be an individual parcel for the purposes of this Ordinance. No portion of said parcel shall be used, occupied, or sold in a manner which diminishes compliance with lot width and area requirements established by this Ordinance, nor shall any division of an parcel be made which creates a lot with width or area less than the requirements stated in this Ordinance. These provisions shall not apply to contiguous lots in single ownership where each of the lots is occupied by an dwelling unit.

Upon application, the Building and Zoning Administrator may permit the combination, in whole or in part, of nonconforming lots of record into building sites less than the size requirements established by this Ordinance, provided that the combination of lots reduces the degree of

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nonconformity and results in a parcel which is capable of accommodating a structure that is in conformance with the building area, setback, and side yard requirements of this Ordinance.

**SECTION 2603 NONCONFORMING USES OF LAND**

Where, at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is made no longer permissible under the terms of this Ordinance as enacted or amended such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- a. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance;
- b. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance;
- c. If such nonconforming use of land ceases for any reason for a period of more than thirty (30) days, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.
- d. Where non-conforming off-street parking, landscaping, signage, fences, and other similar land uses exist, those uses shall be made to conform to the terms of this Ordinance when any use, principal or accessory, is expanded either by expansion of the main building or the addition of an accessory building, necessitating site plan changes.

**SECTION 2604 NONCONFORMING STRUCTURES**

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- a. No such structure may be enlarged or altered in a way which increases its nonconformity. Such structures may be enlarged or altered in a way which does not increase its nonconformity.
- b. Should such structure be destroyed by any means to an extent of more than sixty (60) percent of its replacement costs, exclusive of the foundation, it shall be reconstructed only in conformity with the provisions of this Ordinance.
- c. Should such structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations for the district in which it is located after it is removed.
- d. Any nonconforming structure or any structure or portion thereof containing a nonconforming use, may be altered if such alteration serves to decrease the nonconforming nature of the structure or use. The Zoning Board of Appeals shall determine if a proposed alteration will decrease the degree of nonconformity.

**SECTION 2605 NONCONFORMING USES OF STRUCTURES AND LAND**

If a lawful use of a structure, or of structure and land in combination, exists at the effective date of adoption or amendment of this Ordinance, that would not be permitted in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- a. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- b. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.



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- c. If no structural alterations are made, any nonconforming use of a structure, or structure and land in combination, may be changed to another nonconforming use of the same or a more restricted classification provided that the Board of Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Appeals may require conditions and safeguards in accord with the purpose and intent of this Ordinance. Where a nonconforming use of a structure, land, or structure and land in combination is hereafter changed to a more conforming use, it shall not thereafter be changed to a less conforming use.
- d. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
- e. When a nonconforming use of a structure, or structures and land in combination, is discontinued or ceases to exist for six (6) consecutive months or for eighteen (18) months during any three-year (3-yr.) period, the structure, or structure and land in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located. Structures occupied by seasonal uses shall be excepted from this provision.
- f. Where nonconformity use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

### **SECTION 2606 NONCONFORMING SITES**

The intent of this Section is to permit improvements and minor modifications, as described in Article XXIII, Landscape Standards and Article XXIV, Site Plan Review, to a conforming use and building which does not meet all of the various site improvement related regulations of this Zoning Ordinance. The purpose is to allow gradual compliance with the site related requirements for sites which predate the various Zoning Ordinance standards for landscaping, paving and other non safety site related items.

Such improvements or expansions may be permitted without a complete upgrade of all site elements under the following conditions:

- a. The applicant is proposing reasonable site improvements in relation to the scale and construction cost of the building improvements or expansion.
- b. The applicant has addressed safety related site issues.
- c. The applicant has upgraded the site landscaping consistent with Section 2302.
- d. The improvements or minor expansion will not increase noncompliance with site requirements.
- e. A sketch plan shall be submitted in accordance with Section 2403.

### **SECTION 2607 REPAIRS AND MAINTENANCE**

On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing to an extent not exceeding fifty (50) percent of the assessed value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this Ordinance shall not be increased.

Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

### **SECTION 2608 USES UNDER EXCEPTION PROVISIONS NOT NONCONFORMING USES**

Any use for which a special exception is permitted as provided in this Ordinance shall not be deemed a nonconforming use, but shall, without further action, be deemed a conforming use in such district.

### **SECTION 2609 CHANGE OF TENANCY OR OWNERSHIP**

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

**SECTION 2610 ACQUISITION OF NONCONFORMING USES**

The City Council may acquire, by purchase, condemnation, or otherwise, private property, or an interest in private property, for the purpose of removing nonconforming uses. The cost and expense, or a portion thereof, of acquiring the private property may be paid from general funds or assessed to a special district in accordance with the applicable statutory provisions relating to the creation and operation of special assessment districts. The elimination of nonconforming uses and structures in a zoned district as provided is declared to be for a public purpose for a public use. The City Council may institute and prosecute proceedings for the condemnation of nonconforming uses and structures under the power of eminent domain in accordance with the provisions of the City Charter relative to condemnation, or in accordance with Act No. 149 of the Public Acts of 1911, as amended, being sections 213.21 to 213.41 of the Michigan Compiled Laws, or any other applicable statute.

## ARTICLE XXVII

### ADMINISTRATION AND ENFORCEMENT

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#### SECTION 2700 ENFORCEMENT

The provisions of this Ordinance shall be administered and enforced by the Building and Zoning Administrator or by such deputies of his department as the Building and Zoning Administrator may delegate to enforce the provisions of this Ordinance.

#### SECTION 2701 DUTIES OF BUILDING AND ZONING ADMINISTRATOR

The Building and Zoning Administrator shall have the power to grant zoning compliance and occupancy permits, to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance. It shall be unlawful for the Building and Zoning Administrator to approve any plans or issue any permits or certificates of occupancy for any excavation or construction until he has inspected such plans in detail and found them to conform with this Ordinance.

Under no circumstances is the Building and Zoning Administrator permitted to make changes to this Ordinance nor to vary the terms of this Ordinance in carrying out his duties as Building and Zoning Administrator.

The Building and Zoning Administrator shall not refuse to issue a permit when conditions imposed by this Ordinance are complied with by the Applicant despite violations of contracts, such as covenants or private agreements which may occur upon the granting of said permit.

#### SECTION 2702 PLOT PLAN

The Building and Zoning Administrator or Building Inspector shall require that all applications for building permits shall be accompanied by plans and specifications including a plot plan, drawn to an engineers scale, showing the following:

- a. The actual shape, location and dimensions of the lot.
- b. The shape, size and location of all buildings or other structures to be erected, altered, or moved, and of any buildings or other structures already on the lot.
- c. The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
- d. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance are being observed.

#### SECTION 2703 PERMITS (amended 07/09/2003)

The following shall apply in the issuance of any permit:

- a. **Permits Not To Be Issued:** No building permit or zoning compliance shall be issued for the erection, alteration or use of any building or structure or part thereof, or for the use of any land, which is not in accordance with all provisions of this Ordinance.
- b. **Permits for New Use of Land:** No land heretofore vacant shall hereafter be used or an existing use of land be hereafter changed to a use of a different class or type unless a certificate of occupancy is first obtained for the new or different use.
- c. **Permits for New Use of Building:** No building or structure, or part thereof, regulated by the Building Code shall be changed to or occupied by a use of a different class or type unless a certificate of occupancy is first obtained for the new or different use.
- d. **Permits Required:** No building or structure, or part thereof, shall be hereafter erected, altered, moved or repaired unless a building permit shall have been first issued for such work. The terms "altered" and "repaired" shall include any changes in structural parts, stairways, type of construction, type, class or kind of occupancy, light or ventilation, means of egress and ingress, or other changes affecting or regulated by the City of Grand Blanc, Building Code, Housing Law, or this Ordinance, except for minor repairs or changes not involving any of the aforesaid features. A Zoning Compliance Permit must be obtained for certain buildings or structures, listed below, where a building permit is not required by the Building Code. The permit shall be approved before

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the building or structure is erected, altered, moved or repaired. Such buildings and structures include:

1. Fences
2. Retaining Walls
3. Detached Accessory Structures
4. Swimming Pools

### **SECTION 2704 CERTIFICATES**

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

- a. **Certificates Not to Be Issued:** No certificates of occupancy shall be issued for any building, structure, or part thereof, or for the use of any land, which is not in accordance with all the provisions of this Ordinance.
- b. **Certificates Required:** No building or structure, or parts thereof, which is hereafter erected, or altered, shall be occupied or used or the same caused to be done, unless and until a certificate of occupancy shall have been issued for such building or structure.
- c. **Certificates of Zoning Ordinance Compliance:** Certificates of Occupancy as required by the City Building Code for new buildings or structures, or parts thereof, or for alterations to or changes of use of existing buildings or structures, shall not automatically constitute Zoning Ordinance approval as required by this ordinance. Compliance with the City of Grand Blanc Zoning Ordinance shall occur within six (6) months after the Building Occupancy Certificate of Compliance has been issued. A Certificate of Zoning Ordinance Approval must be obtained in addition to the Building Occupancy Permit in order to assure compliance with this Zoning Ordinance.
- d. **Certificates for Existing Buildings:** Certificates of occupancy shall be issued for existing buildings, structures, or parts thereof, or existing uses of land if, after inspection, it is found that such buildings, structures, or parts thereof, or such use of land, are in conformity with the provisions of this Ordinance.
- e. **Record of Certificates:** A record of all certificates issued shall be kept on file in the office of the Building and Zoning Administrator, and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved.
- f. **Certificates for Dwelling Accessory Buildings:** Buildings or structures accessory to dwellings shall not require separate certificates of occupancy, but may be included in the certificate of occupancy for the dwelling when shown on the plot plan and when completed at the same time as such dwellings.

### **SECTION 2705 FINAL INSPECTION**

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

### **SECTION 2706 FEES**

Fees for inspection and the issuance of permits or certificates or copies thereof required or issued under the provisions of this Ordinance may be collected by the Building and Zoning Administrator in advance of issuance. The amount of such fees shall be established by resolution of the City Council.

### **SECTION 2707 VIOLATIONS**

Any person, firm or corporation violating any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than Five Hundred (\$500.00) Dollars and the costs of prosecution, or in default of the payment thereof, shall be punished by imprisonment in the County Jail for a period not to exceed ninety (90) days for each offense, or by both, such fine and imprisonment in the discretion of the court, together with the costs of such prosecution.

**SECTION 2708 PUBLIC NUISANCE PER SE**

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

**SECTION 2709 FINES, IMPRISONMENT**

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

**SECTION 2710 EACH DAY A SEPARATE OFFENSE**

A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.

**SECTION 2711 RIGHTS AND REMEDIES ARE CUMULATIVE**

The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

**ARTICLE XXVIII  
ORDINANCE AMENDMENTS**

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**SECTION 2800 INITIATION OF AMENDMENTS**

The City Council may, from time to time, amend, modify, supplement or revise the zoning district boundaries shown on the Official Zoning Map or the provisions of this Ordinance. Amendments to the provisions of this Ordinance may be initiated by the City Council, the Planning Commission, the Board of Zoning Appeals, the Building and Zoning Administrator or by petition of one or more residents or land owners. Amendments to the Official Zoning Map may be initiated by the City Council, the Planning Commission, or by the owner or owners of the subject site. All proposed amendments to the provisions of this Ordinance or the Official Zoning Map shall be referred to the Planning Commission for public hearing and recommendation to the City Council prior to action by the City Council.

**SECTION 2801 APPLICATION PROCEDURE**

An amendment to this Ordinance or the Official Zoning Map, except those initiated by the City, shall be initiated by submission of a completed application form and fee. The following information shall accompany the application form:

- a. A legal description and street address of the subject property, together with a map identifying the subject property in relation to surrounding properties.
- b. The name and address of the owner of the subject site, and a statement of the applicant's interest in the subject site if not the owner in fee simple title.
- c. The existing and proposed zoning district designation of the subject property.
- d. The land use classification for the subject site as illustrated on the City's Master Plan.
- e. In the case of an amendment to this Ordinance, other than an amendment to the Official Zoning Map, a general description of the proposed amendment and rationale for the change shall accompany the application form.
- f. A written description of how the requested rezoning meets Sec. 2804 "Criteria for Amendment of the Official Zoning Map", or Sec. 2805 "Criteria for Amendments to the Zoning Ordinance Text".

**SECTION 2802 AMENDMENT PROCEDURE; PUBLIC HEARING AND NOTICE**

- a. Upon initiation of an amendment, a work session and public hearing to consider the proposed amendment shall be scheduled before the Planning Commission. Notice of the hearing shall be given as required by the City or Village Zoning Act (Public Act 207 of 1921, as amended).
- b. Following the public hearing, the Planning Commission shall identify and evaluate all factors relevant to the petition and shall report its findings and recommendation to the City Council. The Planning Commission shall consider the criteria listed in Section 2804 for a requested amendment to the Official Zoning Map, and the criteria listed in Section 2805 for requested amendments to the standards and regulations in the text.
- c. Following receipt of the findings and recommendation of the Planning Commission, the City Council shall act on the proposed amendment. In the case of an amendment to the text of this Ordinance, the City Council may modify or revise the proposed amendment recommended by the Planning Commission prior to enactment. In the case of an amendment to the Official Zoning Map, the City Council shall approve or deny the amendment, based on its consideration of the criteria in Section 2804.

**SECTION 2803 AMENDMENTS REQUIRED TO CONFORM TO COURT DECREE**

Any amendment for the purpose of conforming to a decree of a court of competent jurisdiction shall be adopted by the City Council and published, without necessity of a public hearing or referral thereof to any other board or agency.

**SECTION 2804 CRITERIA FOR AMENDMENT OF THE OFFICIAL ZONING MAP**

In considering any petition for an amendment to the Official Zoning Map, the Planning Commission and City Council shall consider the following criteria in making its findings, recommendations and decision:

- a. Consistency with the goals, policies and future land use map of the Grand Blanc Master Plan. If conditions upon which the Master Plan was developed (such as market factors, demographics, infrastructure, traffic and environmental issues) have changed significantly since the Master Plan was adopted, as determined by the City, the Planning Commission and Council shall consider the consistency with recent development trends in the area.
- b. Compatibility of the site's physical, geological, hydrological and other environmental features with the host of uses permitted in the proposed zoning district.
- c. Evidence the applicant cannot receive a reasonable return on investment through developing the property with at least one (1) of the uses permitted under the current zoning.
- d. The compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.
- e. The capacity of the City's infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the "health, safety and welfare". (amended 2/14/96)
- f. The apparent demand for the types of uses permitted in the requested zoning district in the Grand Blanc area in relation to the amount of land currently zoned and available to accommodate the demand.
- g. The request has not previously been submitted within the past one (1) year, unless conditions have changed or new information has been provided.
- h. Other factors deemed appropriate by the Planning Commission and City Council.

**SECTION 2805 CRITERIA FOR AMENDMENT TO THE ZONING ORDINANCE TEXT**

The Planning Commission and City Council shall consider the following criteria to determine the appropriateness of amending the text, standards and regulations of the Zoning Ordinance.

- a. Documentation has been provided from City Staff or the Board of Zoning Appeals indicating problems and conflicts in implementation of specific sections of the Ordinance.
- b. Reference materials, planning and zoning publications, information gained at seminars or experiences of other communities demonstrate improved techniques to deal with certain zoning issues, or that the City's standards are outdated.
- c. The City Attorney recommends an amendment to respond to significant case law.
- d. The amendment would promote implementation of the goals and objectives of the City's Master Plan.
- e. Other factors deemed appropriate by the Planning Commission and City Council.

**SECTION 2806 RESTRICTIONS ON RESUBMITTAL OF A REZONING REQUEST**

An application for an amendment to the Official Zoning Map (i.e. a rezoning request) that has been denied, shall not be reconsidered for one (1) year, unless the applicant demonstrates that conditions have changed.



## ARTICLE XXIX

### BOARD OF ZONING APPEALS

#### **SECTION 2900 CREATION AND MEMBERSHIP**

There is hereby established a Board of Zoning Appeals, which shall perform its duties and exercise its power as provided in Section 5 of Act 207 of Public Acts of 1921, as amended, and in such a way that the objectives of the Article shall be served, public safety served, and substantial justice done. The members of the Board of Zoning Appeals may be the City Council or a separate Board.

The City Council may appoint a Board of Zoning Appeals consisting of not less than six (6) members, each to be appointed for a term of three (3) years. Appointments of the first members shall be for terms of one (1), two (2), and three (3) years, respectively, so as nearly as possible to provide for the appointment of an equal number of members each year. After the initial appointments, each member shall hold office for the full three (3) year term. In the event the City Council serves as the Board of Zoning Appeals, the members shall serve for the term of their Council office. The Mayor may serve as Chairperson but shall not vote except in the case of tie and the City Clerk shall serve as Secretary.

#### **SECTION 2901 MEETINGS**

All meetings of the Board of Zoning Appeals shall be held at the call of the Chairperson and at such times as the Board may determine. All hearings conducted by the Board of Zoning Appeals shall be open to the public. The Secretary, or his representative, shall keep minutes of the proceedings, recording the vote of each member upon each question, and indicating absences and abstentions, and shall keep records of hearings and other official action. Five (5) members of the Board shall constitute a quorum for the conduct of its business. The Board of Zoning Appeals shall have the power to subpoena and require the attendance of witnesses, administer oaths, and compel testimony and the production of books, papers, files, and other evidence pertinent to the matters before it.

#### **SECTION 2902 APPEAL**

An appeal may be taken to the Board of Zoning Appeals by any person, firm or corporation, or by any officer, department, board or bureau affected by a decision of the Building and Zoning Administrator.

Such appeal shall be taken within such time as shall be prescribed by the Board of Zoning Appeals, by filing with the Building and Zoning Administrator and with the Board of Zoning Appeals, a Notice of Appeal, specifying the grounds thereof. The Building and Zoning Administrator shall forthwith transmit to the Board of Zoning Appeals all the documents and records pertaining to the action being appealed. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Building and Zoning Administrator certifies to the Board of Zoning Appeals, after notice of appeal has been filed with the Building and Zoning Administrator, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case, the proceedings shall not be stayed otherwise than by a restraining order which may be granted by a court of record.

The Board of Zoning Appeals shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the parties and shall render a decision on the appeal without unreasonable delay. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney.

A fee, as established by the City Council, shall be paid to the City Clerk at the time the notice of appeal is filed.

#### **SECTION 2903 APPEAL**

The Board of Zoning Appeals shall not have the power to alter or change the zoning district classification of any property, or to make any change in terms of this Ordinance, but shall have power to act on those matters where this Ordinance provides for an administrative review, interpretation, or exception permit and to authorize a variance as defined in this Section and laws of the State of Michigan. Said powers include:

- a. **Administrative Review:** To hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by the Building and Zoning Administrator in the enforcement of the Zoning Ordinance.
- b. **Variance:** To authorize, upon an appeal, a variance from the strict application of the provisions of the Zoning Ordinance where, by reason of exceptional narrowness, shallowness, shape, or area of a specific piece of property at the time of enactment of this Ordinance, or by reason of exceptional topographic conditions or other extraordinary or exceptional conditions of such property, the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to or exceptional undue hardship upon the owner of such property, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zoning Ordinance. In granting or denying a variance, the Board of Zoning Appeals may attach thereto such conditions regarding the location, character, site design, operations and other features of the proposed structure or uses as it deems reasonable in furtherance of the purpose of this Ordinance. In granting or denying a variance, the Board of Zoning Appeals shall state the grounds upon which it justifies the granting or denying of a variance. (amended 2/14/96), (amended 6/10/98)

## **SECTION 2904 STANDARDS FOR VARIANCES AND APPEALS**

Variations and appeals shall be granted only in accordance with Michigan Public Act 207 of 1921, as amended, and based on the findings set forth in this section.

- a. **Criteria Applicable to Dimensional (area or non-use) Variations.** A dimensional variance is an approved deviation from any dimensional standard or requirement of this Ordinance, such as, but not limited to, lot area, lot width, building or structure height, building size, setback, parking, lighting or landscaping. The extent to which the following criteria apply to a specific case shall be determined by the Board of Zoning Appeals, however, at least one of the applicable criteria must be found by the Board of Zoning Appeals. (amended 6/10/98)
  - 1. **Practical Difficulties:** Compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk, density, or other dimensional provisions would create practical difficulties, unreasonably prevent the use of the property for a permitted purpose, or render conformity with such restrictions unnecessarily burdensome. The showing of mere inconvenience is insufficient to justify a variance.
  - 2. **Substantial Justice:** Granting of a requested variance or appeal would do substantial justice to the applicant as well as to other property owners in the district; or, as an alternative, granting of lesser variance than requested would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.
  - 3. **Public Safety and Welfare:** The requested variance or appeal can be granted in such fashion that the spirit of these regulations will be observed and public safety and welfare secured.
  - 4. **Extraordinary Circumstances:** There are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties or other similar uses in the same zoning district. The conditions resulting in a variance request cannot be self-created.
  - 5. **No Safety Hazard or Nuisance:** The granting of a variance or appeal will not increase the hazard of fire or otherwise endanger public safety or create a public nuisance.
  - 6. **Relationship to Adjacent Land Uses:** The development permitted upon granting of a variance shall relate harmoniously in a physical and economic sense with adjacent land uses and will not alter the essential character of the neighborhood. In evaluating this criterion,

consideration shall be given to prevailing shopping patterns, convenience of access for patrons, continuity of development, and the need for particular services and facilities in specific areas of the City.

- b. **Criteria Applicable to Use Variances.** A use variance is requested when the use proposed by an applicant is not listed as either permitted or as a special land use in the district in which the property is located. In granting a use variance, the Board of Zoning Appeals shall determine that all of the following factors are present, or require conditions to ensure the criteria below are met. (amended 6/10/98)
1. **Criteria for Dimensional Variance.** The request meets all of the criteria for a dimensional variance listed in Section 2904, a. (amended 6/10/98)
  2. **Conformance with Master Plan.** The proposed use is consistent with the uses called for in the Master Plan for the subject property, or that conditions on site design and operations ensure such use is compatible with the planned uses in the vicinity. (amended 6/10/98)
  3. **Compatibility with Surrounding Land Uses.** The proposed use is compatible with existing or planned uses on surrounding properties. The Zoning Board of Appeals may require a sketch plan or site plan, as applicable, and may request a recommendation from the Planning Commission, to assist with this finding. (amended 6/10/98)
  4. **Unreasonable Current Zoning Designation.** The applicant has demonstrated that the site can not reasonably be used for any of the uses allowed within the current zoning district designation. The Zoning Board of Appeals may require submission of documentation from real estate or market experts, or a certified appraiser, to substantiate this finding. (amended 6/10/98)
  5. **Capacity of Roads, Infrastructure and Public Services.** The capacity and operations of public streets, utilities, other facilities and services will not be significantly compromised. (amended 6/10/98)
  6. **Unnecessary Hardship.** An unnecessary hardship exists on the subject site due to very unique circumstances. (amended 6/10/98)
  7. **Minimum Variance Necessary.** The variance requested is the minimum necessary to permit reasonable use of the land. (amended 6/10/98)
- c. **Criteria Applicable to Appeals:** The Board of Zoning Appeals shall reverse an order of an Enforcement Official only if it finds that the action or decision appealed: (amended 6/10/98)
1. was arbitrary or capricious, or
  2. was based on an erroneous finding of a material fact, or
  3. constituted an abuse of discretion, or
  4. was based on erroneous interpretation of the Zoning Ordinance or zoning law.
  5. Appeals from Denial of Board of Zoning Appeals of Zoning Appeals may be taken to Genesee County Circuit Court.
- d. **Interpretations and Exceptions:** To hear and decide, in accordance with the provisions of this Ordinance, requests for exceptions, for interpretations of the Zoning Map, and for situations on which this Ordinance specifically authorizes the Board of Zoning Appeals to act. Any exception shall be subject to such conditions as the Board of Zoning Appeals may require to preserve and promote the character of the zoning district in question and otherwise promote the purpose of this Ordinance, including the following: (amended 6/10/98)
1. Interpret the provisions of this ordinance in such a way as to carry out the intent and purpose

of the Master Plan. Interpret boundaries of the Zoning Map where the actual alignment of streets or natural features used to separate zoning districts varies from the alignment shown on the Zoning Map, or where the zoning district boundary does not follow exact property lines.  
(amended 6/10/98)

2. Permit the modification of the automobile parking space or loading space requirements where, in the particular instance, such modification will not be inconsistent with the purpose and intent of such requirements.
3. Permit modification of obscuring wall requirements only when such modification will not adversely affect or be detrimental to surrounding or adjacent development. (amended 6/10/98)
4. Permit, upon proper application, a temporary use not otherwise permitted by Section 332 for a maximum of twelve (12) months. The Zoning Board of Appeals may grant one (1) twelve-month extension if requested in writing by the operator or land owner prior to expiration of the original approval. (amended 6/10/98)

The Board of Zoning Appeals, in granting permits for the above temporary uses, shall do so under the following conditions:

1. The granting of the temporary use shall in no way constitute a change in the basic uses permitted in the district nor on the property wherein the temporary use is permitted.
  2. The granting of the temporary use shall be granted in writing, stipulating all conditions as to time, nature of development permitted and arrangements for removing the use at the termination of said temporary permit.
  3. All setbacks, land coverage, off-street parking, lighting and other requirements to be considered in protecting the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of the City, shall be made at the discretion of the Board of Zoning Appeals.
  4. In classifying uses as not requiring capital improvement, the Board of Zoning Appeals shall determine that they are either demountable structures related to the permitted use of the land; recreation developments, such as, but not limited to: golf-driving ranges and outdoor archery courts; or structures which do not require foundations, heating systems or sanitary connections.
  5. The use shall be in harmony with the general character of the district.
  6. No temporary use permit shall be granted without first giving notice to owners of adjacent property and all owners of record listed in the latest assessment roll of the City located within three hundred (300) feet of the area of the request of the time and place of a Public Hearing to be held as further provided for in this Ordinance. Further, the Board of Zoning Appeals of Zoning Appeals shall seek the review and recommendation of the Planning Commission prior to the taking of any action.
- e. **Votes required:** The concurring votes of four (4) members of the Board of Zoning Appeals shall be necessary to reverse any order, requirement, decision, or determination of Applicant in matter upon which is authorized by this Ordinance to render a decision. Nothing contained herein shall be construed to give or grant to the Board of Zoning Appeals the power or authority to alter or change this Ordinance or the Zoning Map.

## **SECTION 2905 ORDERS**

In exercising the above powers, the Board of Zoning Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such an order, requirement, decision, or determination as ought to be made, and to that end, shall have all the powers of the

Building and Zoning Administrator from whom the appeal is taken.

**SECTION 2906 NOTICE**

The Board of Zoning Appeals shall make no determination, except in a specific case, and after a public hearing. It shall, by general rule or in specific cases, determine the interested parties who, in the opinion of the Board of Zoning Appeals, may be affected by any matter brought before it, in all cases including all owners of record of real property within three hundred (300) feet of the premises in question and all occupants of single and two-family dwellings within three hundred (300) feet, such notices to be delivered personally or by mail addressed to the respective owners and tenants at the address given in the last assessment roll. The Board of Zoning Appeals may require any party applying to the Board of Zoning Appeals for relief to give notice to such other interested parties as it shall prescribe.

**SECTION 2907 MISCELLANEOUS**

No order of the Board of Zoning Appeals permitting the erection of a building shall be valid for a period longer than one (1) year, unless a building permit for such erection or alteration is obtained within such period, and such erection or alteration is started and completed in accordance with the terms of such permit.

No order of the Board of Zoning Appeals permitting a use of a building or premises shall be valid for a period longer than one (1) year unless such use is established within such period; provided, however, that where such use permitted is dependent upon the erection or alteration of a building, such order shall continue in force and effect if a building permit for said erection or alteration is obtained within such period, and such erection or alteration is started and completed in accordance with the terms of such permit.

The Board of Zoning Appeals shall not have any jurisdiction to consider any decision by the City Council regarding a request for Special Land Use Approval.