

APPENDIX B - ZONING

Footnotes:

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Editor's note— Ord. No. 452, adopted March 2, 1999, adopted the zoning ordinance for the city, along with the zoning map and graphics within the document. All provisions of Appendix B derive from the zoning ordinance adopted by Ord. No. 452. Amendments to this zoning ordinance will be referenced in parenthetical history notes following the amended sections.

Charter reference— Authority to establish zones for use and occupancy of land, § 3.1(b)(2)(i).

Cross reference— Administration, ch. 2; buildings and building regulations, ch. 14; community development, ch. 30; fire prevention and protection, ch. 38; streets, sidewalks and other public places, ch. 74; subdivisions, ch. 78; utilities, ch. 86.

State Law reference— Authority to regulate land use, MCL 125.581 et seq., MSA 5.2931 et seq.

Chapter 1 - DEFINITIONS

Section 1.1. - Construction of language.

The following rules apply to the text of this ordinance:

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

(Ord. No. 498, 2-6-07)

Section 1.2. - Definitions—A.

Accessory building. A subordinate building on the same premises with a main building or portion of a main building and occupied or devoted to an accessory use; for example, a private garage.

Accessory use or accessory. A use which is clearly incidental to the principal use of the lot and customarily found in connection with the principal use. An accessory use shall be located on the same lot as the principal use. When "accessory" is used in this text, it shall have the same meaning as accessory use.

Adult bookstore. A building used for the sale of motion picture films, video cassettes, magazines, posters, and other printed material, or tapes, or sex objects for other than contraceptive purposes, distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined in this ordinance, for sale to patrons therein.

Adult foster care facility. A facility defined as an "adult foster care facility" by the adult foster care facility licensing act, Act No. 218 of the Public Acts of Michigan of 1979 (MCL 400.701 et seq.), as amended, having as its principal function the receiving of adults for foster care, and licensed by the state under the act. An "adult foster care facility" includes facilities and foster care family homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an on-going basis, but who do not require continuous nursing care.

Adult foster care family home. A private residence with the approved capacity to receive six (6) or fewer adults to be provided with foster care for five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee shall be a member of the household, and an occupant of the residence.

Adult live entertainment theater. A building for presenting live entertainment involving the use of strip dancers, naked individuals, individuals who wear see through clothing which permits the view of "specified anatomical areas," individuals who are partially clothed and partially unclothed so as to permit the view of "specified anatomical areas," or individuals conducting "specified sexual activities."

Adult motion picture theater. A building used for presenting motion picture films, video cassettes, cable television, or any other such visual media, distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined in this ordinance, for observation by patrons therein.

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

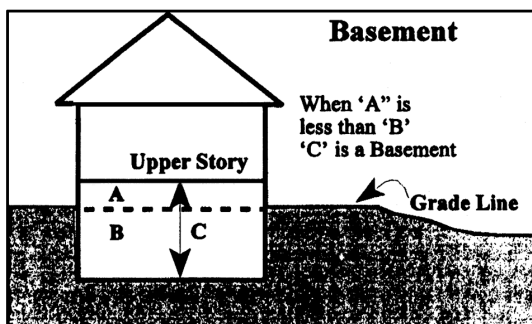
Alterations. Any change, addition, or modification in construction or type of occupancy, or in the structural members of a building, such as walls or partitions, columns, beams or girders.

Awning. A retractable or fixed shelter constructed of non-rigid materials on a supporting framework that projects from the exterior wall of a building, intended to shelter entrances or windows.

(Ord. No. 459, pt. 1, 4-17-01; Ord. No. 498, 2-6-07; Ord. No. 512, § 1, 12-7-10)

Section 1.3. - Definitions—B.

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



Bed and breakfast establishment. A use within a detached single family dwelling in which transient guests are provided a sleeping room, breakfast, and access to bathing and lavatory facilities in return for payment.

Berm. A mound of earth graded, shaped and improved with landscaping in such a fashion as to be used for visual or audible screening purposes.

Block. The property abutting one (1) side of a street and lying between the two (2) nearest intersecting streets (crossing or terminating) or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river or stream; or between any of the foregoing and any other barrier to the continuity of development, or corporate boundary lines of the municipality.

Board of zoning appeals, or board, or board of appeals. The Board of Zoning Appeals of the City of Belding.

Body shop. Any building, premises, or land in which or upon which the primary use is the servicing, repair, or painting of motor vehicles.

Buffer strip. A strip of land required between certain zoning districts reserved for plant material, berms, walls, or fencing to serve as a visual barrier or to block noise, light, and other impacts.

Building. An independent structure, temporary or permanent, having a roof supported by columns, walls, or any other support and used for the enclosure of persons, animals, possessions, or the conduct of business activities or other uses.

Building code. The code or codes governing the erection and maintenance of buildings as currently adopted by the City of Belding.

Building line. A line parallel to the street line formed by the face of the building or touching that part of a building closest to the street. For the purposes of this ordinance, a minimum building line is the same as the front setback. (See also chapter 15, district regulations, and section 2.8 projections into yards.)

Building official or building inspector. The person designated by the city council to administer the provisions of the adopted building codes for the City of Belding.

Building site. This term shall be used in connection with site condominiums and shall mean either:

- A. The area within the site condominium unit by itself (i.e., exclusive of any appurtenant limited common element), including the area under the building envelope and the area around and contiguous to the building envelope; or
- B. The area within the condominium unit (as described above), taken together with any contiguous and appurtenant limited common element.

Business center. Any two (2) or more businesses which meet one (1) or more of the following:

- A. Are located on a single parcel of property.
- B. Are connected by common walls, partitions, canopies, or other structure members to form a continuous building or a group of buildings.
- C. Are under common ownership or management and have a common arrangement for maintenance of the grounds.
- D. Share a common parking area.
- E. Otherwise present the appearance of a single, contiguous business area.

(Ord. No. 459, pt. 2, 4-17-01; Ord. No. 498, 2-6-07; Ord. No. 512, § 2, 12-7-10)

Canopy tree. A deciduous tree whose mature height and branch structure provide foliage primarily on the upper half of the tree. The purpose of a canopy tree is to provide shade to adjacent ground areas.

Certificate of occupancy. A document signed by an authorized city official as a condition precedent to the commencement of a use which acknowledges that such use, structure or building complies with the provisions of the zoning ordinance.

Child care center or day care center. A facility, other than a private residence, in which one or more preschool or school age children are given care and supervision for periods of less than twenty-four (24) hours per day, and where a parent or legal guardian is not immediately available to the child. Child care center includes a facility which provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day.

Child care center does not include a Sunday school, a vacation Bible school, or a religious class that is conducted by a religious organization where children are in attendance for not greater than four (4) hours per day for an indefinite period, or not greater than eight (8) hours per day for a period not to exceed four (4) weeks, during a twelve (12) month period, or a facility operated by a religious organization where children are cared for not greater than four (4) hours, while persons responsible for the children are attending religious classes or services.

City council or council. The City Council of the City of Belding.

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

Commercial storage warehouse. A building or buildings used primarily as a commercial business for the storage of goods and materials.

Community gardens. An area of land managed and maintained by a community, subdivision or non-profit organization to grow and harvest food crops and non-food, ornamental crops, such as flowers. Community gardens may be divided into separate plots for cultivation by one or more individuals or groups, or may be farmed collectively by members of a group, and may include common areas maintained and used by group members.

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

(Ord. No. 459, pt. 3, 4-17-01; Ord. No. 498, 2-6-07; Ord. No. 518, § 1, 1-18-11)

Section 1.5. - Definitions—D.

Day care center. See "child care center."

Drive-through business. A business establishment so developed that its retail or service character provides a driveway approach or parking spaces for motor vehicles to serve patrons while in the motor vehicle either exclusively or in addition to service within a building or structure, or to provide self-service for patrons and food carry-out.

Dwelling unit. A room, or rooms connected together, constituting a separate, independent housekeeping establishment for one family occupancy, physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking, bathroom, and sleeping facilities. In no case shall a motor home, trailer, automobile chassis, tent, or portable building be considered a dwelling. In the case of mixed occupancy, the part of a building occupied as a dwelling shall be deemed the dwelling unit and shall comply with all applicable provisions of this ordinance for dwellings.

Dwelling, multiple-family. A building containing three or more separate dwelling units.

Dwelling, single family detached. A building containing only one dwelling unit.

Dwelling, two-family. A building on a single lot containing two separate dwelling units.

(Ord. No. 459, pt. 4, 4-17-01; Ord. No. 498, 2-6-07)

Section 1.6. - Definitions—E.

Erected. Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction, excavation, fill, drainage, etc.

Essential public 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, distribution, collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment, but not including buildings and storage yards, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety or welfare.

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

(Ord. No. 459, pt. 5, 4-17-01; Ord. No. 498, 2-6-07)

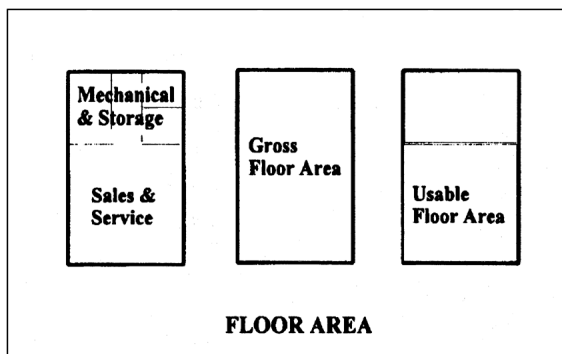
Section 1.7. - Definitions—F.

Family. A person living alone in a single dwelling unit or two (2) or more persons whose domestic relationship is of a continuing, nontransient character and who reside together as a single housekeeping unit in a single dwelling unit. "Family" does not include a collective number of individuals occupying a motel, fraternity, sorority, society, club, boarding, or lodging house, or any other collective number of individuals whose domestic relationship is of a transient or seasonal nature.

Family day care home. A private home in which one (1) but less than seven (7) minor children are given care and supervision for periods of less than twenty-four (24) hours per day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day-care home includes a home that gives care to an unrelated minor child for more than four (1) weeks during a calendar year.

Floor area, gross. The sum of the total horizontal areas of the several floors of all buildings on a lot, measured from the interior faces of exterior walls.

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



Frontage. The continuous linear distance of that portion of a parcel abutting upon a public street right-of-way or private street easement.

(Ord. No. 459, pt. 6, 4-17-01; Ord. No. 498, 2-6-07)

Section 1.8. - Definitions—G.

Grade. The gradient, the rate of incline or decline expressed as a percent. For example, a rise of twenty-five (25) feet in a horizontal distance of one hundred (100) feet would be expressed as a grade of twenty-five percent.

Grade, average. The average finished ground elevation at the center of all walls of a building 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 or structure being measured.

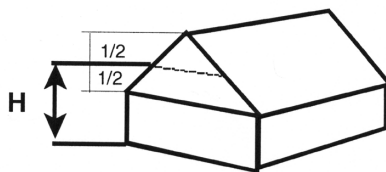
Greenbelt. A strip of land of definite width and location reserved for the planting of shrubs, trees, or grasses to serve as an obscuring screen or buffer strip in carrying out the requirements of this ordinance. (See also "berm" and "buffer strip.")

Group day care home. A private home in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours per day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day-care home includes a home that gives care to unrelated minor children for more than four (4) weeks during a calendar year.

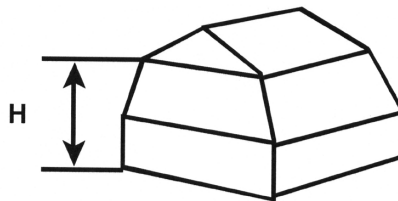
(Ord. No. 498, 2-6-07)

Section 1.9. - Definitions—H.

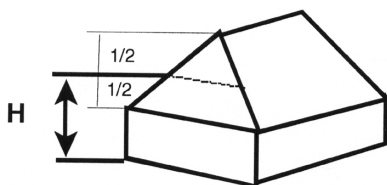
Height. The vertical distance measured from the average grade to the highest point of a structure. In the case of a building, height shall be measured from the average grade to the highest point of the roof surface for a flat roof; to the deck line of mansard roofs; and to the midpoint between the eaves and ridge for gable, hip, and gambrel roofs.



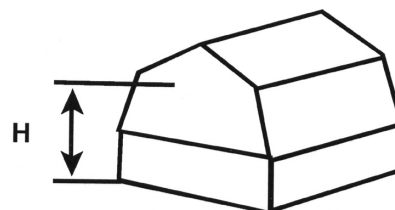
Gable Roof



Mansard Roof



Hip Roof



Gambrel Roof

H = Height of Building

Height

Home occupation. A home occupation is a business, profession, occupation or trade that is conducted within a residential dwelling unit by the residents of the dwelling unit, and may be within an attached and detached building accessory to the residence, for the economic gain or support of the residents of the dwelling; is an incidental and secondary use of the

residential dwelling unit; and does not adversely affect the character of the structure, lot or surrounding neighborhood.

Hotel/motel. A facility offering lodging accommodations to the general public for a daily rate and which may or may not provide additional services, such as restaurants, meeting rooms, and recreational facilities.

Housing for the elderly. A residential facility that provides room, board and supervised care to unrelated, non-transient individuals 60 years of age or older or couples where either the husband or wife is 60 years of age or older. Such facility shall be licensed as a "home for the aged" by the state department of public health under article 17 of the Public Health Code, Act No. 368 of the Public Acts of Michigan of 1978 (MCL 333.20101 et seq., MSA 14.15 (20101)), as amended. This does not include a development that contains convalescent or nursing home as licensed under Act No. 139 of the Public Acts of 1956, as amended, being sections 331.651 to 331.660 of the Compiled Laws of 1948; or a mental hospital for mental patients licensed under sections 51 and 52 of Act No. 151 of the Public Acts of 1923, as amended, being sections 330.61 and 330.62 of the Compiled Laws of 1948.

(Ord. No. 459, pt. 7, 4-17-01; Ord. No. 498, 2-6-07; Ord. No. 542, § 1, 5-3-16)

Section 1.10. - Definitions—I.

Inoperable vehicle. A motor vehicle which is unlicensed or can no longer propel itself.

(Ord. No. 498, 2-6-07)

Section 1.11. - Definitions—J.

Junk. Any worn out or discarded materials including, but not necessarily limited to, scrap metal, inoperable motor vehicles and parts, construction material, household wastes, including garbage and discarded appliances, and yard debris.

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

(Ord. No. 498, 2-6-07)

Section 1.12. - Definitions—K.

Kennel, commercial. Any lot or premise on which three (3) or more dogs, cats, or other household pets, six (6) months of age or older, are either permanently or temporarily boarded for commercial purposes. A kennel shall also include any lot or premises where household pets are bred or sold for commercial purposes.

(Ord. No. 498, 2-6-07)

Section 1.13. - Definitions—L.

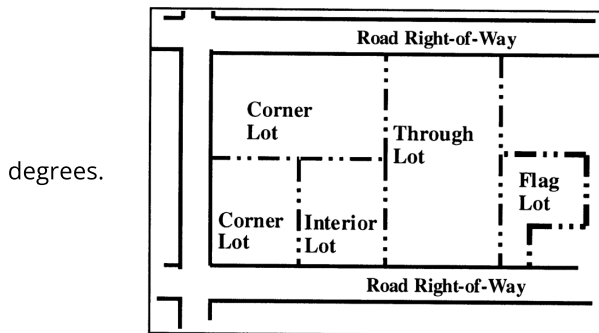
Loading space. An off-street space on the same lot with a building, or group of buildings, for the temporary parking of a vehicle while loading and unloading merchandise or materials.

Lot. A parcel, vacant land, occupied land, or land intended to be occupied by a building and accessory buildings, or utilized for principal and accessory use(s) together with yards and open spaces required under the provisions of this ordinance. A lot may or may not be specifically designated as such on public records. A lot may consist of any of the following, or a combination

of any of the following, excluding any portion of property subject to a public easement or right-of-way for highway purposes, and provided that in no case shall a division or combination of properties create a residual lot which does not meet the requirements of this ordinance:

- A. A platted lot, or a portion of a platted lot;
- B. A parcel of land described by metes and bounds, or a portion of a parcel of land described by metes and bounds;
or
- C. A building site as defined in this ordinance in connection with a site condominium project.

Lot, corner. Any lot having at least two (2) contiguous sides abutting upon a street, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangents to the curve, at its points of beginning within the lot or at the points of intersection of the side lot lines with the street line, intersect at an interior angle of less than one hundred thirty-five (135)



Lots

Lot, flag. A lot with access provided to the bulk of the lot by means of a narrow corridor fronting on a public street.

Lot, interior. A lot other than a corner lot, flag lot, or through lot.

Lot, through. Any interior lot having frontage on two parallel streets. In the case of a row of through lots, all yards of said lots adjacent to streets shall be considered frontage, and through yard setbacks shall be provided as required.

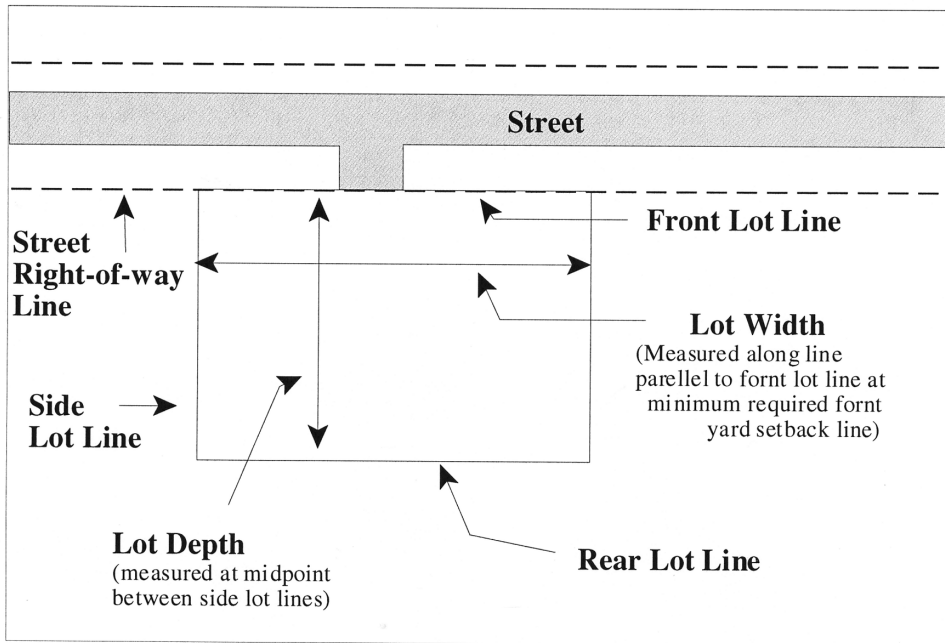
Lot area. The total horizontal area within the lot lines.

Lot coverage. The part of the lot occupied by any 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.

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

- A. *Front lot line.* In the case of an interior lot, it is the line separating the lot from the street. In the case of a through lot, it is that line separating said lot from either street.
- B. *Rear lot line.* That lot line opposite and most distant from the front lot line. In the case of a lot which is pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long, lying farthest from the front lot line and wholly within the lot.

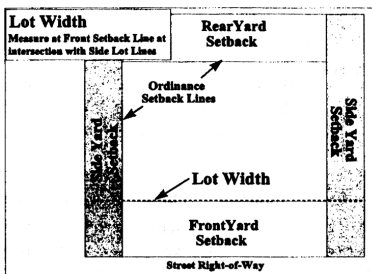


Lot Lines

C. *Side lot line.* Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot is an interior side lot line.

Lot of record. A parcel of land, the dimensions of which are shown on a document or map on file with the county register of deeds or in common use by municipal or county officials, which actually exists as 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 points where the front setback line intersects the side lot lines.



(Ord. No. 498, 2-6-07)

Section 1.14. - Definitions—M.

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

Manufactured home. A transportable, factory-built home, designed to be used as a year-round residential dwelling.

Manufactured home park. A parcel or tract of land under the control of a person upon which three (3) or more manufactured homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured home and which is not intended for use as a temporary trailer park.

Marihuana, also known as marijuana, also known as cannabis. That term shall have the meaning given to it in section 7601 of the Michigan Public Health Code, 1978 PA 368, as amended, MCL 333.7106 et seq., as is referred to in Section 3(d) of the Michigan Medical Marihuana Act, PA 2008, Initiated Law 1, MCL 333.26423(d). Any other term pertaining to marihuana used in this ordinance and not otherwise defined shall have the meaning given to it in the Michigan Medical Marihuana Act and/or in the General Rules of the Michigan Department of Community Health issued in connection with that Act.

Marihuana collective or cooperative. Any facility, structure, dwelling or other location where medical marihuana is grown, cultivated, processed, stored, transmitted, dispensed, consumed, used, given, delivered, provided, made available to and/or distributed by two (2) or more of the following: a registered primary caregiver or a registered qualifying patient, as defined by the Michigan Medical Marihuana Act, PA 2008, Initiated Law I, MCL 333.26421 et seq. (the "Act"), or a person in possession of an identification card issued under the Act or in possession of an application for such an identification card. The term "collective" or "cooperative" shall not apply to a registered primary caregiver that provides necessary care and marihuana for medical use exclusively to his/her five (5) or fewer designated qualifying patients in strict accordance with the Michigan Medical Marihuana Act, PA 2008, Initiated Law I, MCL 333.26421 et seq. or the Administrative Rules of the Michigan Department of Community Health, Michigan Admin. Code, R333.101 through R333.133. A "marijuana collective or cooperative" shall not include the following uses: A state-licensed health care facility; a state-licensed residential care facility for the elderly or infirmed; or a residential hospice care facility, as long as any such use complies strictly with applicable laws and rules of the State of Michigan. It is unlawful to establish or operate a profit or nonprofit medical marihuana dispensary, collective or cooperative within the city.

Marihuana dispensary or dispensary. Any facility, structure, dwelling or other location where medical marihuana is grown, cultivated, processed, stored, transmitted, dispensed, consumed, used, given, delivered, provided, made available to and/or distributed by two (2) or more of the following: a registered primary caregiver or a registered qualifying patient, as defined by the Michigan Medical Marihuana Act, PA 2008, Initiated Law I, MCL 333.26421 et seq. (the "Act"), or a person in possession of an identification card issued under the Act or in possession of an application for such an identification card. The term "dispensary" shall not apply to a registered primary caregiver that provides necessary care and marihuana for medical use exclusively to his/her five (5) or fewer designated qualifying patients in strict accordance with the Michigan Medical Marihuana Act, PA 2008, Initiated Law I, MCL 333.26421 et seq. or the Administrative Rules of the Michigan Department of Community Health, Michigan Admin. Code, R 333.101 through R 333.133. A "marihuana dispensary" shall not include the following uses: a State licensed health care facility; a State-licensed residential care facility for the elderly or infirmed; or a residential hospice care facility, as long as any such use complies strictly with applicable laws and rules of the State of Michigan. It is unlawful to establish or operate a profit or nonprofit medical marihuana dispensary, collective or cooperative within the city.

Marihuana, medical use of. The acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer or transportation of marihuana or paraphernalia relating to the administration of marihuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition, as defined under the Michigan Medical Marihuana Act, PA 2008, Initiated Law 1, MCL 333.26421 et seq.

Marquee. A permanent structure constructed of rigid materials that projects from the exterior wall of a building, intended to shelter entrances or windows.

Massage parlor. Any establishment having a fixed place of business where massages are administered for pay, including but not limited to massage parlors, sauna baths, and steam baths. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or physical therapist duly licensed by the State of Michigan, nor barber shops or beauty salons in which massages are administered only to the scalp, the face, the

neck or the shoulder. This definition shall not be construed to include a non-profit organization operating a community center, swimming pool, tennis court, or other educational, cultural, recreational, and athletic facilities for the welfare of the residents of the area, nor practices of massage therapists who meet one or more of the following criteria:

- A. Proof of graduation from a school of massage licensed by the State of Michigan;
- B. Official transcripts verifying completion of at least three hundred (300) hours of massage training from an American community college or university; plus three references from massage therapists who are professional members of a massage association referred to in this section;
- C. Certificate of professional membership in the American Massage Therapy Association, International Myomassethics Federation, or any other recognized massage association with equivalent professional membership standards; or
- D. A current occupational license from another state.

Master plan. The master plan currently adopted by the City of Belding, including graphic and written proposals, indicating the general location for streets, parks, schools, public facilities, and all physical development of the municipality, and includes any unit or part of such plan and any amendment to such plan.

(Ord. No. 498, 2-6-07; Ord. No. 512, § 3, 12-7-10; Ord. No. 520, § 1, 2-15-11)

Section 1.15. - Definitions—N.

Nonconforming building or structure. A building or structure, the size, dimensions, or location of which was lawful prior to the adoption or amendment of the zoning ordinance, but that fails by reason of such adoption or amendment to conform to the present requirements of the zoning district in which it is located.

Nonconforming lot. A lot, the area, dimensions, or location of which was lawful prior to the adoption or amendment of the zoning ordinance, but that fails by reason of such adoption or amendment to conform to the present lot requirements of the zoning district in which it is located.

Nonconforming use. A use or activity that was lawful prior to the adoption or amendment of the zoning ordinance, but that fails by reason of such adoption or amendment to conform to the present use regulations of the zoning district in which it is located.

Nursing home. A nursing care facility licensed as a "nursing home" by the State Department of Public Health under [article 17](#) of the public health code, Act No. 368 of the Public Acts of Michigan of 1978 (MCL 333.20101 et seq., MSA 14.15(20101) et seq.), as amended. A "nursing home" as defined by this section shall include extended care facility and convalescent home.

(Ord. No. 498, 2-6-07)

Section 1.16. - Definitions—O.

Off-street parking lot. A facility providing parking spaces, along with adequate drives, maneuvering areas, and aisles, for the parking of more than three (3) vehicles.

Open air business. Retail sales establishments operated substantially in the open air, including:

- A. Bicycle, utility truck or trailer, motor vehicle, boats, or home equipment sales, repair or rental services.
- B. Outdoor display area and sale of garages, motor homes, recreation vehicles, manufactured homes, snowmobiles, swimming pools and similar activities, but not including farm implements or commercial construction equipment.
- C. Retail sales of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn

furniture, playground equipment and other home garden supplies and equipment, but not including lumberyards.

(Ord. No. 459, pt. 8, 4-17-01; Ord. No. 498, 2-6-07)

Section 1.17. - Definitions—P.

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.

Personal service establishment. A commercial business conducting services that are performed primarily on the premises.

Planned industrial park. A development of land, used primarily for industrial and related uses, that is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements.

Planned unit development (PUD). A development of land that is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements.

Planning commission, or commission. The City of Belding Planning Commission.

Principal use. The main use to which the premises are devoted.

Public utility. A person, firm, or corporation, municipal department, board or commission duly authorized to furnish to the public under federal, state or municipal regulations, gas, steam, electricity, sewage disposal, communication, telegraph, transportation, or water; provided that this definition shall not include any person, firm, or corporation engaged in the provision of cellular communication services or radio or television broadcasting.

(Ord. No. 459, pt. 9, 4-17-01; Ord. No. 498, 2-6-07)

Section 1.18. - Definitions—R.

Recreation, passive. Non-motorized recreation requiring minimal surface alteration to the area. No alteration of existing topography would be allowed. Such passive recreation shall include, but not be limited to, hiking, walking, biking, picnicking, birdwatching and playing.

Recreational vehicle or equipment. Vehicles or equipment used primarily for recreational purposes. For the purpose of this ordinance, recreational vehicle shall mean:

- A. A vehicle primarily designed and used as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle such as a motor home or camper.
- B. Boats and trailers designed to transport boats.
- C. Snowmobiles and trailers designed to transport snowmobiles.
- D. Off-road vehicles and trailers designed to transport off-road vehicles.
- E. Pop-up tent and camper trailers.
- F. Other similar vehicles deemed by the zoning administrator to be a recreational vehicle. This term shall not include motorcycles or motorbikes or other similar means of transportation intended primarily for on-street use.

Recycling center. A building or premises where used material is separated and processed prior to shipment to others who will use those materials to manufacture new products.

(Ord. No. 498, 2-6-07; Ord. No. 537, § 2, 7-21-15)

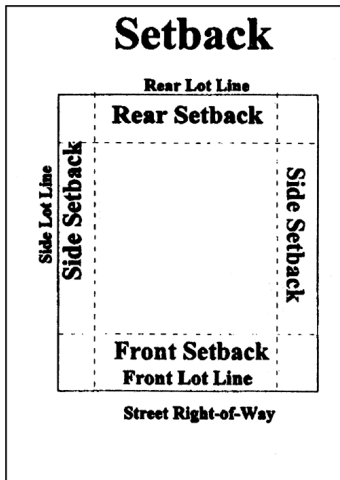
Section 1.19. - Definitions—S.

Salvage yard. An open space where waste, surplus, discarded, or salvaged materials are brought, sold, exchanged, stored, baled, cleaned, packed, disassembled, or handled, including house wrecking and structural steel materials and equipment and automobile wrecking.

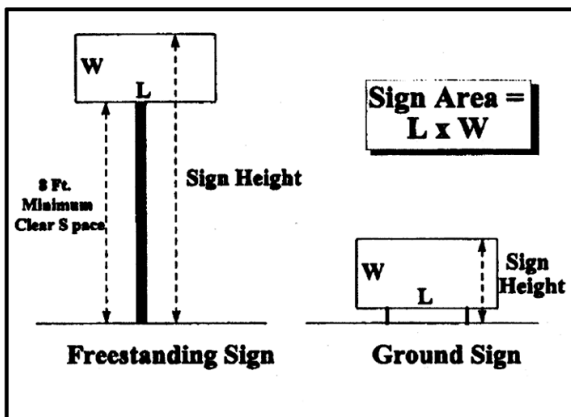
Satellite dish antenna. An apparatus capable of receiving communications from a transmitter or a transmitter relay located in planetary orbit.

Secondary street. The secondary street shall be the street on a corner lot which is not fronting on the street which is considered as the street for the determination of the front yard.

Setback. The distance required to obtain minimum front, side, or rear yard open space provisions of this ordinance. This distance shall be devoid of structures unless otherwise provided for in this ordinance.



Sign. A device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of any business, establishment, person, entity, product, service or activity, or to communicate information of any kind to the public. (See also section 16.4B.)



Significant natural feature. A natural area as designated by the planning commission, city council, or the Michigan Department of Natural Resources which exhibits unique topographic, ecological, hydrological, or historical characteristics such as a wetland, flood plain, water features, or other unique natural features.

Special event. An event of limited duration held on private property, including but not limited to circuses, fairs, carnivals, festivals, exhibitions, antique shows, craft shows, flea markets, vehicle shows or swap meets, or other types of special events that: 1) do not run longer than seven (7) days; 2) are intended to or are likely to attract crowds; and 3) are different from the customary or usual activities generally associated with the property upon which the special event is located.

Specified anatomical areas.

- A. Less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola; and
- B. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

Specified sexual activities.

- A. Human genitals in a state of sexual stimulation or arousal;
- B. Acts of human masturbation, sexual intercourse or sodomy;
- C. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

State licensed residential facility (six or fewer persons). A structure constructed for residential purposes that is licensed by the state pursuant to the adult foster care facility licensing act (Act No. 218 of the Public Acts of Michigan of 1979; MCL 400.701 et seq., as amended) or the child care organizations act (Act No. 116 of the Public Acts of Michigan of 1973; MCL 722.111 et seq., as amended), which provides resident services or care for six (6) or fewer persons under twenty-four (24) hour supervision for persons in need of that supervision or care. A "state licensed residential facility (six or less persons)" as defined by this section shall not include an establishment commonly described as an alcohol or substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institutions, a maternity home, or a hotel or rooming house that does not provide or offer to provide foster care.

Story. That part of a building included between the surface of any floor above the average grade or ground at the foundation and the surface of the next floor, or if there is no floor above, then the ceiling next above.

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 (7) feet six (6) inches. For the purpose of this ordinance, the usable floor area is only that area having at least five (5) feet clear height between floor and ceiling.

Street, arterial. An arterial roadway as designated in the City of Belding Master Plan.

Street, collector. A collector as designated in the City of Belding Master plan. A street that conducts and distributes traffic between other residential streets of lower order in the street hierarchy.

Street, private. An undedicated, privately controlled and maintained right-of-way designed and maintained in compliance with the provisions of this ordinance which provides access to abutting property.

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

Structures. Anything constructed or erected, the use of which requires location on the ground or attachment to something on the ground. This shall not include hard materials used for driveways, pads, sidewalks or walkways. When there is a discrepancy in what is considered a structure the zoning administrator shall make the determination.

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, before improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or any alteration of a structure listed on the National Register of Historic Places or the Michigan Register of Historic Places.

(Ord. No. 459, pt. 10, 4-17-01; Ord. No. 498, 2-6-07; Ord. No. 512, § 4, 12-7-10; Ord. No. 531, § 5, 1-2-13)

Section 1.20. - Definitions—T.

Truck terminal. A building or area in which freight brought by truck is assembled and/or stored for routing or reshipment, or in which semi trailers, including tractor and/or trailer units and other trucks, are parked or stored.

(Ord. No. 498, 2-6-07)

Section 1.21. - Definitions—V.

Vehicle service station. Building and premises where the primary use is the supply and dispensing at retail of motor fuels, lubricants, batteries, tires, and other similar motor vehicle accessories and including the customary space and facilities for the installation of such commodities, including storage, minor repair, and servicing but not including vehicle repair as defined herein.

Vehicle repair. Any major activity involving the general repair, rebuilding, or reconditioning of motor vehicles, engines, or trailers; collision services such as body, frame or fender straightening and repair; overall painting and rust proofing; and refinishing or steam cleaning.

Vehicle wash. A building or portion thereof, the primary purpose of which is that of washing motor vehicles.

(Ord. No. 498, 2-6-07)

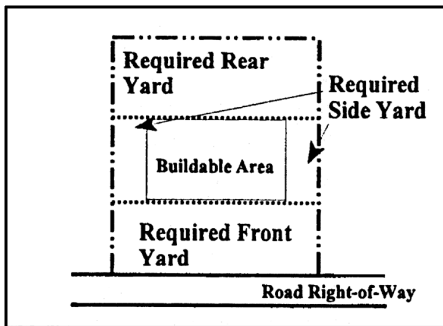
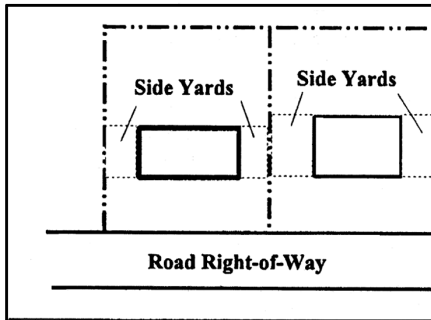
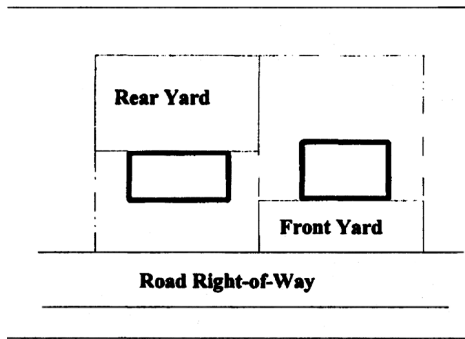
Section 1.22. - Definitions—W.

Waste dumpster. A container used for the temporary storage of rubbish and/or materials to be recycled pending collection, having capacity of at least one (1) cubic yard.

(Ord. No. 459, pt. 11, 4-17-01; Ord. No. 498, 2-6-07)

Section 1.23. - Definitions—Y.

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



Yards

- 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 building line 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 building line 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 building line of the main building.

Yard, required. The required yard shall be that set forth as the minimum yard setback requirement for each district.

(Ord. No. 498, 2-6-07)

Section 1.24. - Definitions—Z.

Zoning act. The Michigan Zoning Enabling Act.

Zoning administrator. The person designated by the city council to administer the provisions of this zoning ordinance.

(Ord. No. 498, 2-6-07)

Chapter 2 - GENERAL PROVISIONS

Section 2.1. - Non-conforming lots, buildings and structures, and uses.

A. Intent.

1. It is recognized that there exists within zoning districts certain lots, buildings and structures, and uses which were lawful before this ordinance was passed or amended, which would be prohibited, regulated or restricted under the terms of this ordinance. It is the intent of this ordinance to permit legal non-conforming lots, buildings and structures, and uses to continue until they are removed, but not to encourage their survival.
2. Non-conforming lots, buildings and structures, and uses are declared by this ordinance to be incompatible with permitted uses in the districts in which they are located. It is the intent of this ordinance that these non-conformities shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other buildings, structures or uses prohibited elsewhere in the district.
3. 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 conducted.

B. Non-conforming lots of record.

1. Where a residential lot of record in existence at the time of the adoption or amendment of this ordinance does not meet the minimum requirements for lot width or lot area, such lot of record may be used for any purposes permitted by the district in which the lot is located, provided that the lot meets at least eighty (80) percent of the required lot area, lot width, and side yard required by that district and further provided that any building or structure constructed on the lot complies with all other yard setback requirements.
2. If two (2) or more lots of record or combination of lots and portions of lots of record, in existence at the time of the passage of this ordinance, or an amendment thereto, with continuous frontage and under single ownership do not meet the requirements established for lot width or lot area, the lands involved shall be considered to be an undivided parcel for the purposes of this ordinance, and no portion of such parcel shall be used or divided in a manner which diminishes compliance with lot width and area requirements established by this ordinance.

C. Non-conforming uses.

1. No non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of the adoption or amendment of this ordinance.
2. No part of any non-conforming use shall be moved unless such movement eliminates the non-conformity.
3. If a non-conforming use is abandoned for any reason for a period of more than one hundred eighty (180) days, any subsequent use shall conform to the requirements of this ordinance. A non-conforming use shall be determined to be abandoned if one or more of the following conditions exists, and which shall be deemed to constitute an intent on the part of the property owner to abandon the non-conforming use:
 - a. Utilities, such as water, gas and electricity to the property, have been disconnected;
 - b. The property, buildings, and grounds, have fallen into disrepair;
 - c. Signs or other indications of the existence of the non-conforming use have been removed;
 - d. Equipment or fixtures necessary for the operation of the non-conforming use have been removed;
 - e. Other actions, which in the opinion of the zoning administrator, constitute an intention of [on] the part of the property owner or lessee to abandon the non-conforming use.

4. A non-conforming use may be changed to another non-conforming use provided that all of the following determinations made by the board of appeals:
 - a. The proposed use shall be as compatible or more compatible with the surrounding neighborhood than the previous non-conforming use.
 - b. The proposed non-conforming use shall not be enlarged or increased, nor extended to occupy a greater area of land than the previous non-conforming use.
 - c. That appropriate conditions and safeguards are provided that will ensure compliance with the intent and purpose of this ordinance.
- D. Non-conforming buildings and structures.
1. Where a lawful building or structure exists at the effective date of this ordinance, or an amendment thereto, that does not comply with the requirements of this ordinance because of restrictions such as lot area, coverage, width, height, or yards, such building or structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
 - a. No such building or structure may be enlarged or altered in a way that increases its nonconformity, except in cases in which the setback of a building or structure is non-conforming by fifty (50) percent or less of the distance required by this ordinance. Only in these cases may the non-conforming setback be extended along the same plane as the existing non-conforming setback, provided that in so doing, the setback itself is not further reduced.
 - b. Should a non-conforming building or structure be destroyed to an extent of more than sixty (60) percent of its replacement value, exclusive of the foundation, it may be reconstructed as it existed at the time of such destruction if reconstruction commences and progresses meaningfully within six (6) months of the destruction. Otherwise, it shall be reconstructed only in conformity with the provisions of this ordinance.
 - c. Should a non-conforming building or structure be moved for any reason and for any distance, it shall be moved to a location which complies with the requirements of this ordinance.
 2. None of the provisions of this section are meant to preclude normal repairs, maintenance, or improvements of any non-conforming building or structure which do not increase the non-conforming condition; or to prevent strengthening or correcting of any unsafe condition of the building or structure.
- E. The city may acquire, through purchase or condemnation, private non-conforming, buildings, structures, or land. The city council may make this purchase of private property in the manner provided for by law.

Section 2.2. - Accessory buildings, structures, and uses.

A. *Accessory buildings, structures and uses—General.*

1. Where an accessory building or structure is attached to a main building in a substantial manner, such as by a wall, roof, or breezeway, it shall conform to all regulations of this ordinance applicable to the main building, unless otherwise noted in section 2.7, projections into yards.
2. Accessory buildings, structures or uses are permitted only in connection with, incidental to, and on the same lot with a main building or use that is permitted in the particular zoning district. No accessory building, structure or use may be placed on a lot without a main building or use.
3. An accessory building, structure or use must be in the same zoning district as the main building or use on a lot.
4. No accessory building, structure or use shall be occupied or utilized unless the main building, structure or use to which it is accessory is occupied or utilized.

5. Accessory buildings and structures shall not be occupied for dwelling purposes unless otherwise permitted in this o
6. No detached accessory building shall be located closer than ten (10) feet to any main building or structure, nor closer than three (3) feet from any side or rear lot line. On a single family residential lot, the setback requirement from a side or rear lot line shall apply to the drip-line edge of the accessory building.

[B. *Reserved.*]

- C. *Residential accessory buildings and structures.* Accessory buildings that are accessory to residential uses shall be permitted within the R-1, R-1.5, R-2, and R-3 Districts or with any residential use in any other district (including nonconforming uses), provided that the following restrictions are met:
1. No more than two (2) detached accessory buildings shall be permitted on any one- or two-family residential lot. There shall be no limitation on the number of accessory structures permitted on lots containing multiple family uses or non-residential uses that are allowed in the residential districts, provided that all other requirements of this ordinance are met.
 2. The total area of all accessory building sizes are limited based on parcel size:
 - a. One- and two-family residential uses:
 - (i) Less than two (2) acres: Nine hundred sixty (960) square feet or no more than thirty (30) percent of the rear yard, whichever is less;
 - (ii) Two (2) to five (5) acres: One thousand two hundred (1,200) square feet or no more than thirty (30) percent of the rear yard, whichever is less; and
 - (iii) More than five (5) acres: Fifteen hundred (1,500) square feet or no more than thirty (30) percent of the rear yard, whichever is less.
 - b. Multiple family uses and non-residential uses that are allowed in the residential districts: The aggregate gross floor area of all allowed accessory structures shall not exceed twenty-five (25) percent of the gross floor area of the main building(s) or structure(s).
 3. Accessory buildings in excess of one hundred forty-four (144) square feet must be designed, constructed, and finished such that the exterior appearance is similar to that of the main building.
 4. No accessory building shall exceed fourteen (14) feet in height.
 5. Accessory buildings, structures or uses shall not be permitted in the front yard or the principal front yard; however, this restriction shall not apply to secondary front yards or to a golf course allowed as a special land use, provided:
 - a. The accessory structure shall be setback a minimum of one hundred fifty (150) feet from the front lot line and shall meet the minimum side yard setback requirements for the district in which it is located.
 - b. The structure shall utilize siding, roof and other exterior materials that are similar to or of the same or higher quality as those used on the main building.
 - c. The accessory structure shall be screened by landscaping, berms, or a combination thereof.
- D. *Non-residential district accessory buildings and structures.* Accessory buildings shall be permitted within the OS-1, B-1, B-2, 1-1, and P-1 districts provided that the following restrictions are met:
1. The aggregate gross floor area of all accessory buildings shall not exceed twenty-five (25) percent of the gross floor area of the main building(s).
 2. Detached accessory buildings shall meet all setback requirements for the zone district in which they are located.
 3. No accessory structure shall be permitted in the front yard; however, the Zoning Administrator may issue a zoning permit for an accessory structure in the front yard that meets the following requirements:

- a. The accessory structure shall be set back a minimum of one hundred fifty (150) feet from the front lot line and a minimum side yard setback requirement for the district in which it is located;
- b. The structure shall utilize siding, roof and other exterior materials that are similar to or of the same quality as those used on the main building;
- c. The accessory structure shall be screened by landscaping, berms, or a combination thereof.

4. No accessory building shall exceed the permitted height for main buildings in the district in which it is located.

(Ord. No. 459, pt. 12, 4-17-01; Ord. No. 493, § 1, 6-7-06; Ord. No. 512, § 5, 12-7-10; Ord. No. 531, § 2, 1-2-13)

Section 2.3. - Fences.

- A. Fences in residential districts shall not exceed six (6) feet in height, measured from the surface to the uppermost portion of the fence.
- B. Fences erected within the front yard or the principal front yard in any district shall not exceed three (3) feet in height. Fences up to six (6) feet in height may be located in the secondary front yard, however they shall not be located within the secondary front yard setback. Fences within the front yard or the principal front yard shall be of a type which is not more than twenty-five (25) percent solid, so as not to obscure vision at the right-of-way or property line of the lot or parcel on which it is placed. Where adjacent residential properties are found to have a deviation in building lines, a fence that is not parallel to the building line but is located in the front yard of one (1) property and in the side yard of the adjacent property may be built in excess [of] three (3) feet in height but not greater than six (6) feet in height and may be of a type greater than twenty-five (25) percent solid with the approval by the following party:
 1. Zoning administrator, when such fence in excess of three (3) feet in height runs a distance of ten (10) linear feet or less when located in a front yard.
 2. Planning commission, when such fence in excess of three (3) feet in height runs a distance greater than ten (10) linear feet when located in the front yard.
- C. Fences in residential districts or enclosing residential uses shall not contain barbed wire or be electrified.
- D. Fences in business, industrial and parking districts which enclose storage lots or other areas requiring security may contain barbed wire, provided that the barbed portion of the fence shall not be nearer than six (6) feet from the surface of the ground. The total height of fences in any non-residential district shall not exceed eight (8) feet.
- E. Fences shall not be erected within any public right-of-way in any district.
- F. Fences shall not be erected or maintained in any district in such a way as to obstruct the vision of vehicle drivers within the triangular area formed by the intersection of the street right-of-way lines and a line connecting two (2) points located on those intersecting right-of-way lines twenty-five (25) feet from the point of intersection.
- G. Fences shall not be erected within two (2) feet from a sidewalk, where the sidewalk is within the public right-of-way.
- H. Fences constructed of wood or other material having one (1) side designed and considered the decorative side shall be erected with that side facing the adjoining street or abutting property owner's premises. All fences located along a property line shall have exposed posts and/or bracing of the fence located so as to face the interior of the property.

(Ord. No. 505, § 1, 8-19-08; Ord. No. 531, § 3, 1-2-13; Ord. No. 532, § 1, 2-19-13)

Section 2.4. - Required access.

Any lot created shall have frontage upon only one (1) public or approved private street equal to that required by the zone district in which it is located. Exception: Corner lots with a principal front lot line and a secondary front lot line. The principal front lot line shall be the shorter of the two (2) lot lines, and it shall have the required frontage as outlined above.

Section 2.5. - Storage of recreation equipment.

- A. Recreational equipment may be parked outside of an enclosed building on any lot within a residential district provided that the following requirements are met:
1. If located on an interior lot recreational equipment shall not be located within the front yard. If located on a corner lot or a through lot, recreational equipment may be permitted in the secondary front yard, however no recreational equipment shall be located closer to a secondary front lot line than permitted by the secondary front lot line setback requirements.
 2. Notwithstanding the provisions of this section, recreational equipment may be parked within any yard, but not within the required setback area, for cleaning, loading, or unloading purposes for not more than forty-eight (48) hours within any seven (7) day period.
 3. Recreational equipment may not be used for living or housekeeping purposes.
 4. Where physical features of a property, such as, but not limited to, immovable structures, or a tree with a diameter of four (4) inches or greater, prohibit a recreational vehicle from being parked in compliance with this section, the owner may apply to the zoning administrator for permission to park the recreational vehicle on the lot. This permission shall be granted, provided that the following requirements are met:
 - a. An application for permission shall be accompanied by a plan, drawn to scale, showing the features that prevent the recreational vehicle from being parked in compliance with this section. A filing fee, which shall be set by city council resolution, shall also be required.
 - b. A twenty (20) foot setback shall be maintained from the recreational vehicle to the edge of the street pavement or curb; or, if a sidewalk exists, the twenty (20) foot setback shall be measured from the inside edge of the sidewalk.

(Ord. No. 531, § 4, 1-2-13)

Section 2.6. - Main building or use.

No more than one (1) main building or use may be located on a parcel, except for groups of related industrial or commercial buildings, or multiple-family dwellings contained within a single, integrated complex, sharing parking and access.

Section 2.7. - Projections into yards.

- A. Certain architectural features, such as cornices, bay windows (or windows without foundations), gutters, chimneys, pilasters and similar features may project no further than four (4) feet into a required front, rear, or side yard.
- B. An open, unenclosed, and uncovered porch, paved terrace, deck, or balcony which is no more than two (2) feet above grade may project no further than ten (10) feet into a required front yard, no further than fifteen (15) feet into a required rear yard, and no more than five (5) feet into a required side yard, providing that adequate fire access can be maintained. In no case shall a porch, deck, balcony or awning be placed closer than five (5) feet to any front or rear lot line, with the exception of the B-1 Community Business District where the porch, deck, or balcony or awning may extend to the lot line.
- C. Any porch, terrace, deck or balcony that is either more than two (2) feet above grade, or which is covered or enclosed

shall meet the minimum setback requirements of the main building or accessory building to which it is attached.

- D. In the case of a handicap wheelchair ramp, the zoning administrator may waive setback requirements at his/her discretion, if no other options are available to provide a ramp according to ADA requirements, provided that the applicant agrees to remove the ramp if it is no longer necessary on the property. A performance letter or performance guarantee may be required.

(Ord. No. 486, § 1, 12-6-05)

Section 2.8. - Essential public services.

The erection, construction, alteration or maintenance of essential public services shall be permitted in any zoning district; it being the intention thereof to exempt such erection, construction, alteration or maintenance from the application of this ordinance. (See definitions of "essential public service" and "public utility.")

Section 2.9. - Building height exceptions.

The building height restrictions of all zoning districts shall be subject to the following exceptions: parapet walls not exceeding four (4) feet in height, chimneys, cooling towers, elevator bulkheads, fire towers, gas tanks, grain elevators, silos, stacks, stage towers and scenery lofts, water tanks, public monuments, church spires, and penthouses or roof structures housing necessary mechanical appurtenances, subject to section 2.2.

Section 2.10. - Required area or space.

- A. No lot, adjacent lots in common ownership, required yard, parking area or other required open space shall be created, divided or reduced in dimensions or area below the minimum requirements of this ordinance. If already less than the minimum requirements of this ordinance, a lot or adjacent lots in common ownership or a required yard, parking area or other open space shall not be divided or reduced in dimensions or area so as to increase its noncompliance with the minimum requirements of this ordinance. Lots or yards created after the effective date of this ordinance shall comply with the requirements of this ordinance.
- B. Accessory buildings or structures, including, but not limited to, porches enclosed by walls, or garages, attached to a dwelling unit or other main building in a substantial manner, such as by a wall or roof, shall be deemed a part of such main building, for the purpose of determining compliance with the provisions of this ordinance concerning required yards.

Section 2.11. - Storage and repair of vehicles.

- A. The carrying out of repair, restoration and maintenance procedures or projects on vehicles in any residential zoning district, when such work is not conducted entirely within the interior of a building, shall be subject to the following limitations:
1. Procedures or projects exceeding forty-eight (48) hours in duration or which require the vehicle to be immobile or inoperable in excess of forty-eight (48) hours shall be carried out within a garage.
 2. Inoperable or unlicensed vehicles and vehicle parts shall be stored inside a building.
- B. It shall be unlawful for the owner, tenant or lessee of any lot in any residential zoning district to permit the open storage or parking outside of a building of semi-tractor trucks and/or semi-trailers, bulldozers, earth carriers, cranes or any other similar equipment or machinery, unless parked thereon while in use for construction being conducted on such lot.

Section 2.12. - Swimming pools.

- A. Every person owning land on which there is located a swimming pool, spa, hot tub, or similar device (below ground or above ground) which contains twenty-four (24) inches or more of water in depth at any point, shall erect and maintain thereon a fence or enclosure approved by the building inspector surrounding the device sufficient to make such device inaccessible to small children. Such fence or enclosure, including the gates, shall not be less than four (4) feet or greater than (6) feet above grade. All gates shall be self-latching with latches placed no less than four (4) feet above grade or otherwise made inaccessible from the outside to small children.
- B. Swimming pools, spas, hot tubs and similar devices shall not be located less than ten (10) feet from any lot line.
- C. Swimming pools, spas, hot tubs and similar devices shall not be located in any front yard.

Section 2.13. - Regulations applicable to single-family (outside manufactured home parks) and two-family dwellings.

It is the intent and purpose of this section to establish design review standards and controls over housing development in the City of Belding. It is recognized that there are unique design aspects inherent in the community appearance that need to be preserved and enhanced. The adoption of these criteria will guide and ensure that all future growth enhances community character and image and fits with the unique vernacular of the City of Belding's urban setting. A positive community image: enhances economic development opportunity; safeguards property values; curbs blight and deterioration; and enhances public safety and welfare. The following standards shall apply to all single-family or duplex structures erected in the City of Belding.

In the case of a one-family or two-family dwelling unit which is of standard construction, a mobile home, a premanufactured, or a precut dwelling structure, and any additions or alterations thereto, erected or placed in the City of Belding, other than a manufactured home located in a licensed manufactured home park approved under the provisions of chapter 8, RM-2 Manufactured Home Park Districts, shall conform to the following regulations in addition to all other restrictions and requirements of this ordinance:

- A. Each dwelling unit shall have a minimum gross floor area of nine hundred sixty (960) square feet. For a structure of two (2) or more stories, a minimum of twelve hundred (1,200) square feet of gross floor area shall be provided with at least six hundred eighty (680) square feet provided on the ground floor.
- B. For a home constructed on a corner lot, the front door of the home is required to face (and be parallel to) the principal front lot line. The front door is considered to be the door in the front wall of the building, acting as the principal entrance to the home.
- C. Where the home design involves a roof pitch, it shall be at a minimum pitch of 5/12, that is, for every twelve (12) inches of lateral run, the roof shall rise five (5) inches.
- D. The roof shall have a snow load rating of forty (40) pounds per square foot.
- E. Roof drainage in the form of a roof overhang of at least twelve (12) inches shall be provided to direct storm or meltwater way from the foundation, unless a gambrel roof or other design elements necessitate an alternative roof drainage system.
- F. Siding shall be the same gauge for modular and manufactured homes as for on-site-built homes. The exterior finish of the dwelling unit shall not cause reflection that is greater than that from siding coated with clean, white, gloss exterior enamel.
- G. The dwelling unit shall have a minimum horizontal dimension across any front, side, or rear elevation of twenty-four (24) feet.
- H. A structure with a front elevation view of over forty (40) linear feet shall have a design offset including but not limited to: bay windows, covered porches, or structural offsets from the principal plane of the building.

- I. Each dwelling unit shall have a minimum one-stall garage (either attached or detached).
- J. Any single-story, residential structure shall not be more than two (2) times wider than its depth (exclusive of an attached garage).
- K. Garage doors may not comprise more than fifty (50) percent of the front face of the structure.
- L. The dwelling unit shall be firmly attached to a permanent continuous foundation constructed on the building site, such foundation to have a wall of the same perimeter dimensions as the dwelling unit and to be constructed of such materials and type as required by the building code for on-site constructed single-family dwellings. If the dwelling unit is a manufactured home, its foundation shall fully enclose the chassis, undercarriage and towing mechanism.
- M. If the dwelling unit is a manufactured home, it shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the building site by an anchoring system or device complying with the rules and regulations, as amended, of the Michigan mobile home commission, or any similar or successor agency having regulatory responsibility for manufactured home parks.
- N. All dwellings without basements shall provide a crawl space below the entire floor of the dwelling, four (4) feet in depth with a vapor barrier consisting of two (2) inches of concrete on the floor of the crawl space. The crawl space shall also be provided with adequate drains to drain any accumulation of water in the crawl space.
- O. Any crawlspace that may exist between the foundation and ground floor of the dwelling unit shall be fully enclosed by an extension of the foundation wall along the perimeter of the building.
- P. If the dwelling unit is a manufactured home, it shall be installed with the wheels removed. No dwelling unit shall have any exposed towing mechanism, undercarriage or chassis.
- Q. Storage area with an area of no less than 120 square feet shall be provided within a building. This storage area may consist of a basement, closet area or attached garage in a main building, or in a detached accessory building which is in compliance with all other applicable provisions of section 3.2. The storage area may not be located in an attic area or any area not meeting the definition of a story or half-story as defined in section 1.9.
- R. The subject dwelling unit shall be aesthetically compatible in design and appearance with other dwellings within six hundred (600) feet. The review shall include but not necessarily be limited to: roof pitch, scale, size, mass, minimum transparency, orientation to the street, and overhangs. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as (but not limited to) solar energy, view, or unique land contour.
- S. The compatibility of design and appearance shall be determined in the first instance by the zoning administrator upon review of the plans submitted for a particular dwelling unit. The zoning administrator's decision may be appealed to the zoning board of appeals as provided for in this ordinance.
- T. The dwelling unit shall contain no additions of rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
- U. If the dwelling unit is a manufactured home, the manufactured home must either be new and certified by the manufacturer and/or appropriate inspection agency as meeting the Mobile Home Construction and Safety Standards of the U.S. Dept. of Housing and Urban Development, as amended, or any similar successor or replacement standards which may be promulgated, or used and certified by the manufacturer and/or appropriate inspection agency as meeting the standards referenced above, and found, on inspection by the building inspector or his designee, to be in excellent condition and safe and fit for residential occupancy.
- V. The dwelling unit shall comply with all applicable building, electrical, plumbing, fire, energy and other similar

codes which are or may be adopted by the city, provided, however, that where a dwelling unit is required by law to comply with any federal or state standards or regulations for construction, and where such standards or regulations for construction are different than those imposed by city codes, then and in such event such federal or state standard or regulation shall apply. Appropriate evidence of compliance with such standards or regulations shall be provided to the building inspector.

- W. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the building code.
- X. Each dwelling unit shall have an established vegetative ground cover no less than 12 months after occupancy. A minimum of one (1) shade tree, two and one-half (2½) inches in diameter, four (4) feet from the ground or one (1) six-foot evergreen tree shall be provided in the front yard. Existing landscaping may be accepted in lieu of this requirement.

(Ord. No. 477, § 1, 12-21-04; Ord. No. 512, § 6, 12-7-10)

Section 2.13-A. - Regulations applicable to multiple-family dwellings.

In the case of a multi-family (more than two units) dwelling structure which is of standard construction, and any additions or alterations thereto, erected, placed or created in the City of Belding, shall conform to the following regulations in addition to all other restrictions and requirements of this ordinance:

- A. Each dwelling unit shall have a minimum living area of six hundred (600) square feet for a one (1) bedroom unit, of eight hundred (800) square feet for a two (2) bedroom unit, and of nine hundred (900) square feet for a three (3) bedroom unit. For each bedroom thereafter, an additional one hundred (100) square feet of living space shall be provided.
- B. Roof drainage in the form of a roof overhang of at least twelve (12) inches shall be provided to direct storm or meltwater way from the foundation, unless a gambrel roof or other design elements necessitate an alternative roof drainage system.
- C. The roof shall have a snow load rating of forty (40) pounds per square foot.
- D. Where the building design involves a roof pitch, it shall be at a minimum pitch of 5/12, that is, for every twelve (12) inches of lateral run, the roof shall rise five (5) inches.
- E. Roof drainage in the form of a roof overhang of at least twelve (12) inches shall be provided to direct storm or meltwater way from the foundation, unless a gambrel roof or other design elements necessitate an alternative roof drainage system.
- F. A structure with a front elevation view of over forty (40) linear feet shall have a design offset including but not limited to: bay windows, covered porches, or structural offsets from the principal plane of the building.
- G. Garage doors may not comprise more than fifty (50) percent of the front face of the principal structure(s).
- H. The structure(s) shall be firmly attached to a permanent foundation constructed on the site in accordance with the building code, manufacturers specifications, and other applicable requirements.
- I. Any crawlspace that may exist between the foundation and ground floor of the structure(s) shall be fully enclosed by an extension of the foundation wall along the perimeter of the building(s).
- J. The structure shall be connected to a public sewer and water supply when available, as defined by the plumbing code or if not available, to private facilities as approved by the county health department, the city, and other applicable agencies.
- K. Storage space of at least fifteen (15) percent of the interior living space of each dwelling unit, shall be provided

either within the structure(s), or in a detached accessory building meeting the requirements of this ordinance. The storage area may not be located in an attic area or any area not meeting the definition of a story or half-story as defined in section 1.9.

- L. The structure shall contain no additions of rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
- M. Each dwelling unit shall have an established vegetative ground cover no less than twelve (12) months after occupancy. A minimum of one shade tree, two and one-half (2½) inches in diameter, four (4) feet from the ground or one (1) six-foot evergreen tree shall be provided. Existing landscaping may be accepted in lieu of this requirement.

(Ord. No. 477, § 1, 12-21-04)

Section 2.14. - Illegal dwellings.

The use of any portion of a garage or accessory building for dwelling or sleeping purposes in any zoning district is prohibited. Basements shall not be used for sleeping purposes, unless adequate ingress and egress is provided per the requirements of the city building code and other applicable regulations. In no case, shall any living space located in a basement be counted toward the required floor area requirement for the district in which it is located.

Section 2.15. - Construction buildings and structures.

Construction buildings and structures, including trailers, incidental to construction work on a lot, may be placed on such lot, subject to the following restrictions:

- A. Construction buildings and structures may only be used for the storage of construction materials, tools, supplies and equipment, for construction management and supervision offices, and for temporary on-site sanitation facilities, related to construction activity on the same lot.
- B. No construction building or structure shall be used as a dwelling unit.
- C. A building permit shall be issued by the building inspector prior to installation of a construction building or structure.
- D. Construction buildings and structures shall be removed from the lot within fifteen (15) days after an occupancy permit is issued by the building inspector for the permanent structure on such lot, or within fifteen (15) days after the expiration of a building permit issued for construction on such lot.

Section 2.16. - Timely completion of construction required.

Following the initiation of the construction, erection, reconstruction, modification, expansion or enlargement of any building or other structure authorized under the provisions of this ordinance, completion of such work shall be diligently pursued and completed in a timely manner.

Section 2.17. - Permitted front setback reductions.

- A. Where the established front yards for existing main buildings in the vicinity of, and in the same zoning district as, a subject lot are less than the required front yard for the zoning district of the subject lot, the required front yard for the subject lot shall be the average front yard of existing main buildings on the same side of the street and entirely

or partially within two hundred (200) feet of the side lot lines of the subject lot, subject to subsections B and C, below.

- B. The front yard reduction permitted in subsection A, above shall only be permitted if there are two (2) or more lots occupied by main buildings within the area described for computing the average front yard.
- C. In no case shall the front yard setback resulting from the application of these provisions, be less than fifteen (15) feet.

Section 2.18. - Keeping of animals.

- A. The keeping of household pets, including dogs, cats, fish, birds, hamsters and other animals generally regarded as household pets is permitted as an accessory use in any residential district. However, no more than two (2) cats and two (2) dogs, six (6) months of age or older, shall be kept or housed in or at one (1) dwelling unit. This section shall not apply to commercial kennels in lawful operation as such.
- B. The keeping of animals not normally considered household pets, including but not limited to, horses, pigs, sheep, cattle, and poultry is prohibited in all zoning districts.

(Ord. No. 487, § 1, 12-6-05)

Section 2.19. - Mechanical appurtenances.

- A. Except in the B-1 community business district, mechanical appurtenances, such as blowers, ventilating fans and air-conditioning units, shall be placed not closer than twelve (12) feet to any lot line.
- B. Any mechanical appurtenances, including elevator housings, stairways, tanks, heating, ventilation and air conditioning equipment, and other similar apparatus, located on the roof of any building shall comply with the following standards:
 - 1. Such apparatus shall be enclosed in a screening structure having walls constructed of material compatible in appearance with the main building to which it is attached.
 - 2. The apparatus and enclosure shall not exceed a height of ten (10) feet above the surrounding roof surface, and shall not occupy greater than fifteen (15) percent of the total area of the roof of the building on which it is placed.

Section 2.20. - Water and sanitary sewer service.

No structure for human occupancy shall, after the effective date of this ordinance, be erected, altered or moved upon any lot or premises and used in whole or part for dwelling, business, industrial or recreation purposes unless provided with a safe, sanitary and potable water supply and with a safe and effective means of collection, treatment and disposal of human, domestic, commercial and industrial waste. Such installations and facilities shall conform with the minimum requirements for such facilities set forth by the State of Michigan Health Department, the Ionia County Health Department, and the subdivision regulations, building code and water and sewer ordinances of the city.

Section 2.21. - Corner lots.

- A. A corner lot shall have two (2) front lot lines: a principal front lot line and a secondary front lot line. Where a property is undeveloped the principal front lot line shall be the shorter of the two (2) lot lines. Where a property is developed the lot line which is adjacent to the street that the property is addressed shall be the principal front lot line. Where there is a discrepancy then the zoning administrator shall determine the principal front lot line.
- B. *General provisions.*

1. The required front setback shall be measured from both the principal and secondary front lot lines. For a corner lot front setbacks, the remaining setback shall be a rear setback.
 2. The remaining setback shall be a rear and a side setback. The rear setback shall be measured from the rear lot line, which in the case of a corner lot, shall be the lot line opposite the principal front lot line.
 3. The width of a corner lot shall be determined by the entire length of that front lot line which is opposite the rear lot line.
- C. *Office, business, and industrial zoning districts.* For a corner lot which is completely within an OS-1, B-1, or B-2 zoning district, the setback along the secondary street(s) shall not be less than thirty (30) feet. All other setbacks shall comply with the minimum setback requirements of the zoning district within which the lot is located.
1. *Residential zoning districts.* For a corner lot which is completely within an R-1, R-1.5, or R-2 zoning district, the setback along the secondary front lot line shall be as follows:

	R-1	R-1.5	R-2
Secondary front lot line setback (in feet)	20 ft.	20 ft.	10 ft.

(Ord. No. 531, § 1, 1-2-13)

Section 2.22. - Irregularly shaped parcels.

An irregularly shaped parcel is a parcel connected to another parcel, by a narrow piece of property, so as to create a barbell-like shaped parcel. No parcel shall be split so as to create an irregularly shaped parcel which would permit the area requirements for a lot to be met by adding a parcel to the rear or the side of such parcel.

Section 2.23. - Withholding of approval.

The planning commission or city council may withhold granting of approval of any use, site plan, or other approval required by this ordinance pending approvals which may be required by county, state or federal agencies or departments.

Section 2.24. - Home occupations.

The regulations of this section are intended to ensure that the home occupations remain subordinate to the residential use, that home occupations may contribute to the economic well-being of the residents of the dwelling unit, that the residential viability of the dwelling is maintained, and that home occupations shall not be a detriment to the character and livability of the surrounding neighborhood.

- A. A home occupation shall be a permitted accessory use to any legally existing or legally existing non-conforming residential dwelling use, subject to the requirement of this section.
- B. Signs for home occupations shall be allowed as permitted by section 16.4 herein.
- C. Parking generated by the conduct of the home occupation shall be limited to that area of the customary residential driveway, or in that area reserved for parking by the residents of the dwelling unit, or in that area available for permitted on-street parking. Parking for home occupations within detached single-family and two-family residential dwellings shall not be permitted in areas outside the customary residential driveway, except that area available as permitted on-street parking.

- D. No equipment or process shall be used in such a home occupation which creates noise, vibration, glare, fumes, odors, dust, gas, or other nuisance elements, or electrical interference detectable to the normal senses outside the dwelling unit. In case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or cause fluctuation in line voltage off the premises.
- E. Visits by customers, clients, or students to a dwelling unit in which a home occupation is located shall be limited to between the hours of 7:00 a.m. to 8:00 p.m., local time.
- F. Outdoor storage of materials used in the operation of the home occupation shall not be permitted.
- G. The use of a legally existing or legally existing non-conforming residence by an occupant of that residence for a home occupation to give instruction in a craft or fine art within the residence shall be allowed in the same manner that such instruction shall be allowed in a single-family residence as required by the Michigan Zoning Enabling Act, PA 110 of 2006 as amended. This does not prohibit the regulation of noise, advertising, traffic, hours of operation, or other conditions that may accompany the use of a residence under this section.
- H. Home occupations that are regulated by the Michigan Cottage Food Law, PA 113 of 2010 as amended are subject to the requirements of this section.

(Ord. No. 520, § 1, 2-15-11; Ord. No. 542, § 1, 5-3-16)

Section 2.25. - Private streets.

- A. *Purpose.* The city determines that it is in the best interest of the public health, safety, and welfare to regulate the construction, improvement, extension, relocation, and use of private streets. These provisions have been enacted to assure that:
 1. Proposed private streets will not be detrimental to the public health safety, or general welfare;
 2. Proposed private streets will not adversely affect the long term development policies of the city;
 3. Private streets will be designed and constructed with width, surface, and grade to assure safe passage and maneuverability of private vehicles, police, fire, ambulance, and other safety vehicles.
 4. Private streets will be constructed so as to protect against or minimize soil erosion and prevent damage to the lakes, streams, wetlands, and natural environment of the city.
- B. *Definitions.*
 1. *Frontage* means the continuous linear distance of that portion of a parcel abutting upon a public or private street right-of-way.
 2. *Parcel* means a tract of land which can be legally described with certainty and is capable of being located by survey.

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

3. *Private street* means an undedicated, privately controlled and maintained right-of-way designed and maintained in compliance with the provisions of this ordinance that provides the means of access to two (2) or more abutting properties. The term "street" shall be synonymous with the terms road, avenue, place, way, lane, boulevard, highway or other thoroughfare.
 4. *Road commission* means the Ionia County Road Commission.
- C. *Frontage and access.*

1. All parcels utilizing a private street shall have frontage on the approved private street for a distance equal to or greater than the minimum lot width required for the district in which the parcel is located.
2. All private streets shall have direct access to a public street.
3. A single parcel meeting the minimum lot width requirements along a public street and containing only one (1) principal use, shall not be required to meet the requirements of this section, provided access to the private drive serving the parcel is directly from such public street upon which the lot width is measured.

D. *Permits.*

1. No individual, association, corporation, or entity, either public or private, shall construct, upgrade, or extend a private street after the effective date of this ordinance without first having obtained a private street permit from the city council.
2. The building inspector shall not issue building permits for construction of any building or structure on lots or condominium units served by a private street until construction of the private street as approved by the city council has been completed.
3. A driveway permit shall be obtained from the city or Ionia County Road Commission, as applicable, prior to issuance of any building permit.
4. A Soil Erosion and Sedimentation Control permit shall be obtained from the Ionia County Drain Commission, as may be required by the Soil Erosion and Sedimentation Control Act of 1972, as amended.
5. All other required State of Michigan permits shall be obtained.

E. *Application.* An application for a private street shall be submitted and processed under the following procedures:

1. An application shall be submitted through the zoning administrator and shall contain the following:
 - a. A detailed written description of the development to be served by the private street.
 - b. Ten (10) copies of a site plan, drawn to scale, prepared by a registered engineer, showing the precise location, grade, route, elevation, dimensions, and design of the private street and any proposed extensions thereto, existing and proposed curb cuts, and the location and distance to any public streets which the private street is to intersect. The plan may be prepared by a registered surveyor, rather than a registered engineer, if the proposed private street is to serve five (5) or fewer parcels, main buildings, etc., and the city council waives said requirements in writing.
 - c. A survey of the right-of-way by a registered land surveyor, together with surveys for each parcel to be served by the private street.
 - d. The location of all public utilities, including, but not limited to, water, sewer, telephone, gas, electricity, and television cable to be located within the private street right-of-way or within twenty (20) feet of either side thereof. Copies of the instruments describing and granting such easements shall be submitted with the application.
 - e. The location of any lakes, streams, wetlands, and drains within the proposed right-of-way or within one-hundred (100) feet thereof.
 - f. The location of any other buildings and structures located, or to be located, within one-hundred (100) feet of the private street right-of-way.
2. Review procedures will be as follows:
 - a. The application, along with all other required information, shall be forwarded to the planning commission at its next scheduled meeting.
 - b. The planning commission shall hold a public hearing on the application, after establishing a date for the

hearing, and providing notice of such hearing in a newspaper of general circulation in the city to all property owners within three hundred (300) feet of the subject property at least five (5) days, but not more than fifteen (15) days prior to such hearing.

- c. The planning commission shall consider the request based on conformance with the standards of section 2.25 G, as well as the design requirements of section 2.25 F, and all other relevant provisions of this ordinance. The planning commission shall make a recommendation to the city council to approve, approve with conditions, or deny the request.
 - d. The city council shall review the application and such other information available to it through the public hearing or from any other sources, including recommendations and reports of the planning commission, planning consultant, city engineer, fire chief, city attorney, or others; and shall approve, approve with conditions, or deny the request, and state the basis for the decision and any conditions which should be imposed.
 - e. No petition for private street approval which has been disapproved, shall be resubmitted for a period of one (1) year from the date of disapproval, except as may be permitted after learning of new and significant facts or conditions which might result in favorable action upon resubmittal.
- F. *Design requirements.* The construction of private streets shall conform to the city's construction standards for local roads, excepting pavement width and grade requirements and as otherwise provided in this ordinance, as follows:
- 1. No private street shall extend for a distance of more than one thousand (1,000) feet in length from the nearest public street right-of-way, as measured along the centerline of the private street, without a second direct access thereto being available from another public street.
 - 2. All private streets shall have a recorded permanent right-of-way and easement with a minimum width of at least sixty-six (66) feet. The right-of-way shall also expressly permit public or private utilities to be installed within the right-of-way.
 - 3. The area in which the private road is to be located shall have a minimum cleared width sixteen (16) feet greater than the pavement width which clearing shall always be maintained.
 - 4. Pavement widths and materials shall conform to the following table. Any private street serving two (2) or fewer parcels which is subsequently extended to serve more than two (2) parcels shall be upgraded in its entirety to meet the pavement width requirements of this section.

Standards	Serving 1-2 lots	Serving more than 2 lots
Pavement width	12 feet	24 feet
Materials	Road surface shall be paved with bituminous aggregate and shall meet the minimum construction standards of the city for paved local roads.	

- 5. Any private street which terminates at a dead-end shall have a means for vehicle turnaround either by use of a cul-de-sac, with a minimum radius of forty (40) feet, or by a continuous loop private street system, both of which must be constructed in accordance with the standards set forth in this section.
- 6. The road surface shall have a minimum crown of two-hundredths (.02) foot per foot from the centerline of the private street to the outside edge thereof.
- 7. A road shoulder at least two (2) feet wide, composed of six (6) inches of 22a compacted gravel shall be provided on each side of the private road surface and shall slope one-half (½) inch per foot from the outside edge of the road surface to the toe of the slope.
- 8. The maximum longitudinal road grade shall not exceed six (6) percent, provided that the city council may allow

up to a ten (10) percent grade provided that the applicant produces written justification, satisfactory to the city engineer, that an increase in the road grade will not adversely affect public safety and the design of the road system(s) and the city engineer approves thereof in writing.

9. The layout of the private street and the intersections of the private street with either a public or private street shall be such that clear vision, safe turning and travel in all directions at the posted speed limit is assured, as determined by the city engineer. The minimum distance between intersections of public and/or private street rights-of-way shall not be less than three hundred thirty (330) feet, as measured along the right-of-way line thereof.
10. The private street shall be constructed with such stormwater runoff, culverts, and drainage contours as is required by the city council and Ionia County Drain Commission to ensure adequate drainage and runoff.
11. The method and construction technique to be used in the crossing of any natural stream, wetland, or drainage course shall satisfy the requirements of the city engineer and any other agency having jurisdiction thereof.
12. The private street shall be given a name by the city assessor which shall not duplicate any existing street name in the city. Street signs shall be installed in accordance with the standards and approval of the city engineer or designee. The private street addresses shall be posted in a conspicuous place at the entrance to the private street (at the intersection with the public road) in letters at least three (3) inches high. Private streets serving two (2) or more dwellings shall have a standard stop sign where the private street abuts the public street.
13. A paved walkway a minimum of four (4) feet wide shall be provided along at least one (1) side of the private street. The planning commission may waive this requirement when, in the opinion of the commission, no good purpose would be served by the walkway.

G. *Approval standards.*

1. Prior to approving a private street permit application, the city council shall determine the following:
 - a. The proposed private street will not be detrimental to the public health safety, or general welfare.
 - b. The proposed private street will not adversely affect the use of land.
 - c. That the private street is designed and constructed with width, surface, and guide to assure safe passage and maneuverability of private and safety vehicles.
 - d. That the private street is constructed so as to protect against or minimize soil erosion and prevent damage to the lakes, streams, wetlands, and natural environment of the city.
 - e. The private street name does not duplicate any existing street name in the city.
2. The city council may require that the applicant comply with reasonable conditions relative to the design and construction of the private street.

H. *Maintenance and repairs.*

1. Private streets and all traffic control signs shall be maintained in a manner that complies with the provisions of this section.
2. All driveways and private streets shall be continuously maintained in such a way that they will not constitute a danger to the health, safety, and welfare of the inhabitants of the city. All driveways and private streets shall be continuously maintained in such a way that they are readily accessible to and usable by emergency vehicles in all types of weather.
3. All costs for maintenance and repair of the private street shall be the responsibility of the property owners (if less than three (<3) lots) or a property owners association (if three (3) or more lots) served by the private street.
4. The applicant(s) owner(s) of the proposed private street right-of-way or private street shall provide the city

council with a recordable private street maintenance or restrictive covenant agreement between the owner(s) of the private street right-of-way and any other parties having any interest therein (if less than three (<3) lots) or a property owner's association (if three (3) or more lots) which shall provide that the private street shall be regularly maintained, repaired, and snow plowed so as to assure that the private street is safe for travel at all times and the cost thereof paid. The applicant(s) agree, by filing an application for and receiving a permit under this ordinance, that they will assure that any building(s) or parcels thereafter created or constructed on the private street shall also be subject to the street maintenance or restrictive covenant agreement and that said agreement shall be recorded and shall run with the land. A copy of said agreement shall be furnished to the city council prior to the issuance of the permit.

- I. *Performance guarantee.* The city council may, as a condition of the private street construction permit, require that the applicant provide a performance guarantee, in accordance with the provisions of section 19.3 B.
- J. *Inspections/certificate of compliance.*
 1. Upon completion of construction of the private street, the city engineer shall inspect the completed construction to determine whether it complies with the approved plans, specifications, permit, and this ordinance.
 2. The applicant(s), at the applicant(s) expense, shall provide the city with a set of "as built" drawings bearing a certificate and statement from a registered engineer certifying that the private street has been completed in accordance with the requirements of the permit.
 3. If the completed private street does not satisfy the requirements of the permit or this ordinance, the applicant(s) shall be notified of the noncompliance in writing and shall be given a reasonable period of time within which to correct the deficiencies. Failure to correct the deficiencies within the time provided shall subject the applicant(s) to the penalties provided for in this ordinance.
- K. *Fees.* Fees for the permits required hereunder shall be set by the city council from time to time by resolution. Additionally, the city council may require that the applicant(s) put sufficient funds in escrow to cover the costs of having the city attorney, engineer, planner, or other professional review the private street plans, specifications, and maintenance agreements, and to do the necessary inspections.
- L. *Indemnification.* The applicant(s) owner(s) of the private street agree that by applying for or securing a permit to construct the private street they shall indemnify and will hold the city harmless from any and all claims for personal injury and/or property damage arising out of the use of the private street or of the failure to properly construct, maintain, use, and replace the private street.

Section 2.26. - Site condominiums.

Site condominiums shall be permitted in any residential zoning district, provided the following standards have been met:

- A. The minimum lot size, width, and setbacks shall conform to the requirements of the zoning district in which the project is located.
- B. The minimum floor area per unit shall conform to the requirements of the zoning district in which the project is located.
- C. All developed sites shall be required to use city utilities.
- D. Sidewalks shall be constructed on all sides of site condominium lots abutting a public street or a common use private drive, in accordance with city standards. The planning commission may waive the requirement for a sidewalk when, in the opinion of the commission, no good purpose would be served by the sidewalk for site plan condominium projects of four (4) or more sites.
- E. All site condominium lots shall have access to and frontage on a public street or an approved private street, in

accordance with section 2.25.

(Ord. No. 459, pt. 13, 4-17-01)

Section 2.27. - Outdoor boilers.

- A. *Defined.* An outdoor boiler is considered to be an accessory structure consisting of an above or below grade chamber or furnace constructed of metal or other non-combustible material in which wood, wood pellets, grain pellets or other combustible material is burned to heat water or other liquid which is piped aboveground or underground to provide heat or hot water for a house or other structure.
- B. *Outdoor boilers, prohibited.* Outdoor boilers are prohibited in all zoning districts until the state or federal government enacts rules governing outdoor boilers.
- C. *Outdoor boilers, existing.* All existing outdoor boilers must be registered with the city clerk within thirty (30) days after the effective date of this ordinance. No replacement outdoor boilers shall be installed or put into use within the city.

(Ord. No. 504, § 1, 9-2-08)

Section 2.28. - Alternative energy systems.

- A. This section establishes standards and procedures by which the installation and operation of alternative energy systems shall be governed within the City of Belding.
- B. *Energy generation.*
 - 1. An alternative energy system with the primary intent to service the energy needs of only the structures and uses on the same lot, parcel or contiguous lots under the same ownership is permitted as an accessory use in all zone districts, subject to the requirements of this section. This shall include a system that is designed to return excess generated energy to the utility grid via net metering.
 - 2. An alternative energy system that is intended to sell or provide fifty (50) percent or more of the energy that is generated to a utility regulated by the Michigan Public Service Commission is allowed as a special land use in all zone districts (except the P-1 parking district) and is subject to the requirements of chapter 17 as well as the requirements of this section.
 - 3. Energy generation for any purpose other than those stated in subparagraphs 1 and 2 above is prohibited.
- C. *Solar energy collectors.*
 - 1. *General requirements.*
 - a. Ground-mounted solar energy collectors are prohibited.
 - b. The exterior surfaces of a solar energy collector shall be generally neutral in color and substantially non-reflective of light. A unit may not be installed or located so that sunlight or glare is reflected into neighboring residences or onto adjacent streets.
 - c. A solar energy collector shall be installed, maintained, and used only in accordance with the manufacturer's instructions. Upon request, a copy of such instructions shall be submitted to the city building official prior to installation.
 - d. A solar energy collector shall be permanently and safely attached to the building or structure. Proof of the safety and reliability of the means of the attachment shall be submitted to the building official prior to installation.
 - e. Solar energy collectors, and the installation and use thereof, shall comply with the city construction code, the

electrical code and other applicable city, county, state and federal requirements.

- f. There shall be no signs on the unit, other than a sign or logo identifying the manufacturer with an area no greater than three (3) square feet, plus any necessary safety information signs.
- g. A building mounted unit may only be attached to the principle structure, or to an accessory structure serving the principle use, such as a barn, garage, or shed.

2. *Roof mounted units.*

- a. A roof-mounted unit shall not project above the peak or beyond the eaves, gables or other edge of the roof on which it is mounted.
- b. Installation:
 - i. On a roof surface visible from the street, a roof mounted unit shall not extend more than eighteen (18) inches above the roof surface. The panel(s) shall be mounted at the same angle as the roof upon which the unit is mounted.
 - ii. On a roof surface that is not visible from the street, a roof mounted unit shall not extend more than six (6) feet above the roof surface. The unit need not be mounted at the same angle as the roof.
- c. A building mounted unit shall be only of such weight as can safely be supported by the structure. Proof thereof, in the form of certification by a professional engineer or other qualified professional, shall be submitted to the city building official prior to installation.

3. *Wall mounted units.*

- a. A solar energy collector that is wall-mounted shall not obstruct drives or other traffic ways and shall not extend further than ten (10) feet from the building wall. No portion of the unit may extend above the building wall to which it is attached.
- b. A wall mounted unit may not extend into a required yard.
- c. *Surface area.*
 - i. The surface area of a wall mounted unit shall not exceed ten (10) percent of the area of the façade wall onto which it is mounted, and shall not obscure any window or door, if that wall is visible from the street.
 - ii. On any other wall, the surface area of the unit shall not exceed twenty (20) percent of the area of the façade. The unit may be located in front of windows or other openings.
 - iii. For the purpose of this section, the area of the façade wall shall include all of the area bounded by the height and width of the wall, including any windows, doors or other openings.

D. *Wind energy conversion systems (WECS).*

1. *Definitions.*

- a. *Wind energy conversion system (WECS):* Shall mean a combination of:
 - i. A surface area (typically a blade, rotor, or similar device), either variable or fixed, for utilizing the wind for electrical power; and
 - ii. A shaft, gearing, belt, or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity-producing device; and
 - iii. The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy, generally housed in a nacelle; and
 - iv. The tower, pylon, building mount or other structure upon which any, all, or some combination of the above are mounted.

- v. Other components not listed above but associated with the normal construction, operation, and maintenance.
- b. *WECS Height:* The distance measured between the ground (at normal grade) and the highest point of a WECS (for a horizontal axis WECS, the measurement shall be to the tip of the rotor blade when the blade is in the full vertical position).

2. *WECS general requirements.*

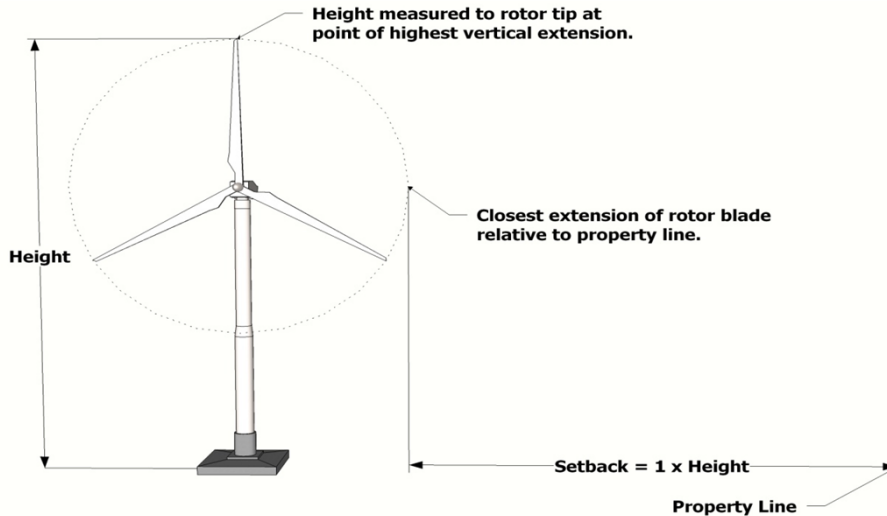
- a. All WECS shall be reviewed and approved by the zoning administrator prior to installation.
- b. Power rating of the WECS turbine shall not be greater than twenty (20) kW.
- c. No sound attributed to the WECS in excess of forty-five (45) dB(A) shall be discernible at the property line.
- d. There shall be no signs on the WECS other than the name of the manufacturer, which may only be affixed to the tower and no higher than six (6) feet above the base or to the nacelle, plus any required safety or operational signs. No sign shall exceed three (3) square feet in area.
- e. There shall be no lighting on or directed to the WECS, unless a beacon is required by the Federal Aviation Administration.
- f. The WECS shall be painted in a neutral matte color, such as gray or light blue, to blend into the background. A building mounted WECS may be painted in similar colors to those on the building.
- g. A WECS shall have an automatic braking, governing, or feathering system to prevent uncontrolled rotation or over speeding.
- h. A WECS shall not be installed in any location where its proximity to existing fixed broadcast, re-transmission or reception antenna for radio, television or wireless phone or personal communication systems would produce electromagnetic interference with signal transmission or reception.
- i. The applicant shall provide written evidence that the WECS complies with all applicable federal, state and county requirements, in addition to city ordinances.
- j. All WECS installations shall comply with small wind design and safety standards adopted by one of the following: the IEC (International Electrotechnical Commission), ANSI (American National Standards Institute), or SWCC (Small Wind Certification Commission).
- k. A WECS shall be removed when the device or equipment is no longer operating or when it has been abandoned. A WECS shall be deemed abandoned when it has not produced electrical energy for twelve (12) consecutive months.
- l. There may be one (1) ground mounted or one (1) building mounted WECS per property, or one (1) of each. All WECS must conform to the requirements of this section.
- m. An existing and approved WECS may be repaired and maintained; however, a WECS may only be replaced with a new WECS upon approval of the zoning administrator, provided that the new WECS is of the same, or more restrictive, height, rotor diameter, setback, etc. as the WECS it replaces. For the purposes of this paragraph, a "new or replacement WECS" shall mean all of the WECS, excluding the tower or support structure.

3. *Ground-mounted WECS.*

- a. The WECS shall be located on the property so that it is set back from all property lines a distance equal to the WECS height. The setback shall be measured from the property line (considered as a plane extending from the ground to the highest point of the WECS) to the closest extension of the rotor relative to the property line (see graphic). No part of a single WECS shall be located within or above any required setback.
- b. The WECS height shall be limited by available setbacks as required in paragraph a above; however, no WECS

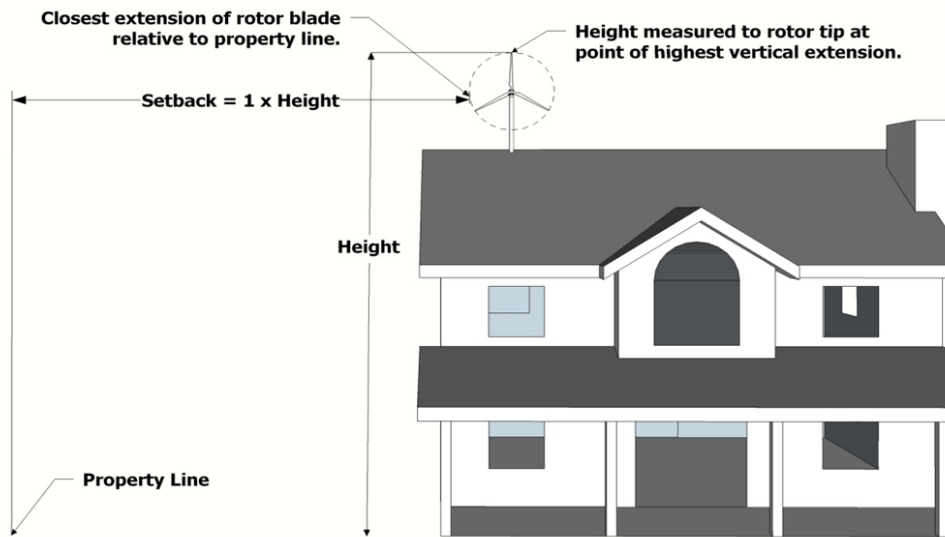
height shall exceed fifty (50) feet.

- c. The minimum rotor blade tip clearance from grade or from any structure shall be twenty (20) feet.



Ground Mounted WECS Height and Setback

- d. The diameter of the rotor shall be dependent upon maximum WECS height and rotor blade tip clearance, but in no case shall it exceed thirty (30) feet.
- e. Ground-mounted WECS shall only be mounted on a monopole structure. All other types of towers or mounts are prohibited.
- f. The tower used to support a WECS shall be adequately anchored meeting applicable standards, as certified by an engineer.
4. *Building mounted WECS.*
- a. The diameter of the rotor shall not exceed twenty (20) feet.
- b. The WECS height shall not exceed the maximum height for principal buildings in the district, plus fifteen (15) feet.
- c. The WECS shall be mounted so that it is set back from adjoining property lines a distance equal to the combined height of the WECS and the height of the portion of the structure on which it is mounted. The setback shall be measured from the property line (considered as a plane extending from the ground to the highest point of the WECS) to the closest extension of the rotor relative to the property line (see graphic).
- d. A building mounted WECS shall not be mounted to the vertical face of a wall, gable end or dormer that is visible from the street.



Building Mounted WECS Height and Setback

- e. The mount and the structure used to support a building mounted WECS shall meet applicable standards, as certified by an engineer.
- E. *Discretionary conditions.* The zoning administrator or planning commission may impose other terms and conditions regulating the construction, installation, use, maintenance, repair, and removal of any alternative energy system. Such other terms and conditions may include, but are not limited to, the following:
1. The preservation of existing trees and other existing vegetation not required to be removed for installation of an alternative energy collector.
 2. The reasonable replacement of trees or other vegetation removed or destroyed during the construction or installation of an alternative energy collector.
 3. Requiring a more restrictive location, height or angle of an alternative energy collector to prevent impacts on neighboring properties, provided that all other requirements of this section are met.
 4. Requiring a performance bond or letter of credit, in favor of the city, and conditioned upon the timely and faithful performance of all requirements including but not limited to the timely and complete removal of an alternative energy collector, regulated under the terms of the section. Such performance bond or letter of credit shall remain in effect during and after the operation of an alternative energy collector until its operations have ceased and it has been removed.

(Ord. No. 517, § 1, 1-4-11)

Section 2.29. - Grading, excavation, filling, soil removal, creation of ponds, and clearing of trees.

- A. The grading, excavation, filling, soil removal, creation of ponds, or clearing of trees within an area of less than six hundred fifty (650) square feet, shall be permitted activities on any lot, provided the activity is incidental to the uses on the lot and is in accordance with applicable county and state regulations.
- B. Grading, excavation, filling, soil removal, creation of ponds, or tree clearing within an area over six hundred fifty (650) square feet may be permitted after review and approval of a sketch plan in accordance with section 16.1, site plan and sketch plan review, and with applicable county and state regulations.
- C. Grading, excavation, filling, soil removal, creation of ponds, or tree clearing that is incidental to new development that requires site plan review, as outlined in section 16.1, shall be reviewed and approved along with the required

site plan.

- D. Excavation and site preparation for building foundations is exempt from the provisions of this section, provided that such work is considered incidental to building construction and all necessary permits have been obtained.
- E. Excavation required for swimming pools is exempt from the provisions of this section, provided that all necessary permits are obtained and the pool is completely constructed within six (6) months of the excavation.

(Ord. No. 512, § 7, 12-7-10)

Section 2.30. - Community gardens.

A. *Approval.*

- 1. *Residential districts.* A community garden in a residential district shall be reviewed by the planning commission as provided in section 16.1, site plan review.
- 2. *Commercial and industrial districts.* A community garden that is adjacent to property in a residential district shall be reviewed by the planning commission as provided in section 16.1, site plan review. All others shall be reviewed by the zoning administrator.

B. *Size limitation.* A community garden may not be greater than four (4) acres in size.

C. *Setback.* All garden plots and any permitted structure shall meet the setbacks of the zoning district except as follows:

- 1. Except in the B-1 district, the setback from any lot line in a residential district shall be no less than the zoning district requirement or twenty-five (25) feet, whichever is greater.
- 2. In the B-1 district, the setback from any lot line in a residential district shall be fifteen (15) feet. The buffer outlined in section 16.2.C shall not be required.

D. *Permitted structures.* Only the following structures will be permitted in a community garden:

- 1. Greenhouses, storage sheds, shade pavilions, planting preparation sheds and hoophouses; however, hoophouses shall not be permitted in the B-1 district.
 - a. *Height.* No building or other structure may be greater than fourteen (14) feet in height.
 - b. *Maximum coverage.* The combined area of all buildings, excluding hoophouses, shall not exceed three hundred (300) square feet.
 - c. *Hoophouse coverings must be maintained and kept intact.* The coverings must be removed during non-growing seasons.
- 2. *Fences.* Fencing shall be subject to the regulations in section 2.3 except for the following:
 - a. In the B-1 district, an opaque six-foot fence on or near the property line or landscaping no less than six (6) feet in height that completely obscures the garden site shall be placed within the garden property along any adjacent residential lot line.
 - b. Barbed wire shall not be permitted.
 - c. A fence within the front yard shall not exceed six (6) feet in height. No fence located in a front yard shall be more than sixty (60) percent opaque.
- 3. Above ground water tanks, or tanks mounted to trailers or skids, provided that no tank shall not have a capacity greater than one thousand (1,000) gallons.
- 4. Benches, picnic tables, trellises, arbors and garden art.
- 5. Planting beds raised up to three (3) feet above grade.
- 6. Compost bins and rain barrel systems, which may not be located within the required setback or within ten (10)

feet of a property line, whichever is greater.

7. *Walkways.* Walkways shall be unpaved and covered with mulch, gravel or other aggregate treated to control dust.
- E. *Signs.* Each community garden shall have one (1) sign indicating the name of the community garden and the contact information of the principal operator, including the name and current telephone number. The sign may not exceed six (6) square feet in area nor exceed six (6) feet in height.
- F. Trash receptacles shall be provided on site and emptied in a timely manner.
- G. *Parking.* Except in the B-1 district, a designated parking area with a minimum of one (1) parking space per each three (3) garden plots (as designated on the approved site plan) shall be provided. Parking areas shall be maintained as a grass area and kept in a dust-free manner. A community garden in the B-1 district is not required to provide off-street parking.
- H. *Noise.* The use or operation of power tools, mechanical equipment or agricultural implements used outdoors in a community garden adjacent to land in a residential zone district is prohibited before 8:00 a.m. and after 8:00 p.m. The use of hand tools and domestic gardening tools is encouraged.
- I. *Organic gardening is encouraged.* Measures shall be implemented to prevent chemical and water runoff onto adjacent properties.
- J. Except for sales of plants produced within the community garden, there shall be no retail sales on the site.
- K. *Use of land in the B-1 district.* In the B-1 district, a community garden shall be considered a transitional use until a different allowed use can be established on the property. The required land use agreement shall contain a clause that allows for termination of the community garden at the end of the current growing season if a suitable commercial or mixed use allowed in the district is found for the site.
- L. *Application.* An application for [administrative][site plan] [special land use] approval must be submitted to the zoning administrator along with the following documentation:
1. Notarized letter signed by the property owner giving permission for use of property as a community garden.
 2. A site plan, drawn to scale, showing the property size with dimensions.
 - a. The site plan shall show the location of all existing structures on the property as well as on adjacent properties.
 - b. The plan shall show the location and setback of all proposed structures and garden plots, including any area or structure proposed for the sale of plants grown on the site.
 - c. The plan shall show the proposed maximum division of garden plots, by area.
 - d. The plan shall include proposed fencing and screening, if required.
 - e. The plan shall indicate the area reserved for parking and the number of parking spaces provided, if required.
 - e[f]. The plan shall identify the source of water that will be used for irrigation purposes.
 3. In the B-1 district, the application shall be accompanied by a land use agreement, in a recordable form, that notes the transitional use of the property, as provided in subsection J, above, plus any other operational characteristics determined necessary to ensure the transitional nature of the garden. If the garden is approved, this agreement shall be recorded with the Ionia County Register of Deeds and a copy of the recorded document shall be submitted to the city.

(Ord. No. 518, § 2, 1-18-11)

Section 3.1. - Districts established.

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

Current district designation.		Previous ordinance designation	
R-1	Single-family residential district	R-1	One family residential districts
R-2	Single-family residential district	R-2	
R-3	Single and two-family residential district	R-3	
RM-1	Multiple-family residential district	RM-1	Multiple-family residential district
RM-2	Manufactured home park district		
OS-1	Office/service district	OS-1	Office/service district
B-1	Community business district	B-1	Community business district
B-2	General business district	B-2	General business district & commercial
		B-3	warehouse districts
I-1	Industrial district	I-1	Industrial districts
		I-2	
P-1	Parking district	P-1	Parking district
PUD	Planned unit development		
PR	Passive recreation district		

(Ord. No. 537, § 3, 7-21-15)

Section 3.2. - District boundaries.

- A. *Boundaries.* The boundaries of the districts listed in section 2.1 are hereby established as shown on the city zoning ordinance map, which is part of this ordinance.
- B. *Interpretation of district boundaries.* Where uncertainty exists with respect to the boundaries of the various districts as shown on the zoning map, the following rules shall apply:
- Boundaries indicated as approximately following the centerlines of streets, highways, or alloys shall be construed to follow such centerlines.
 - Boundaries indicated as approximately following platted lot lines or city limits shall be construed as following such lot lines or city limits.
 - Boundaries indicated as following railroad lines shall be construed to be the midpoint between the main tracks.
 - Boundaries indicated as parallel to or extensions of features indicated in section 2.2, B, 1-3, shall be so construed. Distances not specifically indicated on the zoning map shall be determined by the scale of the map.
 - Where physical or natural features existing on the ground differ from those shown on the zoning map, or in other circumstances not covered by this section, the zoning administrator shall interpret the district boundaries.
 - For the sake of map clarity, various districts may not cover public rights-of-way. It is intended that such district boundaries extend to the center of any public right-of-way.

Section 3.3. - Zoning of annexed areas.

- A. Whenever any area is annexed to the city, one (1) of the following rules shall apply:
- Land zoned previous to annexation shall be a district of the class to which it most nearly conforms under this

ordinance. The planning commission shall recommend the classification to the city council, who shall determine by resolution the zoning classification into which the property will be placed.

2. Land not zoned prior to annexation shall be automatically classified as an R-1 district until a zoning map for the area has been adopted by the city council. The planning commission shall recommend the appropriate zoning districts for such area within three (3) months after the city council shall have referred the matter to the commission.

Section 3.4. - Zoning of vacated areas.

Whenever all or part of a street, alley or other public way is vacated, it shall automatically become a part of the district to which it attaches. If a vacated area is bordered by two (2) different districts, the area is divided along a line half way between them according to the adjacent zone, unless the city council shall otherwise designate.

Section 3.5. - Prohibited uses.

Where a use is defined or listed as a permitted use or a special land use in a given zoning district, such use shall not be permitted in any zoning district where it is not listed. This is true even if such use might be similar to a listed permitted use.

(Ord. No. 520, § 1, 2-15-11)

Chapter 4 - R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT

Section 4.1. - Intent.

This district is intended to provide a low-density, single-family residential living environment and to foster stable, high quality neighborhoods consistent with Belding's small town character. At the same time the regulations for this district recognize the need to preserve existing housing stock, allow infill development within older subdivisions, and provide housing that is affordable for the present and future residents of Belding. Non-residential uses are only allowed to the extent that they serve to further the creation of stable residential neighborhoods.

Section 4.2. - Permitted uses.

No land and/or buildings in the R-1 district shall be used, erected, altered or converted, in whole or in part, except for the following purposes by right:

- A. Single-family detached dwellings.
- B. Family day care homes.
- C. State licensed residential family care facilities.
- D. Accessory buildings, structures, and uses.
- E. Community gardens.

(Ord. No. 518, § 3, 1-18-11)

Section 4.3. - Special land uses.

No land and/or buildings in the R-1 district may be used, except for the following purposes when approved by the planning commission in accordance with the requirements of chapter 17:

- A. Utility and public service buildings, without storage yards.
- B. Private non-commercial and public recreation areas or community recreation centers.
- C. Churches (including schools and day care centers).
- D. Golf courses or country clubs (including uses such as restaurants without drive-through windows, lounges, pro shops, lodging facilities, and similar uses when accessory to and operated as an integral part of the golf course or country club).
- E. K—12 schools, provided such schools are not operated as commercial enterprises.
- F. Cemeteries.
- G. Radio, television, and cellular communication towers.
- H. Adult foster care small group homes.
 - I. Alternative energy system, intended to sell or provide fifty (50) percent or more of the energy that is generated to a utility provider regulated by the Michigan Public Service Commission.

(Ord. No. 459, pts. 14, 15, 4-17-01; Ord. No. 517, § 2, 1-4-11)

Section 4.4. - Site development requirements.

All permitted uses and special land uses are subject to the following site development requirements:

- A. Site plan review is required for all special land uses in accordance with chapter 16, section 16.1.
- B. Landscaping and screening is required in accordance with chapter 16, section 16.2.
- C. Parking is required in accordance with chapter 16, section 16.3.
- D. Signs are permitted in accordance with the requirements of chapter 16, section 16.4.
- E. Setbacks, height, area, and lot dimension requirements shall be met as noted on the chart in District Regulations, chapter 15:
- F. No structure shall have an open or covered stairway outside the regular framework of the house, except those which provide access to patios, exterior decks, and other similar features.
- G. Sidewalks shall be constructed on all sides of the property abutting a public street, in accordance with city standards, with the following exception:

The planning commission may grant individual relief from the sidewalk requirements when the following conditions exist:

 - 1. The sidewalk is not an integral part of the "walkable community" sidewalk system as defined by the planning commission (where sidewalks are required to link neighborhoods, schools, parks and downtown).
 - 2. There are no public safety issues presented by the absence of a sidewalk.
 - 3. The sidewalk is not required to complete or provide continuity of a current or proposed pedestrian or bicycle circulation system.
 - 4. The proposed sidewalk is part of the proposed pathway master plan system for the city.

(Ord. No. 543, § 1, 9-20-16)

Chapter 4b - R-1.5 SINGLE-FAMILY RESIDENTIAL DISTRICT

Section 4b.1. - Intent.

This district is intended to provide a lower-density, single-family residential living while fostering stable, high quality neighborhoods consistent with Belding's small town character. These regulations allow for the preservation of existing housing stock by permitting infill development within older subdivisions, and provide housing that is affordable for the present and future residents of Belding. Non-residential uses are only allowed to the extent that they serve to further the creation of stable residential neighborhoods.

(Ord. No. 469, § 1, 4-20-04)

Section 4b.2. - Permitted uses.

No land and/or buildings in the R-1.5 district shall be used, erected, altered or converted, in whole or in part, except for the following purposes by right:

- A. Any permitted use in the R-1 district.

(Ord. No. 469, § 1, 4-20-04)

Section 4b.3. - Special land uses.

No land and/or buildings in the R-1.5 district may be used, except for the following purposes when approved by the planning commission in accordance with the requirements of chapter 17:

- A. Any special land use permitted in the R-1 district.

(Ord. No. 469, § 1, 4-20-04)

Section 4b.4. - Site development requirements.

All permitted uses and special land uses are subject to the following site development requirements:

- A. Site plan review is required for all special land uses in accordance with chapter 16, section 16.1.
- B. Landscaping and screening is required in accordance with chapter 16, section 16.2.
- C. Parking is required in accordance with chapter 16, section 16.3.
- D. Signs are permitted in accordance with the requirements of chapter 16, section 16.4.
- E. Setbacks, height, area, and lot dimension requirements shall be met as noted on the chart in district regulations, chapter 15.
- F. No structure shall have an open or covered stairway outside the regular framework of the house, except those which provide access to patios, exterior decks, and other similar features.
- G. Sidewalks shall be constructed on all sides of the property abutting a public street, in accordance with city standards, with the following exception:

The planning commission may grant individual relief from the sidewalk requirements when the following conditions exist:

1. The sidewalk is not an integral part of the "walkable community" sidewalk system as defined by the planning commission (where sidewalks are required to link neighborhoods, schools, parks and downtown).
2. There are no public safety issues presented by the absence of a sidewalk.
3. The sidewalk is not required to complete or provide continuity of a current or proposed pedestrian or bicycle

circulation system.

4. The proposed sidewalk is part of the proposed pathway master plan system for the city.

(Ord. No. 543, § 2, 9-20-16)

Chapter 5 - R-2 SINGLE-FAMILY RESIDENTIAL DISTRICT

Section 5.1. - Intent.

This district is intended to provide a relatively low-density, single-family residential living environment and to foster stable, high quality neighborhoods in older areas of the city. At the same time the regulations for this district recognize the need to preserve existing housing stock, allow infill development within older subdivisions, and provide housing that is affordable for the present and future residents of Belding. Non-residential uses are only allowed to the extent that they serve to further the preservation of stable residential neighborhoods.

Section 5.2. - Permitted uses.

No land and/or buildings in the R-2 district shall be used, erected, altered or converted, in whole or in part, except for the following purposes by right:

- A. Any permitted use in the R-1 district.

Section 5.3. - Special land uses.

No land and/or buildings in the R-2 district may be used, except for the following purposes when approved by the planning commission in accordance with the requirements of chapter 17:

- A. Any special land use permitted in the R-1 district.

Section 5.4. - Site development requirements.

All permitted uses and special land uses are subject to the following site development requirements:

- A. Site plan review is required for all special land uses in accordance with chapter 16, section 16.1.
- B. Landscaping and screening is required in accordance with chapter 16, section 16.2.
- C. Parking is required in accordance with chapter 16, section 16.3.
- D. Signs are permitted in accordance with the requirements of chapter 16, section 16.4.
- E. Setbacks, height, area, and lot dimension requirements shall be met as noted on the chart in District Regulations, chapter 15.
- F. No structure shall have an open or covered stairway outside the regular framework of the house, except those which provide access to patios, exterior decks, and other similar features.
- G. Sidewalks shall be constructed on all sides of the property abutting a public street, in accordance with city standards, with the following exception:

The planning commission may grant individual relief from the sidewalk requirements when the following conditions exist:

1. The sidewalk is not an integral part of the "walkable community" sidewalk system as defined by the planning commission (where sidewalks are required to link neighborhoods, schools, parks and downtown).

2. There are no public safety issues presented by the absence of a sidewalk.
3. The sidewalk is not required to complete or provide continuity of a current or proposed pedestrian or bicycle circulation system.
4. The proposed sidewalk is part of the proposed pathway master plan system for the city.

(Ord. No. 543, § 3, 9-20-16)

Chapter 6 - R-3 SINGLE AND TWO-FAMILY RESIDENTIAL DISTRICT

Section 6.1. - Intent.

This district is intended to provide a moderate density, single and two (2) family residential living environment and to foster stable, high quality neighborhoods while providing for additional variety in housing opportunities and choices. At the same time the regulations for this district recognize the need to preserve existing housing stock, allow infill development within older subdivisions, and provide housing that is affordable for the present and future residents of Belding. Non-residential uses are only allowed to the extent that they serve to further the creation of stable residential neighborhoods.

Section 6.2. - Permitted uses.

No land and/or buildings in the R-3 district shall be used, erected, altered or converted, in whole or in part, except for the following purposes by right:

- A. Any permitted use in the R-1 district.
- B. Two-family dwellings, including conversions of existing single-family detached dwellings to two (2) family dwellings.

Section 6.3. - Special land uses.

No land and/or buildings in the R-3 district shall be used, except for the following purposes when approved by the planning commission in accordance with the requirements of chapter 17.

- A. Any special land use permitted in the R-1 district.
- B. Bed and breakfast establishments.

Section 6.4. - Site development requirements.

All permitted uses and special land uses are subject to the following site development requirements:

- A. Site plan review is required for all special land uses in accordance with chapter 16, section 16.1.
- B. Landscaping and screening is required in accordance with chapter 16, section 16.2.
- C. Parking is required in accordance with chapter 16, section 16.3.
- D. Signs are permitted in accordance with the requirements of chapter 16, section 16.4.
- E. Setbacks, height, area, and lot dimension requirements shall be met as noted in chapter 15, District Regulations.
- F. No structure shall have an open or covered stairway outside the regular framework of the house, except those which provide access to patios, exterior decks, and other similar features.
- G. Sidewalks shall be constructed on all sides of the property abutting a public street, in accordance with city standards, with the following exception:

The planning commission may grant individual relief from the sidewalk requirements when the following conditions exist:

1. The sidewalk is not an integral part of the "walkable community" sidewalk system as defined by the planning commission (where sidewalks are required to link neighborhoods, schools, parks and downtown).
2. There are no public safety issues presented by the absence of a sidewalk.
3. The sidewalk is not required to complete or provide continuity of a current or proposed pedestrian or bicycle circulation system.
4. The proposed sidewalk is part of the proposed pathway master plan system for the city.

(Ord. No. 543, § 4, 9-20-16)

Chapter 7 - RM-1 MULTIPLE-FAMILY RESIDENTIAL DISTRICT

Section 7.1. - Intent.

Consistent with the city's goal to provide a mix of housing styles, types, and densities to accommodate the residential needs of all groups, this district is intended to provide areas for two (2) family and multiple-family residential living environment to provide for additional variety in housing opportunities and choices. The RM-1 district should also provide high-quality residential dwellings. The regulations for this district recognize the need to provide affordable housing opportunities. Non-residential uses are only allowed to the extent that they serve to further this end.

Section 7.2. - Permitted uses.

No land and/or buildings in the RM-1 district shall be used, erected, altered or converted, in whole or in part, except for the following purposes by right:

- A. Any permitted use in the R-3 district.
- B. Multiple-family dwellings.

Section 7.3. - Special land uses.

No land and/or buildings in the RM-1 district shall be used, except for the following purposes when approved by the planning commission in accordance with the requirements of chapter 17:

- A. Any special land use permitted in the R-3 district.
- B. Housing for the elderly.
- C. Commercial day care.
- D. Adult foster care large group homes.
- E. Convalescent or nursing homes.

(Ord. No. 459, pts. 16, 17, 4-17-01)

Section 7.4. - Site development requirements.

All permitted uses and special land uses are subject to the following site development requirements:

- A. Site plan review is required for multiple-family dwellings and all special land uses in accordance with chapter 16,

section 16.1.

- B. Landscaping and screening is required in accordance with chapter 16, section 16.2.
- C. Parking is required in accordance with chapter 16, section 16.3.
- D. Signs are permitted in accordance with the requirements of chapter 16, section 16.4.
- E. Setbacks, height, area, density, and lot dimension requirements shall be met as noted in chapter 15, District Regulations.
- F. No structure shall have an open or covered stairway outside the regular framework of the house, except those which provide access to patios, exterior decks, and other similar features.
- G. Sidewalks shall be constructed on all sides of the property abutting a public street, in accordance with city standards, with the following exception:

The planning commission may grant individual relief from the sidewalk requirements when the following conditions exist:

- 1. The sidewalk is not an integral part of the "walkable community" sidewalk system as defined by the planning Commission (where sidewalks are required to link neighborhoods, schools, parks and downtown).
- 2. There are no public safety issues presented by the absence of a sidewalk.
- 3. The sidewalk is not required to complete or provide continuity of a current or proposed pedestrian or bicycle circulation system.
- 4. The proposed sidewalk is part of the proposed pathway master plan system for the city.

(Ord. No. 543, § 5, 9-20-16)

Chapter 8 - RM-2 MANUFACTURED HOME PARK DISTRICT

Section 8.1. - Intent.

Consistent with the city's goal to provide a mix of housing styles, types, and densities to accommodate the residential needs of all groups, the manufactured home park district is intended to provide regulations for manufactured home residential developments to provide for additional variety in housing opportunities and choices.

Section 8.2. - Permitted uses.

No land and/or buildings in the RM-2 District shall be used, erected, altered or converted, in whole or in part, except for the following purposes by right:

- A. Manufactured homes located in a state-licensed manufactured home park.
- B. Manufactured home parks in accordance with the requirements of section 8.5.
- C. Family day care homes.
- D. State licensed residential family care facilities; provided that such facility is not located closer than one thousand five hundred (1,500) feet from an existing or proposed similar state licensed residential facility, including group care facilities, but not including state licensed residential facilities caring for four (4) or less minors.
- E. Accessory buildings, structures, and uses.
- F. Community gardens.

(Ord. No. 518, § 4, 1-18-11)

Section 8.3. - Special land uses.

No land and/or buildings in the RM-2 district shall be used, except for the following purposes when approved by the planning commission in accordance with the requirements of chapter 17.

- A. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems.
- B. State licensed residential group home care facilities.
- C. Radio, television, and cellular communication towers.
- D. Alternative energy system, intended to sell or provide fifty (50) percent or more of the energy that is generated to a utility provider regulated by the Michigan Public Service Commission

(Ord. No. 517, § 3, 1-4-11)

Section 8.4. - Site development requirements.

All permitted uses and special land uses are subject to the following site development requirements:

- A. Site plan review is required for manufactured home parks and all special land uses in accordance with chapter 16, section 16.1.
- B. Landscaping and screening is required in accordance with chapter 16, section 16.2.
- C. Parking is required in accordance with chapter 16, section 16.3.
- D. Signs are permitted in accordance with the requirements of chapter 16, section 16.4.

Section 8.5. - Licensed manufactured home parks.

- A. All manufactured home parks shall comply with the applicable requirements of Public Act 96 of the Michigan Public Acts of 1987, as amended, provided further that said developments meet the standards and conditions and all other provisions as herein established.
- B. The parking of more than one (> 1) manufactured home on a single parcel of land or on two (2) or more adjoining parcels of land under common ownership shall be illegal in the city, irrespective of the requirements of any other ordinance of the city, unless such parcel or parcels of land shall have been approved as a licensed manufactured home park under the provisions of this chapter.
- C. No manufactured home shall be occupied within the park area until such time as a "Manufactured Home Occupancy Permit" shall be issued by the building inspector. Said permit shall be for a one (1) year duration. Such permit shall be issued by the building inspector on payment by the owner of the manufactured home park of a fee which shall be established from time to time by the city council for each manufactured home park lot.
- D. The Manufactured Home Park Occupancy Permit shall be issued by the building inspector only after inspection of the premises, and after making a finding that the conditions as set forth below have been fulfilled and complied with by the developer. A permit may be issued if weather conditions or other temporary obstructions makes complete compliance impossible. In such case, the zoning administrator may require the submission of a performance bond covering the cost of the necessary improvements, provided that such improvements are completed within six (6) months from the date of the request for the permit.
- E. All applications for manufactured home parks must be approved by the city council, upon the recommendation of

the planning commission, in accordance with the provisions of this section.

- F. The planning commission and city council shall consider the following standards when considering an application for a manufactured home park:
 1. Whether the proposal is in accordance with the city master plan.
 2. Whether the proposal meets all the design standards of this ordinance, other applicable local codes, regulations, and ordinances, and applicable state and federal requirements.
 3. Whether the density of the proposed development could adversely affect adjacent properties and land uses.
 4. Whether the proposed development can be reasonably expected to constitute a health hazard or public nuisance to adjacent properties because of inappropriate or inadequate sanitation and/or drainage facilities.
 5. Whether the proposed development produces excessive demands on available fire and police protection or other community services.
 6. Whether the traffic characteristics of the proposed development may create a hazard or place an excessive burden on adjacent public roads or pedestrian facilities.
- G. Manufactured home park requirements. All manufactured home parks shall be designed and developed in accordance with the following requirements:
 1. Minimum site size for a manufactured home park shall be ten (10) acres.
 2. A minimum of fifty (50) manufactured home sites shall be provided in the manufactured home park.
 3. Each manufactured home park site shall have direct access to an arterial or collector street as defined on the city master plan.
 4. No access to the site shall be located closer than two hundred (200) feet from the centerline of the intersection of any arterial street.
 5. Minimum street widths within the manufactured home park shall be in accordance with the following schedule:

Parking	Direction	Minimum street width
No on-street parking	One way	14 feet
	Two way	20 feet
Parallel parking on one (1) side of street	One way	20 feet
	Two way	30 feet
Parallel parking on both sides of street	One way	26 feet
	Two way	36 feet

6. All streets within the manufactured home park shall be of bituminous aggregate or similar surface, meeting city construction specifications. Curbing shall also be provided. Lighting shall be provided by proper posts or overhead lamps to provide adequate lighting for all streets within the manufactured home park.

7. Maximum height for any permanent building shall not exceed one (1) story or twenty-five (25) feet, whichever is greater.
 8. Each manufactured home lot, exclusive of streets shall have a minimum size of five thousand (5,000) square feet and a minimum width of forty (40) feet. No more than one (1) manufactured home shall be parked on any one (1) lot, and no manufactured home shall be occupied by more than one (1) family.
 9. The minimum setback between any part of any manufactured home and/or structure permanently or temporarily attached thereto (excluding hitch), or used in conjunction therewith, including, but not limited to, storage sheds, cabanas, and porches shall be twenty (20) feet from the inside of the sidewalk; and the minimum spacing from any rear lot line shall be ten (10) feet, and from the side lot line on the entry side ten (10) feet, and from the side lot line on the non-entry side, five (5) feet.
 10. The nearest building of the manufactured home park shall be set back a minimum of one hundred (100) feet from the right-of-way of any adjacent public street. This setback shall be properly landscaped with grass and maintained by the owner and/or operator of the manufactured home park.
 11. Each lot shall front on sidewalks at least four (4) feet in width, located directly next to and parallel to the street.
 12. Each lot shall provide a minimum of two (2) off-street, paved parking spaces.
 13. The front, rear, and side yards of every lot shall be landscaped with grass and properly maintained thereafter. At least one (1) shade tree shall be provided for every two (2) lots. Trees shall be located to provide shade for manufactured home park sites.
 14. The manufactured home park shall provide a minimum of a fifty (50) foot buffer strip separating the manufactured home park from adjacent property. This strip shall be landscaped with trees or shrubbery planted in such a manner as to provide a screen at least five (5) feet in height. No part of this strip shall be used for any structure, right-of-way, drive, or parking space. The strip shall be maintained by the owner and/or operator of the manufactured home park.
- H. Utility standards. The following utility standards shall apply to all manufactured home parks:
1. All utilities shall be underground.
 2. All lots shall be provided with a municipal public water and sanitary sewer service, and all manufactured homes shall be connected thereto. These shall be connected with an approved public water and sanitary sewer service system. All expense of installation and connection shall be borne by the owner or operator of the manufactured home park in accordance with procedures established by the city council.
 3. The manufactured home park shall provide sufficient storm sewer facilities, independent of sanitary sewers, to prevent flooding of either streets or lots. On-site stormwater detention or retention may be required where deemed necessary by the city engineer. All storm drainage and surface drainage facilities shall be approved by the Ionia County Drain Commission.
- I. Manufactured home standards.
1. All manufactured homes within the manufactured home park shall be set up in accordance with the State of Michigan Mobile Home Commission rules and regulations applicable to manufactured home pad design and set up.
 2. All manufactured homes shall have a minimum width of twenty (20) feet across any horizontal surface, exclusive of carports or overhangs.
- J. Recreation and shelter facilities.
1. The manufactured home park shall contain one (1) or more recreation and common playground areas intended primarily for the use of the residents of the manufactured home park residents. A minimum of two hundred fifty

(250) square feet for every manufactured home park lot shall be provided. Buffer strip areas shall not be counted toward this requirement.

K. Manufactured home sales.

1. No person desiring to rent a dwelling unit site shall be required, as a condition of such rental, to purchase a manufactured home from the owner or operator of the manufactured home park as long as the manufactured home intended to be located on such site conforms in size, style, shape, price, or other such requirements as may be required by any reasonable manufactured home park rules and regulations.
2. Nothing contained in this ordinance shall be deemed as prohibiting the sale of a manufactured home located on a manufactured home lot by the individual owner or his agent, or those home occupants as permitted in this ordinance, provided that a manufactured home commercial sales lot shall not be permitted in conjunction with any manufactured home park.

Chapter 9 - OS-1 OFFICE/PERSONAL SERVICE DISTRICT

Section 9.1. - Intent.

This district is intended to accommodate uses which can provide office and personal services to the residents of Belding. The uses established in this district are intended to be of a low intensity nature, of appropriate scale and appearance, and are to be generally compatible with most other uses, including residential uses. Among other purposes, this district may serve as a transitional area between residential and commercial or industrial districts and between major thoroughfares and residential districts.

Section 9.2. - Permitted uses.

No land and/or buildings in the OS-1 district shall be used, erected, altered or converted, in whole or in part, except for the following purposes by right:

- A. Office buildings for any of the following occupations:
 1. Executive, administrative, professional, accounting, drafting, an other similar professional activities, as determined by the zoning administrator.
 2. Medical and dental offices, including clinics, but not veterinary offices and not including the business of a caregiver registered pursuant to the Michigan Medical Marijuana Act.
- B. Banks, credit unions, savings and loan associations, and other similar uses as determined by the zoning administrator, exclusive of drive-through facilities.
- C. Personal service establishments conducting services on the premises, including barber and beauty shops, travel agencies, photographic studios, interior design studios, and other similar uses, as determined by the zoning administrator.
- D. Child care centers.
- E. Municipal buildings, and public utility offices, but not including storage yards, transformer stations, exchanges or substations.
- F. Accessory buildings, structures, and uses.
- G. Community gardens.

(Ord. No. 518, § 5, 1-18-11; Ord. No. 520, § 1, 2-15-11)

Section 9.3. - Special land uses.

No land and/or buildings in the OS-1 district may be used, except for the following purposes when approved by the planning commission in accordance with the requirements of chapter 17.

- A. Funeral homes and mortuary establishments.
- B. Restaurants, exclusive of drive-through facilities.
- C. Banks, credit unions, savings and loan associations, and other similar uses as determined by the zoning administrator, having drive-through facilities.
- D. Radio, television, and cellular communication towers.
- E. Alternative energy system, intended to sell or provide fifty (50) percent or more of the energy that is generated to a utility regulated by the Michigan Public Service Commission

(Ord. No. 517, § 4, 1-4-11)

Section 9.4. - Site development requirements.

All permitted uses and special land uses are subject to the following site development requirements:

- A. Site plan review is required for all permitted and special land uses in accordance with chapter 16, section 16.1.
- B. Landscaping and screening is required in accordance with chapter 16, section 16.2.
- C. Parking is required in accordance with chapter 16, section 16.3.
- D. Signs are permitted in accordance with the requirements of chapter 16, section 16.4.
- E. Setbacks, height, area, and lot dimension requirements shall be met as noted in District Regulations, chapter 15.
- F. The outdoor storage of goods or materials is prohibited.
- G. Warehousing or indoor storage of goods or material, beyond that normally incident to the above permitted uses, shall be prohibited.
- H. Sidewalks shall be constructed on all sides of the property abutting a public street, in accordance with city standards, with the following exception:

The planning commission may grant individual relief from the sidewalk requirements when the following conditions exist:

1. The sidewalk is not an integral part of the "walkable community" sidewalk system as defined by the planning commission (where sidewalks are required to link neighborhoods, schools, parks and downtown).
2. There are no public safety issues presented by the absence of a sidewalk.
3. The sidewalk is not required to complete or provide continuity of a current or proposed pedestrian or bicycle circulation system.
4. The proposed sidewalk is part of the proposed pathway master plan system for the city.

(Ord. No. 543, § 6, 9-20-16)

Chapter 10 - B-1 COMMUNITY BUSINESS DISTRICT

Section 10.1. - Intent.

This district is intended to accommodate uses which can provide office, personal services, and convenience (day-to-day) commercial goods to the residents of Belding. The uses established in this district are intended to be of a low intensity nature, of appropriate scale and appearance, and are to be generally compatible with most other uses, including residential uses.

Section 10.2. - Permitted uses.

No land and/or buildings in the B-1 district shall be used, erected, altered or converted, in whole or in part, except for the following purposes by right:

- A. Any permitted use in the OS-1 district.
- B. General retail businesses catering to the needs of the community such as, but not limited to, grocery stores, pharmacies, furniture stores, clothing, dry goods, notions, or hardware.
- C. Indoor recreational and entertainment facilities, such as theaters, bowling lanes, billiard parlors, skating rinks, and similar uses as determined by the zoning administrator.
- D. Commercial schools including, but not limited to, dance, music, trade, martial arts.
- E. Newspaper offices and printing plants.
- F. Restaurants, excluding drive-ins.
- G. Health and physical fitness salons.
- H. Community gardens.

(Ord. No. 518, § 6, 1-18-11)

Section 10.3. - Special land uses.

No land and/or buildings in the B-1 district shall be used, except for the following purposes when approved by the planning commission in accordance with the requirements of chapter 17:

- A. Any special land use permitted in the OS-1 district.
- B. Offices and showrooms of plumbers, electricians, decorators, or similar trades.
- C. Vehicle service stations, excluding vehicle repair.
- D. Dwelling units in the same building with commercial uses.
- E. Pharmacies and dry cleaners with drive-through facilities.
- F. Motorcycle sales, new and used.

(Ord. No. 516, § 1, 12-7-10; Ord. No. 529, § 1, 12-18-12)

Section 10.4. - Site development requirements.

All permitted uses and special land uses are subject to the following site development requirements:

- A. Site plan review is required for all permitted and special land uses in accordance with chapter 16, section 16.1.
- B. Landscaping and screening are required in accordance with chapter 16, section 16.2.
- C. Parking is required in accordance with chapter 16, section 16.3.
- D. Signs are permitted in accordance with the requirements of chapter 16, section 16.4.
- E. Setbacks, height, area, and lot dimension requirements shall be met as noted in district regulations, chapter 15.
- F. Sidewalks shall be constructed on all sides of the property abutting a public street, in accordance with city

standards, with the following exception:

The planning commission may grant individual relief from the sidewalk requirements when the following conditions exist:

1. The sidewalk is not an integral part of the "walkable community" sidewalk system as defined by the planning commission (where sidewalks are required to link neighborhoods, schools, parks and downtown).
 2. There are no public safety issues presented by the absence of a sidewalk.
 3. The sidewalk is not required to complete or provide continuity of a current or proposed pedestrian or bicycle circulation system.
 4. The proposed sidewalk is part of the proposed pathway master plan system for the city.
- G. Open air display and sales shall be permitted as an accessory use to a retail use, subject to the following:
1. This subsection shall apply only to outside display of materials for sale upon the premises. Outdoor storage of items not offered for sale is prohibited.
 2. The lot area used for display or storage shall be paved and shall be graded and drained so as to dispose of all surface water.
 3. The outdoor storage and display area shall be arranged to provide safe pedestrian and vehicular circulation and safe emergency access. Maneuvering aisles shall be kept free of all obstruction.
 4. Outdoor storage and display areas located on parking lots shall not reduce the available parking spaces to fewer than those required by section 16.3.
 5. Lighting for parking and outdoor storage areas shall be shielded to prevent light from spilling onto any residential district or use property line.
 6. Materials for sale stored or displayed outdoors shall not be located within any required buffer. Such materials may not be located within the front yard except on a property with a front yard of twenty-five (25) feet or more, in which case the outdoor display and sales area shall be adjacent to the principal building.
 7. No outdoor sales or display area may be located upon a public sidewalk or public right-of-way. This does not preclude city sanctioned events such as a temporary sidewalk sale or other city-approved use of the public sidewalk or right-of-way.
 8. Aggregate or particulate material, such as feed, soil, mulch, gravel, and similar items shall be displayed and sold only in pre-packaged bags, boxes or similar containers. Open stockpiling of such materials is not permitted.
 9. Prior to establishment of an outdoor display and sales area, the owner shall submit a plan for review by the zoning administrator to determine if the requirements of this subsection are met. This plan shall illustrate the location of the outdoor display and sales area, including all dimensions, and any other information necessary to determine compliance.

(Ord. No. 512, § 8, 12-7-10; Ord. No. 543, § 7, 9-20-16)

Chapter 11 - B-2 GENERAL BUSINESS DISTRICT

Section 11.1. - Intent.

This district is intended to accommodate uses which can provide office, personal services, convenience (day-to-day), and comparison commercial goods for visitors to and residents of Belding. It will be established primarily in high traffic, arterial locations.

Section 11.2. - Permitted uses.

No land and/or buildings in the B-2 district shall be used, erected, altered or converted, in whole or in part, except for the following purposes by right:

- A. Any permitted use in the B-1 district.
- B. Any retail business whose principal activity is the sale of merchandise within an enclosed building.

Section 11.3. - Special land uses.

No land and/or buildings in the B-2 district shall be used, except for the following purposes when approved by the planning commission in accordance with the requirements of chapter 17:

- A. Any special land use permitted in the B-1 district.
- B. Vehicle repair.
- C. Vehicle wash establishments.
- D. New and used vehicle sales facilities, including vehicle repair.
- E. Hotels and motels.
- F. Utility and public service buildings, without storage yards.
- G. Plant nurseries and greenhouses.
- H. Veterinary hospitals and clinics.
- I. Drive-through restaurants.
- J. Building supply and equipment establishments.

(Ord. No. 512, § 9, 12-7-10)

Section 11.4. - Site development requirements.

All permitted uses and special land uses are subject to the following site development requirements:

- A. Site plan review is required for all permitted and special land uses in accordance with chapter 16, section 16.1.
- B. Landscaping and screening are required in accordance with chapter 16, section 16.2.
- C. Parking is required in accordance with chapter 16, section 16.3.
- D. Signs are permitted in accordance with the requirements of chapter 16, section 16.4.
- E. Setbacks, height, area, and lot dimension requirements shall be met as noted in district regulations, chapter 15.
- F. Sidewalks shall be constructed on all sides of the property abutting a public street, in accordance with city standards.
- G. Open air display and sales shall be permitted as an accessory use to any retail use, subject to the following:
 1. This subsection shall apply only to outside display of materials for sale upon the premises. Outdoor storage of items not offered for sale is prohibited.
 2. The lot area used for display or storage shall be paved and shall be graded and drained so as to dispose of all

surface water.

3. The outdoor storage and display area shall be arranged to provide safe pedestrian and vehicular circulation and safe emergency access. Maneuvering aisles shall be kept free of all obstruction.
4. Outdoor storage and display areas located on parking lots shall not reduce the available parking spaces to fewer than those required by section 16.3.
5. Lighting for parking and outdoor storage areas shall be shielded to prevent light from spilling onto any residential district or use property line.
6. Materials for sale stored or displayed outdoors shall not be located within any required yard.
7. No outdoor display area or parking serving an outdoor display area shall be located within fifty (50) feet of any property line located in a residential zone district, or within any buffer required by this ordinance.
8. Aggregate or particulate material, such as feed, soil, mulch, gravel, and similar items shall be displayed and sold only in pre-packaged bags, boxes or similar containers. Open stockpiling of such materials is not permitted.
9. No outdoor sales or display area may be located upon a public sidewalk or public right-of-way. This does not preclude city sanctioned events such as a temporary sidewalk sale or other city-approved use of the public sidewalk or right-of-way.
10. Prior to establishment of an outdoor display and sales area, the owner shall submit a plan for review by the zoning administrator to determine if the requirements of this subsection are met. This plan shall illustrate the location of the outdoor display and sales area, including all dimensions, and any other information necessary to determine compliance.

(Ord. No. 512, § 10, 12-7-10)

Chapter 12 - I-1 INDUSTRIAL DISTRICT

Section 12.1. - Intent.

This district is intended to accommodate wholesale, warehousing, manufacturing, storage, and other industrial-related uses.

Section 12.2. - Permitted uses.

No land and/or buildings in the I-1 district shall be used, erected, altered or converted, in whole or in part, except for the following purposes by right:

- A. Office buildings for executive, administrative, professional, accounting, drafting, and other similar professional activities, as determined by the zoning administrator.
- B. Banks, credit unions, savings and loan associations, and other similar uses as determined by the zoning administrator, including those with drive-through facilities.
- C. Research and development facilities, including production activities.
- D. Wholesale establishments.
- E. The manufacture, compounding, processing, packaging, warehousing, or treatment of such products as foodstuffs (excepting slaughterhouses or other similar uses), cosmetics, pharmaceuticals, pottery or other ceramic products, musical instruments, toys, furniture, molded rubber products, electrical appliances, electronic

instruments, signs, light sheet metal products, hardware, tool, die, gauge, and machine shops, excluding stamping operations.

- F. Laboratories (experimental, film, or testing).
- G. Dry-cleaning and laundry establishments performing cleaning operations on the premises, excluding retail/service operations.
- H. Trade or industrial schools.
 - I. Utility and public service buildings, including storage yards.
 - J. Contractor's showrooms and storage yards.
- K. Child care centers.
- L. Accessory buildings, structures, and uses.
- M. Community gardens.

(Ord. No. 518, § 7, 1-18-11)

Section 12.3. - Special land uses.

No land and/or buildings in the I-1 district shall be used, except for the following purposes when approved by the planning commission in accordance with the requirements of chapter 17:

- A. Vehicle repair.
- B. Lumber and planing mills.
- C. Metal plating, buffing, and polishing.
- D. Commercial storage warehouses.
- E. The manufacture, compounding, processing, packaging, or treatment of products requiring stamping or punch press operations.
- F. Recycling centers.
- G. Adult bookstores, adult live entertainment theaters, adult motion picture theaters, and massage parlors.
- H. Junk yards.
 - I. Truck terminals.
- J. Outdoor storage, display area, and sale of farm implements and commercial construction equipment.
- K. Manufacturing processes which utilize, produce or have the potential to produce, a corrosive acid or alkali, cement, lime, gypsum, or plaster of Paris.
- L. Production, refining, or storage of petroleum or other flammable liquids.
- M. Municipal water and wastewater treatment facilities.
- N. Dog kennels.
- O. Veterinary hospitals and clinics.
- P. Radio, television, and cellular communication towers.
- Q. The manufacture, production, compounding, processing, treatment, recycling, testing, warehousing of non-ferrous metals for the production of extruded metal rods and other products and the by-products of such operations.
- R. Alternative energy system, intended to sell or provide fifty (50) percent or more of the energy that is generated to a utility regulated by the Michigan Public Service Commission.

(Ord. No. 517, § 5, 1-4-11; Ord. No. 552, § 1, 11-5-19)

Section 12.4. - Site development requirements.

All permitted uses and special land uses are subject to the following site development requirements:

- A. Site plan review is required for all permitted and special land uses in accordance with chapter 16, section 16.1.
- B. Landscaping and screening is required in accordance with chapter 16, section 16.2.
- C. Parking is required in accordance with chapter 16, section 16.3.
- D. Signs are permitted in accordance with the requirements of chapter 16, section 16.4.
- E. Setbacks, height, area, and lot dimension requirements shall be met as noted in District Regulations, chapter 15.
- F. The outdoor storage of goods or materials shall be screened in accordance with the requirements of chapter 16, section 16.2 D.
- G. All industrial activities shall be conducted wholly within an enclosed building, except for loading and unloading operations, on-site parking of vehicles, and permitted outdoor storage of goods and materials.
- H. Sidewalks shall be constructed on all sides of the property abutting a public street, in accordance with city standards, with the following exception:

The planning commission may grant individual relief from the sidewalk requirements when the following conditions exist:

- 1. The sidewalk is not an integral part of the "walkable community" sidewalk system as defined by the planning commission (where sidewalks are required to link neighborhoods, schools, parks and downtown).
- 2. There are no public safety issues presented by the absence of a sidewalk.
- 3. The sidewalk is not required to complete or provide continuity of a current or proposed pedestrian or bicycle circulation system.
- 4. The proposed sidewalk is part of the proposed pathway master plan system for the city.

(Ord. No. 543, § 8, 9-20-16)

Chapter 13 - P-1 PARKING DISTRICT

Section 13.1. - Intent.

This district is intended to permit the establishment of areas to be used solely for off-street parking of private passenger vehicles. This district will generally be provided by petition or request to serve an adjoining use district which lacks sufficient off-street parking facilities.

Section 13.2. - Permitted uses.

No land and/or buildings in the P-1 district shall be used, erected, altered or converted, in whole or in part, except for the following purposes by right:

- A. Off-street vehicular parking lots and parking structures.
- B. Security and ticket booths ancillary to such parking facilities.

Section 13.3. - Site development requirements.

All permitted uses and special land uses are subject to the following site development requirements:

- A. Site plan review is required for all permitted uses in accordance with chapter 16, section 16.1.
- B. Landscaping and screening is required in accordance with chapter 16, section 16.2.
- C. Parking facilities shall be constructed in accordance with chapter 16, section 16.3.
- D. Signs are permitted as specified for this district and in accordance with the requirements of chapter 16, section 16.4.
- E. The parking area shall be accessory to, and for use in connection with one (1) or more uses located within the office, business, and industrial districts.
- F. The P-1 district shall be contiguous to or within one hundred (100) feet of an OS-1, B-1, B-2, or I-1 district.
- G. Parking areas shall be used solely for parking of private passenger vehicles, for periods of less than twenty-four (24) hours and shall not be used for off-street loading.
- H. No commercial repair work or service of any kind, or sale or display of vehicles, shall be conducted in such parking area.
- I. No signs of any kind, other than directional signs or signs indicating conditions of use shall be maintained on such parking area.
- J. No building shall exceed fifteen (15) feet in height.
- K. Sidewalks shall be constructed on all sides of the property abutting a public street, in accordance with city standards, with the following exception:

The planning commission may grant individual relief from the sidewalk requirements when the following conditions exist:

- 1. The sidewalk is not an integral part of the "walkable community" sidewalk system as defined by the planning commission (where sidewalks are required to link neighborhoods, schools, parks and downtown).
- 2. There are no public safety issues presented by the absence of a sidewalk.
- 3. The sidewalk is not required to complete or provide continuity of a current or proposed pedestrian or bicycle circulation system.
- 4. The proposed sidewalk is part of the proposed pathway master plan system for the city.

(Ord. No. 543, § 9, 9-20-16)

Chapter 13B - WELLHEAD OVERLAY PROTECTION ZONE

Section 13B.1. - Intent.

The Wellhead Protection Overlay District is designed to safeguard the public health, safety and welfare of residents and institutions that are customers of the city water system by regulating the land use and the storage, handling, use and/or production of hazardous substances within the wellhead protection area. The intent of this designation is to protect the community's potable water supply against contamination.

(Ord. No. 459, pt. 31, 4-17-01)

Section 13B.2. - Principal land uses permitted.

Land uses that may be allowed in the Wellhead Protection Overlay Zone include all those permitted uses as outlined in the underlying zoning district, except for the following:

- A. Petroleum product manufacturing (including coal).
- B. Commercial salvage yards and/or scrap processing.
- C. Oil and gas drilling.
- D. Chemical and paint manufacturing operations.
- E. Electronic equipment manufacturing operations.

(Ord. No. 459, pt. 31, 4-17-01)

Section 13B.3. - General provisions.

- A. *Applicability.* These provisions shall apply to all properties within the Wellhead Protection Overlay Zone, (as shown on the attached Wellhead Protection Area Map) which use includes the storage or [generation] of hazardous substances in quantities greater than one hundred (100) kilograms (approximately two hundred twenty (220) pounds or twenty-five (25) gallons) per month, and which require site plan review under the provisions of section 13B.4 of this chapter, and outlined in section 16.1 of this ordinance. The general provisions apply to an entire property, even if only a portion of the parcel is included in the Wellhead Protection Overlay Zone.
- B. *Groundwater protection standards.*
 1. The project and related improvements shall be designed to protect the natural environment, including lakes, ponds, streams, wetlands, floodplains and groundwater, and to ensure the absence of an impairment, pollution, and/or destruction of water, natural resources, and the public trust therein.
 2. 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 environmental contamination, on-site or off-site, and shall not result in loss of the use of property by any third party.
 3. Industrial facilities with a point source discharge of storm water shall maintain a storm water pollution prevention plan in accordance with applicable state and federal regulations.
 4. General-purpose floor drains shall be connected to a public sewer system, an on-site holding tank, or a system authorized through a state surface or groundwater discharge permit. If connected to the public sewer system then the volumes and concentrations of waste discharged to the floor drain may only be permitted upon review and approval by the city engineer.
 5. Sites that at any time use, store or generate substances in quantities greater than one hundred (100) kilograms (approximately two hundred twenty (220) pounds or twenty-five (25) gallons) that include hazardous substances shall be designed to prevent spills and unpermitted discharges to air, surface of the ground, groundwater, lakes, streams, rivers or wetlands.
 6. State and federal agency requirements for storage, spill prevention, record keeping, 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 applicable permits and approvals.
 7. Bulk storage of pesticides shall be in accordance with applicable county, state and federal regulations.
- C. *Aboveground storage and use areas for hazardous substances.*
 1. Primary containment of hazardous substances shall be product tight.

2. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance. Products held in containers with a volume of less than forty (40) gallons and for retail use shall be exempt from this item.
 3. Outdoor storage of hazardous substances shall be prohibited except in product-tight containers that are protected from weather, leakage, accidental damage and vandalism, including an allowance of the expected accumulation of precipitation.
 4. Out buildings, storage rooms, sheds and pole barns which are utilized as secondary containment shall not have floor drains which outlet to soil, public sewer system, groundwater, or nearby drains or natural water bodies unless a surface or groundwater discharge permit has been obtained pursuant to applicable county, state and federal regulation.
 5. Areas and facilities for loading and unloading of hazardous substances as well as areas where such materials are handled and stored, shall be designed and constructed to prevent unpermitted discharges to floor drains, rivers, lakes, wetlands, groundwater, or soils.
- D. *Underground storage tank systems.*
1. Existing and new underground storage tanks shall be registered with the authorized state agency in accordance with applicable requirements of the U.S. Environmental Protection Agency and the Michigan Department of Environmental Quality.
 2. Installation, operation, maintenance, closure, and removal of underground storage tanks shall be in accordance with applicable requirements of the Michigan Department of Environmental Quality. Leak detection, secondary containment, corrosion protection, spill prevention and overflow protection requirements shall be met.
- E. *Well abandonment.* Out of service wells shall be sealed and abandoned in accordance with applicable state requirements.
- F. *Well construction.*
1. Well drilling, construction and installation shall only be performed by State of Michigan registered well drillers.
 2. Well construction shall be completed in accordance with part 127 of Act 368 of the Public Acts of 1978, as amended, and rules promulgated thereunder.
 3. Well construction shall include fully grouting the entire length of the well casing in accordance with part 127 of Act 368 of the Public Acts of 1978, as amended, and rules promulgated thereunder.
- G. *Sites with contaminated soils and/or groundwater.*
1. Site plans shall take into consideration the location and extent of any contaminated soils and/or groundwater on the site, and the need to protect public health and environment.
 2. Information must be provided regarding the type, concentration and extent of identified contamination, land use deed restrictions and any remedial action plans.
 3. Excavation, drilling, direct-push and other earth penetration shall be sealed with grout, or with soil material exhibiting lower hydraulic permeability than the native soil.
- H. *Construction standards.*
1. The general contractor, or if none, the property owner, shall be responsible for assuring that each contractor or subcontractor evaluates each site before construction is initiated to determine if any site conditions may pose particular problems for handling any hazardous substances. For instance, handling hazardous substances in proximity to water bodies or wetlands may be improper.
 2. Hazardous substances stored on the construction site during the construction process, shall be stored in a

location and manner designed to prevent spills and unpermitted discharges to air, surface of the ground, groundwater, lakes, streams, rivers, or wetlands. Any storage container volume of over forty (40) gallons that contains hazardous substances shall have secondary containment.

3. If the contractor will be storing or handling hazardous substances that require a Material Safety Data Sheet (MSDS), the contractor shall familiarize him/herself with the sheet, and shall be familiar with procedures required to contain and clean up any releases of the hazardous substance.
 4. Upon completion of construction, all hazardous substances and containment systems no longer used, or not needed in the operation of the facility shall be removed from the construction site by the responsible contractor, and shall be disposed of, recycled, or re-used in a proper manner as prescribed by applicable state and federal regulations.
 5. Excavation, drilling, direct-push and other earth penetration shall be sealed with grout, or with soil material exhibiting lower hydraulic permeability than the native soil.
- I. *Maintenance.* In areas where hazardous substances are handled, structural integrity of the building must be maintained to avoid inadvertent discharge of chemicals to soil and groundwater. Cracks and holes in floors, foundations and walls must be repaired in areas where hazardous substances are handled or stored.
- J. *Exclusions.*
1. A limited exclusion from the general provisions is hereby authorized for hazardous substances as follows:
 - i. The hazardous substance is packaged for personal or household use or is present in the same form and concentration as a product packaged for use by the general public.
 - ii. The total excluded substances containing hazardous substances may not exceed fifty (50) gallons or four hundred (400) pounds at any time.
 2. A limited exclusion from the general provisions is hereby authorized for non-routine maintenance or repair of property in the Wellhead Protection Overlay Zone provided the uses are limited as follows:
 - i. The aggregate of hazardous substances may not exceed fifty (50) gallons or four hundred (400) pounds at any time.
 - ii. The total use of substances containing hazardous substances may not exceed one hundred (100) gallons or eight hundred (800) pounds at any time.

(Ord. No. 459, pt. 31, 4-17-01)

Section 13B.4. - Site plan review requirements and standards.

- A. *Requirement.* Any proposed use or building or any other improvement requiring site plan approval as set forth in section 16.1 of the ordinance which is wholly or partially within the Wellhead Protection Overlay Zone shall also comply with the following requirements:
1. Specify location and size of interior and exterior area(s) and structure(s) to be used for on-site storage, use, load/unloading, recycling, or disposal of hazardous substances.
 2. Specify location of all underground and above ground storage tanks for such uses as fuel storage, waste oil holding tanks, hazardous substance storage, collection of contaminated stormwater or wash water, and all similar uses.
 3. Specify location of existing and proposed wells.
 4. Specify 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

shall be specified on the site plan.

5. Specify areas on the site that the applicant has reason to believe are contaminated, together with a report on the status of any site remedial action plan and land use deed restrictions, if applicable.
 6. Submit "City of Belding State and County Environmental Permits Checklist."
 7. Refer to section 16.1 (site plan review) of this ordinance for additional requirements.
- B. *Site plan review standards.* In reviewing a site plan, the planning commission shall consider the requirements in section 13B.3 and 13B.4.A. In addition, the planning commission shall determine that the proposed use:
1. Will not, during construction or thereafter, have an actual or potential adverse impact on any aquifer or recharge area in the district;
 2. Will not actually or potentially adversely affect an existing or potential domestic or municipal water supply; and
 3. Is consistent with existing and planned future development of surrounding areas.

(Ord. No. 459, pt. 31, 4-17-01)

Section 13B.5. - Conditions for approval or denial.

The planning commission, upon reviewing a site plan, shall take one (1) of the following actions:

- A. *Approval.* If the site plan meets all the zoning ordinance and related development requirements and standards, including those set forth in 13B.3, the planning commission shall record such approval and the chairman shall sign three (3) copies of the site plan, file one (1) in the official site plan file, forward one (1) to the building inspector, and return one (1) to the applicant. Each development shall be under construction within one (1) year after the date of approval of the site plan, unless an extension has been granted pursuant to section 16.1E2 of this ordinance. An approved site plan may also be amended in accordance with section 16.1E2 of this ordinance.
- B. *Disapproval.* If the site plan does not meet zoning ordinance and related development requirements and standards, including those set forth in 13B.3, the planning commission shall record the reasons for denial. The applicant may subsequently re-file a corrected site plan under the same procedures followed for the initial submission.
- C. *Conditional approval.* Conditions on an approved site plan may be imposed to meet the requirements specified in the city Zoning Enabling Act (PA 207 of 1921). Conditions must be:
 1. Designed to protect natural resources, and the health, safety, and welfare and the social and economic well-being of residents, neighbors, and the community as a whole;
 2. Related to the valid exercise of the police power;
 3. Necessary to meet the purposes of the zoning ordinance and related to the standards established in the zoning ordinance for the land use or activity under consideration.
- D. *Table.* If the site plan is found to be in violation of requirements, incomplete with respect to necessary information or presenting a unique situation, the planning commission may table the site plan until another meeting can be scheduled to determine specific improvement requirements the planning commission feels are necessary.

(Ord. No. 459, pt. 31, 4-17-01)

Section 13B.6. - Appeals.

The zoning board of appeals has no authority to grant variances to the requirements of this chapter. However, an aggrieved party may appeal to the city council a decision of the planning commission if such appeal is filed with the city clerk within fifteen (15) days of the decision by the planning commission. The city council shall decide the appeal on the basis of the standards provided in section 13B.3 and 13B.4 herein. Each development shall be under construction within one (1) year after the date of approval of the site plan, unless an extension has been granted pursuant to section 16.1E2 of this ordinance. An approved site plan may also be amended in accordance with section 16.1E2 of this ordinance.

(Ord. No. 459, pt. 31, 4-17-01)

Section 13B.7. - Determination of applicability.

It shall be the responsibility of any person owning real property and/or owning and operating a business within the city corporate limits to make a determination of the applicability of this ordinance as it pertains to the property and/or business under his or her ownership or operation. Failure to do so shall not excuse any violations of this ordinance.

(Ord. No. 459, pt. 31, 4-17-01)

Section 13B.8. - Exemptions and waivers.

The transportation of any hazardous substance shall be exempt from the provisions of this ordinance provided the transporting motor vehicle or rail is in continuous transit, or that it is transporting substances to or from a state licensed hazardous waste treatment, storage, or disposal facility.

(Ord. No. 459, pt. 31, 4-17-01)

Section 13B.9. - Falsifying information.

No person shall knowingly make any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter or ordinance, or both, or falsify, tamper with, or knowingly render inaccurate any methodology required under this chapter or ordinance, or both.

(Ord. No. 459, pt. 31, 4-17-01)

Chapter 13D - PR—PASSIVE RECREATIONAL DISTRICT

Section 13D.1. - Intent.

The passive recreation district is intended to accommodate and provide for passive recreation areas within the City of Belding in a district specifically designed for this purpose.

(Ord. No. 537, § 1, 7-21-15)

Section 13D.2. - Principal land uses permitted.

Land uses permitted by right shall include the following:

- Walkways;
- Decorative pavers;

- Public art;
- Trees, shrubbery, grass;
- Floral plantings;
- Signage;
- Flags, banners;
- Kiosks;
- Picnic facilities;
- Lighting;
- Benches;
- Riverfront boardwalk;
- Earthen berms;
- Children's play areas.

(Ord. No. 537, § 1, 7-21-15)

Section 13D.3. - Site plan required.

Areas designated as passive recreation districts shall be subject to a master site plan showing the character and extent of development to take place within the district. Said master site plan shall be prepared by a registered landscape architect and shall be approved by the Belding Planning Commission.

(Ord. No. 537, § 1, 7-21-15)

Chapter 14 - PLANNED UNIT DEVELOPMENT (PUD) DISTRICT

Section 14.1. - Purpose.

Planned unit developments in the City of Belding may be established as a zoning district in accordance with the procedures specified in this chapter. It is the intent of the planned unit development (PUD) district to provide for flexibility in the regulation of land development; to encourage innovation in land use and variety in design, layout, and type of structures; to achieve economy and efficiency in the use of land, natural resources, energy, and the provision of public services and utilities; to encourage useful open space; and to create better living, working, and shopping environments. In order to accomplish these objectives, this section permits the relaxation of the conventional requirements found in the zoning districts. The use of land and the construction and use of buildings and other structures as planned unit development shall be in conformance with the procedures, standards, requirements, and conditions for eligibility contained in this chapter.

(Ord. No. 521, 3-1-11)

Section 14.2. - Qualifying conditions.

Any development which fails to meet the following qualifying conditions, at a minimum, shall not be considered for the PUD district:

A. *Site area.*

1. The PUD site shall be not less than ten (10) fully contiguous acres in area. Notwithstanding the above,

however, a parcel containing less than ten (10) fully contiguous acres, as herein defined, but in no case less than two (2) acres, may be considered as a planned unit development if the city council, upon recommendation by the planning commission, determines that the proposal meets all of the following criteria:

- a. The proposed PUD will result in a development of greater quality than would be allowable under conventional zoning requirements;
 - b. There are physical conditions related to the property not created by the owner that do not permit increasing the area to meet the ten (10) acre minimum, such as the placement of streets, natural barriers such as streams, wetlands or steep slopes, or established ownership patterns of adjacent properties;
 - c. The use of architectural and site design, building materials and colors, landscaping, and provision of site amenities is of sufficiently high quality that the reduction is warranted; and
 - d. The reduction is not proposed due solely to the inability of the applicant to meet the normal requirements of the zoning district in which the PUD is proposed.
- B. All PUD's shall be served by public water and sanitary sewer facilities.
- C. The tract of land for which a PUD application is received must be either in one ownership or the subject of an application filed jointly by the owners of all properties.
- D. The proposed uses of the PUD must be consistent with the City of Belding Master Plan for the subject property.
- E. *Open space.*
1. The PUD development shall contain open space in an amount equal to at least fifteen (15) percent of the total PUD site. The open space shall not include required yards or buffers, parking areas, drives, rights-of-way, utility or road easements, storm water detention ponds, regulated wetlands, designated flood plains, and structures.
 2. The open space shall be permanently set aside for the sole benefit, use, and enjoyment of present and future occupants of the PUD through covenant, deed restriction, open space easement, or similar legal instrument acceptable to the city; or, if agreed to by the city council, the open space may be conveyed to the city for the use of the general public.

(Ord. No. 521, 3-1-11)

Section 14.3. - Permitted uses.

Any use permitted by right or special approval in any district may be permitted within a PUD.

(Ord. No. 521, 3-1-11)

Section 14.4. - Optional pre-application conference.

- A. A pre-application conference may be held with the planning commission for the purpose of determining the eligibility of the request for consideration as a PUD.
- B. A request for a pre-application conference shall be made to the zoning administrator who shall schedule a date and time with the planning commission. As part of the pre-application conference, the applicant shall submit a conceptual plan (along with copies in an amount determined by the zoning administrator) which shows the property location, boundaries, significant natural features, vehicular and pedestrian circulation, and land use for the entire site.
- C. The planning commission shall advise the applicant of the conformance of the PUD concept with the intent and

objectives of PUD in the City of Belding, whether it qualifies under the minimum requirements of section 14.2, and whether the general concept is consistent with the city master plan. In no case, shall any representations made by the planning commission be construed as an endorsement of the PUD or an approval of the concept.

(Ord. No. 521, 3-1-11)

Section 14.5. - PUD application and preliminary development plan.

Applicants seeking approval of a PUD district shall submit a complete application for review and a preliminary development plan to the zoning administrator who shall schedule a date and time for a public hearing and planning commission review. Such application shall include the following:

- A. A completed application form, supplied by the zoning administrator.
- B. Payment of a fee, as established by the city council.
- C. A narrative statement describing:
 1. The objectives of the PUD and how they relate to the intent of the PUD district, as described in section 14.1;
 2. The relationship of the PUD to the City of Belding Master Plan;
 3. Phases of development and approximate time frame for each phase;
 4. Proposed deed restrictions, covenants, or similar legal instruments to be used within the PUD;
 5. Anticipated start and completion of construction; and
 6. Location, type, and size of areas to be dedicated for common open space.
- D. A preliminary development plan, plus copies in an amount determined by the zoning administrator. If the PUD is to be developed in phases, the preliminary development plan shall show all phases. The preliminary plan shall contain the following:
 1. Name of development, applicant's name, name and address of firm and/or individual who prepared the plan, scale, and north arrow;
 2. Property lines, dimensions of all property lines, and size of the PUD (and individual phases) in acres;
 3. Existing zoning and land use of all abutting properties;
 4. Existing natural features on the site, including water, stands of trees, drainage ways, flood plains, wetlands, steep slopes, and similar features;
 5. Existing buildings on the site;
 6. Proposed uses and their approximate locations;
 7. Right-of-way and pavement edges of existing streets abutting the PUD, including sidewalks;
 8. Approximate locations of proposed access drives and streets within the PUD;
 9. Proposed method of providing water, sanitary sewer, and stormwater drainage facilities;
 10. Layout and typical dimensions of proposed lots;
 11. Approximate phases of development; and
 12. Proposed residential density by area or phase.

(Ord. No. 521, 3-1-11)

Section 14.6. - Notice and rezoning public hearing.

- A. Upon receipt of an application for PUD approval, the zoning administrator shall cause notice to be given, in

accordance with the Zoning Act. The notice shall:

1. Describe the nature of the proposed PUD.
 2. Describe the property which is the subject of the PUD application, by legal description or parcel identification number (as assigned by Ionia County) and street address.
 3. State the time, date, and place of the public hearing.
 4. State when and where written comments will be received concerning the application.
- B. Following notice, the planning commission shall hold a public hearing on the proposed rezoning of the property to the PUD district, for the purpose of receiving public comment on the application.

(Ord. No. 521, 3-1-11)

Section 14.7. - Planning commission recommendation.

Following the public hearing, the planning commission shall review the PUD request and preliminary development plan based on the conformance with the standards of section 14.11; and shall make a recommendation to the city council to approve, approve with conditions, or deny the PUD request. In its recommendation to the council, the planning commission shall include the reasons for such recommendation, specifically citing appropriate standards and sections of the ordinance and identifying those specific conditions, if any, it considers necessary.

(Ord. No. 521, 3-1-11)

Section 14.8. - City council action and applicant agreement.

- A. After receiving the recommendation of the planning commission, the city council shall review the application package, preliminary development plan, the record of the planning commission proceedings, and the recommendation. The council shall then make its findings based on the standards of section 14.11 as to approval, approval with conditions, or denial.
- B. An approval with conditions shall not be considered final until the applicant submits to the city council a written acceptance of the conditions and all necessary revisions to the preliminary development plan. Upon receipt by the city council of the applicant's agreement and a revised preliminary development plan incorporating all required changes and conditions, if necessary, the rezoning to the planned unit development district shall become effective.

(Ord. No. 521, 3-1-11)

Section 14.9. - Final development plan application.

Within twelve (12) months of the city council's approval of the rezoning of the property to the PUD district and approval of the preliminary development plan, the applicant shall submit a request for final PUD development plan approval. The application shall consist of the following:

- A. A completed application form, supplied by the zoning administrator.
- B. Payment of a fee, as established by the city council.
- C. A written response to the findings, review comments, and conditions, if any, from the planning commission's review of the preliminary development plan and a narrative explanation of the changes made to the plan in response to those items.
- D. A site plan containing all of the information required for final site plans in section 16.4.C.3.b. For developments consisting of two (2) or more phases, the required site plan may be submitted for the first phase, along with a

copy of the approved preliminary PUD and a statement showing how the phase relates to the overall PUD. Each subsequent phase shall be reviewed in the same manner.

(Ord. No. 521, 3-1-11)

Section 14.10. - Planning commission review of final development plan.

- A. The planning commission shall review the final development plan in relation to its conformance with the preliminary development plan and the conditions, if any, of the PUD district approval. If it is determined that the final plan is not in substantial conformance with the preliminary development plan, the review process shall be conducted as a preliminary development plan review, in accordance with the procedures of sections 14.6 to 14.8 of this ordinance.
- B. If the final development plan is consistent with the approved preliminary development plan, the planning commission shall review the final plan in accordance with the criteria of section 14.11.
- C. The planning commission shall prepare a record of its findings and shall approve, approve with conditions, or deny the final development plan.
- D. The decision of the planning commission may be appealed to the city council which shall review the record of the proceedings, along with all materials submitted, and shall make its decision in accordance with the standards of section 14.11.
- E. The board of zoning appeals shall not have authority to hear any variance request or waive any requirement related to the approval of a planned unit development. Upon approval and construction of any or all of a PUD that results in the creation and recording of individual lots, parcels or site condominium units, an individual owner may request a variance to any zoning district-based ordinance requirements imposed upon the lot, parcel or condominium unit, provided that the request is consistent with the general requirements of the PUD and any conditions imposed upon the PUD by the city.

(Ord. No. 521, 3-1-11)

Section 14.11. - Standards for approval.

A PUD shall be approved only if it complies with each of the following standards:

- A. The proposed PUD complies with all qualifying conditions of section 14.2.
- B. The uses to be conducted within the proposed PUD are consistent with the city master plan.
- C. The proposed PUD is compatible with surrounding uses of land, the natural environment, and the capacities of public services and facilities affected by the development.
- D. The proposed PUD will not contain uses or conditions of use that would be injurious to the public health, safety, or welfare of the community.
- E. The proposed project is consistent with the spirit and intent of the PUD district, as described in section 14.1 and represents a development opportunity for the community that would not likely be achieved through conventional zoning.
- F. The proposed PUD meets all the review standards of section 16.1.F, standards for site plan review.

(Ord. No. 521, 3-1-11)

Section 14.12. - PUD agreement.

Prior to issuance of any building permits or commencement of construction on any portion of the PUD, the applicant shall enter into an agreement with the city, in recordable form, setting forth the applicant's obligations with respect to the PUD. The agreement shall describe all improvements to be constructed as part of the PUD and shall incorporate, by reference, the final development plan with all required revisions, other documents which comprise the PUD (master deed, restrictive covenants, etc.), and all conditions attached to the approval by the city council. A phasing plan shall also be submitted describing the intended schedule for start and completion of each phase and the improvements to be undertaken in each phase. The agreement shall also establish the remedies of the city in the event of default by the applicant in carrying out the PUD, and shall be binding on all successors in interest to the applicant. All documents shall be executed and recorded in the office of the Ionia County Register of Deeds. In order to ensure conformance to the PUD agreement, the city council may require a financial guarantee in a form as prescribed by section 19.3.B of this ordinance.

(Ord. No. 521, 3-1-11)

Section 14.13. - Changes to an approved PUD.

Changes to an approved PUD shall be permitted only under the following circumstances:

- A. The holder of an approved PUD final development plan shall notify the zoning administrator of any desired change to the approved PUD.
- B. Minor changes may be approved by the zoning administrator upon determining that the proposed revision(s) will not alter the basic design and character of the PUD, nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:
 1. Reduction of the size or height of any building and/or sign.
 2. Movement of buildings and/or signs by no more than ten (10) feet.
 3. Landscaping approved in the final development plan that is replaced by similar landscaping to an equal or greater extent.
 4. Changes in floor plans, of up to five (5) percent of the total floor area, which do not alter the character of the use or increase the amount of required parking.
 5. Internal rearrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
 6. Changes required or requested by the city, Ionia County, or other state or Federal regulatory agency in order to conform to other laws or regulations.
 7. The planning commission may authorize the zoning administrator to review minor changes not listed above, provided the record reflects that the change is demonstrably minor in effect and impact and otherwise conforms with the requirements of this chapter.
- C. A proposed change not determined by the zoning administrator to be minor shall be submitted as an amendment to the PUD and shall be processed in the same manner as the original PUD application.

(Ord. No. 521, 3-1-11)

Section 14.14. - Time limit for an approved PUD district.

- A. Each development or phase shall be under construction within one (1) year after the date of approval of the PUD final development plan, except as noted in this section. The city council may grant one (1) extension of up to an additional one (1) year period if the applicant applies for an extension prior to the date of the expiration of the PUD

and provided that:

1. The applicant presents reasonable evidence that the development has encountered unforeseen difficulties beyond the control of the applicant; and
 2. The PUD requirements and standards, including those of the Zoning Ordinance and master plan, that are reasonably related to the development have not changed.
- B. Should neither of the provisions of section 14.14.A be fulfilled, or an extension has expired without construction substantially underway, the PUD site development plan approval shall be null and void. Any future development of the property may only be considered and approved according to the process in this chapter. If PUD zoning is not desired or required for a future development, the property may be rezoned to the appropriate district and upon rezoning shall no longer be subject to any prior PUD approvals or agreements.

(Ord. No. 521, 3-1-11)

Chapter 15 - DISTRICT REGULATIONS

Section 15.1. - Schedule of regulations.

Unless specified elsewhere in this ordinance, all uses, structures and buildings on all zoning lots shall conform to the Schedule of Regulations and accompanying footnotes shown on the following pages.

Schedule of regulations*

Districts	Area (a) (sq. ft.)	Width (ft.)	Yard setbacks (ft.)				Height		Coverage (%)
			Front	One side	Total	Rear	Feet	Stories	
R-1 Single-family residential	21,000	100	40	10	20	40	35	2½	35
R-1.5 Single-family residential	14,520	80	40	10	20	40	35	2½	35
R-2 Single-family residential	8,450	65	25	10	20	35	35	2½	40
R-3 Single & two-family residential	8,450	65	25	7	14	35	35	2½	40
RM-1 Multi-family residential	Requirements for single and two-family dwellings are same as for R-2 district								
	40,000(b) (c) (e)	100	30(f)	15(f)	30(f)	30(f)	35	2½	40
RM-2 Manufactured home park	See chapter 8								
OS-1 Office/personal service	none	none	40(h)	(g)	none	(g)	35	2½	35
B-1 Community business	none	none	none	(g)	none	(g)	35	2½	none
B-2 General business	15,000	80	40(h)	(g)	none	20(i)	25	2	none

I-1 Industrial	40,000	100	40(h)	15 (i)	30	40(i), (k)	50	3	none
P-1 Parking	10,000	none	10 (j)	(i)	none	(i)	15	1	none

* Footnotes are an integral part of these district regulations and should be read in conjunction with the above schedule.

(Ord. No. 459, pts. 18—20, 4-17-01; Ord. No. 469, § 1, 4-20-04)

Section 15.2. - Footnotes to district regulations.

- (a) Reserved.
- (b) Where a rear yard abuts the side yard of an adjacent lot, the side yard on the street side shall meet the minimum front yard setback requirements.
- (c) All lots shall be served by public water and sanitary sewer facilities.
- (d) All two-family dwellings shall have a minimum lot area of 16,000 sq. ft. and a minimum width of 80 ft.
- (e) A maximum of twelve (12) dwelling units per net acre shall be permitted. Net acreage shall be the total site area, exclusive of any dedicated public right-of-way or private easement for either interior or abutting streets. No building shall exceed an overall length of one hundred eighty (180) ft. There shall be a minimum distance between ends of contiguous buildings equal to the height of the taller building or twenty-five (25) ft., whichever is greater.
- (f) In no case shall the minimum required setback be less than the height of the building.
- (g) No setback shall be required, unless a side or rear yard abuts a residential district, in which case a buffer shall be provided in accordance with section 16.2.
- (h) The first twenty (20) ft. of the required front yard shall not be used for parking or aisles and shall be landscaped in accordance with section 16.2.
- (i). If the side of rear yard abuts a residential district, the minimum required setback distance shall be increased as necessary to meet the requirements of section 16.2.
- (j). The required front setback area applies to the edge of the parking area, as well as any building or structure and shall be landscaped in accordance with section 16.2.
- (k). When abutting a railroad right-of-way, no minimum rear yard setback shall be required.

(Ord. No. 459, § 21, 4-17-01; Ord. No. 477, § 1, 12-21-04)

Section 15.3. - Schedule of permitted uses by district.

This is a summary for ease of reference. Specific requirements and conditions may apply to individual use. The respective zoning districts, schedule of regulations, and other relevant portions of the ordinance must be consulted in conjunction with this summary.

	R-1	R-2	R-3	RM-1	RM-2	OS-1	B-1	B-2	I-1	P-1	PUD	PR
RESIDENTIAL and RELATED USES											* (all)	
Accessory buildings and uses	*	*	*	*	*							
Bed and breakfast			X	X								
Cemeteries	X	X	X	X								
Churches	X	X	X	X								
Day care, commercial				X								

Elderly housing				X									
Family day care	*	*	*	*	*								
Golf courses and country clubs	X	X	X	X									
K-12 schools	X	X	X	X									
Manufactured home parks					*								
Manufactured homes in licensed parks					*								
Multiple-family dwellings				*									
Non-commercial and public recreation	X	X	X	X									
Residential family care facilities	*	*	*	*	*								
Residential group care facilities					X								
Single-family dwelling	*	*	*	*									
Site condominium	X	X	X	X									
Two-family dwelling				*									
Utility and public service buildings (excl. outdoor storage)	X	X	X	X	X								
COMMERCIAL, INDUSTRIAL and RELATED USES											* (all)		
Accessory buildings and uses						*	*	*	*	*			
Adult bookstores and entertainment									X				
Banks and financial institutions, excl. drive-through facilities						*	*	*					
Banks and financial institutions, incl. drive-through facilities						X	X	X	*				
Building supply and equip. establishments								X					
Child care centers				X		*	*	*	*				
Clinics						*	*	*					
Commercial schools							*	*					
Commercial storage warehouses									X				
Contractor's showrooms and storage yards									*				
Dog kennels									X				
Drive-through restaurants								X					
Dry cleaning and laundry facilities, excl. retail									*				
Dwellings on upper floors of businesses							X	X					

Funeral homes and mortuaries					X	X	X				
Health and physical fitness salons						*	*				
Hotels and motels							X				
Junk yards								X			
Laboratories (experimental, film or testing)								*			
Lumber and planing mills								X			
Manufacturing, processing and warehousing								*			
Manufacturing and processing non-ferrous metals								X			
Manufacturing and processing using stamping or punch press operations								X			
Manufacturing acid, cement, lime and similar products								X			
Metal plating, buffing and polishing								X			
Municipal buildings and utility offices, excl. outdoor storage					*	*	*				
Municipal water and wastewater treatment facilities								X			
Newspaper offices and printing plants						*	*				
Offices (executive, administrative and professional)					*	*	*	*			
Offices (medical and dental), excl. veterinary					*	*	*				
Offices and showrooms for plumbers, electricians and similar trades						X	X				
Open air business and outdoor display							X				
Outdoor storage, display and sale of farm and construction equipment								X			
Parking lots and related structures									*		
Personal service establishments					*	*	*				

Petroleum production, storage and refining								X			
Plant nurseries and greenhouses							X				
Recreation and entertainment (indoor)					*	*					
Recycling centers								X			
Research and development facilities								*			
Restaurants, excl. drive-through facilities				X	*	*					
Retail businesses selling merchandise within a building						*					
Retail such as groceries, clothing and furniture					*	*					
Trade or industrial schools								*			
Truck terminals								X			
Utility and public service buildings, excl. outdoor storage							X				
Utility and public service storage yards								*			
Vehicle repair							X	X			
Vehicle sales							X				
Vehicle service stations, excl. repair					X	X					
Vehicle wash establishments							X				
Veterinary hospitals and clinics							X	X			
Wholesale establishments								*			
MISCELLANEOUS USES											
Benches											*
Children's play areas											*
Decorative pavers											*
Earthen berms											*
Flags, banners											*
Floral plantings											*
Kiosks											*
Lighting											*
Picnic facilities											*
Public art											*
Riverfront boardwalk											*
Signage											*
Trees, shrubbery, grass											*
Walkways											*

* Uses permitted by right

X Uses permitted by special approval

(Ord. No. 537, § 4, 7-21-15)

Chapter 16 - SITE DEVELOPMENT REQUIREMENTS

Section 16.1. - Site plan review.

- A. *Purpose.* The purpose of this chapter is to provide for consultation between the applicant and the planning commission or city staff to review an applicant's planned objectives in the utilization of land within the regulations of this zoning ordinance.
- B. *Uses subject to site plan and sketch plan review.* Uses shall be subject to site plan review or sketch plan review according to table 16.1.

SK = Sketch Plan Review

SP = Site Plan Review

TABLE 16.1 USES REQUIRING SITE PLAN OR SKETCH PLAN REVIEW			
	Use or Activity	Planning Commission Review	Administrative Review
a.	New construction of any non-residential or multiple-family structure or development.	SP	
b.	Uses subject to special land use review in any district, including planned unit developments, except as listed below.	SP	

c.	Special land uses permitted in residential districts that do not require any exterior alterations other than signs.	SK	
d.	Site condominium developments.	SP	
e.	Erection of a tower, antenna, or other communication facility; essential public service buildings and storage yards.	SP	
f.	Co-location of a communication antenna upon an existing tower.		SK
[g.	Reserved.]		

h.	An increase in floor area of uses subject to site plan review up to one thousand (1,000) square feet or five (5) percent of existing floor area, whichever is less.		SK
i.	Change in use to another permitted by right in the zoning district that requires no significant change to building footprint, parking, landscaping, lighting, signs, bike paths or sidewalks.		SK
j.	Expansion, replacing or alteration of landscaping areas consistent with this ordinance.		SK

k.	Improvements or installation of walls, fences, or lighting.		SK
l.	Alterations to off-street parking layout or installation of pavement or curbing improvements provided total number of spaces does not change the number of parking spaces by more than five (5) percent, or to meet various Federal, State, or Americans with Disabilities Act requirements and the construction plans and lot construction are approved by the appropriate city staff.		SK

m.	Construction or relocation of a waste receptacle or enclosure.		SK
n.	Approved changes to utility systems.		SK
o.	Grading, excavation, filling, soil removal, creation of ponds or tree clearing within an area over six hundred fifty (650) square feet.	SK	
p.	Allowed modifications to nonconforming uses, buildings or sites, including a change to a more conforming situation.		SK

q.	Modifications to upgrade a building to improve barrier free design, comply with the Americans with Disabilities Act or other federal, state or county regulations.		SK
r.	Construction of an accessory building that meets the requirements of section 2.2 on the site of any use with an approved site plan, provided that the use of the structure does not increase the intensity of use of the property or result in a change in use.		SK

s.	Construction of an accessory building that meets the requirements of section 2.2 on the site of any use with an approved site plan where the use of the structure increases the intensity of use of the property or results in a change in use.	SP	
t.	Any proposed building or use which does not qualify for sketch plan review and is not otherwise exempt from site plan review.	SP	

C. *Site plan review.* Application and review procedures:

1. *Pre-application conference.*

- a. A preliminary meeting with staff is required prior to the submission of a site plan review application.
 - (1) The meeting may be scheduled either by the City of Belding or by the Ionia County Drain Commission using the county's requirements for such a meeting.
 - (2) Representatives from the following departments and agencies will be invited to the meeting:
 - (a) City zoning administration;
 - (b) City engineer;

- (c) City department of public works;
 - (d) City police and fire departments;
 - (e) City manager;
 - (f) Ionia County Drain Commission;
 - (g) Ionia County Road Commission;
- (3) City of Belding staff will take minutes of the pre-application conference and will distribute minutes to all invited departments and agencies within one (1) week after the meeting date.

2. *Application procedures.*

- a. A pre-application conference with the City of Belding Planning Department staff and invited departments and agencies must have been held not more than six (6) months prior to the submittal of an application for either a preliminary or a final (if no preliminary approval was sought) site plan review.
- b. An application for site plan review by the planning commission shall be submitted at least twenty-one (21) days prior to the next scheduled planning commission meeting. Application materials shall be submitted through the zoning administrator, who will review the application materials to ensure that the application and associated materials are complete, then transmit it to the planning commission.
- c. Copies of the site plan shall be forwarded from the zoning administrator to appropriate city departments and consultants, including but not limited to the following:
 - (1) Fire;
 - (2) Police;
 - (3) Building inspections;
 - (4) Planning;
 - (5) Public works;
 - (6) Engineering;
 - (7) School district;
- d. Review comments shall be submitted by such departments and consultants to the planning commission for consideration prior to the meeting at which the request is to be considered.
- e. An application for either a preliminary or final site plan review shall consist of the following:
 - (1) A completed application form, as provided by the city.
 - (2) Fifteen (15) copies of the preliminary site plan or final site plan.
 - (3) Payment of a fee, in accordance with a fee schedule, as determined by city council resolution.
 - (4) A legal description, including the permanent parcel number, of the subject property and a boundary survey map.
 - (5) Other materials as may be required by this section, the city manager, or the Planning Commission.

3. *Site plan review procedures.*

- a. *Preliminary site plan review option.*
 - (1) A preliminary site plan may (but is not required to) be submitted to the planning commission for review prior to final site plan review. The purpose of the preliminary site plan review is to allow discussion between the applicant and the planning commission to inform the applicant of the general acceptability of the proposed plans prior to incurring extensive engineering and other costs which may be necessary for the review of the final site plan.

- (2) Preliminary site plans shall include the following. The zoning administrator may waive one (1) or more of the when it is demonstrated that the requirement is not necessary to adequately review the request:
- (a) Small scale sketch of properties, streets and use of land within one-quarter ($\frac{1}{4}$) mile of the subject property.
 - (b) Fifteen (15) copies of a site plan at a scale of not more than one (1) inch equals one hundred (100) feet (1" = 100') showing any existing or proposed arrangement of:
 - i. Existing adjacent streets and proposed streets and existing curb cuts within one hundred (100) feet of the property.
 - ii. All lot lines with dimensions.
 - iii. Parking lots and access points.
 - iv. Proposed buffer strips or screening.
 - v. Significant natural features and other natural characteristics on the property, including but not limited to open space, stands of trees, wetlands, brooks, ponds, floodplains, hills, and similar natural assets; provided that any wetland, brook, pond, or similar water feature within two hundred fifty (250) feet of the property boundary shall also be shown.
 - vi. Location of any signs not attached to the building.
 - vii. Existing and proposed buildings, including existing buildings or structures within one hundred (100) feet of the boundaries of the property.
 - viii. General topographical features including existing contours at intervals no greater than two (2) feet.
 - ix. Number of acres allocated to each proposed use and gross area in building, structures, parking, public and/or private streets and drives, and open space.
 - x. Dwelling unit densities by type, if applicable.
 - xi. Proposed method of providing sewer and water service, as well as other public and private utilities.
 - xii. Proposed method of providing storm drainage.
 - xiii. Written description of the computation for required parking.
- (3) The planning commission shall review the preliminary site plan, along with any comments submitted by city departments or consultants, and make such recommendations to the applicant that will cause the plan to be in conformance with the review standards of section and this ordinance. To this end, the commission may request from the applicant any additional graphic or written materials, prepared by a qualified person or persons, to assist in determining the appropriateness of the site plan. Such material may include, but need not be limited to, aerial photography, photographs; traffic impacts; impact on significant natural features and drainage; soil tests, and other pertinent information.
- b. *Final site plan review.*
- (1) Final site plans shall include the following information. The zoning administrator may waive one (1) or more of the requirements when it is demonstrated that the requirement is not necessary to adequately review the request:
 - (a) Small scale sketch of properties, streets and use of land within one-quarter ($\frac{1}{4}$) mile of the area.
 - (b) Fifteen (15) copies of a site plan at a scale not to exceed one (1) inch equals fifty (50) feet (1" = 50').

The following items shall be shown on the plan:

- i. Date of preparation/revision.
 - ii. Name and address of the preparer who shall be a registered engineer, land surveyor, landscape architect, community planner, architect, or related professional.
 - iii. The existing and proposed topography of the site at a minimum of two (2) foot contour intervals and its relationship to adjoining land.
 - iv. Existing man-made features.
 - v. Dimensions of setbacks, locations, heights and size of buildings and structures, including the locations of existing buildings or structures within one hundred (100) feet of the boundaries of the property.
 - vi. Street rights-of-ways, indicating proposed access routes, internal circulation, relationship to existing rights-of-ways, and curb cuts within one hundred (100) feet of the property.
 - vii. Proposed grading, showing two (2) foot contour intervals.
 - viii. Location, sizes, and type of drainage, sanitary sewers, water services, storm sewers, detention or retention, and fire hydrants.
 - ix. Location, sizes, and type of fences, landscaping, buffer strips, and screening.
 - x. Location, sizes, and type of signs and on-site lighting.
 - xi. Proposed parking areas and drives. Parking areas shall be designated by lines showing individual spaces and shall conform with the provisions of this ordinance.
 - xii. Easements, if any.
 - xiii. Dimensions and number of proposed lots.
 - xiv. Significant natural features, and other natural characteristics, including but not limited to open space, stands of trees, wetlands, brooks, ponds, flood plains, hills, and similar natural assets.
- (2) The planning commission may request from the applicant any additional graphic or written materials, prepared by a qualified person or persons, to assist in determining the appropriateness of the site plan. Such material may include, but need not be limited to, aerial photography, photographs; traffic impacts; impact on significant natural features and drainage; soil tests; and other pertinent information.
- (3) The planning commission shall approve, deny, or approve with conditions the final site plan based on the requirements of this ordinance, and specifically, the standards of section 16.1.F.
- D. Approved site plans and amendments.
1. Upon approval of the final site plan, the chairman of the planning commission shall sign three (3) copies thereof. One (1) signed copy shall be made a part of the city's files; one (1) copy of the final site plan shall be forwarded to the building official for issuance of a building permit; and one (1) copy shall be returned to the applicant.
 2. Each development shall be under construction within one (1) year after the date of approval of the final site plan, except as noted in this section.
 - a. The planning commission may grant one (1) extension of up to an additional one (1) year period if the applicant applies for such extension prior to the date of the expiration of the final site plan and provided that:
 - (1) The applicant presents reasonable evidence that said development has encountered unforeseen difficulties beyond the control of the applicant; and
 - (2) The site plan requirements and standards, including those of the zoning ordinance and master plan, that are reasonably related to said development have not changed.

- b. Should neither of the provisions of section 16.1.E.2.a. be fulfilled, or an extension has expired without construction underway, the final site plan approval shall be null and void.
- c. Amendments to an approved final site plan may occur only under the following circumstances:
 - (1) The holder of a valid final site plan approval shall notify the zoning administrator of any proposed amendment to such approved site plan.
 - (2) Minor changes, requested by the applicant, may be approved by the zoning administrator upon certification in writing to the planning commission that the proposed revision does not alter the basic design nor any specified conditions of the plan as agreed upon by the planning commission. In considering such a determination, the zoning administrator shall consider the following to be a minor change:
 - (a) Reduction of the size of any building and/or sign.
 - (b) Movement of buildings and/or signs by no more than ten (10) feet.
 - (c) Landscaping approved in the site plan that is replaced by similar landscaping to an equal or greater extent.
 - (d) Changes in floor plans, of up to five (5) percent of the total floor area, which do not alter the character of the use or increase the amount of required parking.
 - (e) Internal rearrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
 - (f) Changes required or requested by the city, Ionia County, or other state or Federal regulatory agency in order to conform to other laws or regulations.
 - (3) Should the zoning administrator determine that the requested modification to the approved site plan is not minor, a new site plan shall be submitted and reviewed as required by this chapter.

E. *Sketch plan review and administrative approval.*

- 1. *Sketch plan requirements.* The applicant shall submit the sketch plan, required application form and fee to the zoning administrator. The zoning administrator may waive one (1) or more of the requirements when it is demonstrated that the requirement is not necessary to adequately review the request.
 - a. Cover sheet including:
 - (1) Completed application form and fee.
 - (2) Name, address and telephone number of the applicant and/or firm or individual who prepared the plans; and date(s) of submission and any revisions (month, day, year).
 - (3) Scale and north-point.
 - (4) Location map drawn to a separate scale with north-point, showing surrounding land, water features, zoning and streets to establish the location of the property in question.
 - (5) Legal and common description of property including net acreage.
 - (6) Zoning classification of petitioner's parcel and all abutting parcels.
 - (7) A note on each plan sheet stating "Not to Be Used as Construction Drawings."
 - b. *Buildings and structures.*
 - (1) Existing and proposed buildings and parking lots with dimensions and setbacks.
 - (2) Floor plan indicating existing and proposed uses.
 - (3) Building elevations including materials and colors for all sides with proposed changes.

- c. *Parking and access.*
 - (1) Existing and proposed parking calculations.
 - (2) Existing and proposed driveways.
- d. *Site data.*
 - (1) Existing and proposed landscaping illustrated on the plan and described in a plant list.
 - (2) Proposed changes to grading and other natural features.
 - (3) Existing and proposed lighting and screening.
 - (4) Proposed changes to utilities.
 - (5) Any other items requested by the building official/zoning administrator to assist in the administrative review.
2. *Approval.* A sketch plan shall be reviewed for compliance with the requirements of this Ordinance and the review standards as listed in section 16.1.F. A sketch plan found to be in compliance shall be approved. The zoning administrator may impose conditions upon the approved development.
3. *Report.* For those sketch plans that are approved administratively, the zoning administrator shall report administrative approvals to the planning commission.
4. *Additional information.* The zoning administrator retains the option to require additional information to permit complete review of the sketch plan. For those sketch plans that are reviewed administratively, the zoning administrator may require a complete site plan for review by the planning commission, particularly for sites that 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, safety and welfare issues. If a full site plan is required, the zoning administrator shall inform the applicant to submit a set of plans in accordance with this section within fourteen (14) days of receipt of the application.
5. *Amendments.* Amendments to sketch plans shall be reviewed in the same manner as the original approval.
- F. *Site plan and sketch plan review standards.*
 1. All site plans and sketch plans shall be approved, approved with conditions, or denied based on the purposes, objectives and requirements of this ordinance, and specifically, the following considerations as applicable:
 - a. The relationship of uses proposed will not adversely affect the public health, safety, or welfare. Uses and structures located on the site shall be planned to take into account topography, size of the property, the uses on adjoining property and the relationship and size of buildings to the site. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this ordinance.
 - b. Safe, convenient, un-congested, and well-defined vehicular and pedestrian circulation shall be provided for ingress/egress points and within the site. Drives, streets and other circulation routes shall be designed to promote safe and efficient traffic operations within the site and at ingress/egress points.
 - c. The arrangement of public or private vehicular and pedestrian connections to existing or planned streets in the area shall be planned to provide a safe and efficient circulation system for traffic within the City of Belding.
 - d. Removal or alteration of significant natural features shall be restricted to those areas which are reasonably necessary to develop the site in accordance with the requirements of this ordinance. The planning commission or zoning administrator may require that landscaping, buffers, and/or greenbelts be preserved

and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.

- e. Satisfactory assurance shall be provided that the requirements of all other applicable ordinances, codes, and requirements of the City of Belding will be met.
- f. The general purposes and spirit of this ordinance and the Master Plan of the City of Belding shall be maintained.

G. *Reapplication.* No petition submitted for final site plan review or sketch plan review which has been denied, shall be resubmitted for a period of one (1) year from the date of denial, except as may be permitted by the zoning administrator or planning commission, as applicable, after learning of new and significant facts or conditions which might result in a favorable action upon resubmittal.

(Ord. No. 459, pts. 22, 23, 4-17-01; Ord. No. 471, § 2, 9-21-04; Ord. No. 472, § 1, 10-19-04; Ord. No. 512, § 11, 12-7-10; Ord. No. 518, § 8, 1-18-11)

Section 16.2. - Landscaping and screening.

A. *Intent.* It is the intent of this section to require landscaping and screening to buffer the negative impacts between incompatible land uses; to minimize the adverse effects of certain outdoor activities upon their surroundings; and to improve the appearance of parking areas and street frontages within the community. It is further intended to preserve and enhance the aesthetic qualities, character, privacy, and land values of property within the city.

B. *Definitions.* For the purposes of this section the following definitions will apply:

1. *Buffer:* A strip of land between potentially incompatible uses which provides visual separation and aesthetic relief through some combination of screen and greenbelt.
2. *Screen:* A visual barrier which surrounds a potentially offensive activity.
3. *Greenbelt:* A landscaped area which provides aesthetic relief.

C. *Buffer zones required.*

1. A buffer zone shall be required on the subject parcel between abutting zoning districts, as indicated on the required buffers table.
2. A buffer zone shall be required on the subject parcel even if the adjacent parcel is unimproved land.
3. When any developed parcel changes to a more intense land use or a special land use approval or a site plan review is required, a buffer zone shall be provided in compliance with this ordinance.
4. If existing conditions on the subject parcel are such that a parcel cannot comply with the buffer zone requirements, the zoning administrator shall determine the character of the buffer based on the following criteria:
 - a. Traffic impacts,
 - b. Building and parking lot coverage,
 - c. Outdoor sales, display, or manufacturing area,
 - d. Physical characteristics of the site and surrounding area such as topography, vegetation, etc.,
 - e. Views and noise levels,
 - f. Health, safety, and welfare of the city,
 - g. Proximity or potential proximity of adjacent residential uses.

D. *Buffer zone development standards.*

1. Buffer zone level "A" shall meet the following requirements:
 - a. Fifty (50) foot minimum width.
 - b. Equivalent of one (1) canopy tree per thirty (30) linear feet or fraction of buffer zone length.
 - c. Six (6) foot high continuous sight-obscuring screen composed of evergreen plant material, berming, walls or fences, or any combination approved by the planning commission.
 - d. If berming is used for any part of the buffer, all required plant material shall be placed on the top and side slope facing the exterior property line.
 - e. If a wall or fence is used for any part of the buffer, a minimum of four (4) shrubs are required per twenty (20) linear feet of wall or fence, with at least fifty (50) percent of all such plant material being at least twenty-four (24) inches high at time of planting.
 - f. All areas within the buffer zone which do not contain trees or planting beds shall be covered with grass or other living ground cover.
 - g. All other applicable standards of this section shall be met.
 - h. All plant material shall meet the minimum requirements of section 16.2 I.
2. Buffer zone level "B" shall meet the following requirements:
 - a. Twenty (20) foot minimum width.
 - b. Equivalent of one (1) tree per forty (40) linear feet or fraction of buffer zone length. Sixty (60) percent of all trees shall be evergreens and the balance shall be deciduous.
 - c. Three (3) foot high continuous sight-obscuring screen composed of plant material, berming, walls or fences, or any combination approved by the planning commission.
 - d. If berming is used for any part of the buffer, it shall contain one (1) shrub for each ten (10) feet of berm length. All required plant material shall be placed on the top and side slope facing the exterior property line.
 - e. If a wall or fence is used for any part of the buffer, a minimum of one (1) shrub per ten (10) feet of fence or wall shall be placed along the exterior side. At least fifty (50) percent of all such plant material shall be at least twenty-four (24) inches high at time of planting.
 - f. All areas within the buffer zone which do not contain trees or planting beds shall be covered with grass or other living ground cover.
 - g. All other applicable standards of this section shall be met.
 - h. All plant material shall meet the minimum requirements of section 16.2 I.
3. Buffer zone level "C" shall meet the following requirements:
 - a. Ten (10) foot minimum width;
 - b. Equivalent of one (1) tree per fifty (50) linear feet or fraction of buffer zone length. At least fifty (50) percent of the total number of required trees shall be canopy trees.
 - c. Three (3) foot high continuous sight-obscuring screen composed of plant material, berming, walls or fences, or any combination approved by the planning commission.
 - d. If berming is used for any part of the buffer, it shall contain one (1) shrub for each ten (10) feet of berm length. All required plant material shall be placed on the top and side slope facing the exterior property line.
 - e. If a wall or fence is used for any part of the buffer, a minimum of one (1) shrub per ten (10) feet of fence or wall shall be placed along the exterior side. At least fifty (50) percent of all such plant material shall be at least twenty-four (24) inches high at time of planting.

- f. All areas within the buffer zone which do not contain trees or planting beds shall be covered with grass or other cover.
- g. All other applicable standards of this section shall be met.
- h. All plant material shall meet the minimum requirements of section 16.2 I.

Districts	REQUIRED BUFFERS				
	OS-1	B-1	B-2	I-1	P-1
R-1	C	B	B	A	C
R-2	C	B	B	A	C
R-3	C	B	B	A	C
RM-1	C	B	B	A	C
RM-2	C	B	B	A	C
OS-1				A	
B-1				B	
B-2				B	
I-1					
P-1					

E. *Screening required.*

1. Screening shall be required on the subject parcel in the following situations, except as may be provided elsewhere in this section:
 - a. Around all trash dumpsters in all districts,
 - b. Around designated outdoor storage areas in any commercial or industrial district,
 - c. Around any loading/unloading area or hospital emergency area.
2. Screening shall be required on the subject parcel even if the surrounding area or adjacent parcels are unimproved.
3. When any developed parcel changes to a more intense land use or a special land use approval or site plan review is required, screening shall be provided in compliance with this ordinance.
4. If existing conditions on the subject parcel are such that a parcel cannot comply with the screening requirements, the zoning administrator shall determine the character of the screen based on the following

criteria:

- a. Traffic access and circulation,
- b. Building and parking lot coverage,
- c. Outdoor sales, display, or manufacturing area,
- d. Physical characteristics of the site and surrounding area such as topography, vegetation, etc.,
- e. Views and noise levels, and
- f. Public health, safety, and welfare.

F. *Screening standards.*

1. All required screens shall meet the following standards:
 - a. A solid, sight-obscuring fence or wall six (6) feet high.
 - b. Enclosed on all sides and not containing any openings other than a gate for access to the enclosed area which shall be closed at all times when not in use.
 - c. The fence or wall shall be constructed of masonry, treated wood, or other material approved by the planning commission if determined to be durable, weather resistant, rust proof, and easily maintained. Chain link and barb wire fences are not permitted.
 - d. The required screen may consist of berms, plant material, walls, fences, or any combination, if approved by the planning commission upon determining that such alternate materials will provide the same degree of screening or better than required by these screening standards.
 - e. All other applicable standards of this section shall be met.

G. *Greenbelts required.*

1. Greenbelts, as indicated in the following section shall be required on the subject parcel in the following situations, except as may be provided elsewhere in this section:
 - a. Within the front setback area for parking lots in the OS-1, B-1, B-2, P-1, and I-1 districts.
 - b. Around any nonresidential parking lot abutting on within one hundred (100) feet of a residential district.
 - c. Within any parking lot which contains fifty (50) spaces or more.

H. *Greenbelt standards.*

1. Greenbelts shall meet the following requirements:
 - a. Minimum width shall correspond to the setback requirements for parking areas as prescribed in the schedule of regulations, but shall not be less than ten (10) feet.
 - b. Equivalent of one (1) tree per twenty (20) linear feet or fraction of street frontage.
 - c. At least one-half (½) of the total number of required trees shall be evergreen trees.
 - d. A minimum of one (1) shrub at least twenty-four (24) inches high per each ten (10) linear feet or fraction of street frontage.
 - e. All areas within the greenbelt which do not contain trees or planting beds shall be covered with grass or other living ground cover.
 - f. Clustering of trees and shrubs within the greenbelt is permitted.
 - g. All other applicable standards of this section shall be met.

- I. *General development standards.* All required buffers, screens and greenbelts shall comply with the following standards:

1. Minimum plant material standards.

- a. All plant materials shall be hardy to Ionia County, be free of disease and insects, and conform to the American Standard for Nursery Stock of the American Association of Nurserymen.
- b. All plant materials shall be installed in such a manner so as not to alter drainage patterns on the site or adjacent properties, or obstruct vision for safety of ingress or egress.
- c. All plant material shall be planted in a manner so as to not cause damage to utility lines (above and below ground) and public roadways.
- d. Minimum plant sizes and spacing at time of installation shall conform to the following requirements:

Tree type	Minimum size	Maximum spacing
Deciduous canopy tree	2½ inch caliper	30 ft. on-center
Deciduous ornamental tree	2 inch caliper	
Evergreen tree	6 feet in height	30 ft. on-center
Deciduous shrub	2 feet in height	
Upright evergreen shrub	2 feet in height	6 ft. on-center
Spreading evergreen shrub	24 inches spread	4 ft. on-center.

- e. Existing plant material which complies with the standards and intent of this ordinance, as determined by the planning commission, shall be credited toward meeting the landscape requirements.
- f. The installed plant material shall achieve its horizontal and vertical screening effect within four (4) years of initial installation.
- g. The overall landscape plan shall not contain more than thirty-three (33) percent of any one (1) plant species.
- h. The following trees are not permitted as they split easily; their wood is brittle and breaks easily; their roots clog drains and sewers; and they are unusually susceptible to disease or insect pests:

Common name	Horticultural name
Box elder	Acer Negundo
Ginkgo	Ginkgo Biloba (female only)
Honey Locust	Gleditsia Triacanthos (w/thorns)
Mulberry	Morus Species
Poplars	Populus Species
Black Locust	Robinia Species
Willows	Salix Species
American Elm	Ulmus Americana
Siberian Elm	Ulmus Pumila
Slippery Elm; Red Elm	Ulmus Rubra
Chinese Elm	Ulmus Parviflora
Horse Chestnut, Tree of Heaven	Catalpa
Soft Maples (Red, Silver)	Acer Rubrum, Acer Saccharinum
Scotch Pine	Pinus Sylvestris

- i. Plant materials shall not be placed closer than four (4) feet to any fence or property line.
 - j. Where plant materials are placed in two (2) or more rows, planting shall be staggered in rows.
2. Minimum standards for berms.
- a. Where possible, berms shall be constructed so as to maintain a side slope not to exceed a one (1) foot rise to

- a three (3) foot run ratio. When topography or other site condition prevents construction of berms at this ratio, retaining walls or terracing may be permitted. If a berm is constructed with a retaining wall or by terracing, the earthen slope shall face the exterior of the site.
- b. Berm areas not containing planting beds shall be covered with grass or other living ground cover maintained in a healthy condition.
 - c. Berms shall be constructed in such a manner so as not to alter drainage patterns on the site or adjacent properties, or obstruct vision for safety of ingress or egress.
3. Minimum standards for screen walls and fences.
- a. All screen walls and fences required for screening shall be constructed with new, durable, weather resistant, and easily maintainable materials. Chain link and barbed wire fences are not permitted to serve as screen fencing.
 - b. Unless otherwise prohibited, the wall or fence may be constructed with openings that do not exceed twenty (20) percent of the wall or fence surface. The fence openings shall not reduce the intended obscuring effect of the wall or fence.
 - c. Screen walls or fences shall not be constructed so as to alter drainage on the site or adjacent properties, or obstruct vision for safety or ingress or egress.
4. Detention/retention areas shall be permitted within required greenbelts provided they do not hamper the screening intent of the greenbelt or jeopardize the survival of the plant materials.
5. Installation and maintenance provisions.
- a. The planning commission or zoning administrator may require a financial guarantee, in accordance with the provisions of section 19.3 B., of a sufficient amount to insure the installation of all required landscaping.
 - b. All landscaping shall be maintained in a healthy, neat and orderly state free from refuse and debris. Any dead or diseased plants shall be replaced.
 - c. All required landscaping shall be completed within six (6) months from the date of occupancy of the buildings, unless a performance bond is submitted in accordance with the provisions of section 19.3 B.
6. Waiver from landscaping and screening requirements. The planning commission during site plan review may determine, upon inspection, that existing landscaping or screening, or that dimensional conditions unique to the parcel would prevent development of required off-street parking landscaped areas, or greenbelts, these requirements may be waived in whole or in part. Criteria which shall be used when considering a waiver shall include, but shall not be limited to:
- a. Existence of natural vegetation.
 - b. Topography.
 - c. Existence of areas of poor soils.
 - d. Existing and proposed building placement.
 - e. Building height.
 - f. Adjacent land uses.
 - g. Distance between land uses.
 - h. Dimensional conditions unique to the parcel.
 - i. Traffic, sight distances and traffic operational characteristics on and off the site.
 - j. Visual, noise and air pollution levels.

k. Public health, safety, and welfare.

(Ord. No. 459, pt. 24, 4-17-01; Ord. No. 482, § 1, 9-6-05)

Section 16.3. - Off-street parking and loading.

A. *General requirements.*

1. Except for the B-1 district, off-street parking for all non-residential zone districts and uses shall be either on the same lot or within three hundred (300) feet of the building or use it is intended to serve, measured from the nearest public entrance of the building to the nearest point of the off-street parking lot. In the B-1 district parking shall be provided on the same lot as the use, unless the property adjoins or has access to a community parking lot, or common parking area maintained by participating property owners.
2. The storage of merchandise or products, motor vehicles displayed for sale, or the repair of vehicles is prohibited in any off-street parking lot.
3. Residential off-street parking spaces shall consist of parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve. Such parking spaces shall be paved with an asphalt or Portland cement binder so as to provide a permanent, durable and dustless service and shall occupy no greater than thirty-three (33) percent of the required front yard. Driveways for single-family residences are not permitted to be shared by more than one (1) dwelling. [amended 1/3/05]
4. Residential parking areas for boats, trailers, motor vehicles, and recreation equipment shall not be located in any front yard. This section shall not prohibit direct access drive parking of automobiles on paved, established driveways. [amended 9/6/05]
5. Minimum required off-street parking spaces shall not be replaced by any other use unless and until equal facilities are provided elsewhere, in compliance with this section.
6. Off-street parking existing at the effective date of this ordinance, or amendment thereto, in connection with the operation of an existing building or use, shall not be reduced to an amount less than required for a similar new building or new use.
7. Deferred parking for commercial or industrial districts [amended 1/3/05]:
 - a. An applicant may request that a portion of the required parking be deferred from being constructed in cases where the applicant feels the minimum parking required is in excess of what is practical for the use.
 - b. Parking may not be deferred below the minimum standard of 0.5 spaces per 1,000 square feet of gross floor area for industrial uses or seventy (70) percent of the required parking for commercial uses.
 - c. The applicant shall show that the deferred portion of the parking is possible to construct on the site by showing it on the site plan; and shall guarantee the availability of such area for future parking through a recorded deed restriction on the property, a copy of which shall be provided to the zoning administrator prior to commencing construction on the site.
 - d. The city shall retain the right to revoke the deferral at any time if observations of the use indicate that the amount of parking is insufficient. In cases of revocation, the applicant shall construct the deferred portion of the parking within 90 days of being directed to do so by the city.
9. Maximum parking [amended 1/3/05]:
 - a. To minimize excessive areas of pavement which can reduce water quality, increase erosion and detract from community aesthetics, no parking lot shall exceed the minimum number of parking spaces required by section 16.3H by more than ten (10) percent.

- b. In granting any additional spaces as permitted in #8, a above, the zoning administrator or planning commission appropriate, shall determine that the parking will be required, based on documented evidence of actual use and provided by the applicant or as justified through a specific parking study conducted by a professional qualified i
 - c. This provision shall only apply to parking areas containing twenty (20) or more required parking spaces.
10. The joint use of parking facilities by two (2) or more uses may be allowed whenever it is practical for all of the uses intended to be served, and when all requirements for location, design, and construction for the lot are met.
- a. In computing capacities of any joint use, the total space requirement is the sum of the individual requirements that will occur at the same time each day. If space requirements for individual uses occur at distinctly different times, the total off-street parking spaces required for joint or collective use may be reduced by the planning commission below the same total of the individual space requirements.
 - b. A copy of an agreement between joint users shall be provided to the city. The agreement shall include provisions which assure continued long-term use and maintenance of the parking facility by each party, and their successors in interest, including owners and occupants of the premises which are served by the parking facility. The approved agreement shall be registered with the county register of deeds.
11. Parking of semi-trucks, including the tractor and trailers, and commercial vehicles exceeding one (1) ton shall be prohibited in any residential district or on any residential property.

B. *Parking lot design standards.*

- 1. Minimum dimensions of parking spaces and maneuvering aisles shall be in accordance with the following requirements:

Parking Pattern	Two-Way Aisle Width	One-Way Aisle Width	Parking Space Width	Parking Space Length
Parallel parking	22	13	9	23
30° to 53°	22	13	9	20*
54° to 74°	22	18	9	21*
75° to 90°	24	18	9	18

*Depth of stall on angle parking measured perpendicular (90 degrees) from drive isle to outer edge of parking bay.

- 2. Minor adjustments of the dimensions prescribed in this section may be authorized by the zoning administrator or planning commission, depending on which is approving the site plan, if consistent with generally recognized design standards for off-street parking facilities.
- 3. All parking lots shall be provided with a pavement having an asphalt or Portland cement binder so as to provide a permanent, durable and dustless surface.
- 4. All parking lots shall be constructed so as to permit proper drainage and prevent ponding or storage of water within the lot. Drainage shall be in accordance with the requirements of the City of Belding and the Ionia County Drain Commission.
- 5. All parking lots shall be provided with adequate lighting. Parking lot lighting shall be shielded so as to prevent light from spilling onto adjacent residential districts or uses.
- 6. No permit will be issued for major changes to an existing parking lot unless the parking lot is made to comply with the requirements of this ordinance. A major change consists of one (1) or more of the following:
 - a. Replacement or alteration of existing drainage elevations or structures affecting more than fifty (50) percent

of the existing parking lot.

- b. Any expansion or addition of a parking lot equal to or greater than twenty-five (25) percent of the area of the existing parking lot.
- c. Reconstruction of the parking lot, including the removal of existing pavement or drainage structures, which affects more than twenty-five (25) percent of the existing parking lot.
- d. Any other change which, in the opinion of the zoning administrator, constitutes a major change.

C. *Off-street parking requirements.*

1. Required off-street parking spaces are noted in the table below for the uses listed. For those uses not specifically mentioned, the requirements for off-street parking shall be in accordance with a use which the planning commission or zoning administrator considers similar in type.
2. When units of measurement determining the number of required off-street parking spaces result in the requirement of a fractional space that fraction shall require one (1) parking space.
3. The minimum number of off-street parking spaces shall be determined in accordance with the following table:

Use	Parking Space per Unit of Measurement
Residential	
Single family dwellings	2 for each dwelling unit
Two family dwellings	2 for each dwelling unit
Multiple family dwellings	2 for each dwelling unit plus 1 additional space for each 2 units
Housing for the elderly	1 space for each 2 dwelling units, plus 1 for each employee, plus 1 space for each 5 dwelling units to be marked as visitor spaces
Institutional	
Group day care homes and group foster care homes	1 space for each four clients, plus 1 space for each employee
Theaters, assembly areas, auditoriums, gymnasiums	2 spaces for each five seats or each eight feet of pew length or 1 space for each 3 persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
New churches and any subsequent additions approved after the adoption date of the ordinance	1 space for each 4 seats in the main unit of worship, or 1 space per each 8 feet of pew length, whichever is less.

Existing churches and any subsequent additions approved after the adoption date of the ordinance	1 space for each 8 seats in the main unit of worship, or 1 space per each 16 feet of pew length, whichever is less.
Schools, elementary and middle	1.5 spaces for each classroom, plus amount required for auditorium or gymnasium seating
Schools, secondary and institutions of higher learning	1 space for each eight students, plus 1.5 spaces for each classroom, plus amount required for auditorium or gymnasium seating
Commercial	
Vehicle wash (self service)	1 space for each 5 stalls
Vehicle wash (automatic)	1 space for each employee
Art studio/craft shop	1 space per 800 sq. ft. GFA
Bowling alleys	4 spaces for each bowling lane plus required spaces for each accessory use
Assembly halls without fixed seats	1 space for each 4 persons allowed within the maximum occupancy load established by any applicable codes or ordinances
Restaurants without drive-through facilities	1 space for each 3 persons allowed within the maximum occupancy load as established by applicable building or health codes for the area devoted to indoor seating
Restaurants with drive-through facilities	1 space for each 100 square feet of usable floor area or 1 space for each 2 persons allowed within the maximum occupancy load established by any applicable codes or ordinances, which ever is greater
Vehicle service stations	1 space for each service stall, plus 1 space for each pump island, plus 1 space for each maximum number of employees on the premises at any one time
Personal service establishments	2 spaces per service provider.
Furniture, appliance and household goods retail sales	1 space for each 1,000 square feet of usable floor area
Funeral homes and mortuary establishments	1 space for each 100 square feet of usable floor area
Open air business	1 space for each 200 square feet of indoor usable area plus 1 space for each 1,000 square feet of outdoor display area

Retail stores not otherwise specified	1 space for each 400 square feet of usable floor area
Hotels and motels	1 space for each guest room, plus required spaces for any accessory uses
Video rental stores	1 space for each 100 square feet of usable floor area plus 1 space for the maximum number of employees on the premises at any one time
Offices	
Banks, credit unions, savings and loan associations and other similar uses	1 space per service window plus one space for each 400 square feet of usable floor area
Offices not otherwise specified	1 space per service window plus one space for each 400 square feet of usable floor area
Medical and dental offices and clinics	1.5 spaces per each examining room or chair
Commercial	
Manufacturing, processing, and research establishments	1 space for each 1,000 square feet of gross floor area plus those spaces required for offices located on the premises
Warehouses and wholesale	1 space for each 2,000 square feet of gross floor area plus those spaces required for offices located on the premises

D. *Off-street loading requirements.*

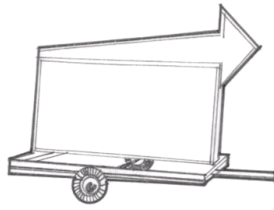
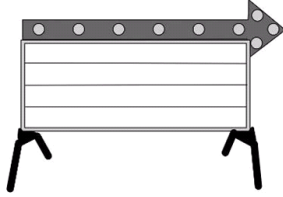
1. On the same premises with every building or structure involving the receipt or distribution of vehicles, materials or merchandise there shall be provided and maintained on the lot adequate space for standing, loading and unloading. This space shall be placed so as to avoid undue interference with public use of dedicated rights-of-way and parking areas.
2. In the B-1 and B-2 Districts all loading spaces shall be located in the rear yard in the ratio of at least ten (10) square feet per front foot of building and shall be computed separately from off-street parking requirements.
3. In the OS-1 District and for non-residential uses in residential districts all loading spaces shall be located in the rear yard in the ratio of at least five (5) square feet per front foot of building and shall be computed separately from off-street parking requirements.
4. I-1 district.
 - a. In the I-1 district at least one (1) loading space shall be provided. All loading spaces shall be at least ten feet by fifty feet (10 × 50), or a minimum of five hundred (500) square feet in area. A minimum fourteen (14) foot clearance height shall be provided.
 - b. Loading spaces shall only be permitted off-street and in the rear yard or interior side yard.
5. Where an alley exists in the rear yard, loading requirements may be computed from the center of the alley.
6. All dedicated loading spaces shall be provided with a pavement having an asphalt or Portland cement binder so as to provide a permanent, durable and dustless service.

(Ord. No. 461, § 1, 2-5-02; Ord. No. 477, § 2, 12-21-04; Ord. No. 478, §§ 1, 2, 12-21-04; Ord. No. 481, §§ 1, 2, 9-6-05; Ord. No. 496, 10-17-06)

Section 16.4. - Signs.

- A. *Intent.* This section is intended to protect and further the health, safety, and welfare of the residents of the City of Belding; to maintain and improve the appearance of the City of Belding; to conserve community character; to prevent traffic hazards; to provide safer conditions for pedestrians; and to promote economic development by regulating the construction, alteration, repair, maintenance, size, location, and number of signs. These regulations are further intended to provide reasonable identification for businesses and other uses within the community.
- B. *Sign definitions.*
1. *Awning sign:* A sign affixed flat against the surface of an awning.
 2. *Balloon sign:* A sign composed of a non-porous structure filled with air or supported by air.
 3. *Business center sign:* A pole or ground sign identifying the name of a business center and/or one (1) or more individual businesses within the center.
 4. *Construction sign:* A sign that identifies the owners, financiers, contractors, architects, and engineers of a project under construction.
 5. *Commercial event sign:* A temporary sign advertising a commercial event, such as a grand opening, special sale, or similar event on a commercial property.
 6. *Directional sign:* A sign which gives directions, instructions, or facility information for the use on the lot on which the sign is located, such as parking or exit and entrance signs.
 7. *Electronic display:* A sign or portion of a sign with a fixed or changing display/message composed of a series of lights that may be changed through electronic means.
 8. *Garage or estate sale sign:* A temporary sign erected to advertise the resale of personal property belonging to the resident. This definition includes signs for garage sales, estate sales, rummage sales, yard sales or any similar casual sale of tangible personal property.
 9. *Government sign:* A temporary or permanent sign erected by the City of Belding, Ionia County, or the state or federal government.
 10. *Ground sign:* A sign resting directly on the ground or supported by short poles not attached to a building or wall.
 11. *Marquee sign:* A sign affixed flat against the surface of a marquee.
 12. *Mural:* A design or representation painted or drawn on a wall which does not advertise an establishment, product, service, or activity.
 13. *Occupant frontage:* The width of a building, or the width of a tenant space within a multi-tenant building, on the side oriented toward the street, parking lot or access drive.
 14. *Off-premise sign:* A sign which relates to or advertises an establishment, product, merchandise, good, service or entertainment which is not located, sold, offered, produced, manufactured or furnished at the property on which the sign is located.
 15. *On-premise sign:* Any sign which pertains solely to the use of the property on which it is located, such as to an establishment, product, merchandise, good, service or entertainment which is located, sold, offered, produced, manufactured or furnished at the property on which the sign is located.
 16. *Placard:* A sign not exceeding two (2) square feet which provides notices of a public nature, such as "No Trespassing" or "No Hunting" signs.

17. *Pole sign*: A sign supported on poles not attached to a building or wall.
18. *Political sign*: A temporary sign used in connection with a noncommercial message or an official City of Belding, school district, county, state, or federal election or referendum.
19. *Portable sign*: Any sign not permanently attached to the ground or other permanent structure and designed to be transported, including, but not limited to, signs designed to be transported by means of wheels, or signs made as A-frames or T-frames (see examples).



Portable Sign Examples

20. *Projecting sign*. A double-faced sign attached to a building or wall that extends more than twelve (12) inches but not more than thirty-six (36) inches from the face of the building or wall.
 21. *Property development sign*: A sign advertising a new subdivision, development or structure, which advertises lots for sale, buildings for sale or lease, etc.
 22. *Reader board*: A portion of a sign on which copy is changed manually.
 23. *Real estate sign*: A sign advertising the real estate upon which the sign is located as being for sale, rent, or lease.
 24. *Roof sign*: A sign erected upon a roof. A sign erected upon a mansard roof or other roof surface with a pitch of greater than forty-five (45) degrees shall be considered to be a wall sign.
 25. *Sign*: A device, structure, fixture, or placard using graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying an establishment, product, service, or activity.
 26. *Special event sign*: Temporary signs containing public messages concerning special events sponsored by governmental agencies or non-profit organizations.
 27. *Temporary sign*: A sign, flag, banner, balloon, pennant or valance, usually constructed of cloth, canvas, light fabric, cardboard, wallboard or other light materials, with or without frames, or any other sign, other than a portable sign, that is not permanently secured and is not intended or designed for permanent use.
 28. *Vehicle sign*: A sign designed to be mounted to a vehicle or trailer and designed to be visible to other motorists or pedestrians while so mounted, with the primary purpose of advertisement while the sign is being transported. A sign painted on a vehicle that identifies the business that owns or uses the vehicle, or a sign depicting the name of the owner of the vehicle, shall not be considered a vehicle sign.
 29. *Wall sign*: A sign painted on or attached directly to and parallel to the exterior wall of a building extending no greater than twelve (12) inches from the exterior face of the wall to which it is attached.
 30. *Window sign*: A sign installed inside a window and intended to be viewed from the outside.
- C. *Permit required*. No person shall erect, alter, place or permit to be placed, or replace any sign without first obtaining a sign permit, except those specifically exempted from permit requirements in Section 16.4.F, below.

D. *General sign provisions.*

1. Signs shall be maintained free of peeling paint or paper, fading, staining, rust, or other condition which impairs legibility or intelligibility or creates a blighting, unsightly or unsafe condition.
2. Sign supports, braces, guys and anchors shall be maintained in such a manner as not to cause a hazard.
3. When a sign is allowed to be illuminated, it may be internally illuminated, or if externally illuminated, the source of the light shall be enclosed and directed to prevent the source of light from shining directly onto traffic or residential property.
4. *Sign location.* No sign shall be placed in, upon or over any public right-of-way, alley, or other public place, except as may be otherwise permitted by this section and as follows:
 - a. In the B-1 district, a projecting sign may extend over the public sidewalk, provided that the bottom of the sign is at least eight (8) feet above the sidewalk. The city may require the owner of the sign to provide insurance and indemnification in the event that the sign may damage public property or cause injury to persons or property within the public right-of-way.
 - b. A garage or estate sale sign is permitted within a City of Belding right-of-way, subject to the requirements of table 16.4-3.
5. No light pole, utility pole, or other supporting member shall be used for the placement of any sign unless specifically designed and approved for such use.
6. No sign shall be erected in any place where it may, by reason of its position, shape, color, or other characteristic, interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device, or constitute a nuisance per se.
7. No commercial vehicle, which in the opinion of the zoning administrator has the intended function of acting as a sign, shall be parked in any area abutting the street.
8. Except for electronic displays as allowed by this section, no sign shall employ any flashing, moving, oscillating, blinking, or variable intensity light, provided variable time-temperature signs may be permitted.
9. No sign shall contain any moving or animated parts nor have the appearance of having any moving or animated parts.
10. No wall sign shall extend above or beyond the edge of the wall to which it is affixed.

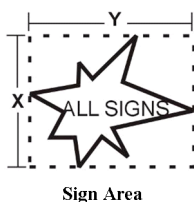
E. *Prohibited signs.* The following signs shall be prohibited within the City of Belding:

1. Off-premise signs, except special event signs as permitted by this section.
2. Vehicle signs; however, signs attached to a public transit vehicle or other government-owned vehicle shall be exempt from this section.
3. Balloon signs, except when allowed as a commercial event sign.
4. Signs that are held by or supported by a person for commercial advertising purposes.

F. *Exempted signs.* The following signs shall be exempt from the permit requirements of this section, except for the provisions of section 16.4.D:

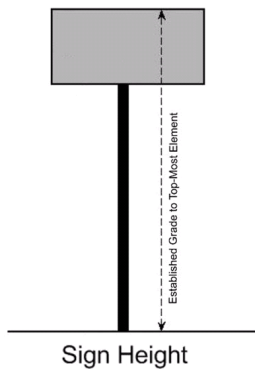
1. Directional signs, subject to the requirements of section 16.4.J.1, below.
2. *Government signs.* A permanent government sign may include an electronic display or reader board
3. Commercial event signs of four (4) square feet in size or less, except that balloons shall not be allowed. For commercial event signs that exceed four (4) square feet or that utilize balloons, see table 16.4-2.
4. Historical markers.

5. Window signs, provided that no more than fifty (50) percent of the window area is covered with signs.
 6. Political signs, subject to the requirements of section 16.4.L, table 16.4-2.
 7. Memorial signs or tablets.
 8. Murals, provided that no portion of the mural contains advertising.
 9. Signs not visible from any street or alley.
 10. Signs for essential services.
 11. Placards not exceeding two (2) square feet.
 12. Signs with address, owner, or occupant name, of up to two (2) square feet in area attached to a mailbox, light fixture or exterior wall.
 13. Flags or insignia of any nation, state, city, community organization, or educational institution.
 14. Commercial signs mounted to a public transit vehicle or government vehicle.
- G. *Non-conforming signs, illegal signs, and signs accessory to non-conforming uses.*
1. Every permanent sign which does not conform to the height, size, area, or location requirements of this section as of the date of the adoption of this ordinance, is hereby deemed to be non-conforming.
 2. Non-conforming signs may not be expanded, enlarged, or extended; however, the face of a nonconforming sign may be replaced, so long as the nonconforming nature of the sign is not expanded or increased. Non-conforming signs may be maintained and repaired so as to continue the useful life of the sign.
 3. For purposes of this article, a non-conforming sign may be diminished in size or dimension or the copy of the sign amended or changed without jeopardizing the privilege of non-conforming use. If a sign is nonconforming in its setback, this paragraph shall not apply, and the sign may not be replaced.
 4. Any non-conforming sign destroyed by fire or other casualty loss shall not be restored or rebuilt if reconstruction will constitute more than fifty (50) percent of the value of the sign on the date of loss.
 5. Any sign which for a period of three (3) months or more no longer advertises a bona fide business conducted or product sold shall be removed by the owner of the building, structure, or property upon which such sign is located, within thirty (30) days of receipt of written notice by the zoning administrator. The Zoning Administrator may grant one (1) extension of up to six (6) months, provided that the proprietor of the sign can show due cause for the extension.
 6. A sign accessory to a non-conforming use may be erected in the city in accordance with the sign regulations for the subject zoning district.
- H. *Units of measurement.*
1. The area of a sign shall be measured as the area within a single, continuous perimeter composed of any rectangular figure which encloses the extreme limits of writing, representation, emblem, logo, or any other figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign.



2. The area of a pole, ground or projecting sign that has two (2) or more faces shall be measured by including the

area of all sign faces, except if two (2) such faces are placed back-to-back and are of equal size, the area of the two (2) back-to-back faces shall be counted as one (1) face. If the two (2) back-to-back faces are of unequal size, the larger of the two (2) sign faces shall be counted as the one (1) face.



3. The height of a sign shall be measured as the vertical distance from the highest point of the sign to the grade of the adjacent street or the average grade of the ground immediately beneath the sign, whichever is less. Where the ground is built up or raised (such as a berm), the height of the sign shall be measured from the original grade. Increasing the grade for the purpose of increasing sign height is prohibited.
 4. For buildings with multiple tenants, the sign areas for wall signs and projecting signs shall be determined by taking the occupant frontage applicable to each tenant and computing sign requirements for that portion of the structure. When computing wall area, the entire vertical plane of the wall shall be counted, including windows, doors and other fenestration.
- I. *Sign regulations applicable to all zoning districts.*
1. *Reader boards.* All ground, pole and wall signs as permitted in section 16.4.K, below, may include a reader board. No more than forty (40) percent of the sign area may be a reader board. A reader board is not permitted on a sign that has an electronic display.
 2. Any sign, including awnings and marquees to which signs are affixed or displayed, not resting directly on the ground, shall maintain a minimum clear space of eight (8) feet from the bottom of the sign to the ground.
- J. *Specific sign requirements.*
1. Directional signs are permitted for nonresidential uses and multiple family developments in any zone district, subject to the following restrictions:
 - a. A directional sign may contain a logo of an on-premise establishment, but no advertising copy.
 - b. No such sign shall exceed four (4) square feet in area or three (3) feet in height.
 - c. Directional signs shall be limited to traffic control functions only.
 - d. Directional signs may only be illuminated from within.
 2. *Home occupation signs.* A sign for a home occupation shall be limited to one (1) wall sign that is no greater than four (4) square feet in area. A home occupation sign may not be illuminated.
 3. *Business center signs.*
 - a. In the B-2 district, a business center sign is permitted, subject to the following requirements:
 - (1) Any property or building designed for more than one (1) business shall require a business center sign. Separate pole or ground signs for individual businesses within a business center shall not be permitted.
 - (2) *Number.* One (1) per street frontage, but not more than two (2) signs, provided that lots with two street frontages shall have a minimum width at each right-of-way line of at least seventy-five (75) feet in order to

- have a second sign.
- (3) *Area.* A business center sign in the B-2 District shall not exceed one hundred fifty (150) square feet in area, subject to the following:
 - (a) For a business center sign advertising two (2) to four (4) businesses, each business shall be limited to no more than thirty (30) square feet.
 - (b) For a business center sign advertising more than four (4) businesses, each business shall be limited to no more than twenty (20) square feet.
 - (c) The name and primary street address of the business center shall be displayed on the sign with lettering at least four inches (4") in height.
 - (4) A business center pole sign must have a minimum ten (10) foot visual clearance.
 - (5) *Location.* Minimum of ten (10) feet from any property line for ground or pole signs; however, this setback shall be increased to ensure clear vision from any driveway or street; or fifteen (15) feet from any property line for pole signs.
 - (6) *Height.* No higher than six (6) feet for ground signs or thirty five (35) feet for pole signs.
 - (7) *Illumination.* Business center signs may be illuminated according to section 16.4.D.3.
- b. In the B-1 district, one (1) business center sign is permitted for an enclosed shopping center. This sign shall be limited to fifty (50) square feet and thirty (30) feet in height. This sign shall contain the name of the business center and also may be used to advertise city and community events.
4. *Marquee and awning signs.* In the B-1 and B-2 districts, a marquee or awning sign is permitted, subject to the following requirements:
- a. *Marquee signs.*
 - (1) One (1) sign is permitted per marquee, located on the front fascia.
 - (2) No more than one (1) marquee sign is permitted per street frontage.
 - (3) No marquee sign shall be larger than forty (40) percent of the marquee fascia, with a maximum area of twenty-five (25) square feet.
 - (4) A marquee sign may be backlit or illuminated by exterior lamps attached to the marquee and directed only upon the sign.
 - b. *Awning signs.*
 - (1) No more than one (1) sign is permitted on each awning. There may be no more than one (1) awning sign per street frontage.
 - (2) No awning sign shall be larger than twenty (20) percent of the face of the awning to which it is attached, with a maximum area of twenty (20) square feet.
 - (3) An awning sign may be illuminated only by means of backlighting behind the awning surface. The light source shall not be visible from outside the awning.
5. *Electronic displays.* An electronic display is permitted, subject to the following requirements:
- a. *General requirements.*
 - (1) An electronic display is permitted only on pole or ground signs, except that an electronic display that displays time and temperature only may be allowed as part of a wall sign.
 - (2) An electronic display is not permitted on a sign that has a reader board.
 - (3) The entire sign face shall only convey a single product or message at any one (1) time.

- (4) Except for the change from one display to the next, which shall be instantaneous, each individual sign display shall be stationary. No elements of the display may move, flash or scroll, except to change from one (1) display to the next.
- (5) Displays may change no less than five (5) seconds apart.

b. *District requirements.*

- (1) In residential districts and residential planned unit developments, an electronic display is permitted for residential use only. The electronic display shall consist of no more than sixty (60) percent of the sign area.
- (2) In the OS-1, B-2 and I-1 districts and any commercial or industrial planned unit development, an electronic display is permitted, provided that the electronic display shall consist of no more than fifty (50) percent of the sign area.
- (3) *B-1 district.*
 - (a) For pole and ground signs, an electronic display is permitted, provided that the electronic display shall consist of no more than forty (40) percent of the sign area.
 - (b) For the one (1) business center sign permitted in section 16.4.J.3.b, an electronic display is permitted, provided that the electronic display shall consist of no more than fifty (50) percent of the sign area.

6. *Portable signs.*

- a. *Portable signs existing at the time of adoption.* Any portable sign existing on the effective date of this section, regardless of nonconforming or permitted status, shall be allowed to continue, subject to the following requirements:
 - (1) All signs existing on the effective date of this section shall be inventoried by the zoning administrator. The requirements of this subparagraph shall apply only to those signs listed on the inventory.
 - (2) A portable sign shall not be the primary sign for the property. At least one (1) permanent sign that is not a portable sign, meeting the requirements of this section, must be located on the premises.
 - (3) All such signs shall be maintained and repaired in good working condition. All frames, etc. shall be painted and rusted areas shall be rustproofed and repainted.
 - (4) Lettering shall be maintained to create complete words and readable messages.
 - (5) The portable sign structure shall be correctly oriented horizontally and vertically, and shall not be allowed to bend or sag.
 - (6) Illumination may be backlighting from within the sign, or from a shielded light source directed only upon the sign. The light source shall not be visible from the street.
 - (7) A portable sign under this subparagraph shall not be mounted on a trailer or other wheeled vehicle.
 - (8) All portable signs subject to this subparagraph shall be brought into conformance with the above requirements no less than six (6) months after the effective date of this section. Any sign not in compliance by this deadline shall be removed by the owner of the property on which the sign is located, or if the owner fails to do so, by the city at the expense of the owner. The City may use any authorized means to recover the costs related to such removal.
 - (9) All portable signs subject to this subparagraph shall be removed no later than five (5) years after the effective date of this section. Any sign not removed by this deadline may be removed by the city at the expense of the owner of the property on which the sign is located. The city may use any authorized means to recover the costs related to such removal.
- b. *Temporary portable signs.*

- (1) This subparagraph applies only to any request for a new portable sign after the effective date of this section subject to subparagraph a., above, shall not be eligible for a temporary portable sign until all existing portat property have been removed.
- (2) The zoning administrator may issue a permit for a temporary portable sign according to the requirements in table 16.4-2.
- c. *Ground, wall and pole sign requirement.* Where permitted, ground, wall and pole signs shall be erected according to the requirements of table 16.4-1.
- d. *Temporary sign requirements.* Requirements for temporary signs shall be according to tables 16.4-2 and 16.4-3. Except as stated within the tables, temporary signs shall not be illuminated.

TABLE 16.4-1: SIGN REQUIREMENTS: GROUND, WALL, POLE AND ROOF SIGNS

Zone District							
Sign Type	Requirement	Residential (1)	OS-1	B-1	B-2	I-1	P-1
Ground	<i>Number</i>	1 per major entrance	1 per lot	Permitted only on lots with a front yard of 15 feet or greater	1 per lot (2)	1 per lot	1 per lot
	<i>Area (max. sq. ft.)</i>	32	32	32	50	32	32
	<i>Location (ft.)</i>	15 from side or rear property line	15 from side or rear property line	5 from front property line, 15 from side or rear property line	5 from front property line, 15 from side or rear property line	5 from front property line, 15 from side or rear property line	5 from front property line, 15 from side or rear property line
	<i>Height (max. ft.)</i>	6	6	6	6	6	6

Wall	<i>Number</i>	1 per street frontage	1 per street frontage	Wall or Projecting (B-1 only) (3)	1 per frontage plus 1 per side facing a parking lot	1 per street frontage	1 per street frontage	1 per street frontage
	<i>Area (max.)</i>	0.5 sq. ft. per linear foot of occupant frontage; 40 sq. ft. max.	0.5 sq. ft. per linear foot of occupant frontage; 50 sq. ft. max.		Street: 1 sq. ft. per linear foot of occupant frontage, 40 sq. ft. max.	20% of area of the wall to which the sign is attached; 125 sq. ft. max.	0.5 sq. ft. per linear foot of occupant frontage; 60 sq. ft. max.	1 sq. ft. per linear foot of occupant frontage; parking lot, 40 sq. ft. max.
					Parking lot: 0.5 sq. ft. per linear foot of occupant frontage; 25 sq. ft. max.			
<i>Location</i>	On wall facing street			On wall facing street and facing parking area	On wall facing street	On wall facing street	On wall facing street	
Pole	<i>Number</i>	Not permitted		Not permitted	1 per lot (2)	Not permitted	1 per lot	
	<i>Area (max. sq. ft.)</i>				2 sq. ft. per lineal foot of frontage; 100 sq. ft. max."		32	

	<i>Location (ft.)</i>				15 from side or rear property line		5 from front property line, 15 from side or rear property line
	<i>Height (ft. max.)</i>				20		20
Roof (4)	<i>Number</i>	1 per structure	Not permitted	Not permitted	Not permitted	Not permitted	Not permitted
	<i>Area (max. sq. ft.)</i>	60					
	<i>Location (ft.)</i>	Not to extend past eave or ridge line					

- (1) Includes the R-1, R-2, R-3, RM-1 and RM-2 zone districts.
- (2) In the B-2 District, either one (1) ground sign or one (1) pole sign is permitted.
- (3) A projecting sign may not project more than thirty-six (36) inches beyond the face of the wall.
- (4) Permitted as part of a special land use for golf courses or country clubs on a commercial structure.

TABLE 16.4-2 TEMPORARY SIGNS BY DISTRICT							
Sign Type	Requirement	District					
		Residential (1)	OS-1	B-1	B-2	I-1	P-1
Political	<i>Number</i>	All districts: 1 per issue or candidate					
	<i>Area (max.)</i>	6 square feet	6 square feet	6 square feet	6 square feet	16 sq. ft.	6 sq. ft.

	<i>Location</i>	15 ft. from side or rear property line	15 ft. from side or rear property line	5 ft. from lot line or adjacent building	15 ft. from side or rear lot line	5 ft. from front lot line, 15 ft. from side or rear lot line	15 ft. from side or rear lot line
	<i>Height (max.)</i>	6 feet high	6 feet high	6 feet high	6 feet high	6 feet high	6 feet high
	<i>Other Requirements</i>	Political signs shall be removed within five business days after the election or referendum.					
Real Estate	<i>Number</i>	All districts: 1 per lot					
	<i>Area (max.)</i>	6 sq. ft.	16 square feet	24 square feet	24 square feet	24 square feet	24 square feet
	<i>Location</i>	15 ft. from any side or rear lot line	15 ft. from any side or rear lot line	5 ft. from any side or rear lot line	15 ft. from any side or rear lot line	5 ft. from front lot line, 15 ft. from side or rear lot line	15 ft. from any side or rear lot line
	<i>Height (max.)</i>	6 feet high	6 feet high	6 feet high	6 feet high	6 feet high	6 feet high
	<i>Other Requirements</i>	Real estate signs shall be removed within 30 days after completion of the sale or lease of the property.					
Commercial Event	<i>Number</i>	Not Permitted	1 per frontage				
	<i>Area (max.)</i>		24 square feet				

	<i>Location</i>	On the building wall. May not extend above the top of the wall. May not be attached to poles or to the ground.	
		Exception for balloon commercial event signs: Balloon signs may be mounted on the ground or on a building (including a roof), but may not exceed the height requirement of the zoning district by more than 15 feet. No balloon sign may occupy a cubic area greater than 15 feet wide by 15 feet deep by 25 feet high. No more than 1 balloon sign is permitted per lot.	
	<i>Other Requirements</i>	A permit for a commercial event sign shall be valid for no more than 21 consecutive days. No more than 5 permits shall be issued for the same property in a calendar year.	
Portable	<i>Number</i>	All districts: One per lot or parcel	
	<i>Area (max.)</i>	20 sq. ft.	32 sq. ft.
	<i>Location</i>	5 ft. from front lot line, 15 ft. from side or rear lot line	15 ft. from any side or rear lot line
	<i>Height (max.)</i>	4 ft. high, including frame/chassis/wheels	6 ft. high, including frame/chassis/wheels
	<i>Illumination</i>	There shall be no flashing or moving elements within or upon a temporary portable sign. Illumination shall only be backlighting from within the sign.	
	<i>Other Requirements</i>	A permit shall not exceed 5 consecutive days. No more than 2 permits may be issued for the same property in a calendar year.	A permit shall not exceed 10 consecutive days. No more than 4 permits may be issued for the same property in a calendar year. No permit may be issued less than 14 days after the expiration of the most recent permit issued for the same property.

(1) Includes the R-1, R-2, R-3, RM-1 and RM-2 zone districts.

TABLE 16.4-3 TEMPORARY SIGNS PERMITTED IN ALL DISTRICTS

Sign Type	Requirements	
Construction	<i>Number</i>	One per development property
	<i>Area (max.)</i>	32 square feet
	<i>Location</i>	5 ft. from front property line, 15 ft. from side or rear property line
	<i>Height (max.)</i>	8 feet high

Other Requirements

Construction signs shall not be erected until a building permit has been issued, and must be removed within 15 days after the issuance of any occupancy permit for the building or structure which is the subject of the construction sign.

<p>Property Development</p>	<p><i>When Permitted</i></p>	<p>Property development signs are permitted within any zone district when erected to advertise a new residential subdivision or other residential development or a new non-residential development</p>
	<p><i>Number</i></p>	<p>1 per frontage</p>
	<p><i>Area (max.)</i></p>	<p>32 square feet</p>
	<p><i>Location</i></p>	<p>5 ft. from front property line, 15 ft. from side or rear property line</p>
	<p><i>Height (max.)</i></p>	<p>8 feet high</p>

	<i>Other Requirements</i>	Property development signs shall be removed when 80 percent of the lots or space(s) available have been sold or leased
Special Event	<i>When Permitted</i>	Special event signs shall only advertise events that will be held within the city limits, or within a 5 mile radius thereof

<i>Number</i>	No more than 5 special event signs shall be displayed for each special event. The signs may be located either on or off the lot on which the special event is held
<i>Area (max.)</i>	32 square feet
<i>Location</i>	15 feet from any side or rear property line
<i>Height (max.)</i>	5 feet high

Other Requirements

Special events signs may not be erected more than 10 days prior to the advertised event. Special event signs shall be removed within 48 hours of the conclusion of the special event which is being advertised

		<p>There shall be signs for no more than 4 special events on the same property within a calendar year. No permit may be issued for a special event sign less than 14 days after the expiration of the most recent permit issued for the same property</p>
<p>Garage or Estate Sale</p>	<p><i>Number</i></p>	<p>1 per lot or parcel</p>
	<p><i>Area (max.)</i></p>	<p>6 square feet</p>
	<p><i>Location</i></p>	<p>On the same premises of the sale, at least 15 feet from any side or rear lot line</p>

Up to 3 signs may be located off the premises and may be located within a city right-of-way.

Height (max.)

4 feet

Other Requirements

The sign located on the premises shall be erected no more than 3 days prior to the day(s) of the sale and shall be removed within 1 day after the completion of the sale

<p>Any off premise sign(s) shall be erected no more than 1 day prior to the day(s) of the sale and shall be removed within 1 day after the completion of the sale.</p>
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(Ord. No. 488, § 1, 2-7-06; Ord. No. 509, § 1, 11-17-09; Ord. No. 526, §§ 1, 2, 6-19-12; Ord. No. 534, §§ 1, 2, 2-19-13)

Chapter 17 - SPECIAL LAND USES

Section 17.1. - Application procedures.

- A. Application for a special land use permit shall be made to the zoning administrator and shall include the following:
 - 1. Fifteen (15) copies of a site plan containing the information required by section 16.1 C.2.b.(1).
 - 2. A completed application form.
 - 3. Payment of an application fee, which shall be non-refundable, as established from time to time by resolution of the city council.

Section 17.2. - Notification, hearing, and review procedures.

- A. Upon receipt of an application for a special land use permit, the zoning administrator shall cause notice to be given of a special land use public hearing, in accordance with the requirements of the Zoning Act.
- B. Following notice, the planning commission shall hold a public hearing on the special land use permit application.
- C. The planning commission may approve, approve with conditions, or deny the special land use permit request, based upon review and consideration of materials submitted with the application, comments received at the public hearing, and the applicable standards of this chapter.

(Ord. No. 498, 2-6-07)

Section 17.3. - General standards for approval.

- A. The planning commission shall approve, or approve with conditions, a special land use permit request only upon a finding all of the following general standards for approval are complied with:
1. The use is designed and constructed, and will be operated and maintained, so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, will be compatible with adjacent uses of land, and will not change the essential character of the area in which it is proposed.
 2. The use is, or will be as a result of the special land use permit, served adequately by public services and facilities, including, but not limited to streets, police and fire protection, drainage structures, refuse disposal, water and sewer facilities and schools.
 3. The use does not involve activities, processes, materials and equipment or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of traffic, noise, smoke, fumes, glare or odors.
 4. The use will be compatible with the natural environment and will be designed to encourage conservation of natural resources and energy.
 5. The site plan proposed for such use demonstrates compliance with the special land use specific design standards contained in section 17.6.
- B. The decision of the planning commission shall be incorporated in a statement of conclusions specifying the basis of the decision and any conditions imposed. The decision and statement of conclusions, including conditions imposed on any approval, shall be kept and made a part of the minutes of the planning commission.

Section 17.4. - Conditions of approval.

- A. The planning commission may impose reasonable conditions in conjunction with approval of a special land use permit which are deemed necessary to ensure compliance with the general standards for approval in section 17.3 and the specific design standards of section 17.6.
- B. Conditions shall be imposed in a manner in accordance with the Zoning Act.

(Ord. No. 498, 2-6-07)

Section 17.5. - Approval term and expiration.

A special land use permit, including conditions imposed, is attached to and shall run with the land for which the permit is granted, and shall be binding upon subsequent owners and all occupants of the subject land.

Section 17.6. - Special land use specific design standards.

The following special land uses shall be subject to the requirements of the district in which located, in addition to all the applicable conditions, standards, and regulations as are cited in this section. The following uses have such conditions, standards, or regulations:

- A. *Adult bookstores, adult live entertainment, adult motion picture theater, and massage parlors.*
1. The lot or parcel on which the use is located shall not be closer than one thousand (1,000) feet from any residential use or zoning district, school, church, or park, measured from lot line to lot line.
 2. The use is not located within a one thousand (1,000) foot radius of two (2) other such uses, measured from lot line to lot line.
- B. *Banks, credit unions, savings and loan associations, and other similar uses, as determined by the zoning administrator, having drive-through facilities.*

1. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of four (4) stacking spaces for each drive-through teller operation, personal or automatic, shall be provided.
2. Parking areas shall have a front yard setback of twenty (20) feet and side and rear yard setbacks of ten (10) feet.
3. Access driveways shall be located no less than seventy-five (75) feet from the centerline of the intersection of any street or fifty (50) feet from the centerline of any other driveway.

C. *Bed and breakfast establishments.*

1. The establishment shall be directly serviced by public water and sanitary sewer services.
2. The establishment shall be located on property with direct access to a public street.
3. No such use shall be permitted on any property where there exists more than one other bed and breakfast establishment within seven hundred fifty (750) feet, measured between the closest property lines.
4. Such uses shall only be established in a single-family detached dwelling.
5. Parking shall be located to minimize negative impacts on adjacent properties.
6. The number of guest rooms in the establishment shall not exceed three (3), plus one additional guest room for each ten thousand (10,000) square feet or fraction thereof by which the lot area of the use exceeds one acre, not to exceed seven (7) guest rooms in any case.
7. Exterior refuse storage facilities beyond what might normally be expected for a single-family detached dwelling shall be prohibited.
8. Signs for bed and breakfast establishments shall comply with the requirements of the zone district in which the use is located.
9. The establishment shall contain the principal residence of the operator.
10. Accessory retail or service uses to a bed and breakfast establishment shall be prohibited, including but not limited to gift shops, antique shops, restaurants, bakeries, and so forth.
11. Meals shall be served only to the operator's family, employees, and overnight guests.

D. *Bus passenger waiting stations.*

1. A vehicle waiting/drop off area of not less than ten (10) spaces shall be provided on-site.
2. Passenger loading areas must be lighted. Lighting shall be shielded to prevent light from spilling onto any residential district or use.

E. *Churches.*

1. Minimum lot width shall be two hundred (200) feet.
2. Minimum lot area shall be two (2) acres; plus an additional fifteen thousand (15,000) sq. ft. for each one hundred (100) seating capacity or fraction thereof in excess of one hundred (100).
3. The property location shall be such that at least one side of the property abuts and has access to a collector or arterial street.

F. *Commercial storage warehouses.*

1. Minimum lot area shall be two (2) acres.
2. A residence may be permitted on the premises for security personnel or on-site operator. The residence shall conform to the minimum requirements for a single-family detached dwelling in the R-3 district.
3. Parking and circulation:

- a. One parking space shall be provided for each ten (10) storage cubicles, and shall be equally distributed throughout the premises.
- b. Two (2) parking spaces shall also be required for the residence of security personnel or on-site operator employed on the premises.
- c. One parking space shall also be required for every twenty (20) storage cubicles, up to a maximum of ten (10) spaces, to be located adjacent to the rental office, for the use of customers.
- d. All driveways, parking, loading, storage, and vehicular circulation areas shall be paved.

G. *Funeral homes and mortuary establishments.*

1. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any residential district or use.
2. Minimum lot area shall be one acre and minimum lot width shall be one-hundred and fifty (150) feet.
3. An off-street vehicle assembly area shall be provided to be used in support of funeral processions and activities. This area shall be in addition to the required off-street parking and its related maneuvering area.
4. No waiting lines of vehicles shall extend off-site or onto any public street.
5. Access driveways shall be located no less than seventy-five (75) feet from the centerline of the intersection of any street or any other driveway.

H. *Group day care homes.*

1. A drop off/pick up area shall be provided for motorists off the public street, which permits vehicles to exit the property without backing into the street.
2. Fencing no less than four (4) feet nor more than six feet in height shall be provided around all outdoor areas accessible to children.
3. There shall be a contiguous open space of a minimum of one thousand two hundred (1,200) square feet provided on the subject parcel. Said open space shall not be located within a required front yard setback area. This requirement may be waived by the planning commission if public open space is available within five hundred (500) feet of the subject parcel, measured from the nearest lot line of the use to the nearest lot line of the public open space.

I. *Hotels and motels.*

1. Minimum lot area shall be four (4) acres and minimum lot width shall be two-hundred (200) feet.
2. Parking areas shall have a front yard setback of twenty (20) feet and side and rear yard setback of ten (10) feet.
3. Access driveways shall be located no less than seventy-five (75) feet from the centerline of the intersection of any street or fifty (50) feet from the centerline of any other driveway.

J. *Housing for the elderly.*

1. All dwelling units in the building shall have a minimum of four hundred fifty (450) square feet per unit.
2. Retail and service uses may be permitted on the site if such uses are accessory to the elderly housing use. All such uses shall be within the principal residential structure. No exterior signs of any type are permitted.
3. The allowable density of the zoning district may be increased by no more than fifty (50) percent for all nursing care units licensed by the State of Michigan and no more than twenty-five (25) percent for non-licensed nursing care and supportive care units.
4. All medical waste facilities shall be secured and meet the requirements of the Michigan Department of Health.

5. Walkways shall be provided from the main building entrances to the sidewalk along the adjacent public street.
6. The maximum height may be increased by one story for each additional forty (40) feet the building is set back from all required yards.

K. *Kennels.*

1. For kennels, the minimum lot size shall be two (2) acres for the first four (4) animals and an additional one-third (1/3) acre for each additional animal.
2. Buildings in which animals are kept, runs, and/or exercise areas shall not be located nearer than one hundred (100) feet to any residential district boundary and shall not be located within any required yard area.

L. *Lumber and planing mills.*

1. The principal and accessory buildings and structures shall not be located within three hundred (300) feet of any residential use or district property line.

M. *Lumberyards.*

1. The lot area used for parking, display, or storage shall be paved and shall be graded and drained so as to dispose of all surface water.
2. Any display materials or equipment stored or displayed outside of an enclosed building shall not extend into any required yard or occupy any required parking or maneuvering areas for vehicles.
3. Materials stored within ten (10) feet of the property line of the use may be stacked to a height not exceeding ten (10) feet.
4. Lighting for parking and outdoor storage areas shall be shielded to prevent light from spilling onto any residential district or use property line.

N. *Manufacture, compounding, processing, packaging, or treatment of products requiring stamping or punch press operations.*

1. The principal and accessory buildings and structures shall not be located within three hundred (300) feet of any residential use or district property line.

O. *Manufacturing processes which utilize, produce or have the potential to produce, a corrosive acid or alkali, cement, lime, gypsum, or plaster of Paris.*

1. Access driveways shall be located no less than one hundred (100) feet from the centerline of the intersection of any street or any other driveway.
2. The principal and accessory buildings and structures shall not be located within one thousand (1,000) feet of any residential use or district.

P. *Metal plating, buffing, and polishing.*

1. The principal and accessory buildings and structures shall not be located within three hundred (300) feet of any residential use or district property line.

Q. *Reserved.*

R. *Outdoor storage, display, and sale of farm implements and commercial construction equipment.*

1. The lot area used for parking, display, or storage shall be paved and shall be graded and drained so as to dispose of all surface water.
2. Access driveways shall be located no less than fifty (50) feet from the centerline of the intersection of any street or any other driveway.
3. Lighting for parking areas or outdoor storage areas shall be shielded to prevent light from spilling onto any

residential district or use.

4. Any display materials or equipment stored or displayed outside of an enclosed building shall not extend into any required yard or occupy any required parking or maneuvering areas for vehicles.
- S. *Private noncommercial and public recreation areas or community recreation centers.*
1. The use shall be located on property with direct access to a public street.
 2. Any outdoor activity areas shall be set back a minimum of fifty (50) feet from any residential use or district.
 3. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any residential use or district.
 4. Access driveways shall be located no less than fifty (50) feet from the centerline of the intersection of any street or any other driveway.
- T. *Production, refining, or storage of petroleum or other flammable liquids.*
1. Access driveways shall be located no less than one hundred (100) feet from the centerline of the intersection of any street or any other driveway.
 2. The principal and accessory buildings and structures shall not be located within one thousand (1,000) feet of any residential use or district.
- U. *Recycling centers.*
1. A six (6) foot fence or wall shall be constructed along the rear and sides of the lot, capable of keeping trash, paper, and other debris from blowing off the premises.
 2. The principal and accessory buildings and structures shall not be located within two hundred (200) feet of any residential use or district property line.
- V. *Residential dwelling units, in the same building with commercial uses.*
1. No commercial uses, including storage, shall be located on the same floor of the building as the dwelling unit.
 2. For any structure with more than four (4) dwelling units, two (2) on-site parking spaces shall be required for each dwelling unit. For structures with four (4) or fewer dwelling units, tenants may park overnight in public parking lots (but not on the street), provided that they provide their name and the license number of each vehicle to the city. A tenant shall relocate a vehicle or vehicles parked in a public parking lot within twelve (12) hours after the beginning of a snow event, and shall relocate the vehicle(s) for any other public purpose if notified by the city.
 3. Access to dwelling units shall be from outside of the building.
 4. No dwelling unit shall be located on the ground floor of the building.
- W. *Restaurants, exclusive of drive-through facilities.*
1. Parking areas shall have a front yard setback of twenty (20) feet and side and rear yard setbacks of ten (10) feet.
 2. Access driveways shall be located no less than seventy-five (75) feet from the centerline of the intersection of any street or any other driveway.
- X. *Restaurants with drive-through facilities.*
1. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of ten (10) stacking spaces for the service ordering station shall be provided. Stacking spaces shall be located so as not to interfere with vehicular

circulation and egress from the property or parking spaces by vehicles not using the drive-through portion of the facility.

2. In addition to parking space requirements, at least three (3) parking spaces shall be provided, in close proximity to the exit of the drive-through portion of the operation, to allow for customers waiting for delivery of orders.
3. Parking areas shall have a front yard setback of twenty (20) feet and side and rear yard setbacks of ten (10) feet.
4. Access driveways shall be located no less than one hundred (100) feet from the centerline of the intersection of any street or seventy-five (75) feet from the centerline of any other driveway.

Y. *Salvage yards, junk yards.*

1. Requests for a special land use approval for establishment of a salvage or junk yard shall also require submission of a detailed proposal identifying the predominant type of salvage or junk to be received, the methods of separation and/or recycling, and ultimate destination of waste materials. The applicant shall be required to submit written materials outlining measures taken to comply with all necessary state, county, and local laws.
2. The site shall abut and have suitable access to a collector or arterial street to ensure safe, direct transport of salvage to and from the site.
3. No portion of the storage area shall be located within one thousand (1,000) feet of any residential use or district.
4. Any outdoor storage area shall be completely enclosed by a fence or wall at least six (6) feet in height constructed of a sturdy, durable material and sufficiently opaque to ensure that salvage is not visible from outside the storage area. The fence or wall shall have a minimum of two (2) non-transparent gates not exceeding forty-eight (48) feet in width providing access to the storage area for vehicles but shall not allow direct view of the storage area from adjacent properties or streets. Said fence or wall shall be continuously maintained in good condition and shall contain only approved signs.
5. Stored materials shall not be stacked higher than ten (10) feet and shall be stored in a manner so as not to be visible from adjoining properties or rights-of-way. In no case shall salvage or junk be stored at a height exceeding the height of the storage area fence or wall.
6. The fence or wall enclosing the storage area shall meet the applicable building setback requirements.
7. A management office shall be provided on the site. A residence may be permitted for security personnel or on-site operator.
8. Conditions within the storage area shall be controlled to minimize the hazards of fire and other threats to health and safety.
9. All portions of the storage area shall be accessible to emergency vehicles.
10. Vehicles or vehicle bodies shall be stored in rows with a minimum of twenty (20) foot wide continuous loop drives separating each row of vehicles.
11. All batteries shall be removed from any vehicle, and all radiators and fuel tanks shall be drained prior to the vehicle being placed in the storage yard. Salvaged batteries, oil and other such substances shall be removed by a licensed disposal company or be stored in a manner which prevents leakage of battery fluid. No fluids removed from vehicles shall be applied as a dust control method.
12. Vehicle parts shall not be stored, loaded, unloaded, or dismantled outside the fence enclosing the salvage

yard.

13. The property shall be a minimum size of at least six (6) acres.
14. All fences shall be set back a minimum of three hundred (300) feet from any residential use or district.
15. In order to protect surrounding areas, the crushing of vehicles or any part thereof shall be limited to daylight hours.
16. The planning commission may impose other conditions which have a reasonable relationship to the health, safety and general welfare of the city. These conditions can include a provision for an annual inspection by the zoning administrator to ensure continuing compliance with the above standards.

Z. *Reserved.*

AA. *Truck terminals.*

1. Access driveways shall be located no less than one hundred (100) feet from the centerline of the intersection of any street or any other driveway.
2. Trucks and trailers parked overnight shall be set back from the front lot line a minimum of one hundred (100) feet.
3. The principal and accessory buildings and structures shall not be located within two hundred (200) feet of any residential use or district.
4. The lot area used for parking, display, or storage shall be paved and shall be graded and drained so as to dispose of all surface water.
5. Lighting for parking areas or outdoor storage areas shall be shielded to prevent light from spilling onto any residential district or use.
6. Any vehicle or equipment stored outside of an enclosed building shall not be located within any required yard.

BB. *Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems.*

1. Any such buildings shall be generally compatible, with respect to materials and color, with the surrounding neighborhood.
2. Any such building shall comply with the yard setback requirements of the district in which it is located.

CC. *Vehicle repair.*

1. The principal and accessory buildings and structures shall not be located within one hundred (100) feet of any residential use or district property line.
2. Minimum lot area shall be one acre and minimum lot width shall be two-hundred and fifty (250) feet.
3. All equipment and activities associated with vehicle repair operations, except those in incidental use, such as air hoses, shall be kept within an enclosed building.
4. Inoperative vehicles left on the site shall be stored within an enclosed building or in an area screened by an opaque fence not less than six (6) feet in height. Such fences shall be constructed in accordance with the requirements of section 16.2 C.3., and continuously maintained in good condition.
5. Storage of vehicle components and parts, trash, supplies, or equipment outside of a building is prohibited, except in designated and approved storage areas screened from view of adjoining properties and streets.
6. Access driveways shall be located no less than seventy-five (75) feet from the centerline of the intersection of any street or driveway.

7. Where adjoining residentially zoned or used property, a solid wall or fence, six (6) feet in height shall be erected common lot line. Such fence or wall shall be constructed in accordance with the requirements of section 15.2 D, continuously maintained in good condition.

DD. *Vehicle service stations.*

1. Minimum lot area shall be one acre and minimum lot width shall be two-hundred (200) feet.
2. Pump islands shall be a minimum of fifteen (15) feet from any public right-of-way or lot line.
3. All equipment and activities associated with vehicle service operations, except those in incidental use, such as air hoses, shall be kept within an enclosed building.
4. Storage of vehicle components and parts, trash, supplies, or equipment outside of a building is prohibited.
5. If retail sales of convenience goods are conducted on the premises, parking for such uses shall be computed and provided separately for that use.
6. Canopy roofs shall be permitted to encroach into any required yard, provided that a minimum setback of five (5) feet is maintained, and further provided that the fascia of such canopy is a minimum of ten (10) feet above the average grade.
7. Access driveways shall be located no less than one hundred (100) feet from the centerline of the intersection of any street or seventy-five (75) feet from any other driveway.
8. Where adjoining residentially zoned or used property, a solid wall or fence, six (6) feet in height shall be erected along any common lot line. Such fence or wall shall be constructed in accordance with the requirements of section 16.2 C.3., and continuously maintained in good condition.

EE. *Vehicle wash establishment, either self-serve or automatic.*

1. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of fifteen (15) stacking spaces for an automatic wash facility shall be provided. For self-service establishments, each stall shall have at least two (2) stacking spaces at the entrance and one space at the exit.
2. Vacuuming activities, if outdoors, shall be at least one hundred (100) feet from any residential use or district property line. Wash bays for self-service establishments shall be located at least fifty (50) feet from any residential use or district property line.
3. Should self-service wash bays be located with openings facing an adjacent street, they shall be screened as required by section 18.2 C.3., and continuously maintained in good condition.
4. Only one access driveway shall be permitted on any single street. All access driveways shall be located no less than one hundred (100) feet from the centerline of the intersection of any street or seventy-five (75) feet from the centerline of any driveway.
5. Where adjoining residentially zoned or used property, a solid wall or fence, six (6) feet in height shall be erected along any common lot line. Such fence or wall shall be constructed in accordance with the requirements of section 16.2 C.3., and continuously maintained in good condition.

FF. *Veterinary hospitals and veterinary clinics.*

1. Runs, exercise areas, pens or other outdoor areas where animals are kept shall meet the requirements for kennels, as provided in this chapter.

GG. *Radio, television, and cellular communication towers.*

1. The minimum lot size shall be one acre.
2. The tower shall be set back from all lot lines a minimum distance equal to one-half (½) the height of the

tower.

3. In residential districts, such towers shall not exceed one hundred (100) feet in height, unless located on publicly owned land.
4. A security fence at least six (6) feet in height shall be constructed around the tower and supports.
5. Where possible, joint use of tower facilities shall be required for multiple users in order to minimize the number of separate towers and individual locations throughout the city. As a condition of approval, the applicant shall agree to permit future users to share the tower facility.
6. Unless located on the same site, or tower with another user, no new tower shall be erected within a two (2) mile radius of an existing radio, television, or cellular communications tower.
7. Where the effect of any of the provisions of this ordinance would be to prevent or preclude the operation of amateur radio antennas, the city council may approve the use if the applicant demonstrates that the requirements would interfere with the reasonable accommodation of amateur radio communications.

HH. *Adult foster care small or large group homes.*

1. The use may not be closer than one thousand five hundred (1,500) feet to any of the following:
 - a. A group day care home.
 - b. Another adult foster care small group home or large group home licensed under the Adult Foster Care Facility Licensing Act, Act 218 of the Public Acts of 1979.
 - c. A facility offering substances abuse treatment and rehabilitation service to seven (7) or more people licensed under article 6 of the Public Health Code, Act 368 of Public Acts of 1978.
 - d. A community correction center, resident home, halfway house, or other similar facility that houses an inmate population under the jurisdiction of the department of corrections.

The one thousand five hundred (1,500) foot distance shall be measured along a street, road, or place maintained by the state, county, or city, and generally open to use by the public as a matter of right for the purpose of vehicular traffic, not including an alley.

2. A drop off/pick up area shall be provided for motorists off the public street, which permits vehicles to exit the property without backing into the street.
3. All playground equipment, and areas for playing and exercise shall be in the side and rear yard of the property. This area shall be at least two thousand five hundred (2,500) square feet in size.
4. The property shall be consistent with the characteristics of the neighborhood.
5. One non-illuminated sign measuring no more than sixteen (16) square feet may be permitted if attached to the principal structure.

II. *Pharmacies and dry cleaners with drive-through facilities.*

1. Only one (1) drive-through window shall be permitted per business.
2. Sufficient stacking capacity for the drive-through lane shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of four (4) stacking spaces shall be provided.
3. The drive-through lane shall be designed to separate drive-through traffic from other traffic on the site. The site shall be designed so that traffic and pedestrians move about the site safely and efficiently.
4. The drive or lane serving the drive-through window shall not have direct access to a street; however, the planning commission may approve a limited access drive (enter only or exit only) with direct access to a street, provided that the drive is located no less than seventy-five (75) feet from the centerline of the

intersection of any street or fifty (50) feet from the centerline of any other driveway.

JJ. *Motorcycles sales, new and used.*

- i. Outdoor display of motorcycles for sale shall be prohibited.
- ii. On site service of motorcycles is prohibited.

(Ord. No. 459, pts. 25, 26, 4-17-01; Ord. No. 461, § 3, 2-5-02; Ord. No. 471, § 1, 9-21-04; Ord. No. 512, § 12, 12-7-10; Ord. No. 516, § 2, 12-7-10; Ord. No. 521, 3-1-11; Ord. No. 522A, § 1, 5-17-12; Ord. No. 529, § 2, 12-18-12; Ord. No. 552, § 2, 11-5-19)

Chapter 18 - BOARD OF ZONING APPEALS

Section 18.1. - Membership.

- A. *Continuation of present board of zoning appeals.* The board of zoning appeals existing at the time of adoption of this ordinance shall perform its duties and exercise its powers as provided in the Zoning Act.
- B. *Composition and terms.*
 1. The board of zoning appeals shall consist of five (5) members appointed by the city council.
 2. Members are appointed for a three (3) year term.
 3. One member of the board of zoning appeals shall be a member of the planning commission.
 4. One member of the board of zoning appeals may be a member of the city council, but shall not serve as chairperson of the board of zoning appeals.
- C. *Alternate members.* Up to two (2) alternate members may be appointed by the city council for three (3) year terms. If two (2) alternate members have been appointed, they may be called on a rotating basis, as they are available to sit as regular members of the board of zoning appeals in the absence of a regular member if the regular member will be unable to attend one (1) or more meetings. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the board of zoning appeals. An alternate member shall only serve to discuss or vote upon a case in the absence of a regular member or upon the conflict of interest of a regular member.
- D. *Vacancies.* Any vacancies in the board of zoning appeals shall be filled by appointment by the council.
- E. *Officers.* The board of zoning appeals shall annually elect its own chairman, vice chairman and secretary.

(Ord. No. 498, 2-6-07)

Section 18.2. - Meetings.

- A. *Meetings.* All meetings of the board of zoning appeals shall be held at the call of the chairman and at such times as such board of zoning appeals may determine. All hearings conducted by the board of zoning appeals shall be open to the public. The city zoning administrator or his representatives, shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact; and shall also keep records of its hearings and other official action. Three (3) members of the board of zoning appeals shall constitute a quorum for the conduct of its business, except that four (4) members shall be required to hear any request for a use

variance. The board of zoning appeals shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files and other evidence pertinent to the matters before it.

- B. *Hearings.* The board of zoning appeals shall make no decision regarding a variance except after a public hearing is conducted by the board of zoning appeals. Notification of hearings shall be in accordance with the requirements of the Zoning Act.

(Ord. No. 498, 2-6-07)

Section 18.3. - Jurisdiction.

The board of zoning appeals shall not have the power to make any change in the terms of this ordinance, but does have power to act on those matters where this ordinance provides for an administrative review, interpretation, and to authorize a variance as defined in this section and the laws of the State of Michigan. The board of zoning appeals shall not have the authority to hear appeals from a decision made in respect to any special land use, planned unit development, or rezoning. the powers of the board of zoning appeals include:

- A. *Hearing of appeals.* To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the zoning administrator or any other administrative official in carrying out or enforcing any provisions of this ordinance.
- B. *Granting of variances.* A variance from the specific requirements of this ordinance may be granted by the board of zoning appeals in accordance with the requirements and procedures of this chapter.
- C. *Zoning ordinance interpretation.* The board of zoning appeals may interpret the provisions of this ordinance to carry out the intent and purposes of the zoning ordinance where the meaning of the provisions is uncertain.
- D. *Granting of temporary uses and buildings.*
1. The board of zoning appeals may permit, upon proper application, temporary uses or buildings not otherwise permitted in the district, not to exceed twelve (12) months and to provide up to a twelve (12) month extension when appropriate.
 2. The board of zoning appeals, in granting permits for temporary uses and buildings, shall do so under the following conditions:
 - a. The granting of the temporary use or building shall in no way constitute a change in the basic uses permitted in the district nor on the property where the temporary use or building is permitted.
 - b. The granting of the temporary use or building shall be issued in writing, stipulating all conditions as to time, nature of development permitted and arrangements for removing the use at the termination of the temporary permit.
 - c. All setbacks, land coverage, off-street parking, lighting and other requirements shall be made at the discretion of the board of zoning appeals.
 - d. The use or building shall be in harmony with the general character of the district.
 - e. No temporary permit shall be granted without first giving notice to owners of adjacent property of the time and place of a public hearing to be held as provided for in this ordinance.
 - f. Prior to granting a temporary permit the board may seek the review and recommendation of the planning commission.

(Ord. No. 459, pt. 27, 4-17-01; Ord. No. 498, 2-6-07)

Section 18.4. - Decisions.

- A. *Procedure.* An appeal may be taken by a person aggrieved, or by an officer, department, or board of the city. Such appeal shall be taken within thirty (30) days, as prescribed by the rules of the board of zoning appeals, by the filing with the officer or body from whom the appeal is taken and with the board of zoning appeals of a notice of appeal specifying the grounds for the appeal.
- B. *Filing.* The party from whom the appeal is taken shall immediately transmit to the board of zoning appeals all the papers constituting the record upon which the action appealed was taken. These papers shall include a completed application form and site plan, including the following:
1. Project information, including:
 - a. The applicant's name;
 - b. Name of the development;
 - c. The preparer's name and professional seal of architect, engineer, surveyor or landscape architect indicating license in the State of Michigan;
 - d. Date of preparation and any revisions;
 - e. North arrow;
 - f. Complete and current legal description and size of property in acres;
 - g. Small scale location sketch of sufficient size and scale.
 2. Existing features:
 - a. Property lines and dimensions;
 - b. Zoning and current land use of applicant's property and all abutting properties and of properties across any public or private street from the site;
 - c. Lot lines and all structures on the property and within one hundred (100) feet of the site's property lines;
 - d. Locations of significant natural features;
 - e. Location of any access points on both sides of the street within one hundred (100) feet of the site along streets where access to the site is proposed;
 - f. Existing topography at a minimum of five (5) foot contours.
 3. Proposed construction:
 - a. Building footprints, setbacks, floor plans and elevations showing height and materials for all proposed structures, including any residential units, with the acreage allotted to each use;
 - b. Size, height, type and location of proposed identification signs;
 - c. Proposed locations of utility services (with sizes), including storm drainage, retention or detention ponds, fire hydrants, and any public or private easements;
 - d. Runoff calculations used for determination of storm water management;
 - e. Proposed topography with a site grading plan with topography at a minimum of two (2) foot contour intervals;
 - f. Location and method of screening for all waste dumpsters;
 - g. Location and dimensions of parking spaces, and calculations;
 - h. A landscape plan indicating proposed plant locations with common plant name, number, and size at installation. Berms, retaining walls or fences shall be shown with elevations from the surrounding average

grade;

- i. Details of exterior lighting including locations, height, method of shielding;
 - j. Details of site circulation and access design, including:
 - (1) Indication of street right-of-way and pavement widths and pavement type;
 - (2) Street horizontal and vertical dimensions, including curve radii;
 - (3) Dimensions of access points, including deceleration or passing lanes, distance from adjacent driveways or intersecting streets, including those across a street, boulevard dimensions, etc.;
 - (4) Identification of width and material to be used for pedestrian paths;
 - (5) Names of abutting public streets, proposed access driveways and parking areas, and existing and proposed pedestrian/bicycle paths;
 - (6) Written verification of access easements or agreements, if applicable;
 - k. If a phased development is proposed, identification of the areas included in each phase. For residential uses identify the number, type, and density of proposed housing units within each phase;
 - l. A completed application form, supplied by the zoning administrator, and an application fee.
- C. *Stay of proceedings.* An appeal stays all proceedings in furtherance of the action appealed from unless the officer or body from whom the appeal is taken certifies to the board of zoning appeals, after the notice of appeal is filed, that by reason of facts stated in the certificate, a stay would, in the opinion of the officer or body, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order. This restraining order may be granted by the board of zoning appeals or circuit court on application or notice to the officer or body from whom the appeal is taken and due cause shown.
- D. *Decisions.*
- 1. The concurring vote of a majority of the membership of the board shall be required to reverse an order, requirement, decision, or determination of an administrative official or body, or to decide in favor of the applicant a matter upon which the board is required to pass, or to effect a variation in the ordinance; except that a concurring vote of two-thirds (2/3) of the membership shall be necessary to grant a use variance.
 - 2. The board of zoning appeals shall render its decision upon any appeal or application submitted to it within sixty (60) days after the hearing thereon, and in any event, within ninety (90) days after the date of filing of the appeal or application.
 - 3. All decisions of the board of zoning appeals shall become final five (5) days after the date of entry of an order, unless the board shall find, and so certify on the record, that it is necessary to cause such order to have immediate effect, in order to preserve property or personal rights.
- E. *Record of actions.* For each decision of the board of zoning appeals, a record shall be prepared. Such record shall include, at a minimum, the following items:
- 1. Description of the applicant's request;
 - 2. The zoning board of appeal's motion and vote;
 - 3. A summary or transcription of all relevant material and evidence presented at hearing; and
 - 4. Any conditions attached to an affirmative decision.
- F. *Appeals to circuit court.* The decision of the board of zoning appeals shall be final. However, a person having an interest affected by the decision of the board of zoning appeals may appeal to the circuit court. Upon appeal, the circuit court shall review the record in accordance with the requirements of the Zoning Act. The court may affirm,

reverse, or modify the decision of the board of zoning appeals, or may remand the decision to the board of zoning appeals for further hearings or action.

G. *Resubmission.* No variance request which has been decided by the board of zoning appeals shall be submitted for reconsideration within a one (1) year period from the date of the original application unless the board finds that at least one of the following conditions exist:

1. That the conditions involving all of the reasons for the original denial have been significantly altered.
2. That new conditions or circumstances exist which change the nature of the original request.

(Ord. No. 498, 2-6-07)

Section 18.5. - Conditions of approval.

- A. The board of zoning appeals may impose reasonable conditions in conjunction with approval of an appeal, variance, or any other decision which they are required to make.
- B. Conditions shall be imposed in a manner in accordance with the Zoning Act and related to the standards by which the decision is reached.

(Ord. No. 498, 2-6-07)

Section 18.6. - Variance procedures.

- A. *Authority for variances.* The board of zoning appeals, after public hearing, shall have the power to grant requests for variances from the provisions of this ordinance where it is proved by the applicant that there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of the ordinance relating to the construction, equipment, or alteration of buildings or structures so that the spirit of the ordinance shall be observed, public safety secured and substantial justice done.
- B. *Granting of non-use variances.* A non-use variance may be allowed by the board of zoning appeals only in cases where there is reasonable evidence of practical difficulty in the official record of the hearing and that all of the following conditions are met:
 1. That there are exceptional or extraordinary circumstances or conditions applying to the property in question that do not apply generally to other properties in the same zoning district;
 2. That the condition or situation of the specific piece of property for which the variance is sought is not of so general or recurrent a nature as to make reasonably practical the formulation of a general regulation for such conditions or situations. Unique circumstances include: exceptional narrowness, shallowness or shape of a specific property on the effective date of this chapter, or by reason of exceptional topographic conditions or other extraordinary situation on the land, building or structure or by reason of the use or development of the property immediately adjoining the property in question, the literal enforcement of the requirements of this chapter would involve practical difficulties;
 3. That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance;
 4. The variance will not be significantly detrimental to adjacent property and the surrounding neighborhood;
 5. The variance will not impair the intent and purpose of this ordinance;
 6. That the immediate practical difficulty causing the need for the variance request was not created by any action of the applicant.

C. *Granting of use variances.*

1. A use variance may be allowed by the board of zoning appeals only in cases where there is reasonable evidence of unnecessary hardship in the official record of the hearing that all of the following conditions are met:
 - a. That the building, structure, or land cannot be reasonably used for any of the uses permitted by right or special approval in the zone district in which it is located;
 - b. That the condition or situation of the specific piece of property or the intended use of such property for which the variance is sought is not of so general or recurrent a nature as to make reasonably practical the formulation of a general regulation for such conditions or situations. Unique circumstances include: exceptional narrowness, shallowness or shape of a specific property on the effective date of this chapter, or by reason of exceptional topographic conditions or other extraordinary situation on the land, building or structure or by reason of the use or development of the property immediately adjoining the property in question, the literal enforcement of the requirements of this chapter would cause unnecessary hardship;
 - c. That the proposed use will not alter the essential character of the neighborhood.
2. Prior to board of zoning appeals hearing on a request for a use variance, the planning commission shall consider such request and forward a report to the board of zoning appeals. For this report the planning commission shall consider the master plan, the ability of the property owner to use the property for a use already permitted under the existing zoning classification, the effect of the request on the essential character of the neighborhood, and other such factors as the planning commission may deem relevant.

(Ord. No. 498, 2-6-07)

Section 18.7. - Fees.

The city council may prescribe and amend by resolution a reasonable schedule of fees to be charged to applicants for appeals to the board of zoning appeals. The fee shall be paid to the city treasurer at the time the application for the appeal or variance is filed.

(Ord. No. 498, 2-6-07)

Chapter 19 - ADMINISTRATION

Section 19.1. - Zoning administrator.

- A. *Authority.* Except where herein otherwise stated, the provisions of this ordinance shall be administered by the zoning administrator, or such other official or officials as may be designated by the city council. The zoning administrator shall have the power to:
 1. Grant certificates of occupancy;
 2. Make inspections of buildings and premises necessary to carry out the duties of administration and enforcement of this ordinance;
 3. Issue and serve appearance tickets on any person with respect to any violation of this ordinance where there is reasonable cause to believe that the person has committed such an offense; and
 4. Perform such other functions necessary and proper to enforce and administer the provisions of this ordinance.

Section 19.2. - Permits.

- A. Zoning permits.
 - 1. No building, structure, or commercial sign shall be erected, altered, moved, or substantially repaired unless a zoning permit shall have been first issued for such work.
 - 2. No zoning permit shall be issued for the erection, alteration, or use of any building or structure or for the use of any land that is not in accordance with all provisions of this ordinance.
- B. Building permits.
 - 1. No building permit shall be issued for the erection, alteration, or use of any building or structure or for the use of any land unless a zoning permit shall have been first issued for such work.
 - 2. The holder of every building permit for the construction, erection, alteration, repair, or moving of any building or structure shall notify the building inspector immediately upon completion of the work authorized by the permit for a final inspection.
- C. Certificate of occupancy.
 - 1. No vacant land shall be used, and no existing use of land shall be changed to a different class of use unless a certificate of occupancy is first obtained for the new or different use.
 - 2. No building or structure that is hereafter erected or altered shall be occupied or used unless and until a certificate of occupancy shall have been issued for such building or structure.
 - 3. Certificates of occupancy, as required by the currently adopted building code for the city, shall also constitute certification of compliance with the zoning ordinance.
 - 4. A record of all certificates of occupancy issued shall be kept on file in the office of the zoning administrator and copies shall be furnished upon request to any person owning or renting the property that is the subject of the certificate.
- D. Fees for the inspection and issuance of zoning permits, building permits, or certificates of occupancy, or copies required or issued under the provisions of this ordinance, may be collected by the city in advance of issuance. The amount of such fees shall be established by resolution of the city council and shall cover the cost of inspection and supervision resulting from the enforcement of this ordinance.

(Ord. No. 459, pt. 29, 4-17-01)

Section 19.3. - Enforcement.

- A. *Violations; municipal civil infractions; nuisance per se.*
 - 1. Any person, corporation, firm, or other entity who violates, disobeys, omits, neglects or refuses to comply with any provision of this ordinance or any condition or requirement of any permit, certificate, plan, agreement, variance or other approval or authorization granted under this ordinance is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than one hundred dollars (\$100.00), plus costs and other sanctions, for each violation. Each day that a violation continues shall constitute a separate offense. Repeat offenses shall be subject to increased fines as provided by section 1-19(c)(2) of the City Code, except that the increased fine for a repeat offense shall be as follows:
 - a. The fine for any offense which is a first repeat offense shall be no less than five hundred dollars (\$500.00), plus costs and other sanctions.
 - b. The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be no less than one thousand dollars (\$1,000.00), plus costs and other sanctions.
 - c. The fine for violation of provisions of this zoning code which forbid parking on a residential lot between the

right-of-way and the front of the structure on that lot, which is not properly constructed and allowed off street parking area under this zoning code, shall be twenty-five dollars (\$25.00), plus cost, fees, or other sanctions for each offense.

2. In addition to the zoning administrator and the building official, any authorized city official, as provided by chapter 3 of the City Code, is authorized to issue municipal civil infraction citations (directing alleged violators to appear in court) or municipal civil infraction violation notices (directing the alleged violators to appear at the city municipal ordinance violations bureau) for violations under this ordinance.
3. Any building erected, moved, altered, razed, or converted, or any use of land which is begun or changed subsequent to the effective date of this ordinance, or its amendment, that is in violation of any provision of this ordinance or any condition or requirement of any permit, certificate, plan, agreement, variance or other approval or authorization granted under this ordinance, is hereby declared to be a nuisance per se, and shall be abated by any court of competent jurisdiction.

B. *Performance guarantees.*

1. As a condition of approval of a private street, site plan review, special land use, or planned unit development, the planning commission or city council, whichever is designated as the approving authority, may require a financial guarantee of sufficient sum to assure the installation of those features or components of the approved activity or construction which are considered necessary to protect the health, safety, and welfare of the public and of users or inhabitants of the proposed development. Such features or components, hereafter referred to as "improvements," may include, but shall not be limited to, roadways, curbing, landscaping, fencing, walls, screening, lighting, drainage facilities, sidewalks, driveways, utilities, and similar items.
2. Performance guarantees shall be processed in the following manner:
 - a. Prior to the issuance of a certificate of occupancy, the applicant shall submit an itemized estimate of the cost of the required improvements which are subject to the performance guarantee, which shall then be reviewed by the zoning administrator. The amount of the performance guarantee shall be one hundred (100) percent of the cost of purchasing materials and installing the required improvements, plus the cost of necessary engineering and a reasonable amount for contingencies.
 - b. The required performance guarantee may be in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the city.
 - c. Upon receipt of the required performance guarantee, the zoning administrator shall issue a building permit for the subject development or activity, provided it is in compliance with all other applicable provisions of this ordinance and other applicable ordinances of the city.
 - d. The zoning administrator, upon the written request of the obliger, shall rebate portions of the performance guarantee upon determination that the improvements for which the rebate has been requested have been satisfactorily completed. The portion of the performance guarantee to be rebated shall be in the same amount as stated in the itemized cost estimate for the applicable improvements.
 - e. When all of the required improvements have been completed, the obliger shall send written notice to the zoning administrator of completion of said improvements. Thereupon, the zoning administrator shall inspect all of the improvements and approve, partially approve, or reject the improvements with a statement of the reasons for any rejections. If partial approval is granted, the cost of the improvement rejected shall be set forth. Where partial approval is granted, the obliger shall be released from liability pursuant to relevant portions of the performance guarantee, except for that portion sufficient to secure completion of the improvements not yet approved.

f. A record of authorized performance guarantees shall be maintained by the zoning administrator.

(Ord. No. 485, § 1, 12-6-05; Ord. No. 528, § 1, 9-4-12)

Section 19.4. - Fees.

The city council may prescribe and amend by resolution a reasonable schedule of fees to be charged to applicants for any requests or items requiring approval by an official or board. The fee shall be paid to the city treasurer at the time the application for such request is filed. Requests include, but are not limited to the following:

- A. Requests to the board of zoning appeals.
- B. Site plan review.
- C. Rezoning requests and zoning ordinance amendments.
- D. Special land use requests.
- E. Site condominium review.
- F. Planned unit development or amendments to planned unit developments.
- G. Sign permits, and other zoning and building permit fees.
- H. Plat (subdivision) review.
- I. Private streets.
- J. Any other requests or reviews referred to the planning commission.

(Ord. No. 459, pt. 30, 4-17-01)

Section 19.5. - Amendments.

- A. Amendment to this ordinance may be initiated by the city council on its own motion or, in the manner and pursuant to the procedure herein set forth, may be initiated by any person, firm or corporation filing an application with the city. The planning commission may, at its discretion, also initiate amendments to this ordinance through the zoning administrator and also recommend ordinance amendments to the city council for adoption.
- B. *Amendment procedure.* Amendments shall be processed as provided for in the Zoning Act, including notification to adjoining property owners, where applicable, and a public hearing. If an amendment is requested by a person, firm or corporation, the request shall be filed on a form provided for that purpose and accompanied by an application fee, as set by the city council.
- C. The following guidelines shall be used by the planning commission, and may be used by the city council in consideration of amendments to the zoning ordinance:
 - 1. *Text amendment:*
 - a. The proposed text amendment would clarify the intent of the ordinance.
 - b. The proposed text amendment would correct an error or oversight in the ordinance.
 - c. The proposed text amendment would address changes to the state legislation, recent case law or opinions from the Attorney General of the State of Michigan.
 - d. The proposed text amendment would promote compliance with changes in other county, state or federal regulations.
 - e. In the event the amendment will add a use to a district, that use shall be fully consistent with the intent of the district and the character of the range of uses provided for within the district.

- f. The amendment will not create incompatible land uses within a zoning district, or between adjacent districts.
- g. The proposed text amendment is supported by the findings of reports, studies, or other documentation on functional requirements, contemporary building practices, environmental requirements and similar technical items.
- h. As applicable, the proposed change shall be consistent with the city's ability to provide adequate public facilities and services.
- i. The proposed change shall be consistent with the city's desire to protect the public health, safety, and welfare of the community.

2. *Map amendment (rezoning):*

- a. Whether or not the proposed rezoning is consistent with the goals, policies and future land use map of the City of Belding Master Plan; or, if conditions have changed significantly since the master plan was adopted, consistency with recent development trends in the area.
 - b. Whether the proposed district and the uses allowed are compatible with the site's physical, geological, hydrological and other environmental features. The potential uses allowed in the proposed zoning district shall also be compatible with surrounding uses in terms of land suitability, impacts on the community, density, potential influence on property values and traffic impacts.
 - c. Whether, if rezoned, the site is capable of accommodating the uses allowed, considering existing or planned infrastructure including roads, sanitary sewers, storm sewer, water, sidewalks, and road lighting.
 - d. Other factors deemed appropriate by the planning commission.
- D. *Consideration of amendment by the city council.* Upon receipt of a report and summary of public hearing comments from the planning commission, as provided for in the Zoning Act, the city council may modify and subsequently adopt the proposed amendment, or adopt it as presented by the planning commission. The city council may refer any proposed modifications back to the planning commission for additional comment.

(Ord. No. 519, 2-1-11)

Section 19.6. - Conditional rezoning.

- A. *Intent.* It is recognized that there are certain instances where it would be in the best interests of the city, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a rezoning request. It is the intent of this section to permit a process, consistent with the provisions of section 405 of the Michigan Zoning Enabling Act (MCL 125.3405), by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.
- B. *Application and offer of conditions.*
 - 1. An owner of land may voluntarily offer, in writing, conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.
 - 2. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this section.
 - 3. The owner's offer of conditions may not purport to authorize uses or developments not otherwise permitted in the requested zoning district.
 - 4. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which

rezoning is requested.

5. Any use or development proposed as part of an offer of conditions that would require a special land use permit or site plan review under the terms of this ordinance may only be commenced if a special land use permit or site plan for such use or development is ultimately granted, in accordance with the provisions of this ordinance.
 6. Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this ordinance may only be commenced if a variance for such use or development is ultimately granted by the zoning board of appeals, in accordance with the provisions of this ordinance.
 7. The offer of conditions may be amended during the process of rezoning consideration; provided, any amended or withdrawn conditions are entered voluntarily by the owner. If the owner amends or withdraws any proposed conditions subsequent to the planning commission's public hearing on the original rezoning request, the rezoning application shall be referred back to the planning commission for a new public hearing, with appropriate notice, as required by the Zoning Act.
- C. *Planning commission review.* The planning commission, after public hearing in accordance with the Zoning Act and consideration of the factors for rezoning set forth in section 19.5, may recommend approval or denial of the rezoning.
- D. *City council review.*
1. After receipt of the planning commission's recommendation, the city council shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. The city council's deliberations shall include, but not be limited to, a consideration of the factors for rezoning set forth in section 19.5.
 2. Should the city council consider amendments to the proposed conditional rezoning that have been offered by the owner, but were not part of the offer of conditions as recommended by the planning commission, the city council shall refer the amendments to the planning commission, in accordance with section 19.6.B.7, proceed thereafter to deny or approve the conditional rezoning.
- E. *Approval.*
- 3[1]. If the city council finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written statement of conditions prepared by the owner and reviewed and approved by the city attorney. The statement of conditions shall be incorporated by attachment to the ordinance adopted by the city council.
 - 4[2]. The statement of conditions shall:
 - a. Be in a form recordable with the Register of Deeds of Ionia County or, in the alternative, be accompanied by a recordable affidavit or memorandum prepared and signed by the owner giving notice of the statement of conditions in a manner acceptable to the city council and approved by the city attorney.
 - b. Contain a legal description of the land to which it pertains.
 - c. Contain a statement acknowledging that the conditions run with the land and are binding upon successor owners of the land.
 - d. Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.
 - e. Contain a statement permitting the statement of conditions, or affidavit or memorandum giving notice thereof, to be recorded by the city with the Register of Deeds of Ionia County.
 - f. Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to

the fact that they voluntarily offer and consent to the provisions contained within the statement of conditions.

- 5[3]. The zoning map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a statement of conditions. The city clerk shall maintain a listing of all lands rezoned with a statement of conditions.
- 6[4]. The approved statement of conditions or an affidavit or memorandum giving notice thereof shall be filed by the city with the Register of Deeds of Ionia County.
- 7[5]. Once rezoned, the property shall be subject to all applicable requirements of the new zoning district, as modified by any more restrictive provisions contained in the statement of conditions.

F. *Compliance with conditions.*

1. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the statement of conditions. Any failure to comply with a condition contained within the approved statement of conditions shall constitute a violation of this zoning ordinance and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.
2. No permit or approval shall be granted under this ordinance for any use or development that is contrary to the applicable statement of conditions.

G. *Time period for establishing development or use.* Unless another time period is specified in the ordinance rezoning the subject property, the approved development and/or use of the property pursuant to building and other required permits must be commenced upon the land within twelve (12) months after the rezoning takes effect and thereafter proceed diligently to completion. This time limitation may, upon written request, be extended by the city council, if both of the following apply:

1. It is demonstrated to the city council's reasonable satisfaction that there is a strong likelihood the development and/or use will commence within the period of extension and proceed diligently thereafter to completion; and
2. The city council finds there has not been a change in circumstances that would render the current zoning with statement of conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

H. *Reversion of zoning.* If the approved development and/or use of the rezoned land, in accordance with the approved statement of conditions, does not occur within the time frame or extension specified under subsection G above, the land shall revert to its former zoning classification as set forth in MCL 125.3405. The reversion process shall be initiated by the city council and forwarded to the planning commission to proceed with the process of rezoning of the land to its former zoning classification, in accordance with the provisions of section 19.5.

I. *Subsequent rezoning of land.* When land that is rezoned with a statement of conditions is later rezoned to a different zoning classification or to the same zoning classification but with a different or no statement of conditions, the statement of conditions imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request, the city clerk shall record with the Register of Deeds of Ionia County a notice that the statement of conditions is no longer in effect.

J. *Amendment of conditions.*

1. During the time period for commencement of an approved development or use specified pursuant to subsection G above or during any extension thereof granted by the city council, the city shall not add to or alter the conditions in the statement of conditions.

2. The statement of conditions may be amended only upon written voluntary request of the owner, in the same manner prescribed for the original rezoning and statement of conditions.
- K. *City right to rezone.* The city shall have the right, regardless of any conditions imposed on a property, to change the zoning classification of all or any portion of that property or to amend the zoning ordinance in any particulars that may affect that property.
- L. *Failure to offer conditions.* The city shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this ordinance. In addition, the city shall not be required to accept or consider any conditions offered by the owner.

(Ord. No. 519, 2-1-11)

Chapter 20 - TITLE

Section 20.1. - Title.

This ordinance shall be known, and may be cited as, the City of Belding Zoning Ordinance.

(Ord. No. 498, 2-6-07)

Section 20.2. - Intent.

This ordinance, enacted under the authority of the Zoning Act, is intended to insure that uses of land shall be situated in appropriate locations and relationships; to limit the inappropriate overcrowding of land and congestion of population and transportation systems and other public facilities; to facilitate adequate and efficient provision of transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility needs; and to promote public health, safety, and welfare.

(Ord. No. 498, 2-6-07)

Section 20.3. - Scope.

- A. *Interpretation and application.* In its interpretation and application, the provisions of this ordinance shall be held to be minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, or general welfare. It is not intended by this ordinance to impair or interfere with any other existing provision of law or ordinance. However, where this ordinance imposes a greater restriction than is required by existing ordinance or by rules, regulations, or permits, the provisions of this ordinance shall control.
- B. *Vested rights.* Nothing in this ordinance shall be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification, or any permissible activities therein; and all rights are hereby declared to be subject to such subsequent amendment, change or modification hereof as may be necessary to the preservation or protection of public health, safety, and welfare.

(Ord. No. 498, 2-6-07)

[Section 20.4. - Reserved.]

Section 20.5. - Effective date.

Public hearing having been held hereon, the provisions of this ordinance are hereby adopted, and this ordinance shall take effect on the 15th day of March, 1999.

Section 20.6. - Repeal of prior ordinance.

The zoning ordinance adopted by the City of Belding, known as Ordinance #337, adopted on November 1, 1976, and all amendments thereto, are hereby repealed. The repeal does not affect any act done or offense committed, or any liability, penalty, forfeiture, or punishment acquired thereunder. The repeal does not include the official zoning map of the City of Belding zoning ordinance, which is hereby adopted as a part of this ordinance.