

APPENDIX A - ZONING

ORDINANCE NO. 298

ZONING ORDINANCE



CITY OF TAWAS CITY, IOSCO COUNTY, MICHIGAN

PREAMBLE

An ordinance enacted by the City of Tawas City under the Municipal Planning Act, Public Act No. 285 of 1931 as amended (MCL 125.31 et seq.), and the Michigan Zoning Enabling Act, Public Act No. 110 of 2006 (MCL 125.3101 et seq.), to provide for the establishment of zoning districts within which the proper use of land and natural resources may be encouraged or regulated by ordinance, and within which district provisions are adopted designating the location of, the size of, the uses that may be made of, the minimum open spaces, sanitary, safety, and protective measures that shall be required for, and the maximum number of families that may be housed in dwellings, buildings and structures, including tents and mobile homes; to provide for appeals and for the organization and procedures to be followed by the zoning board of appeals; and to provide for penalties for the violation of said ordinance.

THE CITY OF TAWAS CITY ORDAINS:

Footnotes:

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Editor's note— Printed herein is the Zoning Ordinance of the city, Ordinance No. 298, as adopted by the City Council of Tawas City, Michigan, on January 21, 2008. Amendments to the ordinance are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original ordinance. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, headings and catchlines have been made uniform and the same system of capitalization, citation to state statutes, and expression of numbers in text as appears in the Code of Ordinances has been used. Additions made for clarity are indicated by brackets.

ARTICLE 1. - TITLE, PURPOSES AND LEGAL CLAUSES

Sec. 1.01. - Title.

This ordinance shall be known and may be cited as: The City of Tawas City Zoning Ordinance.

Sec. 1.02. - Repeal of ordinance.

The existing 1990 Zoning Ordinance of the City of Tawas City, Ordinance Number 246, adopted April 16, 1990, and all amendments thereto are hereby repealed with the effective date of this ordinance, except that such repeal shall not have any effect upon existing litigation and shall not operate as an abatement of any action or proceeding now pending under or by virtue of said ordinances so repealed.

Sec. 1.03. - Purposes.

It is the intent and purpose of this ordinance to promote the following:

- A. Promoting and protecting the public health, safety and general welfare.
- B. Protecting the character and the stability of the recreational, residential, commercial, industrial and other areas within the community and promoting the orderly and beneficial development of such areas.
- C. Regulating the intensity of use of land and lot areas and determining the area of open spaces surrounding buildings and structures necessary to provide adequate light and air to protect the public health and convenience of access to property.
- D. Lessening and avoiding congestion on the public highways and streets.
- E. Providing for the needs of recreation, residence, commerce and other land uses in future growth.
- F. Fixing reasonable standards to which buildings or structures shall conform.
- G. Prohibiting uses, buildings or structures which are incompatible with the character of development or the uses, buildings, or structures permitted within specified zoning districts.
- H. Preventing such additions to or alterations or remodeling of existing buildings or structures in such a way as to avoid the regulations and limitations imposed hereunder.
- I. Protecting against fire, explosion, noxious fumes and odors, dust, smoke, glare, noise and other nuisances and hazards in the interest of the public health, safety and general welfare.
- J. Preventing the overcrowding of land and undue concentration of buildings and structures so far as is possible and appropriate in each zoning district by regulating the use and bulk of buildings in relation to the land surrounding them.
- K. Conserving the taxable value of land, buildings and structures throughout the community.
- L. Providing for the completion, extension, substitution or elimination of nonconforming uses.
- M. Creating a board of appeals and defining the powers and duties thereof.
- N. Designating and defining the powers and duties of the official or officials in charge of the administration and enforcement of this ordinance.
- O. Providing for the payment of fees for permits.
- P. Providing penalties for the violation of this ordinance.

Sec. 1.04. - Scope.

No building or structure, or part thereof, shall hereafter be erected, constructed or altered and maintained, and no new use or change shall be made or maintained of any building, structure or land, or part thereof, except in conformity with the provisions of this ordinance. This ordinance is intended to be a permissive ordinance and any use that is not specifically permitted in a given district shall be a prohibited use within that district.

Sec. 1.05. - Validity and severalty clause.

If any court of competent jurisdiction shall declare any part of this ordinance to be invalid, such ruling shall not affect any other provisions of this ordinance not specifically included in said ruling.

If any court of competent jurisdiction shall declare invalid the application of any provision of this ordinance to a particular land, parcel, lot, district, use, building or structure, such ruling shall not affect the application of said provision to any other land, parcel, lot, district, use, building or structure not specifically included in said ruling.

Sec. 1.06. - Conflict with other laws.

- A. Where any condition imposed by any provision of this ordinance upon the use of any lot, building or structure is either more restrictive or less restrictive than any comparable condition imposed by any other provision of this ordinance or by the provision of an ordinance adopted under any other law, the provision of which is more restrictive or imposes a higher standard or requirement shall govern.
- B. This ordinance is not intended to abrogate or annul any easement, covenant or other private agreement; provided that where any provision of this ordinance is more restrictive, or imposes a higher standard or requirement, than such easement, covenant or other private agreement, the provisions of this ordinance shall govern.

Sec. 1.07. - Period of effectiveness.

This ordinance shall remain in full force and effect henceforth unless repealed.

ARTICLE 2. - CONSTRUCTION OF TERMS AND DEFINITIONS

Sec. 2.01. - Construction of language.

For the purpose of this ordinance, certain rules of construction apply to the text as follows:

- A. Words used in the present tense include the future tense; and the singular includes the plural, unless the context clearly indicates the contrary.
- B. The word "person" shall also mean a corporation, association, partnership, trust, firm, or similar activity as well as an individual.
- C. The word "building" shall also mean the word "structure" and "either" includes any part thereof.
- D. The word "lot" shall also mean the word "plot," "tract," or "parcel."
- E. The term "shall" is always mandatory and not discretionary; the word "may" is permissive.
- F. The word "used" or "occupied" as applied to any land or building shall be construed to include the words intended, arranged, maintained for or to be used or occupied.
- G. The words "this ordinance" means the text of this ordinance as well as all maps, tables, graphics, and schedules, as included or attached as enacted or subsequently amended.
- H. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either...or," the conjunction shall be interpreted as follows:

1. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 2. "Or" indicates the connected items, conditions, provisions or events may apply singly or in any combination.
 3. "Either...or" indicates that the connected items, conditions, provisions, or events shall apply singly, but not in combination.
- I. The "community" is the City of Tawas City in the County of Iosco, State of Michigan.
 - J. Any word or term not interpreted or defined by this ordinance shall be used with a meaning of common or standard utilization. A dictionary may be consulted.
 - K. "Days" means calendar days unless otherwise stated.

Sec. 2.02. - Definitions.

Accessory building. A building or structure customarily incidental and subordinate to the principal structure and located on the same lot as the principal building.

Accessory retail sales. An industrial operation that has a minor part of its operation retailing products produced by said industry.

Accessory structure. A subordinate structure, located on the same lot as a principal building or use, the use of which is incidental to the use of the principal building or use.

Accessory use. A use customarily incidental and subordinate to the principal use of the land or building and located on the same lot as the principal use.

Adult entertainment facilities.

1. *Adult bookstore* means an establishment that has, as a substantial or significant portion of its stock in trade, sexual paraphernalia, books, periodicals, magazines, newspapers, pamphlets, pictures, photographs, motion picture films, and/or videotapes which are distinguished or characterized by their emphasis on matter depicting, describing or relating to nudity, sadomasochistic abuse or sexual conduct.
2. *Adult motion picture theater* means an establishment, whether in a completely enclosed building or not, that offers, for an admission fee, membership fee, or other valuable consideration, the viewing during more than 25 percent of its operating hours of motion picture films, pictures or photographs which are distinguished or characterized by their emphasis on nudity, sadomasochistic abuse, or sexual conduct.
3. *Adult theater* means an enclosed building or any portion of a building which is used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual conduct, nudity, or sadomasochistic abuse by any means of display, including, without limitation, by motion picture, mechanical amusement devices, television, including videotape or closed circuit, or live performance for observation by patrons therein.
4. *Adult personal service business.* A business whose activities include a person, while partially nude, providing personal service for another person on an individual basis in a closed room. It includes, but is not limited to, the following activities and services: modeling studios, photographic studios, wrestling studios, individual theatrical performances, body painting studios and massage studios.
5. *Adult cabaret.* An establishment which features topless dancers, and/or bottomless dancers, partially nude or seminude dancers, go-go dancers, exotic dancers, strippers, male or female impersonators or similar entertainers, or topless and/or bottomless and/or partially nude of seminude waitpersons or employees or any

other form of nude or partially nude or seminude service or entertainment.

6. *Nudity* means uncovered or less than opaquely covered postpubertal human male or female genitals, public areas or buttocks.
7. *Sadomasochistic abuse* means flagellation or torture by or upon a human.
8. *Sexual conduct* means any of the following actual or simulated acts of:
 - a. Human sexual intercourse, homosexual or heterosexual;
 - b. Human or animal masturbation;
 - c. Bestiality;
 - d. Fellatio;
 - e. Cunnilingus;
 - f. Human excretory functions;
 - g. Sodomy; or
 - h. Fondling or erotic touching of human genitals, pubic region, buttocks or breasts.

Agriculture. Any land, buildings, and machinery used in the commercial production of farm products as defined in the Michigan Right to Farm Act, Public Act No. 93 of 1981 (MCL 286.471 et seq.); including but not limited to pasturage, floriculture, dairying, horticulture, forestry, and livestock or poultry husbandry.

Airport. An airport licensed by the Michigan Department of Transportation, Bureau of Aeronautics under section 86 of the Aeronautics Code of the State of Michigan, Public Act No. 327 of 1945 (MCL 259.86).

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

Alteration. Any change, addition or modification in construction or type of occupancy; any change in the structural members of a building, such as walls or partitions, columns, beams or girders; or any change which may be referred to herein as altered or reconstructed.

Apartment. A room or suite of rooms, including bath and kitchen facilities, in a two-family or multiple-family dwelling intended and designed for use as a residence by a single family.

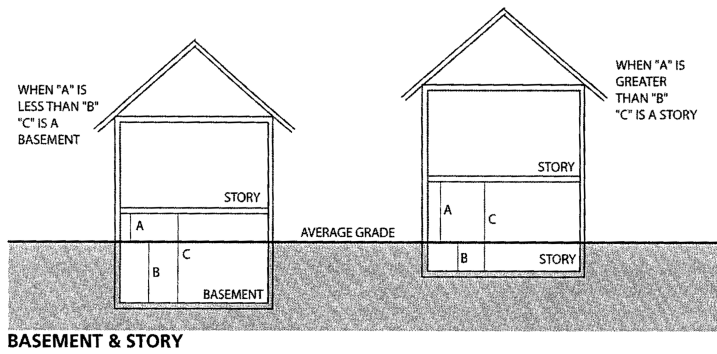
Apartment, efficiency. A dwelling unit consisting of not more than one room in addition to kitchen, dining and necessary sanitary facilities.

Assisted living, dependent. A housing form with central dining facilities provided as a basic service to each dwelling unit. Each dwelling unit shall not contain cooking facilities, but must contain sanitary facilities.

Assisted living, independent. A housing form with full facilities for self-sufficiency in each individual dwelling unit.

Auto wash. A building or portion thereof where motor vehicles are washed as a commercial enterprise or where facilities are available for the self-cleaning of motor vehicles.

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. A single family residential structure used for the purpose of renting bedrooms on a nightly basis, including the provision of bathing and lavatory facilities and a breakfast meal.

Berm. A mound of earth graded, shaped and improved with landscaping in such a fashion as to be used for visual and/or audible screening purposes which may be used to provide a transition between uses of differing intensity.

Billboard. A sign, other than off premises directional signs and political signs, which does not pertain to the principal use of the premises upon which it is located.

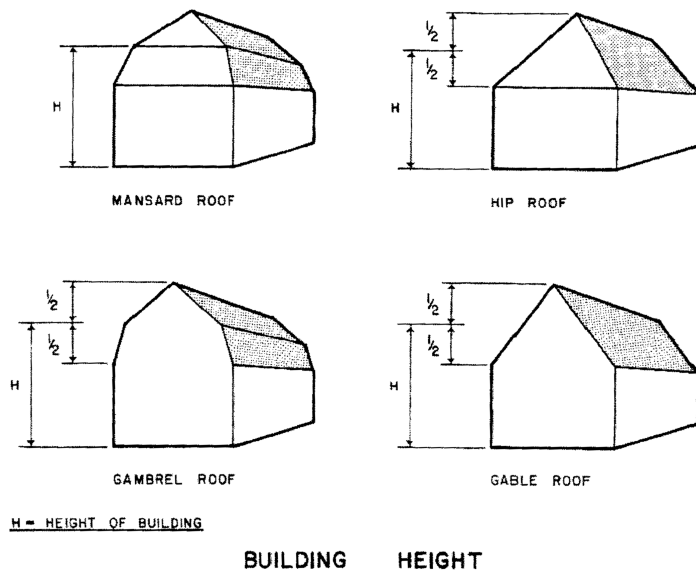
Block. The property abutting one side of a street and lying between the two nearest intersecting streets (crossing or terminating), or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river or live stream; or between any of the foregoing and any other barrier to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

Board. Shall mean the board of zoning appeals.

Buffer area. A strip of land reserved for plant material, berms, walls, or fencing to serve as a visual and/or sound barrier between properties, often between abutting properties in different zoning districts.

Building. Any structure, either temporary or permanent, having a roof supported by columns, walls, or any other supports, which is used for the purpose of housing, sheltering, storing, or enclosing persons, animals, or personal property, or carrying on business activities. This definition includes but is not limited to: mobile homes, tents, sheds, garages, greenhouses, and other principal or accessory structures.

Building height. In the case of a principal building, the vertical distance measured from the finished grade at the center of the building where the building abuts the front yard to the highest point of the roof surface, except as follows: to the deck line of mansard roofs, and the average height between eaves and the ridge of gable, hip, and gambrel roofs. The measurement of height of an accessory building or structure shall be determined as the vertical distance from the average finished grade to the highest point of the roof surface.



Building lines. A line which defines the minimum distance (as determined by the minimum front, side, or rear yard setback) which any building shall be located from a property line, existing street right-of-way line, or ordinary high water mark.

Church and place of worship. A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose.

Clinic. A building or group of buildings wherein more than one professional, such as a physician, dentist, veterinarian or the like, examines and treats patients, except that such patients are not lodged therein overnight.

Club or lodge. A non-profit association of persons who are bona fide members paying dues, which owns, hires or leases a building, or portion thereof, the use of such premises being restricted to members and their guests.

Commercial vehicle. Any motor vehicle which is used for the transportation of passengers for hire or which is constructed or used for the transportation of goods, wares or merchandise, or which is designed and used for drawing other vehicles.

Commission. Shall mean the City of Tawas City Planning Commission.

Communication tower. Any structure or system of, including but not limited to, wires, poles, rods, reflecting discs, or similar devices attached to the ground or any other structure or any other equipment used to facilitate, improve, support, or constructed primarily for the purpose of transmission, reception or transfer of radio, telephone, television, microwave, other telecommunication signals and similar communication purposes, including but not limited to, self-supporting lattice towers, guyed towers, or monopole towers. The term includes the structures and supports thereto.

Condominium project. A plan or project consisting of two or more condominium units established and approved in conformance with the Condominium Act, Public Act No. 59 of 1978 (MCL 559.101 et seq.), as amended.

Condominium subdivision. A division of land on the basis of condominium ownership, which is not subject to the provisions of the Subdivision Control Act of 1967, Public Act No. 288 of 1967 (MCL 560.101 et seq.), as amended.

Condominium subdivision plan. The drawings attached to the master deed for a condominium subdivision which describe the size, location, area, horizontal and vertical boundaries and volume of each condominium unit contained in the condominium subdivision, as well as the nature, location and size of common elements.

Condominium unit. That portion of a condominium project or condominium subdivision which is designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use. A condominium unit may consist of either vacant land or space which either encloses or is enclosed by a building structure. Any "condominium unit," or portion thereof, consisting of vacant land shall be equivalent to the term "lot" for the purposes of determining compliance of the condominium subdivision with the provisions of this ordinance including minimum lot size, minimum lot width, maximum lot coverage and setbacks.

Day care center. A facility, other than a private residence, receiving one or more preschool or school age children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. A day care center includes a facility which provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. A day care center does not include any of the following:

- A. A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are in attendance for not greater than three hours per day for an indefinite period, or not greater than eight hours per day for a period not to exceed four weeks during a 12-month period.
- B. A facility operated by a religious organization where children are cared for not greater than three hours while persons responsible for the children are attending religious services.
- C. A private home (private residence) in which the licensee or registrant permanently resides as a member of the household, which residency shall not be contingent upon caring for children or employment by a licensed or approved child placing agency, a full-time foster family home, a full-time foster family group home, a group day care home, or a family day care home.

Day care home, family. A private home in which the operator permanently resides as a member of the household in which one but less than seven minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. A family day care home includes a home that gives care to an unrelated minor child for more than four weeks during a calendar year.

Day care home, group. A private home in which the operator permanently resides as a member of the household in which more than six but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. A group day care home includes a home that gives care to more than six unrelated minor children for more than four weeks during a calendar year.

Deed restriction. A restriction on the use of a lot or parcel of land that is set forth in the deed and recorded with the county register of deeds. It is binding on subsequent owners and is sometimes also known as a restrictive covenant. Unless the city has an ownership interest in the property, a deed restriction is enforced by the parties to the agreement, not by the city.

Density. The number of existing or proposed dwelling units per net acre of land. Net acreage is the gross acreage of a lot, less the public rights-of-way.

District. An area of land for which there are uniform regulations governing the use of buildings and premises, density of development, yard requirements and height regulations. A "district" is also known as a "zone" or "zoning district."

Drive-through. An establishment developed so that some portion of its retail or service character is dependent upon providing a driveway approach and a staging area specifically designed to serve patrons remaining in their motor vehicles at the point of sale.

Dwelling, multiple-family. A building, or portion thereof, designed exclusively for occupancy by three or more families living independently of each other.

Dwelling, one-family. A building designed exclusively for one dwelling unit.

Dwelling, two-family. A building designed exclusively for two dwelling units.

Dwelling unit. A building or portion thereof, designed for occupancy by one family for residency purposes and having cooking facilities.

Efficiency apartment. Is a dwelling unit containing a minimum of at least 150 square feet of floor area consisting of not more than one room in addition to kitchen and sanitary facilities.

Erected. Built, constructed, reconstructed, moved upon, or any physical activity upon a premises or lot required for the building. Excavation, fill, drainage, and the like, shall be considered a part of the erection when done in conjunction with a structure.

Essential services. The erection, construction, alteration or maintenance of public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants, and other similar equipment, and accessories in connection therewith, not including buildings, which are necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies for the public health, safety or general welfare.

Family.

- A. *Domestic family.* An individual or group of two or more persons related by blood, marriage, or adoption, including foster children and servants, together with not more than two additional persons not related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit.
- B. *Functional equivalent family.* A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing non-transient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period. The zoning administrator shall presume that a functional equivalent of a domestic family is limited to six or fewer persons. A property owner may rebut this presumption to allow more than six persons subject to the standards set forth in this ordinance. This definition shall not apply in instances of group care centers, or state licensed residential facilities as established under Public Act No. 110 of 2006, as amended, (MCL 125.3101 et seq.).

Farm. Land used for commercial agriculture comprising at least 20 contiguous acres, and which may contain other noncontiguous acreage, all of which is operated by a sole proprietorship, or corporation and including all necessary farm buildings, structures, and machinery.

Fence. An accessory structure artificially constructed to serve as an enclosure, obscuring screen, physical barrier, and/or decorative landscape element.

Fence, ornamental. A fence of open construction that serves as a decorative landscape element.

Fence, privacy. A fence that serves as an obscuring screen.

Flood or flooding. A temporary partial or complete inundation of normally dry land areas from:

- A. The overflow of inland or tidal waters;
- B. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood hazard area. Land which, on the basis of available flood-plain information, is subject to a one percent or greater chance of flooding.

Flood hazard boundary map. An official map of a community, issued by the Federal Insurance Administration, whereon the boundaries of the areas of special flood hazards have been designated as zone A.

Flood insurance rate map. An official map of a community, on which the Federal Insurance Administration has delineated both the areas of special hazards and the risk premium zones applicable to the community.

Flood insurance study. The official report provided by the Federal Insurance Administration, containing flood profiles, the flood hazard boundary floodway map and the water surface elevation of the base flood.

Floodway. The channel of a river or the other watercourse and the adjacent land areas designated in the flood insurance study which must be reserved in order to discharge the base flood.

Floor area, gross. The sum of all gross areas of all floors of a building or buildings, measured from the outside dimensions of the outside face of the outside wall. Unenclosed and uncovered porches, unenclosed and covered porches, court yards, patios and attached garages shall not be considered as part of the gross area except where they are utilized for commercial purposes such as the outdoor sale of merchandise.

Floor area, minimum (for a dwelling unit). The sum of all gross floor areas of all stories of a dwelling unit, measured from the outside dimensions of the outside face of the outside wall. Unenclosed and uncovered porches, court yards, or patios shall not be considered as part of the minimum floor area.

Floor area, usable. For the purposes of computing parking requirements, usable floor area shall be considered as that area to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, stairways, and elevator shafts, or for restrooms and janitorial service rooms, shall be excluded from this computation of usable floor area. Usable floor area shall be measured from the interior faces of the exterior walls, and total usable floor area for a building shall include the sum of the usable floor area for all floors.

Foster care. Means the provision of supervision, personal care and protection in addition to room and board for 24 hours a day five or more days a week and for two or more consecutive weeks for compensation and licensed under Public Act No. 139 of 1956, as amended, or a mental hospital licensed under Public Act No. 151 of 1923.

- A. *Foster family home.* A private home in which one but not more than four minor children who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for 24 hours a day for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.
- B. *Foster care family home.* Means a private residence with capacity to receive not more than six adults who shall be provided foster care for five or more days a week and for two or more consecutive weeks.
- C. *Foster family group home.* A private home in which more than four but less than seven minor children who are

not related to an adult member of the household by blood, marriage, or adoption, are provided care for 24 hours a day for four or more days a week for two or more consecutive weeks, unattended by a parent or legal guardian.

- D. *Foster care group home (small)*. Means an adult foster care facility with capacity for not more than 12 adults who are provided foster care.
- E. *Foster care group home (large)*. Means an adult foster care facility with capacity for at least 13 but not more than 20 adults who are provided foster care.

Frontage. The total continuous length of the front lot line. For the purpose of determining the yard requirement on corner lots, all sides of a lot adjacent to streets shall be considered frontage. On a circular turn around or cul-de-sac the minimum frontage requirement shall be measured at the front setback line.

Garage, commercial. Any garage other than a private garage, available to the public, operated for gain, and used for storage, repair, rental, greasing, washing, sales, servicing, adjusting or equipping of automobiles or other motor vehicles.

Garage, private. An accessory building used for parking or storage of vehicles as may be required in connection with the permitted use of the principal building.

Gasoline service station. A building or premises used for the retail sale of fuel, lubricants, air, water, and other commodities designed for motor vehicles, aircraft and boats. Such an operation may include space and facilities for selling, installing, or adjusting tires, batteries, parts and accessories within a completely enclosed building, and may include accessory convenience store merchandise primarily sold to patrons purchasing gasoline and/or services.

Governing body. The City Council of the City of Tawas City.

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

Helistop. An area on a roof or on the ground used by helicopters or steep-gradient aircraft for the purpose of picking up or discharging passengers or cargo; but not including fuel service, maintenance or overhaul.

Home occupation. An accessory use of a dwelling unit for gainful employment which is conducted entirely within a dwelling and which is clearly incidental and secondary to the residential use of the lot, does not change the character of the dwelling, and meets all applicable provisions of this ordinance.

Hospital. An institution or place where sick or injured in-patients are given medical or surgical care at either public or private expense, and operating under license from the Michigan Department of Public Health.

Household pet. Animals that are customarily kept for personal use or enjoyment within the home. Household pets shall include domestic dogs, domestic cats, domestic tropical birds, domestic tropical fish, and domestic rodents, but excluding animals which meet this ordinance's definition for "livestock" or "wild animal."

Junk. Miscellaneous solid waste, rubbish, scrap, debris, and reclaimable material located outside of a completely enclosed building, including, but not limited to, paper, rags, scrap metal and equipment, glass, household appliances, garbage, tires, vehicle parts, or motor vehicles which are inoperable, partially dismantled, wrecked, or abandoned.

Junk yard. Any land or building used: 1) for the abandonment, storage, keeping, collecting, or baling of paper, rags, scrap metals, or other scrap or discarded materials; or 2) for the abandonment, demolition, dismantling, storage or salvaging of machinery, automobiles or other vehicles not in normal running conditions, or parts thereof; 3) a junk yard including any

activity of items 1) and 2) above conducted in an area of 200 square feet or more.

Kennel. Any lot or premises on which three or more dogs, cats or other household pets are either permanently or temporarily boarded or bred for remuneration.

Light, flashing. A light that goes on and off continuously while in use and at an interval of every ten seconds or less.

Livestock. Cattle, horses, sheep, goats, llamas, swine, poultry, and other animals or fowl, which are being produced primarily for commercial profit or slaughter, or home use, but excluding animals which meet this ordinance's definition for "wild animal."

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 or unloading merchandise or materials.

Lot. Land described in a recorded plat or by metes and bounds description, including a condominium unit in a condominium subdivision, occupied or to be occupied by a building, structure, land use or group of buildings, having sufficient size to comply with the frontage, area, width-to-depth ratio, setbacks, yards, coverage and buildable area requirements of this ordinance, and having its principal frontage upon a public street or on a private road.

Lot area. The area within the lot lines of a lot, exclusive of any public street right-of-way abutting any side of the lot.

Lot, corner. Any lot having at least two contiguous sides abutting upon one or more streets or approved private roads, provided that the interior angle at the intersection of such two sides is less than 135 degrees. A lot abutting a curved street(s) shall be a corner lot if the arc of the street has a radius less than 150 feet.

Lot coverage. The amount of a lot, stated in terms of percentage, that is covered by all buildings, and/or structures located thereon. This shall be deemed to include all buildings, roofed porches, arbors, breezeways, patio roofs, whether open box types and/or lathe roofs, or fully roofed, but shall not be deemed to include fences, walls, or hedges used as fences, unroofed decks or patios or swimming pools. Lot coverage shall be measured from the drip line of the roof or from the wall or foundation if there is no projecting portion of the roof.

Lot, depth of. The distance between the front and rear lot lines, measured along a line midway between the side lot lines.

Lot, flag. A lot whose access to the public street is by a narrow, private right-of-way that is either a part of the lot or an easement across another property and does not meet the frontage requirements of the district in which it is located.

Lot, interior. A lot other than a corner lot which, with the exception of a "through lot," has only one lot line fronting on a street.

Lot lines. The lines bounding a lot or parcel.

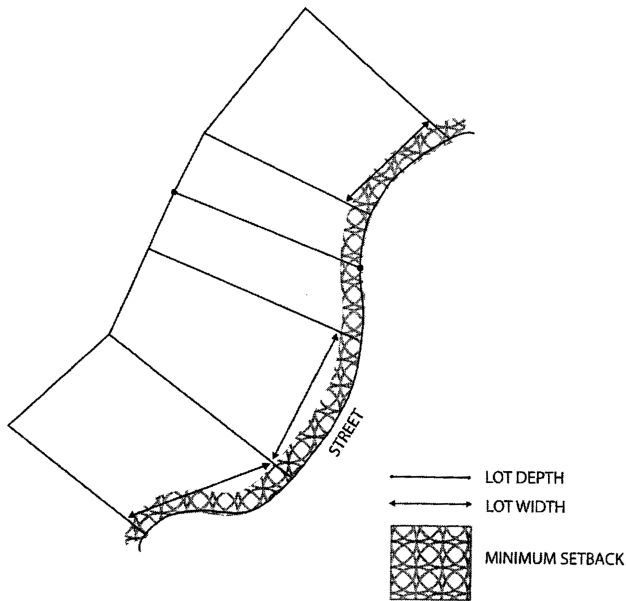
- A. *Front lot line.* The line(s) separating the lot from any street right-of-way, private road or other access easement.
- B. *Rear lot line.* The lot line opposite and most distant from the front lot line. In the case of a triangular or otherwise irregularly shaped lot or parcel, an imaginary line at least ten feet in length entirely within the lot or parcel, parallel to and at a maximum distance from the front lot line.
- C. *Side lot line.* Any lot line other than a front or rear lot line.

Lot of record. A lot which is part of a subdivision, the map of which has been recorded in the Office of the Iosco County Register of Deeds prior to the adoption or amendment of this ordinance, or a tract, parcel or lot described by metes and bounds, the deed to which has been recorded in the Office of the Iosco County Register of Deeds prior to the adoption or amendment of this ordinance.

Lot, through. An interior lot having frontage on two more or less parallel streets.

Lot, waterfront. A lot which borders on the water.

Lot width. The straight line distance between the side lot lines, measured at the two points where the minimum required front setback line intersects the side lot lines.



LOT WIDTH, DEPTH AND SETBACK

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

Main building. A building on which is conducted the principal use of the lot on a parcel of land on which it is located.

Major automobile service and repair station. Buildings and premises for the primary purpose of engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service such as body, frame and fender repair, painting, and similar activities.

Major thoroughfare. A public street, the principal use or function of which is to provide an arterial route for through traffic, with its secondary function the provision of access to abutting property and which is classified as a county primary road by Iosco County or as a principal or minor arterial by the Michigan Department of Transportation or as a major thoroughfare on the master plan.

Manufactured housing. A dwelling unit which is wholly or substantially constructed at an off-site location. Manufactured housing includes mobile homes and modular housing units.

Master plan. The statement of policy by the planning commission relative to the agreed upon desirable physical pattern of future community development consisting of a series of maps, charts, and written material.

Mini storage (warehouse) facilities. A building or group of buildings in a controlled access or fenced area that contains individual compartmentalized and controlled storage of customer's goods or wares which are generally not accessed on a daily basis.

Minor automobile service and repair station. Buildings and premises for the primary purpose of the retail sales of gasoline, oil, grease, batteries, tires and other operational fluids and accessories for automobiles, and the installation of such items, and for other minor automobile repair not to include auto refinishing, body work or painting, dismantling of vehicles for the purpose of reuse or resale of parts, or storage of automobiles other than those in for immediate repair. Retail sales may include convenience store merchandise sold primarily to patrons purchasing fuel or services.

Minor thoroughfare. A public street identified as a county local road by Iosco County, except that no street in a platted subdivision, nor any private road, shall be considered a minor thoroughfare under this ordinance.

Mobile home. A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. The term mobile home shall not include pick-up campers, travel trailers, motor homes, modular homes, recreational vehicles, converted buses, tent trailers, or other transportable structures designed for temporary use.

Mobile home park. A parcel or tract of land under the control of a person upon which three or more mobile homes are located on a continual, nonrecreational 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 mobile home.

Modular (pre-manufactured) housing unit. A dwelling unit constructed solely within a factory, as a single unit, or in various sized modules or components, which are then transported by truck or other means to a site where they are assembled on a permanent foundation, meeting all construction codes and regulations.

Motel. A building or group of buildings, whether detached or in connecting units, used as individual sleeping or dwelling units designed primarily for travelers and providing for accessory off-street parking facilities. The term "motel" shall include buildings designated as hotels, auto courts, tourist courts, motor courts, motor hotel, and similar appellations which are designed as integrated units of individual rooms under common ownership. A motel shall not be considered or construed to be a multiple-family dwelling.

Motor home. A self-propelled, licensed vehicle prefabricated on its own chassis, intended for recreational activities and temporary occupancy.

Neighborhood business. Establishments primarily engaged in the provision of frequently or recurrently needed goods for household consumption, such as prepackaged food and beverages and limited household supplies. Typical uses include neighborhood markets and small retail outlets.

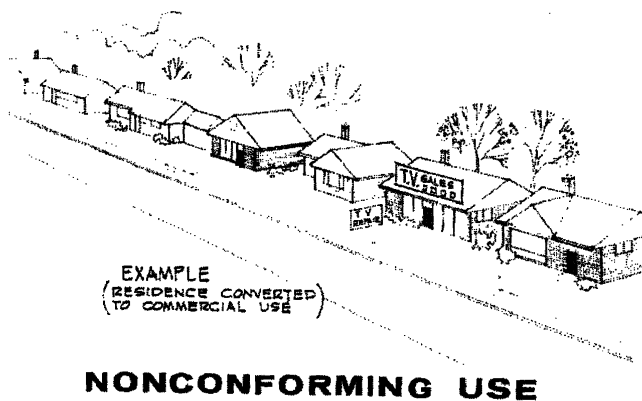
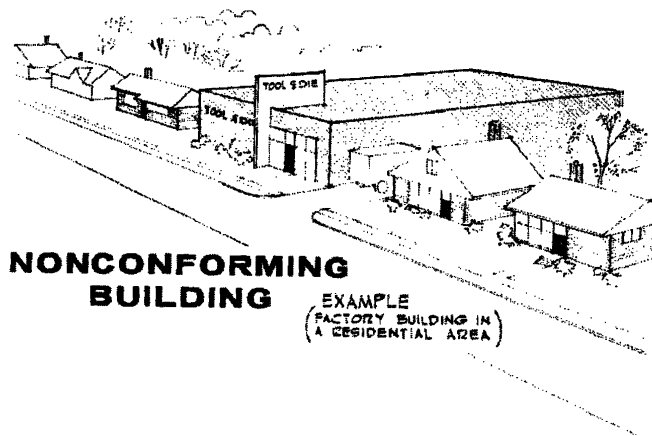
Nonconforming lot of record (substandard lot). A lot lawfully existing prior to the effective date of this ordinance, or a subsequent amendment thereto, and which fails to meet the area and/or dimensional requirements of the zoning district in which it is located. This definition includes and expands upon any definition of a non-conforming lot of record, and/or substandard lot as may be provided by relevant law.

Nonconforming structure. A building or structure (or portion thereof) lawfully existing at the time of adoption of this ordinance or a subsequent amendment thereto, that does not conform to the provisions of this ordinance relative to height, bulk, area, placement or yards for the zoning district in which it is located.

Nonconforming use. A use of a building or structure or of a parcel or tract of land, lawfully existing at the time of adoption of this ordinance or subsequent amendment thereto, that does not conform to the provisions of the ordinance. This definition includes and expands upon any definition of a nonconforming use as may be provided by relevant law.

Nonconforming use or structure, class A. A nonconforming use or structure which has been designated to be allowed to be perpetuated and improved under the provisions of this ordinance.

Nonconforming use or structure, class B. A nonconforming use or structure which has been designated to be allowed to be perpetuated within the restricted provisions of this ordinance.



Outdoor commercial recreation use. An outdoor recreational facility operated as a business and open to the public for a fee including, but not limited to, campgrounds, swimming beaches, boat rentals, shooting preserves, and athletic fields.

Parcel. A lot described by metes and bounds or described in a recorded plat.

Park. A parcel of land, building or structure open to the public for recreational purposes including but not limited to playgrounds, sport fields, game courts, trails, picnicking areas, and leisure time activities.

Parking area, off-street. A land surface or facility providing off-street vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide vehicular access to the parking spaces. Such area shall be off a public right-of-way.

Parking space. An accessible area of land provided for vehicle parking, exclusive of drives, aisles, or entrances giving access thereto.

Pavement. Asphalt or Portland cement concrete.

Personal services. An establishment or place of business primarily engaged in the provisions of frequent or recurrent needed services of a personal nature. Typical uses include, but are not limited to, beauty and nail salons, barbershops, shoe repair shops, tailor shops, laundromats and dry cleaners.

Planned commercial center. Means a business development consisting of two or more retail outlets characterized by a unified grouping of stores, under common architecture, served by a common circulation and parking system.

Planned housing development. A housing development consisting of two or more multiple-family dwelling buildings in a unified grouping served by a common circulation and parking system.

Planned unit development. A tract of land or lot, to be planned and developed as a single entity containing one or more residential clusters or planned unit residential developments and one or more public, quasi public uses and may include commercial, or industrial areas in such range or ratios of nonresidential to residential uses as shall be specified and in accord with the goals and objectives of the master plan.

Planning commission. The Tawas City Planning Commission established pursuant to Public Act No. 285 of 1931 as amended (MCL 125.31 et seq.), by the City of Tawas City Council.

Plat. A map of a subdivision of land recorded with the register of deeds pursuant to the Subdivision Control Act of 1967 as amended, (MCL 560.101 et seq.), or a prior statute.

Plot plan. Depicts all salient features of a proposed development. A plot plan generally contains less comprehensive and detailed information about improvements proposed on the site than does a site plan, and is required for such uses as single and two family dwellings.

Practical difficulty. A departure from the provisions of the zoning ordinance relating to setbacks, frontage requirements, lot size, parking and similar requirements but not involving the actual use of a property.

Principal building. A building in which is conducted the main use of the lot or parcel of land on which it is located.

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

Private road. A private way or means of approach which provides access to two or more abutting lots, and which is constructed and maintained by the owner or owners and is not dedicated for general public use.

Private sanitary sewage disposal system. An individual on-site sewage disposal system as defined in the Iosco County Health Department Sanitary Code.

Prohibited use. A use of land which is not permitted within a particular zoning district.

Public sanitary sewer. A system of pipe owned and maintained by a governmental unit used to carry human, organic and industrial waste from the point of origin to a point of discharge.

Public uses. Public parks, schools and administrative, cultural and service buildings, not including public land or buildings devoted solely to the storage and maintenance of equipment and material.

Public utility. Any person, firm, or corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public; gas, steam, electricity, sewage disposal, communication, telephone, telegraph, transportation or water.

Reasonable accommodation use. Housing accommodations for handicapped persons in residential districts.

Recreational equipment. Any travel trailers, campers, folding tent trailer, utility trailer, boat, boat trailer, personal water craft and personal water craft trailer, float and raft, including transportation equipment and off-road vehicles, manufactured motorized home, manufactured motor bus, all designed to be used as a temporary dwelling for travel, recreation and vacation use or periodically and occasional recreation and vacation use.

Recreational vehicle. 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 (Public Act No. 96 of 1987 (MCL 125.2301 et seq.) as amended).

Recreational vehicle park. All lands and structures which are owned and operated by private individuals, or a business or corporation which are predominantly intended to accommodate recreational vehicles and provide for outdoor recreational activities.

Restaurant. An establishment for serving food and beverages for immediate consumption.

- a. *Restaurant, carryout.* A restaurant at which patrons are served from a counter and the food or beverage is served in disposable containers or wrappers for consumption off the premises.
- b. *Restaurant, drive-in.* A restaurant at which patrons are served from a drive-by window or while within a motor vehicle or where food is consumed within the motor vehicle on the premises.
- c. *Restaurant, fast food.* A restaurant at which patrons are served from a counter and the food or beverage is served in disposable containers or wrappers for consumption on or off the premises.
- d. *Restaurant, full service.* An establishment maintained, operated and/or advertised or held out to the public as a place where food and beverage are served to the public on demand from a menu during stated business hours, served in and on reusable containers and dinnerware, to be consumed on the premises primarily inside the building at tables, booths, or counters, with chairs, benches or stools.
- e. *Restaurant, outdoor cafe.* An outdoor service area as part of a restaurant.

Retail business. Businesses involved in the sale, lease or rent of products to the general public. This excludes animal services, business equipment sales and services, construction sales and services, gasoline and fuel sales and vehicle and vehicle equipment sales and service and similar uses. Typical uses include food stores, drug stores, apparel stores and furniture stores.

Right-of-way. A street, alley, or other thoroughfare or easement permanently established for passage of persons, vehicles, or the location of utilities. The right-of-way is delineated by legally established lines or boundaries.

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

School. An educational institution under the sponsorship of a private or public agency providing elementary or secondary curriculum, and accredited or licensed by the State of Michigan; but excluding profit-making private trade or commercial schools.

Screen. A structure providing enclosure, such as a fence, and a visual barrier between the area enclosed and the adjacent property. A screen may also be non-structural, consisting of shrubs or other growing materials.

Seasonal mobile home park. A parcel or tract of land under the control of a person upon which three or more mobile homes are located on a continual or temporary basis but occupied on a temporary basis only, and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure,

street, equipment, or facility used or intended for use incident to the occupancy of a mobile home and shall provide all public utilities. A seasonal mobile home park does not include a campground licensed pursuant to Public Act No. 368 of 1978 (MCL 333.101 et seq.).

Seasonal use. A temporary use such as springtime plant sales, Christmas tree winter sales and similar uses.

Setback. The unoccupied distance between lot lines and principal and accessory buildings or uses required to meet the front, side and rear yard open space requirements of this ordinance.

Sign. Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, structures, designs, trade names or marks, or other representation, or combination thereof, by which anything is made known, which is located upon any land or on or in any building, in such manner as to attract attention from outside the premises and intended to convey information to the public. (See [article 21](#))

Site condominium (condominium subdivision). A method of subdivision where land ownership of sites is regulated by the Condominium Act (Public Act No. 59 of 1978, as amended (MCL 559.101)) as opposed to the Subdivision Control Act of 1976 (MCL 560.101). "Condominium subdivision" shall be equivalent to the term "subdivision" as used in this ordinance.

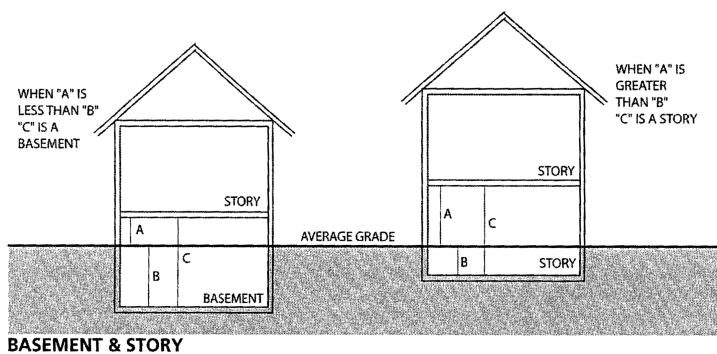
Site plan. A plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this ordinance. A site plan contains more comprehensive and detailed information about improvements proposed on the site than does a plot plan because of the more complex nature of land uses required to receive site plan approval, such as business, industrial, and multiple-family developments.

Solid waste. Garbage, rubbish, paper, cardboard, metal containers, yard clippings, wood, glass, bedding, crockery, demolished building materials, ashes, incinerator residue, street cleanings, municipal and industrial sludges, and solid commercial and solid industrial waste, animal waste, but does not include human body waste, liquid or other waste regulated by statute, ferrous or nonferrous scrap directed to a scrap metal processor or to a reuser of ferrous or nonferrous products, and slag or slag products directed to a slag processor or to a reuser of slag or slag products.

Special land uses. Uses which are reasonably compatible with the permitted primary uses and structures within a zoning district, but which require special consideration in relation to the health, safety, convenience and general welfare of the city's inhabitants.

Stop work order. An administrative order served on the property owner which directs a person not to continue, or not to allow the continuation of an activity which is in violation of this ordinance.

Story. That part of a building, except a mezzanine, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the space between the floor and the ceiling or roof next above it.



Story, height of. The vertical distance from the top surface of one floor to the top surface of the next above. The height of the top-most story is the distance from the top surface of the floor to the top surface of the ceiling joists.

Street. A public thoroughfare or approved private road which affords the principal means of access to abutting property.

Street line. The legal line of demarcation between a street right-of-way and abutting land.

Street, major. A public way, the principal use of which is to provide an arterial route for through traffic and has as its secondary use the provision of access to abutting properties.

Street, minor. A public way, the principal use of which is to give access to abutting properties.

Street, secondary. A street of limited continuity designed and intended to collect and distribute traffic to and from minor streets, to or from major streets.

Structural alteration. The erection, strengthening, removal, or other change of the supporting elements of a building, such as footings, bearing walls, beams, columns, and the like.

Structure. Anything constructed or erected, the use of which required location on the ground or attachment to something having location on the ground.

Temporary use or building. A use or building permitted in accord with provisions of this ordinance by the zoning administrator for a specified period of time.

Trailer coach. Same as Mobile Home.

Trailer coach park. Same as Mobile Home Park.

Transient residential occupancy. Rental occupancy of a one-family dwelling for a period of time of 45 days or less.

Tree canopy. The total spread of limbs and branches of a tree.

Undevelopable land. Land which has soil types or a high water table condition which present severe limitations upon the use or type or types of construction which should be placed thereon.

Use. The purpose for which land or building(s) thereon are arranged, occupied, maintained, let or leased.

Variance. A modification of the literal provisions of this ordinance which the zoning board of appeals is permitted to grant when strict enforcement of said provisions would cause undue hardship owing to circumstances unique to the individual property on which the variance is sought and not the result of action of the applicant.

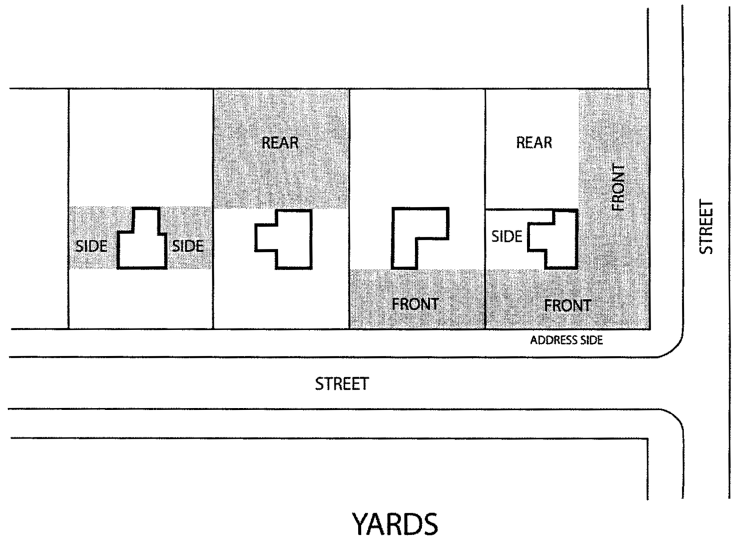
Wild animal. Any animal not domesticated by humans; or which attacks, bites, or injures human beings or domesticated animals without adequate provocation, or which because of temperament, conditioning, or training, has a known propensity to attack, bite, or injure human beings or domesticated animals; or which a person is prohibited from possessing by law.

Yard. An open space, on the same lot with a principal building, unoccupied and unobstructed from the ground upward by a building or structure, except as otherwise permitted in this ordinance and as defined herein (see figure at end of this section):

- A. *Front yard.* An open space extending the full width of the lot, the depth of which is the minimum distance between the front lot line and the nearest point of the principal building foundation. There is a front yard on each street side of a corner lot.
- B. *Rear yard.* An open space extending the full width of the lot, the depth of which is the minimum distance between the rear lot line and the nearest point of the foundation of the principal building. In the case of corner

lots, the rear yard is as designated by the owner.

- C. *Side yard.* An open space between the principal building and the side lot line, extending from the front yard to the rear yard, the width of which is the distance from the nearest point of the side lot line to the nearest point of the foundation of the principal building.
- D. *Interior side yard.* A side yard abutting a side yard of an adjacent lot.
- E. *Exterior side yard.* A side yard abutting a street.



Zoning administrator. The person or persons designated to administer and enforce the zoning ordinance.

Zoning board and board of appeals. The zoning board of appeals.

ARTICLE 3. - ZONING DISTRICTS AND MAP

Sec. 3.01. - Establishment of districts.

For the purpose of this ordinance, the city is hereby divided into the following zoning districts, which shall be known by the following respective symbols and names:

ARTICLE 3. Zoning districts, maps and requirements

ARTICLE 4. AG agricultural district

ARTICLE 5. RA and RA-1 one-family residential districts

ARTICLE 6. RA-2 residential district

ARTICLE 7. Reserved

ARTICLE 8. RC and RC-1 multiple-family district

ARTICLE 9. Reserved

ARTICLE 10. OS office service districts

ARTICLE 11. B-1 local business district

ARTICLE 12. B-2 community business district

ARTICLE 13. B-3 general business district

ARTICLE 14. I-1 industrial district

ARTICLE 15. WF waterfront district

ARTICLE 16. PUD planned unit development

Sec. 3.02. - Zoning map.

- A. *Zoning map incorporated.* The official zoning map, on file in the city clerk's office, delineating the zoning districts set forth in section 3.01 is hereby declared to be a part of this section. Except where reference is shown on the map to a street line or other line designated by dimensions, the district boundary lines follow lot lines or the centerlines of streets, alleys, streams and railroads, as they existed at the time of the adoption of this ordinance.
- B. *Lot divided by zone line.* Where a district boundary line, as established in this section, or as shown on the zoning map, divides a lot shown or recorded as being in single ownership at the time of enactment of this section, the district regulations and uses shall be observed on the respective side of the district line to which they apply.

(Ord. No. 314, 8-18-2014; Ord. No. 318, 1-15-2018; Ord. No. 320, 4-1-2019; Ord. No. 321, § 1, 6-3-2019)

Sec. 3.03. - Zoning text interpreted.

Where uncertainty exists with respect to uses permitted in any district, or any condition set forth in this ordinance, the following rules shall apply:

- A. No use of land shall be permitted in any use district except those uses specifically permitted in a zoning district.
- B. Uses or structures not specifically permitted in a zoning district shall be prohibited in such district.
- C. Unless otherwise provided for in this ordinance, where uses of yard areas are indicated as being permitted, the use of any yard area for any use other than that permitted shall be prohibited.

Sec. 3.04. - Reserved.

Sec. 3.05. - Zoning of vacated lands.

Whenever any street, alley or other public way within the city shall be vacated, such street, alley or other public way or portion thereof shall automatically be classified in the same zone district as the property to which it attaches.

Sec. 3.06. - District requirements.

All buildings and uses in any district shall be subject to all of the applicable provisions of articles 1 through 32 of this ordinance.

Sec. 3.07. - Permitted and special uses; agricultural and residential districts.*

	USES	AG	RA RA-1	RA-2	RC RC-1	RF
1.	One-family dwellings	Y	Y	Y	Y	Y
2.	Two-family dwellings	N	SP	SP	Y	SP
3.	Multiple family dwellings	N	N	N	Y	SP
4.	Agricultural operations	Y	N	N	N	N
5.	Extraction operations	SP	N	N	N	N
6.	Schools, institutional and public uses	Y	Y	Y	Y	SP
7.	Public & private conservation	Y	Y	Y	Y	Y
8.	Archery & gun ranges	SP	N	N	N	N
9.	Camping facilities	SP	N	N	N	SP
10.	Essential services	Y	Y	Y	Y	Y
11.	Cemeteries	SP	SP	SP	SP	N
12.	Home occupations	Y-SP	Y-SP	Y-SP	Y-SP	Y-SP
13.	Communication towers	SP	N	N	N	N
14.	Country club, golf courses and similar uses	Y	SP	Y	SP	N
15.	Junkyards	SP	N	N	N	N
16.	Kennels	SP	N	N	N	N
17.	Airports & landing strips	SP	N	N	N	N
18.	Child care—day care centers	SP	N	SP	SP	SP
19.	Mobile home parks	N	N	SP	SP	N
20.	Funeral homes	N	SP	SP	SP	SP

21.	General hospitals	N	N	N	N	SP
22.	Nursing homes	N	N	N	SP	SP
23.	Customary accessory uses	Y	Y	Y	Y	Y
24.	Bed & breakfast	SP	SP	SP	SP	SP
25.	Functional equivalent family—additional persons	SP	SP	SP	SP	SP
26.	Reasonable accommodation use	SP	SP	SP	SP	SP
27.	Child care facilities—family day care & foster family homes	Y	Y	Y	Y	Y
28.	Churches and places of worship	Y	SP	SP	SP	SP
29.	Satellite dish antenna over 39 inches in diameter	SP	SP	SP	SP	SP
30.	Group homes	SP	SP	SP	SP	SP
31.	Recreation and conservation areas	Y	Y	Y	Y	Y
32.	Accessory structures and uses	Y	Y	Y	Y	Y
33.	Planned unit development	SP	SP	SP	SP	SP
34.	Single-family cluster and open space	N	SP	SP	SP	SP

***Legend:**

N = No, Y = Yes, SP = Special Land Use

(Ord. No. 321, § 1, 6-3-2019)

Sec. 3.08. - Permitted and special uses; business and industrial districts.*

	USES	OS	B-1	B-2	B-3	I-1	WF	RF
1.	Store for retail sales and services	N	Y	Y	Y	N	N	Y

2.	Banks & credit unions	Y	Y	Y	Y	N	N	SP
3.	Office buildings	Y	Y	Y	Y	N	N	Y
4.	Medical & dental offices	Y	Y	Y	Y	N	N	Y
5.	Funeral homes	SP	SP	SP	SP	N	N	SP
6.	Daycare centers & foster care group homes	SP	SP	SP	SP	N	N	SP
7.	Child care facilities—family day care homes & foster family homes	Y	Y	SP	SP	N	N	SP
8.	Laundry & dry cleaners	N	Y	Y	Y	N	N	N
9.	Plumbing, electrical, welding shop	N	N	N	Y	Y	N	N
10.	Drive-in restaurant	N	N	N	SP	N	N	N
11.	Printing or publishing	N	N	Y	Y	Y	N	N
12.	Restaurants & taverns	N	N	Y	Y	N	N	Y
13.	Bed & breakfast	SP	SP	SP	SP	N	N	SP
14.	Indoor auto, boat & RV sales	N	N	N	Y	N	Y	Y
15.	Outdoor sales space for new & used auto, boats, mobile homes & RV's	N	N	N	SP	SP	N	SP
16.	Warehouse, wholesale & trucking	N	N	N	N	Y	N	N
17.	Lumber, fuel or building supply yards	N	N	N	Y	Y	N	N
18.	Major auto repair and service	N	N	N	SP	SP	N	N
19.	Service station, minor auto repair	N	N	N	SP	N	N	N
20.	Auto car wash	N	N	N	Y	N	N	N
21.	Bus passenger station	N	N	Y	Y	N	N	N

22.	Hotel, motel	N	N	SP	SP	N	N	SP
23.	Bowling alley & pool hall	N	N	Y	Y	N	N	N
24.	Dwellings above stores	N	N	SP	SP	N	N	SP
25.	Functional equivalent family	N	N	N	N	N	N	Y
26.	Reasonable use	N	N	N	N	N	N	Y
27.	Single-family cluster & open space	N	N	N	N	N	N	Y
28.	Churches and places of worship	SP	SP	SP	SP	N	N	SP
29.	Essential services	Y	Y	Y	Y	Y	Y	Y
30.	Business schools	Y	SP	Y	Y	N	N	N
31.	Accessory retail sales connected with an industrial use	N	N	N	Y	Y	N	N
32.	Theatres and social clubs	N	N	Y	Y	N	N	SP
33.	Private clubs & lodge halls	N	Y	Y	Y	N	N	SP
34.	Mini-storage facilities	N	N	N	SP	SP	N	N
35.	Laboratories	N	N	N	Y	Y	N	N
36.	Non accessory signs	N	N	N	N	SP	N	N
37.	Open air business	N	N	N	SP	N	N	SP
38.	Kennels	N	N	N	N	SP	N	N
39.	Off-street parking lots	Y	Y	Y	Y	Y	Y	Y
40.	Heavy equipment sales & servicing	N	N	N	N	SP	N	N
41.	Personal services	Y	Y	Y	Y	N	N	Y
42.	Hospitals/convalescent homes	Y	N	Y	Y	N	N	SP

43.	Sidewalk cafe	N	N	SP	SP	N	N	SP
44.	Industrial uses and manufacturing	N	N	N	N	Y	N	N
45.	Accessory structures and uses	Y	Y	Y	Y	Y	Y	Y
46.	Planned unit development	SP	SP	SP	SP	N	SP	SP
47.	Communication towers	N	N	N	SP	SP	N	N
48.	Outdoor commercial recreation and markets	N	N	N	SP	N	N	SP
49.	Junk yard	N	N	N	N	N	N	N
50.	Adult entertainment facilities	N	N	N	N	SP	N	N
51.	Trade or industrial schools	SP	SP	SP	Y	Y	N	N
52.	Satellite dish antenna over 39 inches in diameter	SP	SP	SP	SP	SP	N	SP
53.	Extraction operation	N	N	N	N	N	N	N
54.	Schools, institutions & public uses	SP	SP	SP	N	N	N	SP
55.	Public parks and recreation areas	Y	N	N	N	N	Y	Y
56.	Planned commercial center	N	N	SP	N	N	N	SP
57.	Outdoor storage	N	N	N	Y	SP	N	N
58.	Metal plating and buffering	N	N	N	Y	Y	N	N
59.	Outdoor sales space	N	N	N	SP	SP	N	SP
60.	Helicopter landing areas	SP	SP	SP	SP	SP	N	N
61.	Seasonal uses	N	SP	SP	SP	N	N	SP
62.	Marinas	N	N	N	SP	N	SP	SP

***Legend:**

N = No, Y = Yes, SP = Special Land Use

(Ord. No. 321, § 1, 6-3-2019)

ARTICLE 4. - AG—AGRICULTURAL DISTRICT

Sec. 4.01. - Purpose.

The purpose of this district is to protect and stabilize the essential characteristics of agricultural areas within the community and to insure proper maintenance of conditions for healthful and economically productive agricultural activities by preserving those areas which are predominately agricultural in nature, and which are most appropriate for present and future agricultural developments. It is essential that development in areas which are predominately agricultural be based on sound principles which realize the importance of such activities to the economy and welfare of the community.

Sec. 4.02. - Permitted uses.

- A. Agricultural operations.
- B. One-family dwellings.
- C. Public and private conservation area and structures for the development, protection and conservation of open space, watersheds, water, soil, forest and wildlife resources.
- D. Schools, parks, institutional and public uses.
- E. Country clubs, golf courses and similar uses.
- F. Childcare facilities limited to foster family homes and family day care homes.
- G. Churches and places of worship.
- H. Home occupations subject to the following:
 1. Home occupations that create the following conditions shall not be permitted:
 - a. Change the outside appearance of the dwelling visible from the street;
 - b. Traffic, parking, sewerage, or water use in excess of what is normal in the neighborhood;
 - c. Noise, vibration, glare, fumes, odors or any use that results in electrical interference, or becomes a nuisance;
 - d. Outside storage or display of anything other than a sign in accordance with section 21.05;
 - e. The employment of more than one person in the home other than the dwelling occupants;
 - f. Exterior building alterations to accommodate the occupation;
 - g. Occupation of more than 25 percent of the floor area of the dwelling, or 50 percent of a detached garage;
 - h. Off-site parking for customers, or a requirement of more than one parking space at curb side on the street;
 - i. The delivery of goods or the visit of customers before 6:00 a.m. and after 8:00 p.m.;
 - j. Deliveries made other than by small vehicles such as step vans and similar vehicles.

2. The following are permitted home occupations provided they do not violate any of the provisions of the previous
 - a. Dressmaking, sewing and tailoring;
 - b. Painting, sculpturing or writing;
 - c. Telephone answering;
 - d. Home crafts, such as model making, rug weaving and lapidary work;
 - e. Tutoring limited to four students at a time;
 - f. Computer application including software and not including sale of computers;
 - g. Salespersons office or home office of a professional person;
 - h. Laundering and ironing;
 - i. Repair of clocks, instruments or other small appliances which do not create a nuisance due to noise, vibration, glare, fumes, odors or uses resulting in electrical interference;
 - j. Barber shops and beauty parlors, limited to one operator;
 - k. Dance studios, limited to four students;
 - l. Use of a single-family residence by an occupant of that residence for a home occupation to give instruction in a craft or fine art within the residence pursuant to MCL 125.3204.
3. The following are prohibited as home occupations:
 - a. Private clubs;
 - b. Repair shops which may create a nuisance due to noise, vibration, glare, fumes, odors or uses resulting in electrical interference;
 - c. Restaurants;
 - d. Motor vehicle repair or paint shops;
 - e. Retail sales that require visits of customers to the home.
4. Any proposed home occupation that is neither specifically permitted by subsection (2) of this section nor specifically prohibited by subsection (3) of this section shall be considered a special use and be granted or denied upon consideration of those standards contained in article 17 of this ordinance.
 - I. Public recreation and conservation areas.
 - J. Essential services.
 - K. Uses similar to the above permitted uses.
 - L. Accessory structures and uses customarily incident to the above permitted uses, provided such buildings and uses are located on the same zoning lot with a permitted use.

Sec. 4.03. - Special uses.

1. Archery and gun ranges. (Sec. 18.44)
2. Camping facilities. (Sec. 18.45)
3. Cemeteries. (Sec. 18.42)
4. Communication towers. (Sec. 18.09)
5. Extraction operations. (Sec. 18.43)
6. Group homes. (Sec. 18.11)

7. Junk yards. (Sec. 18.12)
8. Kennels. (Sec. 18.13)
9. Bed and breakfast. ([Sec.] 18.07)
10. Satellite dish antenna over 39 inches in diameter. ([Sec.] 18.28)
11. Home occupations as provided for in 4.02.i[sec. 4.02H]. ([Sec.] 18.27)
12. Functional equivalent family. ([Sec.] 18.29)
13. Reasonable accommodation use. ([Sec.] 18.30)
14. Day care group homes and foster care family homes. ([Sec.] 18.11)
15. Planned unit developments. (Article 16)
16. Single family cluster and open space. ([Secs.] 18.39 and 18.40)

Sec. 4.04. - Required conditions.

A. The following conditions shall be required in AG districts:

1. Site plan review. Site plan review and approval must be obtained for all new construction, other than farm buildings and single family dwellings.
2. Area and bulk requirements limiting height and bulk of buildings, minimum size of all lots and providing for yard setback requirements as provided for in article 17 and all applicable provisions of articles of this ordinance including the following:
 - a. Article 19, Nonconforming Uses and Structures
 - b. Article 20, Off-Street Parking and Loading
 - c. Article 21, Signs
 - d. Article 22, Site Plan and Plot Plan Review
 - e. Article 23, General Provisions
 - Section 23.01 Conflicting Regulations
 - Section 23.02 Fences
 - Section 23.04 Corner Clearance
 - Section 23.05 Walls and Earth Berms
 - Section 23.06 Accessory Uses
 - Section 23.09 Landscape Planting
 - Section 23.10 Exterior Lighting
 - Section 23.11 Frontage on a Public Street
 - Section 23.12 Building Grade
 - Section 23.13 Waste Receptacles
 - f. Article 24, General Exceptions
 - Section 24.01 Area, Height and Use Exceptions

Section 24.02 Essential Services

Section 24.03 Voting Place

Section 24.04 Height Limit

Section 24.05 Lot Area

Section 24.06 Lots Adjoining Alleys

Section 24.07 Yard Regulations

Section 24.08 Porches, Decks and Access Ramps

Section 24.09 Access Through Yards

Section 24.10 Projections into Yards

Section 24.11 Yard Exceptions

Section 24.12 Lots or Parcels Having Water Frontage

g. Article 25, Administration

Section 25.01 Administrative Officials

Section 25.02 Permit Application

Section 25.03 Fees

Section 25.04 Performance Bond

Section 25.05 Zoning Notice (Hearing) Requirements

h. Article 26, Planning Commission

Section 26.01 Powers and Duties

Section 26.02 Authority to Approve Uses

Section 26.03 Hearing; Notice

Section 26.04 Survey and Plans

Section 26.05 Special Land Uses

Section 26.06 Application of Procedures to Planned Unit Developments, Cluster and Open Space Options

Section 26.07 Conditions for Approval

i. Article 27, Board of Appeals

Section 27.02 Powers of Zoning Board of Appeals

Section 27.03 Appeals Procedure

Section 27.04 Standards

Section 27.05 Miscellaneous

- j. Article 29, Changes and Amendments
- k. Article 30, Interpretation
- l. Article 31, Vested Right
- m. Article 32, Enforcement, Penalties and Other Remedies

ARTICLE 5. - RA AND RA-1, ONE FAMILY RESIDENTIAL DISTRICTS

Sec. 5.01. - Purpose.

The RA and RA-1 one family residential district is designed to provide for low density dwelling sites and residentially related uses in keeping with the master plan for residential development in the city. The uses permitted by right and as special uses are intended to promote a compatible arrangement of land uses for homes, with the intent to keep neighborhoods quiet and free of unrelated traffic, and other nuisances.

Sec. 5.02. - Permitted uses.

- A. One family detached dwellings excluding transient residential occupancy.
- B. Schools, parks, recreation and conservation areas, institutional and public uses.
- C. Childcare facilities limited to foster family homes and family day care homes.
- D. Adult foster care facilities licensed by the state.
- E. Public and private recreation and conservation areas for the development, protection and conservation of open space, watersheds, water, soil, forest and wildlife resources.
- F. Publicly owned and operated parks, parkways and recreational facilities.
- G. Cemeteries which lawfully occupied land at the time of adoption of this ordinance.
- H. Home occupations subject to the following:
 - 1. Home occupations that create the following conditions shall not be permitted:
 - a. Changes to the outside appearance of the dwelling visible from the street;
 - b. Traffic, parking, sewerage, or water use in excess of what is normal in the residential neighborhood;
 - c. Noise, vibration, glare, fumes, odors or resulting in electrical interference, or becoming a nuisance;
 - d. Outside storage or display of anything;
 - e. Employment of more than one person in the home other than the dwelling occupants;
 - f. Exterior building alterations to accommodate the occupation;
 - g. Occupation of more than 25 percent of the floor area of the dwelling, or 50 percent of a detached garage;
 - h. Off-street parking for customers, or a requirement of more than one parking space at curb side on the street;
 - i. The delivery of goods or the visit of customers before 6:00 a.m. and after 8:00 p.m.;
 - j. Deliveries made other than by small vehicles such as step vans and similar vehicles.
 - 2. The following are permitted home occupations, provided they do not violate any of the provisions of the previous paragraph:
 - a. Dressmaking, sewing and tailoring;

- b. Painting, sculpturing or writing;
 - c. Telephone answering;
 - d. Home crafts, such as model making, rug weaving and lapidary work;
 - e. Tutoring limited to four students at a time;
 - f. Computer application including software and not including sale of computers;
 - g. Salespersons office or home office of a professional person;
 - h. Laundering and ironing;
 - i. Repair of clocks, instruments or other small appliances which do not create a nuisance due to noise, vibration, glare, fumes, odors or results in electrical interference;
 - j. Barber shops and beauty parlors, limited to one operator;
 - k. Dance studios, limited to four students;
 - l. Use of a single-family residence by an occupant of that residence to give instruction in a craft or fine art within the residence pursuant to MCL 125.3204.
3. The following are prohibited as home occupations:
- a. Private clubs;
 - b. Repair shops which may create a nuisance due to noise, vibration, glare, fumes, odors or results in electrical interference;
 - c. Restaurants;
 - d. Commercial stables and kennels;
 - e. Motor vehicle repair or paint shops;
 - f. Retail sales that require visits of customers to the home.
4. Any proposed home occupation that is neither specifically permitted by subsection (2) of this section nor specifically prohibited by subsection (3) of this section shall be considered a special use and be granted or denied upon consideration of those standards contained in sections 18.01 and 18.02 of this ordinance.
- I. Essential services.
 - J. Uses similar to the above permitted uses.
 - K. Accessory structures and uses customarily incident to the above permitted uses, provided such buildings and uses are located on the same zoning lot with a permitted use.

Sec. 5.03. - Special uses.

The following uses may be permitted by the planning commission as provided for in article 18:

- A. Day care group homes and foster care family homes. (Sec. 18.11)
- B. Home occupations as provided for in section 5.02.
- C. Functional equivalent family. (Sec. 18.29)
- D. Reasonable accommodation use. (Sec. 18.30)
- E. Satellite dish antenna over 39 inches in diameter. (Sec. 18.28)
- F. Churches and places of worship. (Sec. 18.08)
- G. Cemeteries. (Sec. 18.42)

- H. Golf and country clubs. (Sec. 18.21)
- I. Funeral homes. (Sec. 18.32)
- J. Planned unit developments. (Article 16)
- K. One-family cluster and open space. (Sec. 18.40)
- L. Bed and breakfast. (Sec. 18.07)

Sec. 5.04. - Required conditions.

- A. Site plan review and approval shall be obtained for all new construction other than single-family dwellings and permitted accessory structures in accord with article 22.
- B. Dwelling unit review. All dwelling units shall be reviewed by the zoning administrator.
 - 1. Dwelling units shall conform to all applicable codes and ordinances. Any such local requirements are not intended to abridge applicable state or federal requirements with respect to the construction of the dwelling.
 - 2. Dwelling units shall be permanently attached to a perimeter foundation. In instances where the applicant elects to set the dwelling on piers or other acceptable foundations which are not at the perimeter of the dwelling, then a perimeter wall shall also be constructed. Any such perimeter wall shall be constructed of durable materials and shall also meet all local requirements with respect to materials, construction and necessary foundations below the frost line. Any such wall shall also provide an appearance which is compatible with the dwelling and other homes in the area.
 - 3. Dwelling units shall be provided with exterior finish materials similar to the dwelling units on adjacent properties or in the surrounding residential neighborhood.
 - 4. Dwelling units shall be provided with roof designs and roofing material similar to the dwelling units on adjacent properties or in the surrounding residential neighborhood.
 - 5. Dwelling units shall be provided with an exterior building wall configuration which represents an average width to depth or depth to width ratio which does not exceed three to one, or is in reasonable conformity with the configuration of dwelling units on adjacent properties or in the surrounding residential neighborhood.
 - 6. The dwelling shall contain a minimum storage capability in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling. Said storage area shall be equal to ten percent of the square footage of the dwelling or 100 square feet, whichever shall be less, and shall be anchored by a system approved by the zoning administrator.
 - 7. The zoning administrator may request a review by the planning commission of any dwelling unit with respect to this section. The zoning administrator or planning commission shall not seek to discourage architectural variation, but seek to promote the reasonable compatibility of the character of dwelling units, thereby protecting the economic welfare and property value of surrounding residential uses and the community at large. In reviewing any such proposed dwelling unit, the zoning administrator may require the applicant to furnish such plans, elevations and similar documentation as he deems necessary to permit a complete review and evaluation of the proposal. When comparing the proposed dwelling unit to similar types of dwelling units consideration shall be given to comparable types of homes within 300 feet. Should the area within 300 feet not contain any such homes, then the nearest 20 dwellings shall be considered for comparison purposes.
- C. Area and bulk requirements limiting height and bulk of buildings, minimum size of lots and providing for yard setback requirements as provided for in article 17 and all applicable provisions of articles of this ordinance including the following:

1. Article 19, Nonconforming Uses and Structures
2. Article 20, Off-Street Parking and Loading
3. Article 21, Signs
4. Article 22, Site Plan and Plot Plan Review
5. Article 23, General Provisions
 - Section 23.01 Conflicting Regulations
 - Section 23.02 Fences
 - Section 23.04 Corner Clearance
 - Section 23.05 Walls and Earth Berms
 - Section 23.06 Accessory Uses
 - Section 23.09 Landscape Planting
 - Section 23.10 Exterior Lighting
 - Section 23.11 Frontage on a Public Street
 - Section 23.12 Building Grade
 - Section 23.13 Waste Receptacles
6. Article 24, General Exceptions
 - Section 24.01 Area, Height and Use Exceptions
 - Section 24.02 Essential Services
 - Section 24.03 Voting Place
 - Section 24.04 Height Limit
 - Section 24.05 Lot Area
 - Section 24.06 Lots Adjoining Alleys
 - Section 24.07 Yard Regulations
 - Section 24.08 Porches, Decks and Access Ramps
 - Section 24.09 Access Through Yards
 - Section 24.10 Projections into Yards
 - Section 24.11 Yard Exceptions
 - Section 24.12 Lots or Parcels Having Water Frontage
7. Article 25, Administration
 - Section 25.01 Administrative Officials

Section 25.02 Permit Application

Section 25.03 Fees

Section 25.04 Performance Bond

Section 25.05 Zoning Notice (Hearing) Requirements

8. Article 26, Planning Commission

Section 26.01 Powers and Duties

Section 26.02 Authority to Approve Uses

Section 26.03 Hearing; Notice

Section 26.04 Survey and Plans

Section 26.05 Special Land Uses

Section 26.06 Application of Procedures to Planned Unit Developments, Cluster and Open Space Options

Section 26.07 Conditions for Approval

9. Article 27, Board of Appeals

Section 27.02 Powers of Zoning Board of Appeals

Section 27.03 Appeals Procedure

Section 27.04 Standards

Section 27.05 Miscellaneous

10. Article 29, Changes and Amendments

11. Article 30, Interpretation

12. Article 31, Vested Right

13. Article 32, Enforcement, Penalties and Other Remedies

ARTICLE 6. - RA-2 RESIDENTIAL DISTRICT

Sec. 6.01. - Purpose.

The RA-2 residential district is established to provide for medium density residential use including mobile home developments such as mobile home parks and mobile home subdivisions designed for that purpose and including recreation facilities, churches, schools and necessary public utilities.

Sec. 6.02. - Permitted uses.

- A. One family detached dwellings excluding transient residential occupancy.
- B. Institutional or public uses.
- C. Country clubs, golf courses and similar uses.

- D. Child care facilities limited to foster family homes, foster family group homes, family day care home and group day care homes.
- E. Essential services.
- F. Accessory structures and uses customarily incident to the above permitted uses, provided such buildings and uses are located on the same zoning lot with a permitted use.

Sec. 6.03. - Special uses.

The following uses may be permitted in the RA-2 residential district by the planning commission as provided in article 18:

- A. Two family dwellings. (Article 17)
- B. Mobile home parks. (Sec. 18.26)
- C. Mobile home subdivisions. (Article 17)
- D. Functional equivalent family. (Sec. 18.29)
- E. Reasonable accommodation use. (Sec. 18.30)
- F. Child care center or day care center. (Sec. 18.25)
- G. Satellite dish antenna over 39 inches in diameter. (Sec. 18.28)
- H. Churches and places of worship. (Sec. 18.08)
 - I. Planned unit developments. (Article 16)
 - J. Bed and breakfast. (Sec. 18.07)

Sec. 6.04. - Required conditions.

- A. Site plan review. Site plan review and approval must be obtained for all new construction, other than single family dwellings in accordance with the provisions of article 22.
- B. Dwelling unit review as provided for in section 5.04.
- C. Area and bulk requirements limiting the height and bulk of buildings, the minimum size of lot by permitted land use, the maximum density permitted, and providing the minimum yard setback requirements as provided in article 17 and all applicable provisions of all articles of this ordinance.
 - 1. Article 19, Nonconforming Uses and Structures
 - 2. Article 20, Off-Street Parking and Loading
 - 3. Article 21, Signs
 - 4. Article 22, Site Plan and Plot Plan Review
 - 5. Article 23, General Provisions
 - Section 23.01 Conflicting Regulations
 - Section 23.02 Fences
 - Section 23.04 Corner Clearance
 - Section 23.05 Walls and Earth Berms
 - Section 23.06 Accessory Uses
 - Section 23.09 Landscape Planting

Section 23.10 Exterior Lighting

Section 23.11 Frontage on a Public Street

Section 23.12 Building Grade

Section 23.13 Waste Receptacles

6. Article 24, General Exceptions

Section 24.01 Area, Height and Use Exceptions

Section 24.02 Essential Services

Section 24.03 Voting Place

Section 24.04 Height Limit

Section 24.05 Lot Area

Section 24.06 Lots Adjoining Alleys

Section 24.07 Yard Regulations

Section 24.08 Porches, Decks and Access Ramps

Section 24.09 Access Through Yards

Section 24.10 Projections into Yards

Section 24.11 Yard Exceptions

Section 24.12 Lots or Parcels Having Water Frontage

7. Article 25, Administration

Section 25.01 Administrative Officials

Section 25.02 Permit Application

Section 25.03 Fees

Section 25.04 Performance Bond

Section 25.05 Zoning Notice (Hearing) Requirements

8. Article 26, Planning Commission

Section 26.01 Powers and Duties

Section 26.02 Authority to Approve Uses

Section 26.03 Hearing; Notice

Section 26.04 Survey and Plans

Section 26.05 Special Land Uses

Section 26.06 Application of Procedures to Planned Unit Developments, Cluster and Open Space Options

Section 26.07 Conditions for Approval9. Article 27, Board of AppealsSection 27.02 Powers of Zoning Board of AppealsSection 27.03 Appeals ProcedureSection 27.04 StandardsSection 27.05 Miscellaneous10. Article 29, Changes and Amendments11. Article 30, Interpretation12. Article 31, Vested Right13. Article 32, Enforcement, Penalties and Other Remedies

ARTICLE 8. - RC AND RC-1—MULTIPLE FAMILY DISTRICT

Sec. 8.01. - Purpose.

The RC and RC-1 multiple-family districts are designed to provide sites for low to moderate density one and two-story planned attached multiple dwelling structures. The multiple-dwelling is further provided to serve the limited needs for the apartment type of unit and as a transition use of property between single-family and nonresidential districts.

Sec. 8.02. - Permitted uses.

- A. All special uses of the RA and RA-1 districts [in] section 5.03 subject to the requirements of the RA and RA-1 districts.
- B. Multiple-family dwellings.
- C. Two-family dwellings.

Sec. 8.03. - Special uses.

- A. All special uses of the RA and RA-1 districts subject to the requirements of the RA and RA-1 districts, [in] sec. 5.03.
- B. Nursing homes. (Sec. 18.16)
- C. Bed and breakfasts. (Sec. 18.07)
- D. Child care and day care centers. (Sec. 18.25)
- E. Planned unit developments. (Article 16)

Sec. 8.04. - Required conditions.

- A. All required conditions of the RA and RA-1 districts, [in] section 5.04, shall apply.
- B. Area and bulk requirements limiting height and bulk of buildings, minimum size of all lots and providing for yard setback requirements as provided for in article 17 and all applicable provisions of articles of this ordinance including the following:
 1. Article 19, Nonconforming Uses and Structures

2. Article 20, Off-Street Parking and Loading
3. Article 21, Signs
4. Article 22, Site Plan and Plot Plan Review
5. Article 23, General Provisions
 - Section 23.01 Conflicting Regulations
 - Section 23.02 Fences
 - Section 23.04 Corner Clearance
 - Section 23.05 Walls and Earth Berms
 - Section 23.06 Accessory Uses
 - Section 23.09 Landscape Planting
 - Section 23.10 Exterior Lighting
 - Section 23.11 Frontage on a Public Street
 - Section 23.12 Building Grade
 - Section 23.13 Waste Receptacles
6. Article 24, General Exceptions
 - Section 24.01 Area, Height and Use Exceptions
 - Section 24.02 Essential Services
 - Section 24.03 Voting Place
 - Section 24.04 Height Limit
 - Section 24.05 Lot Area
 - Section 24.06 Lots Adjoining Alleys
 - Section 24.07 Yard Regulations
 - Section 24.08 Porches, Decks and Access Ramps
 - Section 24.09 Access Through Yards
 - Section 24.10 Projections into Yards
 - Section 24.11 Yard Exceptions
 - Section 24.12 Lots or Parcels Having Water Frontage
7. Article 25, Administration
 - Section 25.01 Administrative Officials
 - Section 25.02 Permit Application

Section 25.03 FeesSection 25.04 Performance BondSection 25.05 Zoning Notice (Hearing) Requirements8. Article 26, Planning CommissionSection 26.01 Powers and DutiesSection 26.02 Authority to Approve UsesSection 26.03 Hearing; NoticeSection 26.04 Survey and PlansSection 26.05 Special Land UsesSection 26.06 Application of Procedures to Planned Unit Developments, Cluster and Open Space OptionsSection 26.07 Conditions for Approval9. Article 27, Board of AppealsSection 27.02 Powers of Zoning Board of AppealsSection 27.03 Appeals ProcedureSection 27.04 StandardsSection 27.05 Miscellaneous10. Article 29, Changes and Amendments11. Article 30, Interpretation12. Article 31, Vested Right13. Article 32, Enforcement, Penalties and Other Remedies

ARTICLE 10. - (OS) OFFICE SERVICE DISTRICT

Sec. 10.01. - Purpose.

The OS office service district is established to create and preserve areas for those commercial facilities which are especially useful in close proximity to residential areas as a land use buffer, while minimizing the undesirable impact of the uses on the neighborhoods which they service.

Sec. 10.02. - Permitted uses.

- A. Office buildings for any of the following occupations: executive, administrative, professional, accounting, writing, clerical, stenographic, and offices such as real estate or insurance sales.
- B. Medical office and dental offices, including clinics, hospitals and laboratories.
- C. Facilities for human care such as hospitals, convalescent and nursing homes.

- D. Banks, credit unions, savings and loan associations, and similar uses; drive-through facilities as an accessory use.
- E. Public uses.
- F. Personal service establishments including barber shops, beauty shops and health salons.
- G. Off-street parking lots.
- H. Business schools.
- I. Essential services.
- J. Public parks and recreation area.
- K. Foster family homes and family day care homes.
- L. Uses similar to the above uses.
- M. Accessory structures and uses customarily incidental to the above permitted uses, provided such buildings and uses are located on the same zoning lot with a permitted use.

Sec. 10.03. - Special uses.

- A. Reasonable accommodation use. (Sec. 18.30)
- B. Group day care and group foster care facilities. (Sec. 18.11)
- C. Churches and religious institutions. (Sec. 18.08)
- D. Schools, institutional and public uses. (Sec. 18.20)
- E. Dish antenna over 39 inches in diameter. (Sec. 18.28)
- F. Mortuary establishments. (Sec. 18.32)
- G. Helicopter landing areas. (Sec. 18.18)
- H. Planned unit developments. (Article 16)
- I. Bed and breakfast. (Sec. 18.07)

Sec. 10.04. - Required conditions.

- A. All uses shall be conducted within the confines of a building.
- B. Site plan review and approval shall be obtained for all construction in accordance with the provisions of article 22.
- C. Area and bulk requirements limiting the height and bulk of buildings, the minimum size of lot by permitted land use, the maximum density permitted, and providing the minimum yard setback requirements as provided in article 17 and all applicable provisions of all articles of this ordinance.
 1. Article 19, Nonconforming Uses and Structures
 2. Article 20, Off-Street Parking and Loading
 3. Article 21, Signs
 4. Article 22, Site Plan and Plot Plan Review
 5. Article 23, General Provisions
 - Section 23.01 Conflicting Regulations
 - Section 23.02 Fences
 - Section 23.04 Corner Clearance

Section 23.05 Walls and Earth Berms

Section 23.06 Accessory Uses

Section 23.09 Landscape Planting

Section 23.10 Exterior Lighting

Section 23.11 Frontage on a Public Street

Section 23.12 Building Grade

Section 23.13 Waste Receptacles

6. Article 24, General Exceptions

Section 24.01 Area, Height and Use Exceptions

Section 24.02 Essential Services

Section 24.03 Voting Place

Section 24.04 Height Limit

Section 24.05 Lot Area

Section 24.06 Lots Adjoining Alleys

Section 24.07 Yard Regulations

Section 24.08 Porches, Decks and Access Ramps

Section 24.09 Access Through Yards

Section 24.10 Projections into Yards

Section 24.11 Yard Exceptions

Section 24.12 Lots or Parcels Having Water Frontage

7. Article 25, Administration

Section 25.01 Administrative Officials

Section 25.02 Permit Application

Section 25.03 Fees

Section 25.04 Performance Bond

Section 25.05 Zoning Notice (Hearing) Requirements

8. Article 26, Planning Commission

Section 26.01 Powers and Duties

Section 26.02 Authority to Approve Uses

Section 26.03 Hearing; Notice

Section 26.04 Survey and PlansSection 26.05 Special Land UsesSection 26.06 Application of Procedures to Planned Unit Developments, Cluster and Open Space OptionsSection 26.07 Conditions for Approval9. Article 27, Board of AppealsSection 27.02 Powers of Zoning Board of AppealsSection 27.03 Appeals ProcedureSection 27.04 StandardsSection 27.05 Miscellaneous10. Article 29, Changes and Amendments11. Article 30, Interpretation12. Article 31, Vested Right13. Article 32, Enforcement, Penalties and Other Remedies

ARTICLE 11. - B-1 LOCAL BUSINESS DISTRICT

Sec. 11.01. - Purpose.

The B-1 local business districts as herein established are designed to primarily meet the day-to-day convenience shopping and service needs of persons residing in nearby residential areas.

Sec. 11.02. - Permitted uses.

In a local business district, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this ordinance in a completely enclosed building:

- A. Generally recognized retail businesses, which supply commodities on the premises such as, but not limited to: drugstores, dry goods, clothing and notions or hardware; neighborhood groceries meats, dairy products, baked goods or other specialty food products and excluding all restaurants, bars and automotive related uses.
- B. Personal service establishments which perform services on the premises such as, but not limited to: repair shops (such as watches, radio, television, shoe, etc.) tailor shops, beauty parlors or barber shops, photographic studios, and self-service laundries.
- C. Dry cleaning establishments, or pick-up stations, dealing directly with the consumer. Central dry cleaning plants serving more than one retail outlet shall be prohibited.
- D. Business establishments which perform services on the premises such as, but not limited to: banks, loan companies, insurance offices and real estate offices.
- E. Professional services including the following: offices of doctors, dentists and similar or allied professions.
- F. Post office and similar governmental office buildings, serving persons living in the adjacent residential area.
- G. Private clubs and lodge halls.

- H. Plumbing and electrical shops.
- I. Printing or publishing businesses.
- J. Restaurants and taverns where the patrons are served while seated within a building occupied by such establishment and wherein the establishment does not extend as an integral part of, or accessory thereto, any service of a drive-in.
- K. Indoor auto, boat and RV sales.
- L. Business schools or private schools operated for profit. Examples of private schools permitted herein include but are not limited to the following: dance schools, music and voice schools, and art studios.
- M. Off-street parking lots.
- N. Other similar uses to the above permitted uses.
- O. Accessory structures and uses customarily incident to the above permitted uses provided such buildings and uses are located on the same zoning lot with a permitted use.

(Ord. No. 311, 12-17-2012)

Sec. 11.03. - Special uses.

The following uses may be permitted by the planning commission as provided in article 18:

- A. Special uses of the O-S district (section 10.03) subject to requirements for special uses.
- B. Seasonal uses.
- C. Day care centers.
- D. Planned unit developments.
- E. Outdoor sales space for new or used automobiles, recreational vehicles, mobile homes and boats.
- F. Major automobile repair and service.
- G. Motels and hotels.
- H. Mini storage facilities.
- I. Sidewalk/outdoor cafes.

(Ord. No. 311, 12-17-2012)

Sec. 11.04. - Required conditions.

- A. Area and bulk requirements as provided in article 17 and all applicable provisions of all articles of this ordinance.
- B. Site plan review and approval shall be obtained for all construction in accordance with the provisions of article 22.
- C. Area and bulk requirements limiting the height and bulk of buildings, the minimum size of lot by permitted land use, the maximum density permitted, and providing the minimum yard setback requirements as provided in article 17 and all applicable provisions of all articles of this ordinance.
 - 1. Article 19, Nonconforming Uses and Structures
 - 2. Article 20, Off-Street Parking and Loading
 - 3. Article 21, Signs
 - 4. Article 22, Site Plan and Plot Plan Review
 - 5. Article 23, General Provisions

Section 23.01 Conflicting Regulations

Section 23.02 Fences

Section 23.04 Corner Clearance

Section 23.05 Walls and Earth Berms

Section 23.06 Accessory Uses

Section 23.09 Landscape Planting

Section 23.10 Exterior Lighting

Section 23.11 Frontage on a Public Street

Section 23.12 Building Grade

Section 23.13 Waste Receptacles

6. Article 24, General Exceptions

Section 24.01 Area, Height and Use Exceptions

Section 24.02 Essential Services

Section 24.03 Voting Place

Section 24.04 Height Limit

Section 24.05 Lot Area

Section 24.06 Lots Adjoining Alleys

Section 24.07 Yard Regulations

Section 24.08 Porches, Decks and Access Ramps

Section 24.09 Access Through Yards

Section 24.10 Projections into Yards

Section 24.11 Yard Exceptions

Section 24.12 Lots or Parcels Having Water Frontage

7. Article 25, Administration

Section 25.01 Administrative Officials

Section 25.02 Permit Application

Section 25.03 Fees

Section 25.04 Performance Bond

Section 25.05 Zoning Notice (Hearing) Requirements

8. Article 26, Planning Commission
 - Section 26.01 Powers and Duties
 - Section 26.02 Authority to Approve Uses
 - Section 26.03 Hearing; Notice
 - Section 26.04 Survey and Plans
 - Section 26.05 Special Land Uses
 - Section 26.06 Application of Procedures to Planned Unit Developments, Cluster and Open Space Options
 - Section 26.07 Conditions for Approval
9. Article 27, Board of Appeals
 - Section 27.02 Powers of Zoning Board of Appeals
 - Section 27.03 Appeals Procedure
 - Section 27.04 Standards
 - Section 27.05 Miscellaneous
10. Article 29, Changes and Amendments
11. Article 30, Interpretation
12. Article 31, Vested Right
13. Article 32, Enforcement, Penalties and Other Remedies

ARTICLE 12. - B-2 COMMUNITY BUSINESS DISTRICT

Sec. 12.01. - Purpose.

The B-2 community business district is intended to permit those uses which provide for a variety of retail stores and related activities, and for office buildings and service establishments and which serve the consumer population beyond the corporate boundaries of the city. The district regulations are designed to promote convenient shopping and the stability of retail development by encouraging a continuous retail frontage and by limiting automotive related services and non retail uses which tend to break up such continuity.

Sec. 12.02. - Permitted uses.

- A. Any generally recognized retail business which supplies commodities on the premises within a completely enclosed building such as, but not limited to: food, liquor, furniture, clothing, dry goods, notions, hardware or drug stores with drive-through facilities permitted when said drive-through facilities are incidental to the permitted use.
- B. Any personal service establishment which performs services on the premises within a completely enclosed building such as, but not limited to: repair shops (such as watches, radio, television, shoe, etc.), tailor shops, beauty parlors or barber shops, interior decorators, photographers and dry cleaners.
- C. Restaurants and taverns where the patrons are served while seated within a building occupied by such

- establishment and wherein the establishment does not extend as an integral part of, or accessory thereto, any service of a drive-in.
- D. Offices and office buildings of an executive, administrative or professional nature.
 - E. Banks, with drive-through facilities permitted, when said drive-through facilities are incidental to the principal function.
 - F. Public and quasi-public buildings such as, but not limited to:
 - 1. Municipal buildings.
 - 2. Libraries.
 - 3. Museums.
 - G. Commercial recreation facilities such as: bowling alleys, theaters and similar uses.
 - H. Offices and showrooms of plumbers, electricians, decorator or similar trades, of which not more than 25 percent of the floor area of the building or part of the building occupied by said establishment is used for making, assembling, remodeling, repairing, altering, finishing or refinishing its products or merchandise, and provided that the ground floor premises facing upon and visible from any abutting street shall be used only for entrances, offices or display.
 - I. Business schools or private schools operated for profit, examples of private schools permitted herein include, but are not limited to, the following: dance schools, music and voice schools and art studios.
 - J. Newspaper offices and related printing plants.
 - K. Storage facilities when incidental to and physically connected with any principal use permitted; provided that such facility be within the confines of the building or an accessory building occupied by said establishment.
 - L. Bus passenger stations.
 - M. Off-street parking lots.
 - N. Private clubs and lodge halls.
 - O. Public parks and recreation areas.
 - P. Theaters and social clubs.
 - Q. Other uses which are similar to the above and subject to the following restrictions:
 - 1. All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail from premises where produced.
 - 2. All business, servicing or processing, except for off-street parking or loading, shall be conducted within completely enclosed buildings or an accessory building occupied by said establishment.
 - 3. Outdoor storage of commodities as a principal use of property shall be prohibited.
 - R. Accessory structures customarily incident to the above permitted uses provided such buildings or uses are located on the same zoning lot with a permitted use.

Sec. 12.03. - Special uses.

- A. Special uses of the B-1 district subject to the requirements of the B-1 district. (Sec. 11.03)
- B. Sidewalk cafes or restaurants. (Sec. 18.22)
- C. Motels and hotels. (Sec. 18.15)
- D. Churches. (Sec. 18.08)

E. Dwellings above stores. (Sec. 18.23)

Sec. 12.04. - Required conditions.

- A. All required conditions of the B-1 local business district (section 11.04).
- B. Multiple-family dwellings existing prior to the adoption of this ordinance and so used within the district shall be permitted as conforming uses provided that they shall not be expanded in any such manner that increases the habitable floor area of the building.
- C. Area and bulk requirements limiting the height and bulk of buildings, the minimum size of lot by permitted land use, the maximum density permitted, and providing the minimum yard setback requirements as provided in article 17 and all applicable provisions of all articles of this ordinance.

1. Article 19, Nonconforming Uses and Structures2. Article 20, Off-Street Parking and Loading3. Article 21, Signs4. Article 22, Site Plan and Plot Plan Review5. Article 23, General ProvisionsSection 23.01 Conflicting RegulationsSection 23.02 FencesSection 23.04 Corner ClearanceSection 23.05 Walls and Earth BermsSection 23.06 Accessory UsesSection 23.09 Landscape PlantingSection 23.10 Exterior LightingSection 23.11 Frontage on a Public StreetSection 23.12 Building GradeSection 23.13 Waste Receptacles6. Article 24, General ExceptionsSection 24.01 Area, Height and Use ExceptionsSection 24.02 Essential ServicesSection 24.03 Voting PlaceSection 24.04 Height LimitSection 24.05 Lot AreaSection 24.06 Lots Adjoining AlleysSection 24.07 Yard Regulations

Section 24.08 Porches, Decks and Access Ramps

Section 24.09 Access Through Yards

Section 24.10 Projections into Yards

Section 24.11 Yard Exceptions

Section 24.12 Lots or Parcels Having Water Frontage

7. Article 25, Administration

Section 25.01 Administrative Officials

Section 25.02 Permit Application

Section 25.03 Fees

Section 25.04 Performance Bond

Section 25.05 Zoning Notice (Hearing) Requirements

8. Article 26, Planning Commission

Section 26.01 Powers and Duties

Section 26.02 Authority to Approve Uses

Section 26.03 Hearing; Notice

Section 26.04 Survey and Plans

Section 26.05 Special Land Uses

Section 26.06 Application of Procedures to Planned Unit Developments, Cluster and Open Space Options

Section 26.07 Conditions for Approval

9. Article 27, Board of Appeals

Section 27.02 Powers of Zoning Board of Appeals

Section 27.03 Appeals Procedure

Section 27.04 Standards

Section 27.05 Miscellaneous

10. Article 29, Changes and Amendments

11. Article 30, Interpretation

12. Article 31, Vested Right

13. Article 32, Enforcement, Penalties and Other Remedies

ARTICLE 13. - B-3 GENERAL BUSINESS DISTRICT

Sec. 13.01. - Purpose.

The B-3 general business districts are characterized by more diversified types of retail and automotive services and goods often located to serve passerby traffic.

Sec. 13.02. - Permitted uses.

- A. All permitted uses and all special uses subject to requirements for special uses as permitted in the B-2 district.
- B. New and used car sales showroom and service room.
- C. Automobile car wash when enclosed within a building.
- D. Bus passenger station.
- E. Bowling alleys, pool or billiard halls and other recreational facilities.
- F. Plumbing and electrical shops.
- G. Lumber, fuel and building supply.
- H. Veterinarian hospital or clinic.
- I. Uses similar to the above uses.
- J. Accessory structures and uses customarily incident to above permitted uses, provided such structures and uses are located on the same zoning lot with a permitted use.

Sec. 13.03. - Special uses.

- A. All special uses of the B-2 district, subject to requirements of the B-2 district. (Sec. 12.03)
- B. Service stations and minor automobile repair. (Sec. 18.06)
- C. Drive in restaurants. (Sec. 18.10)
- D. Outdoor commercial recreation. (Sec. 18.17)
- E. Outdoor sales space for new or used automobiles, recreational vehicles, mobile homes and boats. (Sec. 18.24)
- F. Major automobile repair and service. (Sec. 18.05)
- G. Open air business such as, but not limited to, retail sale of plant materials, lawn furniture and garden supplies. (Sec. 18.34)
- H. Marinas. (Sec. 18.36)
- I. Mini storage. (Sec. 18.14)

Sec. 13.04. - Required conditions.

- A. All required conditions of the B-2 district section 12.04.
- B. Area and bulk requirements limiting the height and bulk of buildings, the minimum size of lot by permitted land use, the maximum density permitted, and providing the minimum yard setback requirements as provided in article 17 and all applicable provisions of all articles of this ordinance.
 - 1. Article 19, Nonconforming Uses and Structures
 - 2. Article 20, Off-Street Parking and Loading
 - 3. Article 21, Signs
 - 4. Article 22, Site Plan and Plot Plan Review

5. Article 23, General Provisions
 - Section 23.01 Conflicting Regulations
 - Section 23.02 Fences
 - Section 23.04 Corner Clearance
 - Section 23.05 Walls and Earth Berms
 - Section 23.06 Accessory Uses
 - Section 23.09 Landscape Planting
 - Section 23.10 Exterior Lighting
 - Section 23.11 Frontage on a Public Street
 - Section 23.12 Building Grade
 - Section 23.13 Waste Receptacles
6. Article 24, General Exceptions
 - Section 24.01 Area, Height and Use Exceptions
 - Section 24.02 Essential Services
 - Section 24.03 Voting Place
 - Section 24.04 Height Limit
 - Section 24.05 Lot Area
 - Section 24.06 Lots Adjoining Alleys
 - Section 24.07 Yard Regulations
 - Section 24.08 Porches, Decks and Access Ramps
 - Section 24.09 Access Through Yards
 - Section 24.10 Projections into Yards
 - Section 24.11 Yard Exceptions
 - Section 24.12 Lots or Parcels Having Water Frontage
7. Article 25, Administration
 - Section 25.01 Administrative Officials
 - Section 25.02 Permit Application
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 - Section 25.05 Zoning Notice (Hearing) Requirements

8. Article 26, Planning Commission
 - Section 26.01 Powers and Duties
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13. Article 32, Enforcement, Penalties and Other Remedies

ARTICLE 14. - I-1 INDUSTRIAL DISTRICT

Sec. 14.01. - Purpose.

The I-1 industrial district is designed so as to primarily accommodate wholesale and warehouse activities, and industrial operations whose external physical effects are restricted to the area of the district and in no manner affect in a detrimental way any of the surrounding districts. The district is so structured as to permit, along with any specified uses, the manufacturing, compounding, processing, packaging, assembly and/or treatment of finished or semi finished products from previously prepared material.

Sec. 14.02. - Permitted uses.

- A. Warehousing, wholesale establishments and trucking facilities.
- B. The manufacture, compounding, processing, packaging or treatment of such products as: bakery goods, candy, cosmetics, chemicals (excluding heavy chemicals) manufacturing such as, but not limited to: pharmaceuticals, toiletries, food products; hardware and cutlery; tool, die, gauge, and machine shops, grinding, welding, reprocessing or reconditioning of manufacturing equipment.
- C. The manufacture, compounding, assembling, or treatment of articles or merchandise from the following previously prepared materials: bone, canvas, cellophane, chemicals, cloth, cork, feathers, felt, fiber, fur, glass, hair,

- horn, leather, paper, plastics, precious or semi-precious metals or stones, shell, textiles, tobacco, wax, wood (excluding rough saw and rough planning mills) and yarns.
- D. The manufacture of articles or merchandise from sheet metal (including stampings of metals of seven gauge or lighter), hot or cold forging of products made from wire of no greater diameter than 5/16 inch.
 - E. The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas.
 - F. Manufacture of musical instruments, toys, novelties, and metal or rubber stamps, or other small molded rubber products.
 - G. Manufacture or assembly of electrical appliances, electronic instruments and devices, radio and phonographs.
 - H. Laboratories-experimental, film, or testing and not involving hazardous chemicals.
 - I. Plumbing, electrical and welding shops.
 - J. Printing and publishing.
 - K. Equipment sales and servicing.
 - L. Manufacture and repair of electronic or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like.
 - M. Outdoor storage upon issuance of a permit by the zoning administrator as follows: On a permanent basis if annually renewed for contained scrap materials generated from on-site operations; on a temporary basis for obsolete machinery if stored for more than 90 days and inventory which is part of the principal activity if stored for more than 90 days.
 - N. Lumber, fuel, building supply yards and propane refueling facilities when located not less than 500 feet to a residential district.
 - O. Metal plating, buffing and polishing, subject to appropriate measures to control the type of process to prevent noxious results and/or nuisances.
 - P. Essential services.
 - Q. Accessory retail sales.
 - R. Off street parking lots.
 - S. Trade or industrial school.
 - T. Other uses which are similar to the above uses.
 - U. Accessory structures and uses customarily incidental to the above permitted uses, provided such buildings and uses are located on the same zoning lot with a permitted use.

Sec. 14.03. - Special uses.

- A. Outdoor sales space. (Sec. 18.24)
- B. Communication towers and antenna. (Sec. 18.09)
- C. Major automobile service and repair station. (Sec. 18.05)
- D. Adult entertainment facilities. (Sec. 18.04)
- E. Satellite dish antenna over 39 inches in diameter. (Sec. 18.28)
- F. Kennels. (Sec. 18.13)
- G. Mini storage. (Sec. 18.14)

- H. Heavy equipment sales and service. (Sec. 18.33)
- I. Outdoor commercial recreation. (Sec. 18.33)
- J. Helicopter landing areas. (Sec. 18.18)
- K. Non-accessory signs. (Sec. 18.31)

Sec. 14.04. - Required conditions.

- A. Site plan review and approval shall be obtained for all new construction in accordance with the provisions of article 22; and
- B. Area and bulk requirements limiting height and bulk of buildings, the maximum density permitted and providing minimum yard setback requirements as provided in article 17 and all applicable provisions of articles of this ordinance including the following:
 - 1. Article 19, Nonconforming Uses and Structures
 - 2. Article 20, Off-Street Parking and Loading
 - 3. Article 21, Signs
 - 4. Article 22, Site Plan and Plot Plan Review
 - 5. Article 23, General Provisions
 - Section 23.01 Conflicting Regulations
 - Section 23.02 Fences
 - Section 23.04 Corner Clearance
 - Section 23.05 Walls and Earth Berms
 - Section 23.06 Accessory Uses
 - Section 23.09 Landscape Planting
 - Section 23.10 Exterior Lighting
 - Section 23.11 Frontage on a Public Street
 - Section 23.12 Building Grade
 - Section 23.13 Waste Receptacles
 - 6. Article 24, General Exceptions
 - Section 24.01 Area, Height and Use Exceptions
 - Section 24.02 Essential Services
 - Section 24.03 Voting Place
 - Section 24.04 Height Limit
 - Section 24.05 Lot Area
 - Section 24.06 Lots Adjoining Alleys

Section 24.07 Yard Regulations

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Section 24.12 Lots or Parcels Having Water Frontage

7. Article 25, Administration

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Section 25.05 Zoning Notice (Hearing) Requirements

8. Article 26, Planning Commission

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Section 26.05 Special Land Uses

Section 26.06 Application of Procedures to Planned Unit Developments, Cluster and Open Space Options

Section 26.07 Conditions for Approval

9. Article 27, Board of Appeals

Section 27.02 Powers of Zoning Board of Appeals

Section 27.03 Appeals Procedure

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Section 27.05 Miscellaneous

10. Article 29, Changes and Amendments

11. Article 30, Interpretation

12. Article 31, Vested Right

13. Article 32, Enforcement, Penalties and Other Remedies

Sec. 15.00. - Intent.

The WF—waterfront district is designed and intended to provide for open space in the form of parks or other general land preserves along lake and river shorelines with the intent of preserving and maintaining the natural characteristics of these areas, but at the same time recognizing the potential need to provide for the limited use of such lands for certain restricted land use.

Sec. 15.01. - Principal uses permitted.

In the WF—waterfront districts, no building or land shall be used and no building shall be erected except for one or more of the following specified uses:

- A. Public or private beaches or recreational areas such as municipal, county, state or federal parks, open space reservations (preserves), monuments or other open space land preserves.
- B. Municipal, county, state or federal office of governmental administrative facilities.
- C. Public utilities, except outdoor motor vehicle parking, storage or outdoor material storage.
- D. Off-street parking lots.

Sec. 15.02. - Special uses.

- A. Single family dwellings. (Sec. 18.35)
- B. Multiple-family dwellings. (Sec. 18.35)
- C. Boat marinas for the berthing, launching, protection or servicing of power boats and sail boats and including commissary facilities within a marina for the provision of food, beverages and the like for consumption or storage on board boats. (Sec. 18.36)
- D. Planned unit developments. (Article 16)

Sec. 15.03. - Required conditions.

The following conditions, where applicable, shall apply to all uses permitted under this article:

1. All uses shall observe the building setback requirements and building height restrictions of the B-1 district. Residential uses shall comply with special use conditions as may be applicable. (Sec. 18.35)
2. All permitted non-residential uses shall have direct access to a major thoroughfare.
3. Site plan review and approval shall be obtained for all new construction in accordance with the provisions of article 22.
4. Area and bulk requirements limiting height and bulk requirements, the maximum density permitted and providing minimum yard setback requirements as provided in article 17 and applicable articles of this ordinance including the following:
 1. Article 19, Nonconforming Uses and Structures
 2. Article 20, Off-Street Parking and Loading
 3. Article 21, Signs
 4. Article 22, Site Plan and Plot Plan Review

5. Article 23, General Provisions
 - Section 23.01 Conflicting Regulations
 - Section 23.02 Fences
 - Section 23.04 Corner Clearance
 - Section 23.05 Walls and Earth Berms
 - Section 23.06 Accessory Uses
 - Section 23.09 Landscape Planting
 - Section 23.10 Exterior Lighting
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7. Article 25, Administration
 - Section 25.01 Administrative Officials
 - Section 25.02 Permit Application
 - Section 25.03 Fees
 - Section 25.04 Performance Bond
 - Section 25.05 Zoning Notice (Hearing) Requirements

8. Article 26, Planning Commission
 - Section 26.01 Powers and Duties
 - Section 26.02 Authority to Approve Uses
 - Section 26.03 Hearing; Notice
 - Section 26.04 Survey and Plans
 - Section 26.05 Special Land Uses
 - Section 26.06 Application of Procedures to Planned Unit Developments, Cluster and Open Space Options
 - Section 26.07 Conditions for Approval
9. Article 27, Board of Appeals
 - Section 27.02 Powers of Zoning Board of Appeals
 - Section 27.03 Appeals Procedure
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10. Article 29, Changes and Amendments
11. Article 30, Interpretation
12. Article 31, Vested Right
13. Article 32, Enforcement, Penalties and Other Remedies

ARTICLE 15A. - RF—RIVERFRONT DISTRICT

Sec. 15A.00. - Intent.

The RF—riverfront district is designed and intended to provide for a mix of uses including residential, office, commercial, institutional, and recreational uses along the Tawas River with the intent of incorporating the characteristics of the riverfront into the development so as to preserve the natural features of the area while promoting appropriate low-impact development.

(Ord. No. 321, § 1, 6-3-2019)

Sec. 15A.01. - Principal uses permitted.

In the RF—riverfront district, no building or land shall be used and no building shall be erected except for one or more of the following specified uses:

- A. One-family detached dwellings.
- B. Two-family dwellings.
- C. Home Occupations.
 1. Home occupations that create the following conditions shall not be permitted:

- a. Changes to the outside appearance of the dwelling visible from the street;
 - b. Traffic, parking, sewerage, or water use in excess of what is normal in the residential neighborhood;
 - c. Noise, vibration, glare, fumes, odors or resulting in electrical interference, or becoming a nuisance;
 - d. Outside storage or display of anything;
 - e. Employment of more than one person in the home other than the dwelling occupants;
 - f. Exterior building alterations to accommodate the occupation;
 - g. Occupation of more than 25 percent of the floor area of the dwelling, or 50 percent of a detached garage;
 - h. Off-street parking for customers, or a requirement of more than one parking space at curb side on the street;
 - i. The delivery of goods or the visit of customers before 6:00 a.m. and after 8:00 p.m.;
 - j. Deliveries made other than by small vehicles such as step vans and similar vehicles.
2. The following are permitted home occupations, provided they do not violate any of the provisions of the previous paragraph:
- a. Dressmaking, sewing and tailoring;
 - b. Painting, sculpturing or writing;
 - c. Telephone answering;
 - d. Home crafts, such as model making, rug weaving and lapidary work;
 - e. Tutoring limited to four students at a time;
 - f. Computer application including software and not including sale of computers;
 - g. Salespersons office or home office of a professional person;
 - h. Laundering and ironing;
 - i. Repair of clocks, instruments or other small appliances which do not create a nuisance due to noise, vibration, glare, fumes, odors or results in electrical interference;
 - j. Barber shops and beauty parlors, limited to one operator;
 - k. Dance studios, limited to four students;
 - l. Use of a single-family residence by an occupant of that residence to give instruction in a craft or fine art within the residence pursuant to MCL 125.3204.
3. The following are prohibited as home occupations:
- a. Private clubs;
 - b. Repair shops which may create a nuisance due to noise, vibration, glare, fumes, odors or results in electrical interference;
 - c. Restaurants;
 - d. Commercial stables and kennels;
 - e. Motor vehicle repair or paint shops;
 - f. Retail sales that require visits of customers to the home.
4. Any proposed home occupation that is neither specifically permitted by subsection C.2 of this section nor specifically prohibited by subsection C.3 of this section shall be considered a special use and be granted or

denied upon consideration of those standards contained in sections 18.01 and 18.02 of this appendix.

- D. Public and private conservation area and structures for the development, protection and conservation of open space, watersheds, water, soil, forest and wildlife resources.
- E. Essential services.
- F. Public parks and recreation areas.
- G. Stores for retail sales and services.
- H. Office buildings.
 - I. Medical and dental offices.
 - J. Restaurants and taverns.
 - K. Indoor auto, boat and RV sales.
 - L. Off-street parking lots.
- M. Personal services.
- N. Accessory structures and uses incidental to the above-permitted uses, provided such buildings and uses are located on the same zoning lot with a permitted use.

(Ord. No. 321, § 1, 6-3-2019)

Sec. 15A.02. - Special uses.

- A. Multiple-family dwellings.
- B. Dwellings above stores. (Section 18.23)
- C. Bed and breakfasts. (Section 18.07)
- D. Child care facilities - family day care and foster care homes.
- E. Day care group homes. (Section 18.11)
- F. Child care centers, day care centers. (Section 18.25)
- G. Schools, institutional and public uses. (Section 18.20)
- H. Camping facilities. Section 18.45)
- I. Home occupations. (Section 18.27)
- J. Outdoor commercial recreation and markets. (Section 18.17)
- K. Funeral homes. (Section 18.32)
- L. General hospitals.
- M. Nursing homes, convalescent homes. (Section 18.16)
- N. Functional equivalent family - additional persons. (Section 18.29)
- O. Reasonable accommodation use. (Section 18.30)
- P. Churches and places of worship. (Section 18.08)
- Q. Satellite dish antenna over 39 inches in diameter. (Section 18.28)
- R. Group homes.
- S. Planned unit development. (Article 16)
- T. Planned commercial center.
- U. Single-family cluster (Section 17.02) and open space (Section 17.01).

- V. Banks and credit unions.
- W. Outdoor sales for auto, boats, mobile homes and RVs. (Section 18.24)
- X. Outdoor sales space.
- Y. Hotel, motel. (Section 18.15)
- Z. Theaters and social clubs.
- AA. Private clubs and lodge halls.
- BB. Open air businesses. (Section 18.34)
- CC. Sidewalk cafes. (Section 18.22)
- DD. Seasonal uses. (Section 18.38)
- EE. Marinas. (Section 18.36)

(Ord. No. 321, § 1, 6-3-2019)

Sec. 15A.03. - Required conditions.

The following conditions, where applicable, shall apply to all uses permitted under this article:

- A. Area and bulk requirements limiting height and bulk of buildings, minimum size of lots and providing for yard setback requirements as follows:

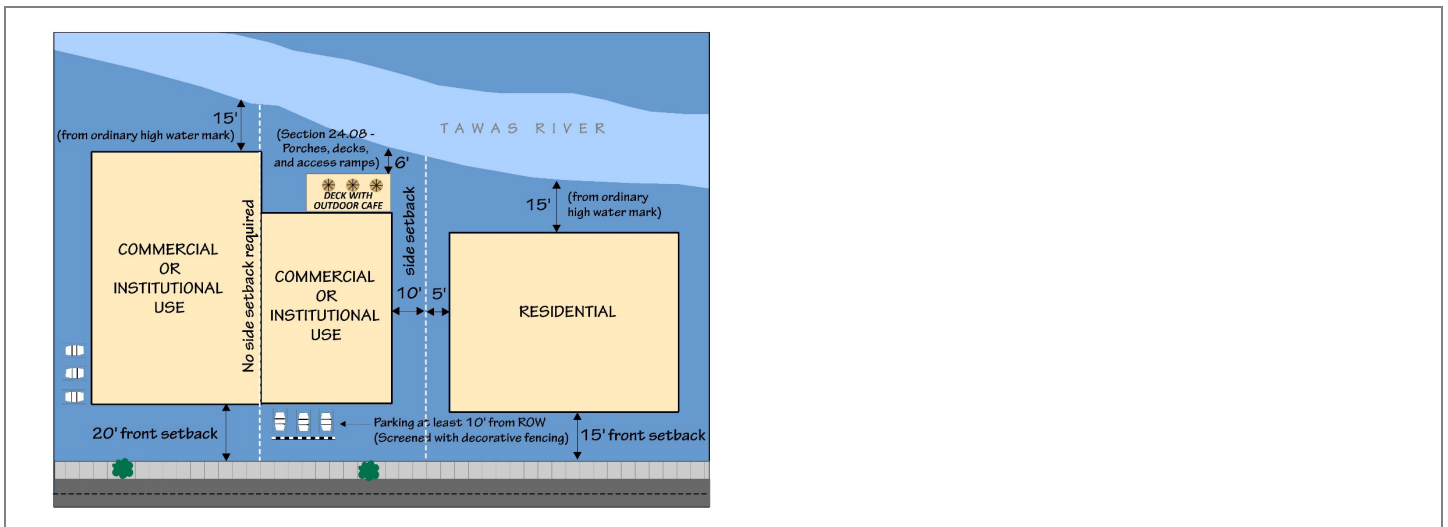
1. *Commercial or institutional uses:*

a.	Min. lot area:	None
b.	Min. lot width:	None
c.	Max. building height:	2 stories or 25 ft., whichever is less
d.	Setbacks:	
	Front yard (street):	20 ft.
	Front yard (river):	15 feet from ordinary high water mark
	¹ Side yard:	0 ft.
<p>¹ No side yards are required along the interior side lot lines of the district, except as otherwise specified in the building code, provided that if walls of structures facing such interior side lot lines contain windows, or other openings, side yards of not less than five feet shall be provided. When the lot has a common lot line with a residential district or use, a setback of at least ten feet is required. If the said lot is a corner lot, the side line that abuts a street shall have a setback of 12 feet.</p>		
e.	Additional regulations - Commercial and institutional uses:	

	(1) Mixed uses: Mixed commercial and residential uses shall be allowed on the same lot.
	(2) Outdoor storage: There shall be no outdoor storage of equipment or materials.
	(3) Parking: Off-street parking shall be permitted to occupy a portion of the required front yard or side yard but shall be located at least ten feet from the street right-of-way. Screening, in the form of landscaping, decorative fencing, or a decorative wall, shall be located between the off-street parking area and the street right-of-way. Parking shall not be permitted on the waterfront side of the lot.

2. Residential uses:

a.	Min. lot area:	None
b.	Min. lot width:	None
c.	Max. building height:	2 stories or 25 ft., whichever is less
d.	Floor area (min.):	Single-family residential: 800 sq ft.
		Multi-family: No minimum stated (building code is used)
e.	Number per lot:	Maximum of two dwelling units per lot
f.	Setbacks:	
	Front yard (street):	15 ft.
	Front yard (river):	15 feet from ordinary high water mark
	Side yard:	5 ft. (12 ft. on the street side of a corner lot)



- B. Site plan review and approval shall be obtained for all new non-residential construction in accordance with the provisions of [article 22](#).
- C. Dwelling unit review. All dwelling units shall be reviewed by the zoning administrator.
1. Dwelling units shall conform to all applicable codes and ordinances. Any such local requirements are not intended to abridge applicable state or federal requirements with respect to the construction of the dwelling.
 2. Dwelling units shall be permanently attached to a perimeter foundation. In instances where the applicant elects to set the dwelling on piers or other acceptable foundations which are not at the perimeter of the dwelling, then a perimeter wall shall also be constructed. Any such perimeter wall shall be constructed of durable materials and shall also meet all local requirements with respect to materials, construction and necessary foundations below the frost line. Any such wall shall also provide an appearance which is compatible with the dwelling and other homes in the area.
 3. Dwelling units shall be provided with exterior finish materials similar to the dwelling units on adjacent properties or in the surrounding residential neighborhood.
 4. Dwelling units shall be provided with roof designs and roofing material similar to the dwelling units on adjacent properties or in the surrounding residential neighborhood.
 5. Dwelling units shall be provided with an exterior building wall configuration which represents an average width to depth or depth to width ratio which does not exceed three to one, or is in reasonable conformity with the configuration of dwelling units on adjacent properties or in the surrounding residential neighborhood.
 6. The dwelling shall contain a minimum storage capability in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling. Said storage area shall be equal to ten percent of the square footage of the dwelling or 100 square feet, whichever shall be less, and shall be anchored by a system approved by the zoning administrator.
 7. The zoning administrator may request a review by the planning commission of any dwelling unit with respect to this section. The zoning administrator or planning commission shall not seek to discourage architectural variation, but seek to promote the reasonable compatibility of the character of dwelling units,

thereby protecting the economic welfare and property value of surrounding residential uses and the community at large. In reviewing any such proposed dwelling unit, the zoning administrator may require the applicant to furnish such plans, elevations and similar documentation as he deems necessary to permit a complete review and evaluation of the proposal. When comparing the proposed dwelling unit to similar types of dwelling units consideration shall be given to comparable types of homes within 300 feet. Should the area within 300 feet not contain any such homes, then the nearest 20 dwellings shall be considered for comparison purposes.

D. Applicable articles of this ordinance including the following:

1. [Article 19](#), Nonconforming Uses and Structures

2. [Article 20](#), Off-Street Parking and Loading

3. [Article 21](#), Signs

4. [Article 22](#), Site Plan and Plot Plan Review

5. [Article 23](#), General Provisions:

[Section 23.01](#) Conflicting Regulations

[Section 23.02](#) Fences

[Section 23.04](#) Corner Clearance

[Section 23.05](#) Walls and Earth Berms

[Section 23.06](#) Accessory Uses

[Section 23.09](#) Landscape Planting

[Section 23.10](#) Exterior Lighting

[Section 23.11](#) Frontage on a Public Street

[Section 23.12](#) Building Grade

[Section 23.13](#) Waste Receptacles

6. [Article 24](#), General Exceptions:

[Section 24.01](#) Area, Height and Use Exceptions

[Section 24.02](#) Essential Services

[Section 24.03](#) Voting Place

[Section 24.04](#) Height Limit

[Section 24.05](#) Lot Area

[Section 24.06](#) Lots Adjoining Alleys

[Section 24.07](#) Yard Regulations

[Section 24.08](#) Porches, Decks and Access Ramps

[Section 24.09](#) Access Through Yards

Section 24.10 Projections into Yards

Section 24.11 Yard Exceptions

Section 24.12 Lots or Parcels Having Water Frontage

7. Article 25, Administration:

Section 25.01 Administrative Officials

Section 25.02 Permit Application

Section 25.03 Fees

Section 25.04 Performance Bond

Section 25.05 Zoning Notice (Hearing) Requirements

8. Article 26, Planning Commission:

Section 26.01 Powers and Duties

Section 26.02 Authority to Approve Uses

Section 26.03 Hearing; Notice

Section 26.04 Survey and Plans

Section 26.05 Special Land Uses

Section 26.06 Application of Procedures to Planned Unit Developments, Cluster and Open Space Options

Section 26.07 Conditions for Approval

9. Article 27, Board of Appeals:

Section 27.02 Powers of Zoning Board of Appeals

Section 27.03 Appeals Procedure

Section 27.04 Standards

Section 27.05 Miscellaneous

10. Article 29, Changes and Amendments

11. Article 30, Interpretation

12. Article 31, Vested Right

13. Article 32, Enforcement, Penalties and Other Remedies

(Ord. No. 321, § 1, 6-3-2019)

ARTICLE 16. - PUD PLANNED UNIT DEVELOPMENT

Sec. 16.01. - Purpose.

Planned unit development is intended to permit the private or public development or redevelopment of areas throughout the community which shall be substantially in accord with the goals and objectives of the master plan in providing for a balanced land use pattern for homes, businesses, industry, community facilities and services. The land use patterns of the areas involved shall provide a desirable environment and shall be harmonious to the general surrounding uses permitting flexibility in overall development while ensuring adequate safeguards and standards for public health, safety, convenience and general welfare. It is further the intent of this article to provide for development which will be carried out in such manner as to preserve natural features such as waterfront areas and their accessibility to the public and to promote energy efficient development. Such planned unit development may embrace a mixture of one or more uses or zoning categories.

Sec. 16.02. - Procedure for application.

Both a site plan and a special land use application shall be filed with the zoning administrator. Special land use permits for planned unit developments may be granted only by the city council, consistent with the provisions of this article and articles 17 and 18 of this ordinance. The applicant shall also submit the following material for review:

- A. A property area survey of the exact area being requested (scale: one inch equals 100 feet).
- B. A proof of ownership of land if rezoning is being requested.
- C. A topography map of the entire area at a contour interval showing two-foot changes in elevation. This map shall indicate all natural and man-made features (scale: one inch equals 200 feet).
- D. A preliminary plan of the entire area carried out in such detail as to show the land use being requested, the business area, industrial buildings and uses, the housing densities being proposed where applicable, the system of collector streets, and off-street parking system.
- E. A written statement explaining in detail the full intent of the sponsor indicating the specifics of the development plan as it relates to the type of dwelling units contemplated and resultant population; the extent of nonresidential development and the resultant traffic generated and parking demands created; and providing supporting documentation such as but not limited to: market studies, supporting land use request, and the intended scheduling of development.
- F. All information required by the city.

Sec. 16.03. - Stage I preliminary site plan.

The preliminary site plan shall be reviewed by the zoning administrator and the planning commission and by other community agencies or consultants to the community as may be deemed necessary to provide guidance to the planning commission and the city council in their review of the project.

In reviewing the preliminary site plan, the following procedures and conditions shall be followed:

- A. In an area considered for planned unit development, no development shall take place therein, nor use made, of any part thereof except in accordance with the site plan as originally approved, or in accordance with an approved amendment thereto.
- B. The proposed planned unit development shall be consistent with the overall intent of the master plan.
- C. The preliminary site plan shall be reviewed and a report with recommendation shall be made by the planning commission to the city council relative to the plans meeting the intent and requirements of the master plan and the requirements of the zoning ordinance or modifications to such requirements as may be necessary to

accomplish a desirable development which meets the objectives of the master plan. Information shall be provided as required by the city.

- D. Recommendation by the planning commission shall be given only after public hearing. Such hearing shall be carried out in accord with [the] requirements of subsection 18.01.C of this ordinance. The hearing may also be the hearing for rezoning of the property to a planned development district. Should the city desire, the rezoning of the property may be delayed until a final site plan is approved, at which time a second public hearing for consideration of the rezoning request shall be held.
- E. Approval of the preliminary plan by the city council shall not constitute approval of the final site plan. It shall be deemed approval of the land use plan submitted and shall serve as a guide in the preparation of the final plan.
- F. Acceptance of the preliminary site plan by the city council shall be effective for a period of two years.

Sec. 16.04. - Stage II final site plan.

The final site plan shall initially be reviewed by the zoning administrator and the planning commission, by other community agencies or consultants to the city council as may be deemed necessary to provide guidance to the planning commission in review of the project.

In reviewing the final site plan, the following conditions shall be followed:

- A. Prior to presentation to, and action by, the city council, the final site plan shall be forwarded to the zoning administrator and the planning commission for review and recommendation.
- B. A final overall site plan for the entire area being requested under this planned unit development shall be submitted. This plan shall be worked out in detail showing specific uses, building location, off-street parking, street alignment changes, open spaces and other physical plan details being proposed. Supporting documentation in the form of building floor plans, building elevation drawings, type of building materials and the schedule of construction shall be submitted.
- C. The final plan shall reflect and adhere to those use patterns as approved in the preliminary plan. Standards for building, height, bulk, setbacks from public streets and the waterfront, and off-street parking shall be equal to at least the minimum standards set forth for like uses in the schedule of regulations and off street parking requirements of this ordinance provided the planning commission and city council may modify these standards where the objectives of the master plan can be proved to be better served by such modifications.

Sec. 16.05. - Stage II final site plan; approval of site plan.

In reviewing and approving the final plan, the following conditions shall be set forth:

- A. Approval of the final site plan (stage II) may be granted by the city council after review and recommendation is made by the planning commission. A hearing shall not be required on the stage II site plan, unless rezoning has not taken place at stage I. A resolution of the city council determining that such stage II site plan is in compliance with the planned unit development representations made at the time of approval of a stage I site plan, and also the requirements set forth in section 16.06 which follows. Final approvals may be granted in stages provided such stages are in keeping with previously approved preliminary site plans.
- B. All dedications of public rights-of-way or planned public open spaces and utilities shall be made prior to any construction taking place on the site.
- C. Upon issuance of a certificate of site plan approval the site plan, building elevations and other development

proposals including the proposed uses, shall become integral for purposes of recordation, shall be referred to as "Planned Unit Development No. _____" which number shall be recorded on the appropriate properties of the zoning map. All approved plans shall be filed with the city council.

- D. Approval of the final site plan shall be effective for a period of three years; providing that development is commenced within one year, as evidenced, at a minimum, by issuance of a building permit. If development is not commenced within one year or not completed within three years, the planning commission shall review progress to date and make a recommendation to the city council regarding extension of the original approval.

Sec. 16.06. - Required conditions.

Before approving the plan in either the preliminary stage I site plan or final stage II site plan submittal, the planning commission and the city council shall determine that:

- A. The uses permitted shall be in keeping with the master plan and to such corresponding zoning district uses and shall meet the requirements of the schedule of regulations, article 17, unless otherwise modified by the city council to accomplish the overall intent of the planned unit development.
- B. Provisions, including bonds or other financial guarantees, satisfactory to the city council have been made to provide for the financing of any improvements shown on the plan for open spaces and common use areas which are to be provided by the applicant, and that maintenance of such improvements is assured by a means satisfactory to the city council.
- C. The cost of installing all streets, necessary utilities and site amenities has been assured by a means satisfactory to the city council.
- D. The final plan of each project area of the approved plan is in conformity with the overall approved plan. Any changes or amendments requested shall suspend approval of the overall plan until such changes or amendments have been reviewed and approved as in the instance of the first submittal, it being the intent of this section that no other administrative or board of appeals action shall constitute official approval of such changes or amendments to the overall plan. Denial by the city council of any requested changes or amendments shall not void the originally approved plan.
- E. A proposed change of occupancy, type of use, or alteration of a building in an established planned unit development shall require review by the zoning administrator, who may grant approval only if the proposed change is consistent with the intent of the existing approved planned unit development. The zoning administrator may defer the decision to the planning commission and city council.
- F. Fees for review of plans and requests for changes or alterations shall be established by resolution of the city council.

ARTICLE 17. - SCHEDULE OF REGULATIONS

Sec. 17.00. - Standards limiting height and bulk of buildings and area of lots by land use.

Zoning District	Lot Per Dwelling Unit	Height of Structures	Setbacks Per Zoning Lot in Feet	Minimum Floor Area Per	Maximum Lot Coverage

	Area in Square Feet	Width in Feet	In Stories	In Feet	Front	Least One	Total of Two	Rear	Dwelling (Square Feet)	(By All Buildings)
RA one-family	10,000(a)	80(a,b)	2	25	30(c)	10(d)	20(d)	35	1,000	35%
RA-1 one-family	7,200(a)	60(a,b)	2	25	25(c)	4(d)	13(d)	30	800	35%
RA-2 residential	3,600(a)	30(b)	2	25	25(c)	9(d)	18(d)	30	650	35%
RC multiple-family	(e)	(e)	2	25	25	10(f)	20(f)	30	(e)	35%
RC-1 multiple-family	(e)	(e)	—	75	40(g)	20(f)	40(f)	40(g)	(e)	—
OS office-service	—	—	—	75	20(h,g)	15(i,g)	30(i,g)	20(i,g)	—	—
B-1 local business	—	—	—	30	20(h)	(j,i)	(j,i)	20(i,k)	—	—
B-2 community business	—	—	—	—	—	—	—	20(k)	—	—
B-3 general business	—	—	—	—	20(h)	(j,i)	(j,i)	20(l,k)	—	—
I-1 industrial	—	—	—	40	40(i)	20(i,m)	40(i,m)	20(i,k, m)	—	—
WF waterfront	See article 15									

PUD planned unit development	See article 16
R-F riverfront	See article 15A

FOOTNOTES TO TABLE:

- a. See development options:

[Section 17.02](#)—Cluster housing

[Section 17.01](#)—Subdivision open space

- b. Corner lots in the RA district shall be platted not less than 95 feet in width and in the RA-1 and RA-2 districts, not less than 75 feet in width.
- c. In residential districts where lots border on a lake, river or canal, the established water or shoreline shall be considered the front of such lots. A setback equal to the front yard setback requirements of the district for all principal and accessory structures shall be provided on the street side of said lot or parcel. The setback from the shoreline for the principal building shall be the distance required to place the finish grade of the building one foot above the 100-year flood elevation, except in those instances where adjacent dwellings are one foot or more above said flood elevation, the building shall be placed no closer to the shoreline than the adjacent buildings.
- d. The side yard abutting a street shall not be less than ten feet when there is a common rear yard. In the case of a rear yard abutting a side yard of an adjacent lot, the side yard abutting a street shall not be less than the required front yard of that district.
- e. In the R-C multiple-family district, the total number of rooms (not including kitchen, dining and sanitary facilities) shall not be more than the area of the parcel in square feet, divided by 1,300 and all public utilities must be available. All units shall have at least one living room and one bedroom, except that not more than ten percent of the units may be of an efficiency apartment type.

In the RC-1 multiple-family districts, residential buildings less than four stories in height shall conform to the requirements of RC districts as set forth in this article. In the RC-1 multiple-family districts, for residential buildings of four or more stories in height, the total number of rooms of 80 square feet or more (not including kitchen, dining and sanitary facilities) shall not be more than the area of the parcel in square feet divided by 450 and public sewers must be available. All units shall have at least one living room and one bedroom, except that not more than ten percent of the units may be of an efficiency apartment type. For the purpose of computing the permitted number of dwelling units per acre in the RC and RC-1 districts, the following room assignments shall control:

Unit Type	Square Foot Minimum Floor Area	Number of Rooms
Efficiency	300	1

One Bedroom	400	2
Two Bedroom	600	3
Three and Four Bedrooms	750	4

Plans presented showing one, two or three bedroom units and including a "den," "library" or other extra room shall count such extra room as a bedroom for the purpose of computing density. The area used for computing density shall be the total site area exclusive of any dedicated public right-of-way of either interior or exterior roads.

In RC and RC-1 districts, a minimum yard setback of 100 feet shall be provided along any natural lake shoreline. The area of said setback may be utilized in the computation of density but shall not be used for off-street parking, buildings or accessory uses. Said yard area may be used for open space, recreation, beach facilities and similar uses.

In the RC and RC-1 district, the maximum overall horizontal length of any one building or group of buildings attached together over any portion of a common party wall, or other architectural features which attaches buildings together, shall not exceed 180 feet measured through the centerline of the building(s).

Within any required front, side or rear yard setback from any property line in an RC or RC-1 district, not more than 30 percent of any such street side yard area shall be used for off-street parking, maneuvering lanes, service drives or loading areas.

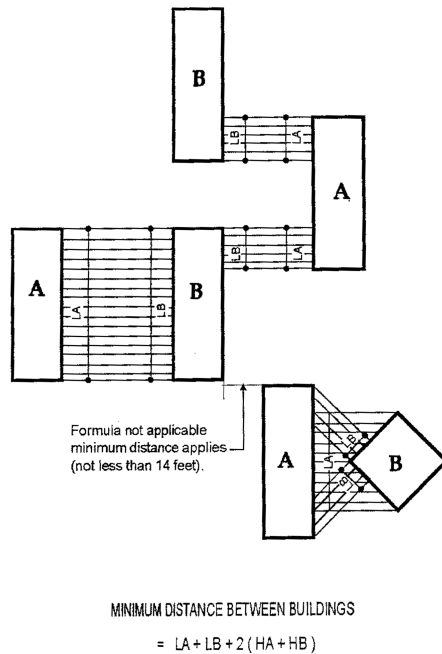
It is further provided that off-street parking or related drives shall not be located closer than 25 feet to any wall of a dwelling structure which contains openings involving living areas, nor closer than eight feet to any such wall that does not contain openings. No off-street parking, maneuvering lanes, service drives or loading areas shall be located closer than 20 feet from any street right-of-way line and five feet from any other property line.

In the RC and RC-1 districts, the minimum distance between any two buildings shall be regulated according to the length and height of such buildings, and in no instance shall this distance be less than 30 feet unless there is a corner-to-corner relationship in which case the minimum distance shall be 15 feet. The formula regulating the required minimum distance between two buildings in the RC and RC-1 districts is as follows:

$S = LA = LB = 2(HA + HB)$	
6	
where:	

S	=	Required minimum horizontal distance between any wall of building A and any wall of building B or the vertical prolongation of either.
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LA	=	Total length of building A.
		The total length of building A is the length of that portion or portions of a wall or walls of building A from which, when viewed directly from above, lines drawn perpendicular to building A will intersect any wall of building B.
LB	=	Total length of building B.
		The total length of building B is the length of that portion or portions of a wall or walls of building B from which, when viewed directly from above, lines drawn perpendicular to building B will intersect any wall of building A.
HA	=	Height of building A.
		The height of building A at any given level is the height above natural grade level of any portion or portions of a wall or walls along the length of building A. Natural grade level shall be the mean level of the ground immediately adjoining the portion or portions of the wall or walls along the total length of the building.
HB	=	Height of building B.
		The height of building B at any given level is the height above natural grade level of any portion or portions of a wall or walls along the length of building B. Natural grade level shall be the mean level of the ground immediately adjoining the portion or portions of the wall or walls along the total length of the building.



DISTANCE SPACING BETWEEN BUILDINGS

- f. Every lot on which a multiple dwelling is erected shall be provided with a side yard on each side of such lot. Each side yard shall be increased by one foot for each ten feet or part thereof by which the multiple dwelling length exceeds 40 feet in overall dimension along the adjoining plot line.
- g. The minimum front and rear yards shall be equal to the height of the building, except that where a front lot line abuts a street, one-half the width of the street may be considered as front yard setback, except in no instance shall any front or rear setback be less than 40 feet.
- h. Off-street parking may be permitted in the front yard except that no parking shall be permitted in any front yard closer than ten feet to a street right-of-way line.
- i. Off-street parking shall be permitted in the interior side or rear yards.
- j. No side yards are required along the interior side lot lines, except as otherwise specified in the building code. In an exterior side yard, a setback equal to the front yard setback shall apply. Where such buildings are adjacent to a residential district, a side yard setback equal to the minimum front yard setback requirement of the adjacent residential district, whichever is lesser, shall be provided.
- k. Except as otherwise permitted in section 20.03 of this ordinance, loading, unloading space shall be provided in the rear yard. Where an alley exists or is provided at the rear of the buildings, the rear building setback and loading requirements may be computed from the center of such alley.
- l. In the I industrial districts, no off-street parking shall be permitted in the front yard except up to five visitor and handicapped parking spaces may be placed in the front yard between the front of the building and the minimum required front yard setback line of the district.
- m. In the I industrial districts, where the district side lots or rear lots to a residential district, a setback equal to three feet of horizontal distance for each one foot of building height of the main building shall be provided.

(Ord. No. 321, § 1, 6-3-2019)

Sec. 17.01. - Subdivision or site condominium open space plan.

- A. The intent of this plan is to promote the following objectives:
 - 1. Provide a more desirable living environment by preserving the natural character of open fields, stands of trees, brooks, hills and similar natural assets.
 - 2. Encourage developers to use a more creative approach in the development of residential areas.
 - 3. Encourage a more efficient, aesthetic and desirable use of open area while recognizing a reduction in development costs and allowing the developer to bypass or preserve natural amenities or obstacles on the site.
 - 4. Encourage the provision of open space within reasonable distance of all lot development of the subdivision and to further encourage the development of recreational facilities.
- B. Modifications to the standards outlined in [this] article 17—Schedule of Regulations of this ordinance may be made by the planning commission after a public hearing held as set forth in subsection 18.01.C of this ordinance to the R-A one-family residential districts when the following conditions are met:
 - 1. The area and width of lots in the R-A district may be reduced as follows:

Zoning District	Minimum Lot Area (Square Feet)	Minimum Lot Width (Square Feet)
R-A	8,400	70

The above lot area and lot width reductions are permitted provided the dwelling unit density shall be no greater than the following density by residential district:

Zoning District	Dwellings to the Acre
R-A	<u>3.5</u>

The area used for computing density shall be the net site area excluding any dedicated interior public right-of-way and excluding right-of-way boundary roads.

- 2. Rear yards may be reduced by ten feet when such lots border on land dedicated for private parks, recreation or usable open space.
- 3. Under the provisions of item B.1 above of this section, for each square foot of land gained within a residential subdivision or site condominium through the reduction of lot size below the minimum requirements as outlined in [this] article 17—Schedule of Regulations for the district, at least equal amounts of land shall be reserved for the common use of the lot owners of the subdivision and maintained by them in a manner approved by the city.
- 4. The area to be reserved for open space and recreation purposes shall in no instance be less than 15 percent of the net area of the site, provided a parcel divided by a road or stream may be considered as one parcel. Further, each such area or areas of land dedicated for common use:
 - a. Shall not include any area used for street purposes.
 - b. Shall be designed and laid out in such a manner that it shall directly border a majority of the lots within the development.
 - c. Shall be provided with significant means of access by streets or pedestrian access ways to all areas

reserved for the common use of the land for those lots in the development that do not directly border the common areas.

- d. Shall be designed and laid out in such a manner that at least one portion of the total common areas shall be capable of being used for active recreational purposes.
 - e. Shall contain no active recreational areas at or along the outer perimeters of the development except that such areas may extend to the outer perimeter of the development when the area can be connected to like active recreation areas in adjacent developments. Open space areas other than those intended for active recreational use may extend to or along the outer perimeter of the development.
 - f. Shall not include bodies of water and subaqueous areas unsuitable for recreational purposes as part of the land area necessary to meet the minimum requirements of this section when such land comprises more than 25 percent of the total common area, except that lakes or ponds, when landscaped and maintained as an integral part of a larger common area within the development, may be included in usable open space computations.
 - g. Shall be designed and laid out in such a manner that all land reserved for common use shall maintain its natural drainage. The entire common area may, however, be located in a floodplain.
- C. The reasonableness of the open space plan option on any given parcel of land shall be subject to review and approval of the planning commission and the city council as to lot layout, street configuration and the location and size and overall layout of the open space areas. Review of a conceptual development plan shall first be made by the zoning administrator and the planning commission for a recommendation to city council. Approval of the conceptual development plan by the city council shall authorize the applicant to proceed with preparation of a preliminary plat or site condominium plan based on the general layout of the approved conceptual development plan.
- D. The planning commission and the city council, in carrying out its review of the common areas of the plan, shall find:
1. The location, size and overall shape of the proposed common areas to be suitable for the purposes for which it is intended.
 2. Those portions of the total common land area intended for active recreational purposes are of adequate size and shape to permit active recreational use and are generally unencumbered by extensive tree cover, shrub masses, changes in topography, poor soil conditions or other conditions that would make use of the area undesirable for the activity intended.
 3. Whenever possible, the overall area of the common lands shall extend throughout the development in such a manner that it will directly serve the maximum number of lots possible.
 4. The overall area of common land, wherever possible, varies in width so as to take advantage of the natural amenities of the site such as ground cover, streams, gullies, ground swales and etc., and to effectuate a more pleasing, natural appearance.
 5. Whenever a varying in the widths of the common areas is proposed, as closely as possible, a general balance between the narrower common lands and the broader common lands shall be achieved.
 6. The location, size and shape of proposed access points, open spaces, recreational areas and any proposed accessory structures, are clearly shown on the plan and identified and that these areas and structures, along with general use patterns and pedestrian circulation relate well with the lots within the development.
 7. All other information required by the city.

- E. Under the open space plan, the developer shall reserve the total park area in accordance with the requirements of it of this section at the time of filling of the final plat or site condominium plan as required in the city's subdivision regu
- F. Upon acceptance and tentative preliminary plat approval of the plat or site condominium plan, the city council shall instruct the applicant to have prepared for review and approval by the city's legal counsel, a contract setting forth the manner of the dedication and title of the open land or common areas, the manner of ownership, the restrictive covenants required for membership rights and privileges, maintenance and obligation to pay assessments for the same and provision for the city to effect use and maintenance as proposed and assess the cost thereof to the lot owners if necessary.
- G. Provisions for bonded or funded security for the assurance of the installation of required improvements, utilities and facilities shall be in compliance with article 32, as may be required by the city council.

Sec. 17.02. - One-family clustering option.

The intent of this section is to permit, through design innovation, flexibility in the development of one-family residential housing patterns on sites where the conventional subdivision approach to residential development would either destroy the unique environmental significance of the site, or where a transitional type of this residential development is desirable. To accomplish this, the following modifications to the one-family residential standards of this ordinance may be permitted subject to the conditions herein imposed, and after a public hearing held as set forth in subsection 18.01.C of this ordinance.

- A. In the one-family residential districts, the clustering of one-family dwellings may be permitted. In approving areas for one-family residential cluster development under this section, the planning commission shall find at least one of the following characteristics exists on the land:
 - 1. An area generally parallel to, and generally not to exceed 360 feet in depth, on those unsubdivided parcels of land abutting a major thoroughfare with a projected right-of-way width of at least 120 feet or greater so as to provide transition between said major thoroughfare and conventional one-family detached housing areas.
 - 2. An unsubdivided area, which the zoning administrator and the planning commission find:
 - a. To be of unusual shape; or
 - b. To be composed of generally unbuildable soils as determined by the city engineer over a majority of the site area; or
 - c. To be characterized by major stands of trees, streams or other natural or man-made water courses which extend over a majority of the site and which as significant natural assets, should be preserved; or
 - d. To be land on which residential use of land is desirable but in the planning commission's estimation would not be suitable for conventional single-family development by virtue of the lands physical constraints to such development.
- B. The area to be set aside for open spaces (including usable recreation areas, open space and water courses) accomplished through application of the one-family cluster option shall represent at least 15 percent of the total area of the site and shall be distributed throughout the development.
- C. Parcels which qualify for cluster development under this option may include in computations of dwelling unit density all open space areas and interior private and public residential streets. The overall permitted dwelling unit density within those parcels which qualify for consideration under this section by district are as follows:

Zoning District	Dwellings per Acre

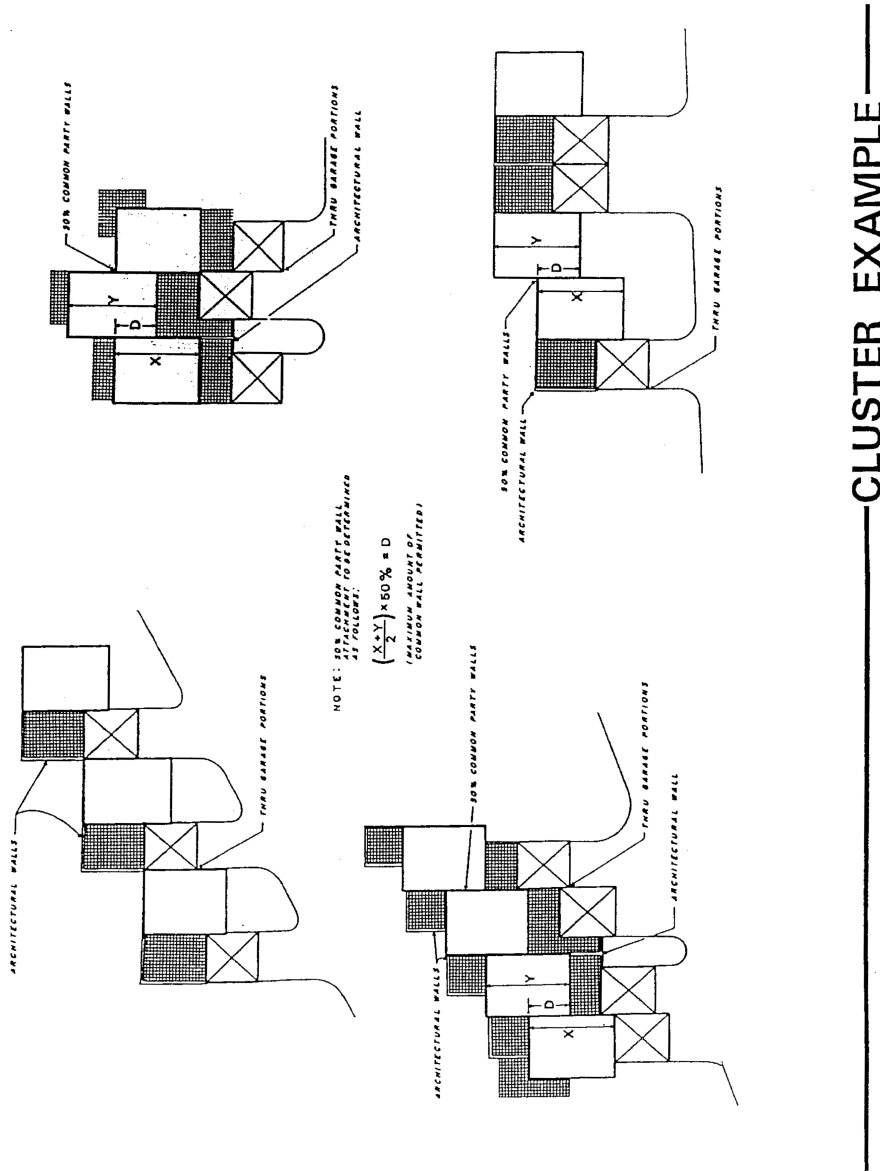
R-A	<u>3.5</u>
RA-1	<u>4.5</u>
RF	<u>4.5</u>

- D. Under this section, the attaching of one-family homes in clusters, or the detaching of one-family homes in clusters shall be permitted subject to the following conditions:
1. The attaching of one-family homes within a cluster shall be permitted when said homes are attached either through a common party wall or garage wall which does not have over 50 percent of an individual wall in common with the wall or walls of an adjoining home.
 2. The detaching of one-family homes within clusters shall be permitted, provided said homes shall be spaced not less than six feet apart when opposing dwelling unit walls contain no openings, and not less than ten feet apart when opposing dwelling unit walls contain openings. The distance between opposing garage walls within a cluster shall meet local fire codes, except that in no case shall said walls be less than six feet apart.
 3. The maximum number of homes in a cluster shall contain no more than four homes.
 4. No structure within a cluster shall be located closer than 25 feet to any interior private street or drive, public right-of-way or any peripheral property line.

Clusters of one-family homes shall be arranged on the site so that none shall face directly into a major thoroughfare, nonresidential district or nonresidential use. All cluster housing units shall include at least one attached completely enclosed garage for each dwelling unit. The planning commission may modify this garage attachment requirement.

- E. An applicant seeking use of the one-family cluster option shall submit an application to the zoning administrator and the planning commission for consideration. The zoning administrator and the planning commission, in making its review, shall find that the site possesses at least one of the requirements for qualifications as outlined in subsections A.1 or A.2 before approving the application. The zoning administrator and the planning commission shall conduct its review in accordance with the public hearing requirements set forth and regulated in subsection 18.01.C of this ordinance.
- F. The site plan content: A site plan shall be submitted for review by the zoning administrator and the planning commission after a site has been approved for the use of the cluster housing option.
1. Site plans shall provide the following:
 - a. The structural outline (building envelope) of all structures proposed on the site.
 - b. Architectural renderings of building facade elevations within a typical cluster.
 - c. The areas to be dedicated as open space and recreational use, showing access, location and any improvements. Assurance of the permanence of the open space and its continued maintenance shall be submitted for review and approval by the city's attorney. The city attorney shall review and render an opinion with respect to:

1. The proposed manner of holding title to the open space.
 2. The proposed manner of payment of taxes.
 3. The proposed method of regulating the use of open land.
 4. The proposed method of maintenance of property and the financing thereof.
 5. Any other factor relating to the legal or practical problems of ownership and maintenance of the open land.
- d. The location of access drives, streets and off-street parking areas, sidewalks, trash receptacles, etc.
 - e. The location, extent and type of landscaping in accordance with the requirements of section 23.09 of this ordinance.
 - f. Other information required by the city.
- G. The applicant shall submit as a part of his site plan proposed building elevations and typical floor plans. Elevation drawings shall be drawn to scale and need only be a sample of development through the site. Where more than one type of structural design is intended, however, sample elevation and corresponding floor plans for each type shall be submitted.
- H. In reviewing the site plan for application of the one-family cluster option to a particular site, the planning commission shall require:
1. A landscaped earth berm, at least six feet in height at its lowest elevation, be provided along the entire property line of any boundary line abutting a major thoroughfare or nonresidential district. The berm shall not be included as any part of a side or rear yard but may be a part of an adjoining open space area. Earth berms where employed on the site shall be designed so as not to obscure clear vision at street intersections. The planning commission may permit an optional landscape treatment that is consistent with section 23.09 of this ordinance and which will serve as an effective screening barrier when a landscape berm is not practical due to site conditions or constraints.
- I. Approval of a site plan under this section shall be effective for a period of one year from date of approval with one-year extensions permissible. Development not started in this period shall be considered as abandoned and authorization shall expire, requiring that any proposed development thereafter shall be resubmitted for review and approval by the zoning administrator and the planning commission. Any proposed change in a site plan after approval has been granted shall require review and approval by the planning commission prior to effecting said change.



CLUSTER EXAMPLE

(Ord. No. 321, § 1, 6-3-2019)

ARTICLE 18. - SPECIAL LAND USES

The development and execution of this article is based upon the division of the city into districts within which the uses of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are special uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts without consideration, in each case, on the impact of those uses upon neighborhood land. These uses include public uses and uses entirely private in character, but of such nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.

Sec. 18.01. - General provisions.

- A. *Initiation of special land use.* Any person having a freehold interest in land, a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest, and which is specifically enforceable, may file an application to use the land for one or more of the special uses provided for in this section

in the zoning district in which the land is located.

- B. *Application of special land use.* An application for special land use shall be filed with the city on a form prescribed by the city, accompanied by the appropriate fee as shall have been adopted by resolution of the city council. The application shall be accompanied by any plans or data prescribed by the city and shall include as a minimum the requirements for site plan review, the applicant's written statement of intent, and adequate evidence showing that the proposed special land use will conform to the standards set forth in this section.
- C. *Public hearing.* Upon receipt of an application for a special land use, a public hearing shall be held. Notice that a request for special land use approval has been received shall be provided pursuant to requirements of the Michigan Zoning Enabling Act, Public Act No. 110 of 2006, as amended, (MCL 125.3101 et seq.). See section 25.05.

Sec. 18.02. - Standards.

- A. *[Generally.]* No special land use shall be approved by the planning commission unless it shall find the following:
1. The establishment, maintenance, or operation of the special land use will not be detrimental to or endanger the public health, safety, or general welfare, or the natural environment.
 2. The special land use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor shall it substantially diminish and impair property values within its neighborhood.
 3. The establishment of the special land use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
 4. Adequate utilities, access roads, drainage, parking, lighting, storage, refuse removal, easements, play areas, open space, landscaping and snow removal and all necessary facilities as determined by the city have been or are being provided.
 5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
 6. The special land use shall, in all other respects, conform to the applicable regulations of the district in which it is located and to any additional conditions or procedures as specified in this or other ordinances of the city. See article 25 for further procedures and conditions.
- B. *Conditions and guarantees.* Prior to the granting of any special land use, the planning commission shall recommend the conditions and restrictions upon the establishment, location, construction, maintenance, and operations of the special land use as deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in this section and such other requirements as may be specified by the city. In all cases in which special land uses are granted, the city council shall require any evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with. Any conditions imposed shall remain unchanged except upon the mutual consent of the city council and the land owner. The city council and the planning commission shall maintain a record of changes granted in the conditions.
- C. *Effect of denial of a special land use.* No application for a special land use which has been denied wholly or in part by the city shall be resubmitted for a period of one year from the date of the order of denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the city.
- D. *Revocation.* In any case where a special land use has not been established within one year after the date of granting authorization for the use, the special land use authorization shall automatically be null and void without

further action by the city.

- E. *Revoke special land use.* A special land use can be revoked by the city under the same procedure as the section used to approve it, if it is found that it no longer meets the standards of this ordinance.

Sec. 18.03. - Special land uses designated.

The following are those uses identified as special land uses and the provisions or conditions that must be met so as to be approved in whole or conditionally.

Sec.	Use
<u>18.04</u>	Adult entertainment
<u>18.05</u>	Major automobile service & repair station
<u>18.06</u>	Service station and minor auto repair
<u>18.07</u>	Bed & breakfast
<u>18.08</u>	Churches and places of worship
<u>18.09</u>	Wireless communication towers and antenna
<u>18.10</u>	Drive in restaurants
<u>18.11</u>	Day care group homes & foster care family homes
<u>18.12</u>	Outdoor storage yards and junk yards
<u>18.13</u>	Kennels
<u>18.14</u>	Mini storage facilities
<u>18.15</u>	Motels and hotels
<u>18.16</u>	Nursing homes
<u>18.17</u>	Outdoor commercial recreation
<u>18.18</u>	Helicopter landing areas
<u>18.19</u>	Planned unit development
<u>18.20</u>	Schools, institutions, public uses
<u>18.21</u>	Golf courses & country clubs
<u>18.22</u>	Sidewalk cafe (outdoor cafe)
<u>18.23</u>	Dwellings above stores
<u>18.24</u>	Outdoor sales space for auto, RV, mobile home & boat
<u>18.25</u>	Day care center
<u>18.26</u>	Mobile home park
<u>18.27</u>	Home occupation
<u>18.28</u>	Satellite dish antenna
<u>18.29</u>	Functional equivalent family
<u>18.30</u>	Reasonable accommodation use
<u>18.31</u>	Non accessory signs
<u>18.32</u>	Funeral homes (mortuaries)
<u>18.33</u>	Heavy equipment sales and service
<u>18.34</u>	Open air business
<u>18.35</u>	Single and multiple-family in WF districts
<u>18.36</u>	Marinas
<u>18.37</u>	Two-family dwellings
<u>18.38</u>	Seasonal uses
<u>18.39</u>	Open space subdivisions
<u>18.40</u>	One-family cluster option
<u>18.41</u>	Drive-through uses

<u>18.42</u>	Cemeteries
<u>18.43</u>	Extraction operations
<u>18.44</u>	Archery and gun ranges
<u>18.45</u>	Camping facilities
<u>Article 16</u>	Planned unit developments

Sec. 18.04. - Adult entertainment facilities.

Adult entertainment facilities may be permitted provided the conditions below and such other conditions as may be required to protect adjacent uses and residential neighborhoods are met.

- A. No adult entertainment facility shall be permitted within 600 feet of a church, park, or a public or private school property.
- B. No adult entertainment facility shall be permitted within 600 feet of a residentially zoned district.
- C. No adult bookstore, adult motion picture theater, adult theater, adult personal service business or an adult cabaret shall be located within 800 feet of any other establishment that is an adult bookstore or adult motion picture theater.
- D. In determining the distance limitation in the paragraphs above, measurement shall be made from the lot line of the church, park, school, or residential zoning district in a direct line to the nearest point on the lot line of the proposed adult entertainment facility.

Sec. 18.05. - Major automobile service and repair stations.

- A. The following site and development requirements shall apply:
 1. Ingress and egress to the facility shall be only from a paved major thoroughfare, or from a shared access drive to such roadway.
 2. No more than two driveways onto a roadway shall be permitted per site. Curb openings for driveways shall not exceed 50 feet and driveway widths shall not exceed 35 feet. Driveways shall be separated by a minimum of 20 feet.
 3. Curb openings shall be no closer than ten feet to any adjoining lot line and shall be no closer than 20 feet to an intersection, as measured from the right-of-way.
 4. No lot line of the site shall be less than 200 feet from any lot line of any place of public assembly, including, but not limited to hospitals, sanitariums, schools, churches or other institutions.
 5. All buildings shall be set back not less than 40 feet from all street right-of-way lines.
 6. All gasoline pumps shall be located not less than 15 feet from any lot line or within 30 feet from the street right-of-way and shall be arranged so that motor vehicles using them will not be parked on or overhanging any public sidewalk or street right-of-way.
 7. The site shall be a minimum of 14,000 square feet in area and have a minimum of 140 feet of frontage. On lots with frontage on two streets, the street designated as the major access side of the site shall have not less than 90 feet of street frontage.
 8. The entire area used for vehicle service shall be hard-surfaced and adequately drained.
- B. [The following] special performance standards [shall apply]:
 1. Hydraulic hoists, service pits, lubricating, greasing, washing, undercoating and repair equipment and

operations shall be located within a completely enclosed structure.

2. All lighting shall be shielded from adjacent streets and residential districts and all under canopy lighting shall be flush mounted on the underside of the canopy.
3. Storage of vehicles rendered inoperative for any reason, and vehicles without current license plates and registration, shall be limited to a period of not more than 30 days and then only for the purpose of temporary storage pending transfer to another facility. Such storage shall not occur in front of the building.
4. A car wash may be established as part of the principal structure or as a separate structure but shall conform to all setback requirements for a principal structure.
5. Retail sales of convenience store merchandise sold primarily to patrons purchasing fuel or services may be permitted.
6. The sale of propane gas is permitted provided all requirements of the International Fire Code, as amended, are complied with.

Sec. 18.06. - Gas station and minor auto repair.

A. The following site and development standards shall apply:

1. The minimum lot area shall be 10,000 square feet, and so arranged that ample space is available for motor vehicles which are required to wait for service.
2. The curb cuts for ingress and egress shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be no less than 20 feet from a street right-of-way intersection or from adjacent residential districts.
3. There shall be provided, on those sides abutting or adjacent to a residential district or use, a four-foot solid wall such as brick, decorative block or decorative poured concrete. The height of the fence or wall shall be measured from the surface of the ground of the abutting residential district or use.
4. All lighting shall be shielded from adjacent streets and residential districts and under canopy lighting shall be flush mounted on the underside of the canopy.
5. The sale of propane gas is permitted provided all requirements of the International Fire Code as amended are complied with.
6. For facilities with new underground storage tanks, the site shall be not less than 300 feet from any residential well, 800 feet from a non-community public water well and 2,000 feet from any public water well, or as otherwise required by state or federal law.

Sec. 18.07. - Bed and breakfast.

A. The following site and developmental requirements shall apply:

1. Off-street parking shall be provided based upon one space for each rental room and one space for the operator of the facility. It is the intent to discourage yards from being destroyed, landscaping removed or the integrity of the neighborhood altered in order to provide parking. In those instances where parking requirements cannot be met, the applicant may request special consideration by submittal of an analysis of parking required and parking available within a 300-foot radius of the subject parcel. After analyzing this data, the planning commission may recommend approval of a lower number of required parking spaces if sufficient off-street parking exists in the neighborhood.
2. A bed and breakfast dwelling shall not be located on a lot which is within 300 feet of the nearest lot line of

another such facility.

B. [The following] special performance standards [shall apply]:

The bed and breakfast facility must be a single family dwelling which is operated and occupied by the owner of the dwelling. The bed and breakfast facility may have up to six bedrooms used for paying guests.

1. Meals may be served to overnight guests only, and may not be served to the public at large.
2. The applicant shall provide a scaled floor plan of the premise as part of the special land use application.
3. The exterior appearance of the structure shall not be altered from its single family character.
4. The impact of the bed and breakfast establishment on the neighborhood shall be no greater than that of a private home with overnight guests.
5. Retail sales are not permitted beyond those activities serving overnight patrons.
6. No receptions, private parties or activities for which a fee is paid shall be permitted.
7. Exterior solid waste facilities beyond what might normally be expected for a single family dwelling shall be prohibited.
8. The establishment shall contain at least two exits to the outdoors.
9. Rooms utilized for sleeping must be part of the primary residential structure and not have been specifically constructed or remodeled for rental purposes.
10. No guest room shall be located in a basement or cellar unless that guest room is provided direct access to the outside by way of a door.
11. No paying guests shall reside on the premises for more than seven days in any 30-day period. A guest registry indicating name, address, phone number, and vehicle license number shall be kept, indicating dates of arrival and departure, and shall be available for inspection by the zoning administrator upon request.
12. Lavatories and bathing facilities shall be available to all persons using the premises.
13. No separate or additional kitchen facilities shall be provided for paying guests.

Sec. 18.08. - Churches and religious institutions.

A. The following site and developmental requirements shall apply:

1. All ingress and egress to and from the site and all parking areas shall be hard surfaced.
2. No more than 25 percent of the site area shall be covered by buildings.
3. No more than 60 percent of the site shall be covered by impervious surface.
4. No building shall be closer than 50 feet to any lot line or right-of-way.
5. No building shall be erected to a height greater than that permitted in the district in which it is located unless the building is set back an additional one foot for each one foot of additional height above the district height limitation. A spire is excluded from height restrictions.
6. No day care center, private school, or other use requiring special land use approval shall be allowed on the site without a separately approved special land use permit for each use.

Sec. 18.09. - Wireless communication towers and antennas.

A. The following site and development requirements shall apply:

1. A minimum lot area of two acres.

2. The communication tower shall be located so that there is sufficient radius of clear land around the tower so that collapse would be completely contained on the property.
 3. The base of the tower and wire/cable supports shall be fenced with a minimum six-foot high chain link fence to prevent unauthorized access.
- B. [The following] special performance standards [shall apply]:
1. All structures shall be located at least 200 feet from any single family dwelling.
 2. Towers and antennas shall be painted to minimize off-site visibility.
 3. The applicant shall provide verification that the plans of the tower construction, including the antenna mount and structure, have been reviewed and approved by a professional engineer and that the installation is in compliance with all Federal Aviation Administration and Federal Communications Commission standards and all other applicable building codes and statutes.
 4. There shall be no employees located on the site on a permanent basis.
 5. No part of any tower or antenna shall be constructed, located or maintained at any time, permanently or temporarily, in or upon any required setback area for the district in which the antenna or tower is to be located.
 6. Metal towers shall be constructed of, or treated with, corrosive-resistant material. Wood poles shall be impregnated with rot-resistant substances.
 7. Towers shall be located so that they do not interfere with reception in nearby residential areas.
 8. Minimum spacing between tower locations shall be one-quarter mile.
 9. Height of the tower shall not exceed 200 feet from grade.
 10. Towers shall not be artificially lighted unless required by the Federal Aviation Administration.
 11. There shall not be display advertising or identification of any kind intended to be visible from the ground or other structures.
 12. Structures shall be subject to any state and federal regulations concerning nonionizing electromagnetic radiation. If more restrictive state or federal standards are adopted in the future, the antenna shall be made to conform or the permit will be subject to revocation by the city council. Cost for testing and verification of compliance shall be borne by the operator of the antenna.
 13. Any antenna or tower that is not operated for a continuous period in 12 months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within 90 days or receipt of written notice from the zoning administrator.
 14. Co-location on an existing tower or structure shall take precedence over construction of a new tower. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the planning commission that no existing tower, structure, or alternate technology that does not require the use of a tower or structure can accommodate the proposed antenna.

Sec. 18.10. - Drive-in restaurants.

- A. The following site and developmental requirements shall apply:
1. All egress and ingress to and from the site shall be hard surfaced and shall be at a distance of at least 60 feet from the intersection of two streets, as measured from the right-of-way of the intersecting streets.
 2. All buildings shall be set back a minimum distance of 60 feet from all street right-of-way lines.

B. [The following] special performance standards [shall apply]:

1. The outdoor space used for parking and movement shall be hard surfaced.
2. No drive shall be closer than 75 feet to any other drive and the maximum number of driveways permitted is two.
3. All lighting shall be shielded from adjacent residential districts.
4. A six-foot high completely solid wall shall be provided when abutting or adjacent districts are zoned residential. The height of the wall shall be measured from the surface of the ground of the abutting residential district.
5. Locations for any such establishment shall be confined to major streets and shall have the entrance to both the business and parking area for such establishment on the thoroughfare. Access from a side residential street or alley shall be prohibited.

Sec. 18.11. - Day care group homes.

A. The following site and developmental requirements shall apply:

1. Group day care homes shall not be located closer than 1,000 feet to any of the following facilities as measured along a street, road, or other public thoroughfare, excluding an alley:
 - a. Another licensed group day care home.
 - b. A licensed adult foster care small or large group home.
2. Group day care homes shall not be located closer than 1,500 feet to any of the following facilities as measured along a street, road, or other public thoroughfare, excluding an alley:
 - a. A facility offering substance abuse treatment and rehabilitation services to seven or more people which is licensed by the State of Michigan.
 - b. A community correction center, resident home, halfway house or other similar facility which houses an inmate population under the jurisdiction of the department of corrections.

B. Special performance standards:

1. All outdoor play areas shall be enclosed with fencing, a minimum of four feet high.
2. The property, including landscape and structural elements, shall be maintained in a manner that is consistent with the character of the neighborhood. A group day care home should not require exterior modifications to the dwelling, nor should the front yard be the location of play equipment, except on a corner lot.
3. One identification sign shall be permitted. Such sign face shall not be greater than two square feet, shall be mounted flush to a wall, made of a material that is compatible with the dwelling unit, and shall not be illuminated. Sign text shall be limited to the name of the facility and an address.
4. At least one off-street parking space shall be provided for each nonfamily employee of the group day care home in addition to the parking normally required for the residence. A driveway may be used for this purpose. A drop-off area is to be provided with the capability to accommodate at least two automobiles in addition to the parking required for nonfamily employees of the dwelling and the parking normally required for the residence.
5. Hours of operation shall not exceed 16 hours in a 24-hour period.

(Ord. No. 306, 10-17-2011)

Sec. 18.12. - Outdoor storage yards and junkyards.

- A. The following site and development requirements shall apply:
1. A solid fence, wall or earthen berm at least eight feet in height shall be provided around all sides of the area used for outdoor storage or to store junk to screen said site from surrounding property. Such fence or wall shall be of permanent finish and sound construction.
 2. No portion of the enclosed area shall be located within 300 feet of residentially zoned properties, schools, day care facilities, churches, hospitals, and convalescent or nursing homes.
 3. Ingress and egress to the facility shall be only from a major thoroughfare. The planning commission may approve access to a minor thoroughfare if the commission finds that such access point will minimize impacts on other properties.
 4. The minimum lot or parcel size for junkyards shall be ten acres and the minimum frontage and lot width shall be 300 feet.
 5. All enclosed areas shall be set back at least 100 feet from any lot line. Whenever the installation abuts a residential district, a buffer strip at least 200 feet in width shall be provided between the enclosed area and the adjoining district. Such strip shall contain plants, grass, and structural screens of a type approved by the planning commission.
 6. Adequate parking and unloading facilities shall be provided at the site so that no loaded vehicle at any time stands on a public right-of-way awaiting entrance to the site.
 7. The front yard shall be planted with trees, grass and shrubs. The spacing and type of plant materials shall be consistent with the provisions of article 23 of this ordinance.
 8. Storage shall not be allowed in the required front yard.
- B. [The following] special performance standards [shall apply]:
1. All activities shall be confined within the enclosed area including any storage of materials; stockpiling of materials; disassembly of materials, parts, and vehicles; and the storage or parking of all operative and inoperative vehicles. There shall be no stocking of material above the height of the fence, wall, or berm, except that moveable equipment used on the site may exceed that height. No equipment, material, signs, or lighting shall be used or stored outside the enclosed area.
 2. No open burning shall be permitted and all industrial processes involving the use of equipment for cutting, compressing, or packaging shall be conducted within a completely enclosed building.
 3. All roads, driveways, parking lots, and loading and unloading areas within any junk yard shall be paved. Access drives in storage areas shall be watered, or chemically treated so as to limit the nuisance caused by wind-borne dust on adjoining lots and public roads.
 4. The junk yard operations shall be licensed by the Michigan Secretary of State to sell used vehicle parts or tow non-operational vehicles.
 5. Materials listed on the Michigan Critical Materials Register (gasoline and solvents) that require secondary containment and a pollution incident protection plan shall be filed with the Michigan Department of Natural Resources.

Sec. 18.13. - Kennels.

- A. The following site and developmental requirements shall apply:
1. The lot area shall be at least five acres in size and 300 feet in width.

2. Kennels may not be located in a platted subdivision or condominium subdivision.
 3. Buildings where animals are kept, runs, and exercise areas shall not be located nearer than 100 feet to any adjacent lot line in a residential district or any adjacent building used by the general public. Runs and/or exercise areas, and buildings where the animals are maintained, shall be located in the rear yard only.
- B. [The following] special performance standards [shall apply]:
1. All kennels shall be operated in conformance with all applicable county, state and federal regulations.
 2. All animals must be licensed and maintained in a healthful manner.
 3. The kennel building used to house the animals shall be insulated in such a manner that animal noises are minimized.
 4. Habitual barking or unusual noise from the kennel which results in a nuisance to neighboring land owners or residents is prohibited.
 5. Exercise yards, when provided for training or exercising, shall not be used between the hours of 10:00 p.m. and 7:00 a.m.
 6. During the hours of 7:00 a.m. until 10:00 p.m. animals shall be permitted in outdoor runs or pens. Animals shall be kept confined and not allowed to run at large in unfenced areas of the property, except as part of supervised training.
 7. Dust and drainage from the kennel shall not create a nuisance or hazard to adjoining property or uses.
 8. The outside perimeter of the run and/or exercise area shall be enclosed by chain link fencing sufficient to prohibit the escape of animals.
 9. The premises shall be kept in a clean and sanitary manner to prevent the accumulation of flies, the spread of disease or offensive odor.
 10. Animal odors shall not be detectable beyond the lot lines of the property in which the kennel is located.

Sec. 18.14. - Mini storage facilities.

- A. The following site and developmental requirements shall apply:
1. The facility shall have direct access to a paved street.
 2. The minimum lot or parcel size for mini storage facilities shall be two acres.
 3. One parking space shall be provided for each 20 rental units within the buildings, and one parking space shall be provided for each employee.
 4. If the space between storage facilities is to be utilized for parking or driving, it shall be signed for parking and traffic direction regulation. There shall be a minimum of 35 feet of driveway if the driveway is one way and (45 feet if the driveway is two-way) between warehouses. Where no parking is provided within the building separation areas, said building separation need only be 25 feet.
 5. The lot area used for parking and access shall be provided with a permanent, durable, dustless surface and shall be graded and drained so as to dispose of all surface water.
- B. [The following] special performance standards [shall apply]:
1. No retail, wholesale, fabrication, manufacturing, or service activities may be conducted in or from the storage units by the lessees.
 2. Storage of goods shall be limited to personal property with no commercial distribution allowed and no operation which requires the regular delivery or pick-up of goods in vehicles with a gross vehicle weight rating

in excess of 10,000 pounds.

3. All storage shall be within the enclosed building area. There shall be no outside storage or stockpiling.
4. The exterior of mini-storage buildings shall be of finished quality and properly maintained.
5. No storage of hazardous, toxic, or explosive materials shall be permitted at the facility. Signs shall be posted at the facility describing such limitations.

Sec. 18.15. - Motels and hotels.

- A. The following site and developmental requirements shall apply:
 1. Ingress and egress shall be only from a paved street.
 2. The minimum lot or parcel area shall be one acre and the minimum lot width and frontage shall be 200 feet.
 3. Units shall be rental units and shall not constitute permanent residential accommodations nor shall such units be converted to other than rental units unless such units meet the following requirements:
 - a. Units shall meet the requirements of the RC multiple-family district.
 - b. All units shall meet the requirements of all city ordinances and county and state requirements for dwelling construction and occupancy.

Sec. 18.16. - Nursing homes.

- A. The following site and developmental requirements shall apply:
 1. All ingress and egress for the site shall be from a paved street.
 2. No building shall be closer than 50 feet to any lot line.
- B. [The following] special performance standards [shall apply]:
 1. Parking areas shall not be located within 50 feet of a residence.
 2. All facilities shall be licensed by the Michigan Department of Public Health and shall conform to applicable state and federal laws.

Sec. 18.17. - Outdoor commercial recreation and markets.

- A. The following site and developmental requirements shall apply:
 1. The site shall be located on a paved street with access approved by the city.
 2. Minimum site area shall be:
 - a. Three acres for flea markets, farm markets, batting cages, skateboard parks and mini-golf.
 - b. Ten acres for amphitheater, amusement parks, driving ranges, and campgrounds. Minimum lot width shall be 600 feet.
 - c. Eighty acres for a nine-hole golf course; 160 acres for an 18 hole golf course.
 - d. Twenty acres for drive-in theaters, air gun and survival games, fairgrounds, recreational vehicle parks, travel trailer parks, go-cart racing, automobile and motorcycle tracks, and campgrounds, including youth camps, religious retreats, and hunting camps. Minimum lot width shall be 600 feet.
 3. No building or spectator seating facility shall be located within 100 feet of a lot line.
 4. Front, side and rear yards shall be at least 80 feet. The first 50 feet of such yards shall be kept free of off-street parking and shall be landscaped.

5. A landscaped buffer zone shall be provided between parking and principal building areas and any adjacent residential development. Whenever parking areas are within 60 feet adjacent to land zoned or used for residential purposes, a greater wall or obscuring fence shall be provided along the sides of the parking area adjacent to such residential development.
 6. The entire periphery of race tracks and drive-in theaters shall be enclosed with an obscuring screen fence at least eight feet in height. Fences shall be of permanent finished construction, painted or otherwise finished neatly, attractively and inconspicuously.
- B. [The following] special performance standards for all outdoor commercial recreation facilities [shall apply]:
1. The applicant shall obtain and provide evidence of compliance with all appropriate federal, state, county and local permits as appropriate.
 2. Facilities shall provide off-street parking and passenger loading areas.
 3. An adequate stacking area shall be provided for vehicles waiting to enter the lot.
 4. No temporary sanitary facility or commercial dumpster type of trash receptacle shall be located within 200 feet of an existing dwelling.
 5. All sanitary facilities shall be designed and constructed in strict conformance with county health department regulations.
 6. Except in the case of golf courses, operating hours for all uses shall be determined by the planning commission based on the nature of the use and the nuisance potential to adjoining property owners. The maximum range of hours is Monday through Sunday from 7:00 a.m. to 12:00 a.m. (midnight) and may be prohibited on legal holidays.
- C. [The following] special performance standards for drive-in theaters [shall apply]:
1. Drive-in theater screens shall be so located as to be out of view from any street or residential area.

Sec. 18.18. - Helicopter landing areas.

- A. Site and developmental requirements, as well as site performance standards, shall be consistent with the requirements of the Michigan Aeronautics Commission and the Federal Aviation Authority.

Sec. 18.19. - Planned unit developments.

(See [article 16.](#))

Sec. 18.20. - Schools, institutional and public uses.

- A. The following site and developmental requirements shall apply:
1. Ingress and egress to the site shall be only from a paved street.
 2. The minimum lot or parcel size shall be two acres.
 3. Service areas and facilities, and outdoor recreation facilities, shall not be located within 100 feet of a residential district or use.
 4. Parking areas shall not be located within 50 feet of a residential district or use.
 5. Student drop-off and vehicular turn-around facilities shall be provided on the site so that vehicles will not interfere with traffic.
 6. No parking shall be allowed within the minimum front yard setback of 50 feet.
 7. All principal buildings shall be no closer than 75 feet from any lot or right-of-way line.

Sec. 18.21. - Golf courses and country clubs.

- A. The following site and developmental requirements shall apply:
1. Accessory uses may include: clubhouse/pro shop/managerial facilities, maintenance shed, toilets, lockers, restaurant and drinking establishments, tennis, racket sports, and swimming facilities.
 2. Major accessory uses such as a restaurant and bar shall be housed in the same building as the clubhouse. Minor accessory uses strictly related to the operation of the golf course itself, such as maintenance garage and pro shop or golf shop may be located in separate structures.
 3. There may be a maximum of two identification signs. Each sign may have a maximum area of 30 square feet. Both signs may be lighted.
 4. Additional parking shall be required for permitted accessory uses.
 5. The lot area used for parking and access shall be provided with a permanent, durable, dustless surface and shall be graded and drained so as to dispose of all surface water.
 6. All principal or accessory buildings shall be not less than 200 feet from any lot line; provided that where topographic conditions are such that buildings would be screened from view, the planning commission may modify this requirement.
 7. A golf driving range accessory to the principal use of the golf course is permitted provided the area devoted to this use shall maintain a 75-foot front yard and a 100-foot side and rear yard setback. The areas shall be buffered by natural vegetation and fencing to minimize the impact upon adjoining properties. Additional buffering may be imposed by the planning commission.
 8. A 50-foot minimum undisturbed buffer zone between turf areas and natural water bodies, watercourses or wetlands must be maintained as part of a golf course. The buffer zone must contain natural vegetation and shall not be chemically treated.
 9. Water quality protective measures are required as follows:
 - a. Maintenance of erosion control barriers during construction and until all ground cover is established.
 - b. To the extent practicable, runoff must be directed to on-site holding/sedimentation ponds with a water quality control structure installed at the outlet prior to water discharge from the premises.
 - c. At any time widespread or non-spot application of herbicide, insecticide, fungicide or rodenticide is to occur, notification signs must be posted at lot lines. The signs are to state the type and name of the chemical, date and time of application.
 - d. All chemical applications must be made by an applicator licensed by the Michigan Department of Agriculture. Chemicals shall meet the requirements of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), the Environmental Protection Agency (EPA), and all appropriate state statutes and administrative directives.

Sec. 18.22. - Sidewalk cafes (outdoor cafe).

- A. Cafes occupying public sidewalks or a public space may be permitted subject to the following:
1. A site drawing showing a detailed plan of the outdoor cafe must be submitted to and approved by the city.
 2. Plans for setting up the outdoor cafe must provide for the passage of pedestrians in a manner designed to assure traffic and pedestrian safety and shall not be less than six feet in width.
 3. The outdoor cafe must be part of a licensed restaurant and meet all the requirements of the department of

health.

4. Liability insurance and property damage coverage naming the city as an insured party, in an amount approved by the city council, must be provided before an outdoor cafe may be set up on any public space.
5. Approval of the city council is required for the use of any public area or facility.

Sec. 18.23. - Dwellings above stores.

- A. Dwellings above stores and offices may be permitted in buildings specifically designed as stores or offices subject to the following:
 1. No dwelling unit shall occupy any portion of a commercial or industrial building at or below ground level. Businesses may occupy any number of floors.
 2. Above store apartment dwellings shall meet applicable codes and ordinances of the city, county, or state.
 3. Floor plans drawn to scale of all floors to be utilized for dwelling purposes shall be submitted to the zoning administrator.
 4. Approved smoke detectors shall be provided in each dwelling unit, in common hallways and as required by the building code applicable to the city.
 5. Emergency egress lighting shall be provided as required by the building code applicable to the city.
 6. Approved fire extinguishers shall be provided in the common hallway and required by the building code applicable to the city.
 7. In those instances where residential uses are proposed to occupy the same floor as a business use, the planning commission shall review such mixed use and may approve such mixed use based on findings that compatibility of the business with residential occupancy will occur. Such findings may include but are not limited to:
 - a. Compatible hours of operation.
 - b. Noise of operation or occupancy that would be detrimental to the business operation or vice-versa.
 - c. Excessive foot traffic.
 8. Off-street parking shall be provided in accord with article 20.
 9. Refuse removal shall be provided for.

Sec. 18.24. - Outdoor sales space for new or used automobiles, recreational vehicles, mobile homes and boats.

- A. All lighting shall be shielded from adjacent streets and residential districts. Exposed string lights shall be prohibited.
- B. Ingress and egress to the outdoor sales area shall be at least 20 feet from the intersection of any two streets.
- C. A six-foot wall or solid fence shall be provided when abutting or adjacent districts are zoned or used for residential use. The height of the fence or wall shall be measured from the surface of the ground of the abutting residential district.
- D. No major repair or major refinishing shall be done on the property.
- E. A suitable building for said use shall be located on the site.
- F. A minimum lot width of 100 feet fronting on a street and containing a minimum of at least 10,000 square feet of area shall be provided.
- G. The provisions of State of Michigan Public Act No. 300 of 1949 as amended, (MCL 257.1 et seq.), regulating new

and used vehicles shall be complied with.

Sec. 18.25. - Child care or day care centers.

- A. Child care or day care centers may be permitted as the principal use of the property or may be permitted as an accessory use to an approved use, such as a church, school, office or other place of employment upon review and approval as a special use.
- B. A valid registration or license as required by the state shall continually be on file with the city.
- C. The facility shall comply with all applicable building codes.
- D. One parking space per caregiver and/or employee plus off-street drop off for delivery and pick up of children shall be provided.
- E. The site shall comply with the sign provisions of article 21.
- F. The building shall have an appearance which is non-intrusive and consistent in color materials, roof-line and architecture with the district in which it is located, as determined by the planning commission.
- G. A fenced area not less than six feet in height shall be provided for a play area.

Sec. 18.26. - Mobile home parks.

- A. [The following] site development requirements [shall apply]:

The following minimum and maximum standards shall apply to all uses and structures in the mobile home park district.

1. *Minimum lot area.* [The minimum lot area shall be] ten acres.
2. *Minimum lot frontage and lot width.* [The minimum lot frontage and lot width shall be] 330 feet.
3. *Maximum height.* [The maximum height shall be] two stories, but not to exceed 25 feet.
4. *Mobile home park open space requirements.* All mobile home parks having 50 or more mobile home sites shall include dedicated open space. The total amount of land dedicated for open space shall not be less than two percent of the park's gross acreage, or 25,000 square feet of open space, whichever is greater.
5. *Mobile home site area.* All mobile home parks shall be developed with sites comprised of 5,500 square feet per mobile home unit, subject to the following:
 - a. The area requirement for any one site may be reduced by no more than 20 percent in a one-for-one exchange for area dedicated as open space above and beyond the minimum required two percent open space area required.
 - b. In no case shall the open space and distance requirements be less than that required under Rules 941, 944, and 946 of the Mobile Home Commission General Rules.
6. *Mobile home construction.* All mobile homes constructed after June of 1976 and placed on sites within mobile home parks shall conform with all U.S. Department of Housing and Urban Development (HUD) mobile home certification requirements. All mobile homes constructed prior to June of 1976 and placed on sites within mobile home parks shall conform to all American National Standards Institute mobile home certification requirements.
7. *Mobile home park; nonresidential uses.* No portion of any mobile home park shall be used for non-residential purposes, except such uses that are required for the direct servicing and well-being of park residents and for the management and maintenance of the mobile home park.

8. *Home occupations.* Home occupations involving any accessory structure shall be prohibited in mobile home park
 9. *Skirting.* Skirting shall be installed around the entire periphery of a mobile home.
- B. [The following] special performance standards [shall apply]:
1. *Other site development requirements.* All mobile home parks shall be constructed and maintained in accordance with Public Act No. 96 of 1987 as amended, the Mobile Home Commission Act, MCL 125.2301, and the rules and regulations promulgated by the mobile home commission pursuant to the authority vested in the mobile home commission by such act. The construction of a mobile home park shall not be initiated, nor shall a mobile home park be inhabited or operated until all necessary permits have been acquired from the Michigan Department of Public Health, Michigan Department of Commerce, and all other agencies pursuant to the Mobile Home Commission Act.

Sec. 18.27. - Home occupations.

- A. Home occupations not specifically permitted, or prohibited, may be permitted in residential districts as a special land use subject to the following procedures and conditions and subject further to all conditions specified in section 5.02G:
1. The exterior appearance of the structure shall not be altered or the occupations within the residence conducted in a manner which would cause the premises to differ from its residential character and the surrounding neighborhood.
 2. No person other than members of the immediate family occupying the dwelling shall be employed.
 3. The occupations shall occupy no more than 25 percent of the floor area of the dwelling, or 50 percent of a detached garage.
 4. There shall be no outside storage of any kind related to any home occupation.
 5. The use may not increase vehicular traffic flow and off-street parking as set forth in the off-street parking regulations in article 20.
 6. Mechanical or electric equipment employed by the home occupation shall be comparable to the machinery or equipment customarily found in the home associated with a hobby or avocation.
 7. No signage shall be permitted.
 8. No use shall create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard or nuisance to any greater or more frequent extent than that usually experienced in an average residential occupancy in the district in question under normal circumstances wherein no home occupation exists.

Sec. 18.28. - Satellite dish antenna.

- A. *Satellite dish antennae over 39 inches in diameter in all residential districts.*
1. Roof-mounted antennae shall be located only on the rear one-half of the roof (that portion of the roof furthest from the street upon which the residential building abuts) so that it will be screened from the street side.
 2. Roof-mounted antennae shall not project upward beyond the height in feet allowed for the main building within the district in which said satellite antennae dish is being placed.
 3. Ground-mounted antennae shall only be located in the rear yard and shall not extend into any rear extension of required side yards.
 4. Ground-mounted antennae shall not project upward more than 12 feet.

B. *Satellite dish antennae over 39 inches in diameter in non-residential districts.*

1. No ground-mounted antennae shall be permitted.
2. Roof-mounted antennae shall not project upward beyond 12 feet measured from the roof upon which it is mounted. The combined height of the building and antennae shall not exceed the maximum allowable height for a building designated for that particular district in which said antenna is to be mounted.

Sec. 18.29. - Functional equivalent family—Additional persons.

The limit upon the number of persons who may reside as functional equivalent of the domestic family may be increased or enlarged upon demonstration by the applicant of all the following:

- A. There are adequate provisions on the subject property for surfaced off-street parking for each adult proposed to reside on the premises, and adequate storage for each person proposed to reside on premises;
- B. The extent of increase or enlargement of the limit upon the number of persons shall not, when considered cumulatively with existing and reasonably projected population concentration in the area, place an unreasonable burden upon public services, facilities and/or schools;
- C. There shall be a minimum of 150 square feet of useable floor space per person on the premises;
- D. If the planning commission grants an approval under this provision, the determination shall include the specific maximum number of persons authorized to reside on the property, and minimum parking or storage requirements to be maintained.

Sec. 18.30. - Reasonable accommodation use.

This section is intended to authorize the grant of relief from the strict terms of the ordinance in order to provide equal housing opportunities particularly suited to the needs of persons entitled to reasonable accommodation under law and to encourage innovation in land use and variety in design and layout. In the event state and federal law, e.g., The Federal Fair Housing Amendment Act of 1988, requires the city to make "reasonable accommodation" for a particular proposed uses of property, the following shall apply:

- A. As a condition to approval of a reasonable accommodation use, the applicant shall comply with all the terms of this section, and shall demonstrate all of the following:
 1. The ultimate residential users of the property shall be persons for whom the state or federal law mandates the city shall make reasonable accommodations in connection with proposed uses of land;
 2. In consideration of the needs, facts, financial and other conditions within the city, and within the population to be served by the proposed use, the proposed reasonable accommodation shall be necessary to afford such persons equal opportunity and enjoyment within the city;
 3. Approval of the proposed housing shall not require or likely result in a fundamental alteration in the nature of the land use district and neighborhood in which the property is situated, considering cumulative impact of one or more other uses and activities in, or likely to be in the area, and shall not impose undue financial and administrative burden. The interests of the city shall be balanced against the need for accommodation on a case-by-case basis;
 4. No other specific provision exists and is available to provide the relief sought.
- B. The application for a reasonable accommodation use shall include the following:
 1. A plan drawn to scale showing the proposed use and development.

2. A separate document providing a summary of the basis on which the applicant asserts entitlement to approve reasonable accommodation use, covering each of the requirements of paragraphs A.1. through A.4., above.
3. The information required for site plan review, provided, upon showing by the applicant that the inclusion of specified information generally required for site plan review would be irrelevant, the city may waive the requirement to include such material in the application.
4. All regulations and standards for buildings, structures and site improvements within the district in which the property is situated shall apply.

Sec. 18.31. - Nonaccessory signs.

(See section 21.09.)

Sec. 18.32. - Funeral homes (mortuaries).

- A. Adequate assembly area shall be provided for vehicles participating in funeral processions.
- B. Off-street parking shall be provided in accord with article 20.
- C. Lighting of outdoor parking areas shall be shielded from abutting residential areas.

Sec. 18.33. - Heavy equipment sales and service.

- A. The site shall be a minimum of 14,000 square feet in area. The street designated as the major access side of the site shall have not less than 90 feet of street frontage.
- B. Ingress and egress to the facility shall be only from a paved major thoroughfare, or from a shared access drive to such roadway.
- C. No more than two driveways onto a roadway shall be permitted per site. Curb openings for driveways shall not exceed 50 feet and driveway widths shall not exceed 35 feet. Driveways shall be separated by a minimum of 30 feet.
- D. Curb openings shall be no closer than ten feet to any adjoining lot line and shall be no closer than 20 feet to an intersection, as measured from the right-of-way.
- E. No lot line of the site shall be less than 200 feet from any lot line of any place of public assembly, including but not limited to hospitals, sanitariums, schools, churches or other institutions.
- F. All buildings shall be set back not less than 40 feet from all street right-of-way lines.
- G. For facilities with underground storage tanks, the site shall be not less than 300 feet from any residential well, 800 feet from a noncommunity public water well and 2,000 feet from any public water well or as otherwise required by state or federal law.
- H. All gasoline pumps shall be located not less than 30 feet from any lot line or within 45 feet from the street right-of-way and shall be arranged so that the motor vehicles using them will not be parked on or overhanging any public sidewalk or street right-of-way.
- I. The entire area used for vehicle service shall be hard-surfaced and adequately drained into an approved area.

Sec. 18.34. - Open air business.

Open air business uses when developed in planned relationship with the B-3 district [shall be] as follows:

1. Retail sales of plant material and sales of lawn furniture, playground equipment and garden supplies provided

further that such uses shall be located at the exterior end of the building mass located in a B-3 district and the storage or display of any materials or products shall meet all setback requirements of a structure.

2. Recreational space providing children's amusement park and other similar recreation when part of a planned development, provided further that such use be located at the exterior end of the building mass located in a B-3 district, but not at the intersection of two major thoroughfares. Such recreation space shall be fenced on all sides with a four-foot chain link type fence.

Sec. 18.35. - Single- and multiple-family dwellings in WF districts.

- A. Buildings shall be located to allow for maximum waterfront open space to provide waterfront access by all property owners in the development.
- B. Within practical limits, views to the waterfront from abutting public streets shall be maintained.
- C. Dwelling units shall be located so as to be in a compatible relationship with nonresidential uses.
- D. Dwelling density, setbacks and requirements of the RA-1 district for single-family dwellings and the requirements of RC districts for multiple-family dwelling shall apply.

Sec. 18.36. - Marinas.

- A. Buildings shall be located to allow for maximum waterfront open space to provide waterfront access by all property owners in the development.
- B. Within practical limits, views to the waterfront for abutting public streets shall be maintained.
- C. The off-street parking and general site layout and its relationship to all adjacent lot lines shall be reviewed by the zoning administrator and the planning commission, who may impose any reasonable restrictions or requirements so as to insure that contiguous residential areas will be adequately protected.
- D. All ingress and egress from said site shall be directly on to a major thoroughfare.
- E. Winter storage of boats on land shall not be visible from abutting public streets or from residential dwellings.

Sec. 18.37. - Two-family dwellings.

- A. A lot size of not less than 8,000 square feet shall be required for each two-family dwelling.
- B. A lot width of not less than 65 feet for each two-family dwelling shall be provided.
- C. Other than requirements of subsections A. and B. above, all requirements of article 17—schedule of regulations for the RA-1 district shall apply.

Sec. 18.38. - Seasonal use.

- A. The use shall be considered a temporary use.
- B. A permit shall be required specifying the period of time the use is permitted to occur.
- C. The site shall be part of an establishment occupied with a building from which the seasonal use is conducted unless otherwise approved by the zoning administrator.
- D. Encroachment on public streets or walkways shall be prohibited unless authorized by the city.
- E. Removal of all equipment utilized on the site shall be promptly removed upon termination of the use.

Sec. 18.39. - Open space subdivisions.

- A. See section 17.01.

Sec. 18.40. - One-family cluster option.

- A. See section 17.02.

Sec. 18.41. - Drive-through uses.

- A. Ingress and egress points shall be located at least 60 feet from the right-of-way intersection of any two streets.
- B. A minimum of five vehicle stacking spaces shall be provided per drive-through lane with a minimum of three additional spaces for the location at which orders are taken. Stacking lanes shall have a minimum width of eight feet and shall not conflict with parking or ingress and egress drives. The length of one stacking space shall be 20 feet.

Sec. 18.42. - Cemeteries.

- A. All burial plots and all structures shall be set back no less than 30 feet from any lot line or street right-of-way.
- B. Parking shall be provided on the site, at least 50 feet from any lot line, and no cemetery parking shall be permitted on any public street.
- C. Cemeteries shall be established in compliance with city, county and state laws as may be applicable.

Sec. 18.43. - Extraction operations for sand, gravel, clay, stone and topsoil.

- A. A minimum lot area of five acres shall be required.
- B. Notwithstanding any other minimum yard sizes required by this zoning ordinance, extraction activities shall be set back the following minimum distances:
 - 1. One hundred feet from the right-of-way of any public street, private road, or highway.
 - 2. One hundred fifty feet from abutting residentially zoned property.
 - 3. One hundred feet from commercial or industrial zoned abutting property.
- C. A perimeter landscape buffer zone (which may consist of naturally occurring vegetation) shall be provided, at a minimum of 50 feet in width.
- D. For the purposes of this section, future operations shall be interpreted to mean any extraction activities which are not permitted according to the originally issued permit for the extraction operation, including expansion into areas of the site not covered by an issued permit validly in place at the effective date of this zoning ordinance and shall require special approval.

Sec. 18.44. - Archery and gun range.

- A. The following site and developmental requirements shall apply:
 - 1. Archery and gun ranges shall be designed and constructed in accordance with the standards of the National Rifle Association (NRA) and the design shall be certified as meeting such requirements by an architect or engineer licensed to practice in the State of Michigan.
 - 2. An applicant for special use permit for an archery and gun range shall submit an application on forms provided by the city which shall require a description of the proposed archery and gun range and the qualifications of the applicant to operate the proposed facility.
 - 3. All signs shall comply with article 21 of this ordinance.

4. All off-street parking shall comply with article 20 of this ordinance.

Sec. 18.45. - Camping facilities.

- A. The following site and development requirements shall apply:
 1. Each campsite shall be set back from any right-of-way or lot line at least 70 feet.
 2. A common use area shall be provided in the parcel at a rate of 500 square feet per campsite.
 3. There shall be no permanent storage of tents, campers, travel trailers or mobile home units in the development unless specifically permitted.
 4. No more than one permanent dwelling shall be allowed in a campground which shall only be occupied by the owner, manager or an employee.
 5. Each campsite shall have designated places for fires.

Sec. 18.46. - Reserved.

Editor's note— Ord. No. 319, § VI, adopted Feb. 19, 2019, repealed § 18.46 entitled "Medical marihuana dispensaries," which derived from: Ord. No. 301, §§ 4—7, adopted June 21, 2010; and Ord. No. 302, § 1, adopted June 21, 2010.

Sec. 18.47. - Prohibition of marihuana establishments.

- A. *Title.* This ordinance shall be known as and may be cited as the City of Tawas City Prohibition of Marihuana Establishments Ordinance (hence the "ordinance").
- B. *Definitions.* Words used herein shall have the definitions as provided for in Initiated Law 1 of 2018, MCL 333.27951 et seq., as may be amended.
- C. *No marihuana establishments.* The City of Tawas City (hence the "city") prohibits all marihuana establishments within the city pursuant to Initiated Law 1 of 2018, MCL 333.27951 et seq., as may be amended.
- D. *Violations and penalties.*
 1. Any person or entity who disobeys, neglects or fails to comply with this ordinance, or who allows, causes or permits same to occur, shall be deemed responsible for violation of this ordinance. A violation of this ordinance is hereby declared to be a nuisance per se.
 2. A violation of this ordinance is a municipal civil infraction, the penalty for which is a fine of not less than \$100.00, nor more than \$500.00, in the court's discretion. In addition to the foregoing penalty, any person or entity who violates this ordinance shall pay the costs and expense, direct and indirect, which the city incurs in connection with the violation.
 3. A separate municipal civil infraction shall be deemed committed upon each day during on or which a violation occurs or continues.
 4. The rights and remedies available to the city herein are cumulative and in addition to any other remedies provided for at law or in equity.
 5. This ordinance shall be administered and enforced by the ordinance enforcement officer of the city or by such other person(s) as designated by the city council from time to time.

(Ord. No. 319, §§ I—IV, 2-19-2019)

ARTICLE 19. - NONCONFORMING USES AND STRUCTURES

Sec. 19.01. - Intent and purpose.

- A. It is recognized that there exists within the districts established by this ordinance or amendments that may later be adopted, lots, structures, and uses of land and structures which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated or restricted under the terms of this ordinance.
- B. It is the intent of this ordinance to permit these nonconformities to continue until they are removed, but not to encourage their survival. Such uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.
- C. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after passage of this ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by addition of other uses of a nature which would not be permitted generally in the district involved.
- D. To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

Sec. 19.02. - Nonconforming lots.

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record recorded with the register of deeds at or before the effective date of adoption or amendment of this ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; provided that yard dimensions, setbacks and other requirements not involving area or width, or both, of the lot, shall conform to the regulations for the district in which such lot is located, unless a yard requirement variance is obtained through approval of the zoning board of appeals. However, if two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this ordinance, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this ordinance, and no portion of said parcel shall be used or divided in a manner which diminishes compliance with lot width and area requirements established by this ordinance.

Sec. 19.03. - Nonconforming uses of land.

Where, at the effective date of adoption or amendment of this ordinance, a lawful use of land exists that is made no longer permissible under the terms of this ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- A. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land

than was occupied at the effective date of adoption or amendment of this ordinance.

- B. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this ordinance.
- C. If such nonconforming uses of land cease for any reason for a period of more than 12 months, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.

Sec. 19.04. - Nonconforming structures.

Where a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yards or other characteristics of the structure or location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No such structure may be enlarged or altered in a way which increases its nonconformity. Such structures may be enlarged or altered in a way which does not increase its nonconformity. Furthermore, any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this article.
- B. Should such structure be destroyed by any means to an extent of more than 60 percent of its appraised replacement cost, exclusive of foundations, it shall not be reconstructed except in conformity with the provisions of this ordinance, including the respective site development standards for the district in which it is located.
- C. Should such structure be moved for any reason for any distance, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
- D. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
- E. Where nonconforming status applies to a structure and use in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land, and all subsequent uses and structures on the land shall conform to the applicable district regulations.
- F. Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

Sec. 19.05. - Change in nonconforming uses.

Irrespective of other requirements of this article, if no structural alterations are made, any nonconforming use of a structure and premises may be changed to another nonconforming use of similar or less nonconformance, provided that the board of appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the board of appeals may require appropriate conditions and safeguards in accord with the purpose and intent of this article. Where a nonconforming use, structure, or use and structure in combination is hereafter changed to a less nonconforming character, it shall not thereafter be changed to a greater nonconforming character.

Sec. 19.06. - Repairs and maintenance.

On any building devoted in whole or in part to any nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding 60 percent of the building's replacement cost prior to the initiation of repairs, exclusive of foundations, provided that the cubic content of the building as it existed at the time of adoption or amendment of this ordinance shall not be increased. Nothing in this article shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

Sec. 19.07. - Change of tenancy or ownership.

A change of tenancy or ownership of a nonconforming use is allowed provided there is no increase in the degree of nonconformance of the nonconforming use.

Sec. 19.08. - District changes.

Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of another classification, the provisions of this article shall also apply to any existing uses that become nonconforming as a result of the boundary changes.

Sec. 19.09. - Hardship cases.

Nonconforming buildings or structures may be structurally changed, altered or enlarged with the approval of the zoning board of appeals when the zoning board of appeals finds that the request is a case of exceptional hardship in which failure to grant the relief requested would unreasonably restrict continued use of the property or would restrict valuable benefits that the public currently derives from the property as used in its nonconforming status, except that any approval for structural changes, alteration or enlargement may be granted only with a finding by the zoning board of appeals that approval will not have an adverse affect on surrounding property and that it will be the minimum necessary to relieve the hardship.

Sec. 19.10. - Illegal nonconforming uses.

Nonconforming uses of structures or land existing at the effective date of this ordinance that were established without a zoning compliance approval or without a valid building permit, or those nonconforming uses which cannot be proved conclusively as existing prior to the effective date of this ordinance, shall be declared illegal nonconforming uses and are not entitled to the status and rights accorded legally established nonconforming uses by this article.

Sec. 19.11. - Permits.

Permits for construction on, expansion of, or substitution of nonconforming lots, uses or structures require a zoning permit pursuant to article 25. Other permits and approvals may also be required.

ARTICLE 20. - OFF-STREET PARKING AND LOADING REQUIREMENTS

Sec. 20.01. - General parking requirements.

A. There shall be provided in all districts at the time of erection or enlargement of any main building or structure, off-

- street parking space with adequate access to all spaces. The number of off-street parking spaces, in conjunction with all land or building use, shall be determined prior to the issuance of a certificate of occupancy as prescribed in this ordinance.
- B. Application for parking lot construction. Any person desiring to establish or change a parking area shall submit plans to the zoning administrator showing the locations, elevations, design, size, shape, landscaping, surfacing, marking, lighting, drainage, curb cuts, entrances, exits, and any other features of the parking lot. Proposed curb cuts, entrances, exits, and drainage involving county or state highways shall be submitted to the appropriate agency for approval.
- C. Minimum required off-street parking areas shall not be replaced by any other use unless and until equal parking facilities are provided for the property being served by the parking lot.
- D. Off-street parking existing at the effective date of the ordinance in connection with the operation of an existing building or use shall not be reduced to any amount less than that required in this ordinance for a similar new building or new use.
- E. Two or more buildings or uses may collectively provide for required off-street parking in which case the number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately. In the instance of dual function off-street parking spaces where operating hours of buildings do not overlap, the board of appeals may grant a variance.
- F. The placement of materials, merchandise, motor vehicles, trucks, trailers, recreational vehicles or equipment in the designated off-street parking area of a property for the purpose of sale, rental or repair including the storage of such items is prohibited, except as otherwise provided in this ordinance.
- G. For uses not specifically mentioned, requirements for off-street parking facilities shall be in accord with similar uses.
- H. When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half shall be disregarded and fractions over one-half shall require one parking space.
- I. For the purpose of computing the number of parking spaces required, the definition of "usable floor area" in [article 2](#) shall govern. In those instances where floor area cannot be computed from plans, 75 percent of gross floor area shall be considered usable floor area.
- J. For all buildings in a residential district, the required parking area shall be provided on the same lot with the buildings or on a lot immediately adjacent under the same ownership.
- K. Parking in residential districts shall not be permitted in any required front yard area or in the street side yard area of a corner lot except in a driveway or a defined parking area. The aggregate area of the driveway or defined parking area shall not exceed 35 percent of the front yard. The parking area shall be paved with concrete, asphalt, stone, or gravel. In those instances where stone or gravel is utilized, a compacted depth of stone or gravel not less than three inches thick shall be provided and maintained.
- L. Required off-street parking for single-family dwellings may be provided in a stacking configuration in a driveway or garage or combination thereof.
- M. Within a residential district all parking areas, except for single-family dwellings, shall be screened on all sides that abut upon (1) a single-family residence, (2) a residential district, or (3) a street, with an ornamental fence or compact hedge which shall not be less than four feet high and, of a type which will obscure vision at all seasons from adjoining premises, except where it may block clear vision for traffic movement it shall be 30 inches in height.

- N. No commercial repair work or commercial servicing of any kind shall be conducted in parking areas in residential district. A resident may repair his/her vehicles on the property of the resident's dwelling unit, but no others, and such repair shall be conducted in not to exceed seven consecutive days in any 30-day period.
- O. A resident of a dwelling unit may have not more than one motorized vehicle for sale on the site of such dwelling unit at any time and in no instance shall vacant residential lots or parcels be utilized for the sale of vehicles. In no instance shall a vehicle for sale be displayed in a front yard other than on the driveway portion of the yard.
- P. All parking lots shall be paved with asphalt Portland cement concrete except as provided in [subsection] K above.
- Q. The off-street parking or storage of any mobile home, recreational equipment or commercial vehicle in any residential district shall be subject to the following conditions:
 1. Except where otherwise permitted in this ordinance, the off-street parking of a mobile home for periods exceeding 24 hours on lands not approved for mobile homes or mobile home parks, shall be expressly prohibited, except that the zoning administrator may extend temporary permits allowing the parking of a mobile home in a rear yard on private property, not to exceed a period of two weeks.

All mobile homes owned by residents of the City of Tawas City and stored on their individual lots shall be stored only within the confines of the rear yard and shall further respect the requirements of section 23.06, accessory buildings, of this ordinance, insofar as distances from principal structures, lot lines and easements are concerned. Any such mobile home so parked or stored shall not be connected to sanitary facilities and shall not be occupied.

2. Recreational equipment may be parked anywhere on a residential premises not to exceed 72 hours during loading or unloading.
3. Any recreational equipment less than six feet in height above the ground may be stored in any required side or rear yard.
4. Recreational equipment exceeding six feet in height may be stored in any rear yard or in any nonrequired interior side yard subject to applicable conditions of this section regarding accessory buildings, with respect to height, yard coverage and setbacks.
5. Recreational equipment parked or stored on residential premises shall be kept in good repair and carry a current license plate and/or registration.
6. At no time shall recreational equipment on residential premises be used for living or housekeeping purposes, nor may it be connected to water or sanitary sewer facilities.
7. The outdoor storage of recreational equipment on any residential lot or parcel shall be limited to only that equipment owned by, licensed or registered to the occupant of the residential lot or parcel on which the equipment is stored.
8. A licensed and registered boat not more than 20 feet in length on a trailer may be parked in a front yard or a surfaced driveway off the public right-of-way in any residential district between May 1 and November 1.
9. In the case of a multiple-family dwelling, a complex of multiple-family dwellings, or mobile home parks, the city shall require a screened area, in addition to off-street parking spaces, be provided on the site for the parking and storage of recreational vehicles.
10. A person shall not park, nor a vehicle's registered owner permit to be parked, any commercial vehicle weighing in excess of 5,000 pounds on any residentially zoned property in the city for any purpose or length of time other than for expeditious loading and delivery or pickup and unloading of materials, goods or merchandise, or for the purpose of carrying on a principal use permitted on the property on which the vehicle is parked, as otherwise provided in this ordinance.

The owner of residentially owned property shall not permit a commercial vehicle to remain on such property in violation of the provisions of this ordinance.

In any proceeding for violation of this ordinance, where a motor vehicle displays commercial license registration plates, such registration shall constitute prima facie presumption that it is a commercial vehicle at the time of any alleged violation.

In any proceeding for violation of the weight limitation provision of this ordinance, the weight indicated on the vehicle's registration shall constitute a prima facie presumption of the weight of the vehicle at the time of any alleged violation.

- R. Off-street parking for other than residential use shall be either on the same lot or within 300 feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership shall be shown of all lots or parcels intended for use as parking by the applicant.

Sec. 20.02. - Required off-street parking.

There shall be provided in all districts at the time of erection or enlargement of any main building or structure, automobile off-street parking space with adequate access to all spaces. The number of off-street parking spaces, in conjunction with all land or building uses, shall be provided prior to the issuance of a certificate of occupancy.

A. *Residential.*

Use	Number of Minimum Parking Spaces Per Unit of Measure
1. Residential, one-family	Two for each dwelling unit.
2. Residential, multiple-family	Two for each dwelling unit having two or less bedrooms and 2½ for each dwelling unit having three or more bedrooms.
3. Elderly housing—Dependent	0.75 for each dwelling unit.
4. Elderly housing—Independent	1.25 for each dwelling unit.
5. Mobile home park	Two for each mobile home site, one for each employee of the mobile home park and one for each four mobile homes for visitor parking.

B. *Institutional.*

Use	Number of Minimum Parking Spaces Per Unit of Measure
1. Churches & temples	One for each three seats or six feet of pews in the main unit of worship.
2. Mosques	One for each 30 sq.ft. of floor space in the main unit of worship.
3. Hospitals	1.25 for each bed plus parking for related uses.
4. Convalescent and/or nursing homes	One for each five beds.
5. Elementary, junior high and high schools	One for each teacher, employee or administrator, in addition to the requirements of the auditorium or stadium.
6. Private clubs or lodge halls	One for each 75 square feet of usable floor area.
7. Private golf clubs, swimming pool clubs, tennis clubs or other similar uses	One for each three member families or individuals.

8.	Golf courses open to the general public, except miniature or "par-3" courses	Four for each golf hole and one for each employee, plus spaces required for each accessory use, such as a restaurant or bar.
9.	Stadium, sports arena or similar place of outdoor assembly	One for each three seats or six feet of benches.
10.	Theaters and auditoriums	One for each three seats plus one for each two employees.
11.	Nursery schools, day nurseries or child care centers	One space for each caregiver or teacher and off-street drop off and child pick up space.
12.	Library, museum, post office	One for each 200 square feet of usable floor area.

C. Business and commercial.

Use	Number of Minimum Parking Spaces Per Unit of Measure
1. Auto wash	One for each employee. In addition, parking spaces equal in number to four times the maximum capacity of the auto wash. Maximum capacity of the auto wash shall mean the greatest number of automobiles undergoing some phase of washing at the same time, which shall be determined by dividing the length in feet of each wash line by 20.
2. Auto wash (self-service or coin-operated)	Three for each washing stall in addition to the stall itself.
3. Beauty parlor or barber shop	Two spaces for each of the first two beauty or barber chairs, and one space for each additional chair.
4. Boat launching ramps	20 spaces per launch ramp.
5. Boat marinas	1½ spaces per boat mooring slip plus one space for every four boat racks in a boat storage building with in-out boat launching service.
6. Bowling alleys	Five for each bowling lane plus parking for accessory uses.
7. Dance halls, pool or billiard parlors, roller skating rinks, exhibition halls, and assembly halls without fixed seats	One for each 60 square feet of usable floor area.
8. Drive-in restaurant	One for each employee and one for each 25 square feet of usable floor area and/or outdoor service area.
9. Drive-through	One for each employee and five stacking spaces for each drive-through window or station.
10. Carry-out (with no eating on premises)	One for each employee and one for each 60 square feet of usable floor area with a minimum of four spaces.
11. Establishment for sale and consumption on the premises of beverages, food or refreshments	One for each 75 square feet of usable floor area or one for each two persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes, whichever is greater.

12. Furniture and appliance household equipment, repair shops, showroom of a plumber, decorator or electrician	One for each 800 square feet of usable floor area. For floor area used in processing, one additional space shall be provided for each two persons employed therein.
13. Gasoline service stations	One parking space for each 50 square feet of floor area in the cashier and office areas in addition to space provided at each fuel pump dispenser. In no instance shall such facility provide fewer than three spaces for cashiers and office use. Gasoline service stations providing car wash facilities, lubrication facilities, sale of food, beverages and other products shall provide additional off-street parking spaces based upon the requirements for such uses.
14. Laundromats and coin-operated dry cleaners	One for each three washing and dry cleaning machines.
15. Miniature or "par-3" golf courses	One for each two holes plus one for each employee.
16. Mini storage rental	One for each employee and one space for each 50 storage rental units.
17. Mortuary establishments	One for each 50 square feet of each assembly room.
18. Motel, hotel or other commercial lodging establishments.	One for each occupancy unit plus one for each employee.
19. Motor vehicle sales and service establishments	One for each 200 square feet of usable floor area of sales room or three for each auto service stall in the service areas, whichever is the greater.
20. Oil change and lubrication station	One for each employee plus parking spaces equal in number to two times the maximum capacity of service stalls provided at the facility.
21. Retail stores, except as otherwise specified herein	One for each 160 square feet of usable floor area.
22. Planned commercial center	One for each 160 square feet of usable floor area for the first 25,000 square feet of usable floor area and one space for each 120 square feet of usable floor area for the next 45,000 square feet of usable floor area and one space for each 100 square feet of useable floor area in excess of 70,000 square feet of usable floor area.
23. Public utility structures	One for each employee on the maximum work shift.
24. Amusement arcade	One for each game table and one for each amusement device.
25. Athletic clubs, exercise establishments, health clubs, sauna baths, judo clubs and other similar uses.	One parking space for each three persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes, plus one space per employee. In those instances where memberships are provided for, not less than one space per each four memberships shall be provided, plus one space per employee.

D. Office.

Use	Number of Minimum Parking Spaces Per Unit of Measure
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1.	Banks	One for each 100 square feet of usable floor area.
2.	Banks (drive-in)	One for each employee. In addition, waiting spaces at each drive through service window or station shall be provided at the rate of four for each service window or station. Each waiting space shall measure not less than 20 feet in length.
3.	Business offices or professional offices, except as indicated in (4)	One for each 250 square feet of usable floor area.
4.	Professional office of doctors, dentists and similar professions	One for each 50 square feet of usable floor area in waiting rooms, and one for each examining room, dental chair, office, laboratory, X-ray therapy room or similar use area.

E. *Industrial.*

Use	Number of Minimum Parking Spaces Per Unit of Measure
1. Industrial or research establishments and related accessory offices	Five plus one for every 1½ employees in the largest working shift or one for each 450 square feet of usable floor area whichever is greater. Space on site shall also be provided for all construction workers during periods of plant construction.
2. Warehouses and wholesale establishments and related accessory offices	Five plus one for every employee in the largest working shift, or five plus one for every 1,700 square feet of usable floor space, whichever is the greater. Space on site shall also be provided for all construction workers during periods of construction.

F. *Parking for handicapped—all districts.*

1. Off-street parking facilities required for physically handicapped-accessible buildings shall be based on the provisions of Public Act No. 230 of 1972 (MCL 125.1501 et seq.), as amended.

Sec. 20.03. - Required off-street loading.

- A. Off-street loading and unloading spaces shall be provided in all office, business and industrial districts in connection with all office, commercial and industrial uses, except in cases where adequate space, as determined by the zoning administrator, is or can be provided on adjacent public property, as set forth below:
1. For 10,000 to 50,000 square feet of floor area, one space.
 2. For 50,000 to 100,000 square feet of floor area, two spaces.
 3. One additional space for each additional 100,000 square feet of floor area or part thereof. All loading and unloading space shall be subject to the following provisions:
 - a. Each loading space shall be at least 12 feet in width, 88 feet in length, and have a height clearance of 14 feet above grade.
 - b. The space may occupy all or any part of any required yard or court space, excluding front yard area.
 - c. No space shall be located closer than 50 feet to any lot in any residential district, unless wholly within a completely-enclosed building or unless enclosed on all sides facing residential zones by a wall or uniformly

painted solid board or masonry fence of uniform appearance which is not less than eight feet in height.

Sec. 20.04. - Design and construction.

- A. Off-street parking lots shall be so arranged and marked with adequate drives and aisles for safe and convenient maneuvering giving access to parking spaces, and in no case shall a parking space be permitted which would necessitate the backing of a motor vehicle into a street or over a public walk.
- B. Each nonresidential parking space shall be served by a drive or aisle. Design and construction of drives and aisles must be approved by the zoning administrator.
- C. There shall be a curb or wheel stop or bumper rail provided wherever an off-street parking and loading area adjoins a public sidewalk right-of-way, or adjoining property line. The curb, wheel stop or bumper rail shall be designed to prevent any portion of a vehicle from encroaching upon the sidewalk, right-of-way, or adjoining property.
- D. Any lighting used to illuminate any off-street parking and loading area shall be arranged to direct light away from adjoining premises.
- E. Design and construction of access drives shall be approved by the zoning administrator.
- F. Any construction or rearrangement of existing drives which involve the ingress or egress of vehicular traffic to or from a public street, shall be arranged to ensure the maximum safety and the least interference of traffic upon the streets.

Sec. 20.05. - Parking space layout, standards, construction and maintenance.

- A. Whenever the off-street parking requirements in this article require the building of an off-street parking facility, such off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations:
 - 1. No parking lot shall be constructed unless and until a permit therefor is issued. Applications for permit shall be submitted with two sets of site plans for the development and construction of the parking lot showing that the provisions of this article will be fully complied with.
 - 2. Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements (table B) except as modified by Public Act No. 230 of 1972 (MCL 125.1501 et seq.) (parking space width requirement of not less than 12 feet).
 - 3. All spaces shall be provided adequate access by means of maneuvering lanes, and shall not allow backing directly onto a street or sidewalk.
 - 4. All maneuvering lane widths shall permit one-way traffic movement, except that the ninety degree pattern shall permit two-way movement.
 - 5. All parking areas for commercial or industrial district uses shall be screened on all sides abutting or across a street or alley from a residential district. The screen shall be an ornamental fence or compact hedge not less than six feet high of a type which will obscure vision at all seasons from adjoining premises.
 - 6. Each entrance to and exit from any off-street parking lot located in an area zoned for other than single-family residential use shall be at least 25 feet distant from adjacent property located in any single-family residential district.
 - 7. The entire parking and loading area, including parking spaces and maneuvering lanes required under this section, shall be provided surfacing in accordance with specifications approved by the city except as provided

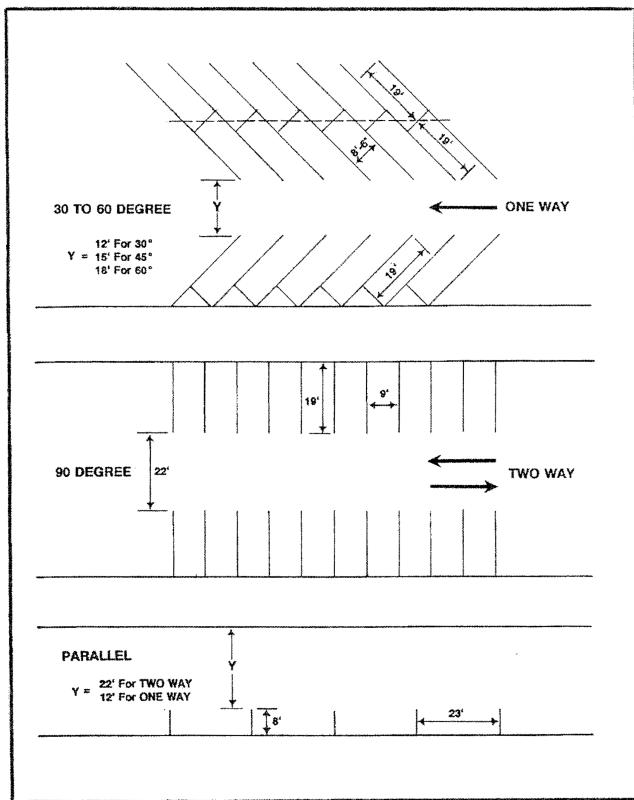
for in residential areas (sec. 20.01 K). The parking areas shall be surfaced within one year of the date the occupancy permit is issued.

- 8. Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or toward buildings.

B. Parking space layout standards shall be provided in accord with the specification in the following table:

TABLE B

Parking Pattern	Maneuvering Land Width	Parking Space Width	Parking Space Length	Total Width of One Tier of Spaces Plus Maneuvering Lane	Total Width of Two Tiers of Spaces Plus Maneuvering Lane
(Parallel parking)	12 ft.	8 ft.	23 ft.	NA	NA
30;deg; to 53;deg;	12 ft.	8 ft. 6 in.	20 ft.	26 ft.	46 ft.
54;deg; to 74;deg;	15 ft.	8 ft. 6 in.	20 ft.	36 ft.	56 ft.
75;deg; to 90;deg;	20 ft.	9 ft.	20 ft.	48 ft.	68 ft.



PARKING LAYOUT STANDARDS

Sec. 20.06. - Variances and exceptions.

- A. The zoning board of appeals shall have authority to interpret this section and may in specific cases and after public hearing and where justified grant variances to the requirements of this article 20.

ARTICLE 21. - SIGNS

Sec. 21.01. - Purpose.

The purpose of these requirements is to provide a framework within which the identification and informational needs of all land uses can be harmonized with the desires and aesthetic standards of the general public. It is intended through the provisions contained herein to give recognition to the legitimate needs of business, industry and other activities, in attaining their identification and informational objectives. It is a basic tenet of this article that unrestricted signage does not support the existing character of the city and does not benefit either private enterprise or the community-at-large as it creates traffic safety hazards, visual clutter, confusion for vehicle drivers and visual blight. It is similarly the intent of this article to protect the character of residential neighborhoods by discouraging the encroachment of signage which undermines the intended character of such areas.

Sec. 21.02. - Definitions.

For the purposes of this article, the following terms and definitions shall apply. See figures 1 through 19 [following [section 21.13](#)] for examples of sign types.

A. *Terms and definitions.*

1. *Sign.* A sign is any structure, device, light, letter, word, model, banner, pennant, insignia, trade flag, or representation that is designed to be seen from outside a building; it advertises activities, goods, products, services or facilities available on the lot where the sign appears. The definition includes electric signs in windows or doors, but does not include window displays of merchandise or signs incidental to the display of merchandise.
2. *Non accessory sign.* A sign that advertises activities, goods, products, etc., that are available elsewhere than within the building or on the lot where the sign is located. (A billboard, for example Fig. 11)
3. *Awning sign.* A sign on or attached to a temporary retractable shelter that is supported entirely on the exterior wall of a building. (Fig. 17)
4. *Bench sign.* A sign painted on or attached to a bench advertising activities, goods, products or a business. (Fig. 18)
5. *Canopy sign.* A sign on or attached to a permanent overhanging shelter that projects from the face of the building and is supported only partially by the building. (Fig. 19)
6. *Changeable message sign.* A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or surface of the sign. A sign on which the only copy that changes is an electronic or mechanical identification of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign for purposes of this ordinance.
7. *Accessory sing.* A sign which pertains to the use of the premises.
8. *Decorative display.* A decorative, temporary display designed for the aesthetics or cultural enrichment of the public and having no direct or indirect sales or advertising content. (Fig. 1)
9. *Directional sign.* A sign directing to a location other than the site on which the sign is located such as a church or other public or quasi public facility.
10. *"A" frame temporary sign.* A sign other than a ground sign or portable sign which is not attached to a building and is capable of being moved on the same zoning lot and is only allowed to be displayed during

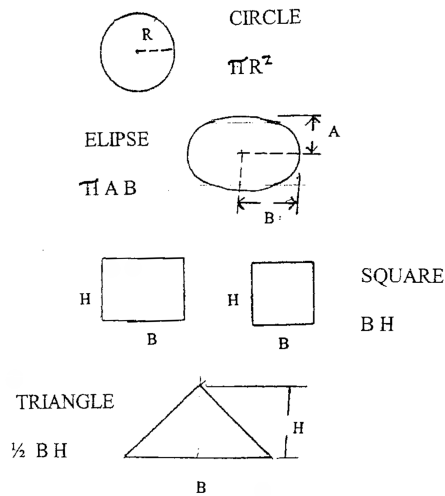
hours of operation and is not in a public right-of-way. (Fig. 2)

11. *Ground sign.* A permanent display sign mounted directly and permanently in and upon the ground surface and having a height not in excess of six feet. (Fig. 16)
12. *Marquee sign.* A sign on or attached to a permanent overhanging shelter that projects from the face of the building and is supported entirely by the building. (Fig. 5)
13. *Political sign.* A temporary sign announcing or supporting political candidates, parties, or issues in connection with any national, state or local election, movement or cause.
14. *Political sign.* A temporary sign announcing or supporting political candidates, parties or issues in connection with any national, state or local election, movement or cause.
15. *Pole or pylon sign.* A display sign supported by one or more columns, uprights or braces set a minimum 42 inches below ground surface and having a height in excess of eight feet. (Fig. 3)
16. *Portable sign.* A sign and sign structure which is designed to facilitate the movement of the sign from one zoning lot to another. The sign may or may not have wheels, changeable lettering and/or hitches for towing. (Fig. 4)
17. *Projecting sign.* Projecting sign means a sign which is affixed to any building or structure, other than a marquee, and any part of which extends beyond the building wall or structure more than 15 inches. (Fig. 8)
18. *Real estate sign.* A sign which advertises property for sale or lease. (Fig. 7)
19. *Roof sign.* A display sign which is erected, constructed and maintained on or above the roof of the building and supported on the building roof. (Fig. 6)
20. *Temporary sign.* A display sign, banner or other advertising device constructed of paper, cloth, canvas, fabric, plastic or other light temporary material, inflated devices with or without a structural frame, but not including decorative displays for holidays or public events. (Fig. 10)
21. *Vehicle sign.* A sign attached to a vehicle or placed within or upon such vehicle which advertises products for sale other than the identification of the vehicle owner or operator. (Fig. 15)
22. *Wall sign.* A display sign which is painted on or attached directly to the building wall. (Fig. 9)
23. *Window sign.* A sign on the glass of a window. (Fig. 14)
24. *Sign face.* The portion of the sign visible to the public.
25. *Sign area measurements.* The total sign area shall be the area within a single, continuous perimeter of the sign surface composed of any rectilinear line or geometric figure which encloses the extreme limits of the sign. If the sign is composed of individual letters or symbols using the wall, awning or mansard roof as the background, the total sign area shall be calculated by measuring the area within the perimeter of each symbol or letter and the combined area of the individual figures shall be considered the total sign area. (See attached fig. 20 "Common Geometric Shapes and Formulas to Determine Sign Area.") Buildings with more than one occupant may prorate the sign area for the total building to each building occupant but not to exceed the total allowable sign area for the building.

Sec. 21.03. - Sign measurement.

COMMON GEOMETRIC SHAPES & FORMULAS

TO DETERMINE SIGN AREA



A = AREA

H = HEIGHT

B = BASE

R = RADIUS

 $\pi = 3.1416$

Sec. 21.04. - Sign permits.

- A. *Permit required.* Except as provided in [subsection] (B) below, it shall be unlawful for any person to erect, alter or relocate within the city any sign or other advertising structure without first obtaining a permit from the zoning administrator and making payment of fee or fees as provided below. Sign permits are not transferable between owners and any changes in the name of a business on a sign shall require a permit. Painting, repainting, servicing or cleaning of sign, or the changing of the advertising copy or message thereon shall not be considered an erection or alteration which requires a sign permit unless a structural change is made. Repair to a conforming sign damaged by winds, vandalism, fire or an act of God shall not require a permit provided each repair restores [the] sign to [the] original design and meets all necessary structural and electrical codes.
- B. *Signs not requiring a permit.* No person may erect, alter or relocate any sign within the city without first obtaining a permit from the zoning administrator, with the exception of the following:
1. Wall signs, which are used as nameplates, not exceeding two square feet in area; occupational signs denoting only the name and profession of the occupants in a commercial, public or other institutional building and not exceeding two square feet in area.
 2. Memorial signs or tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of bronze or aluminum.
 3. Traffic or other municipal signs, legal notices, danger and such temporary emergency or non-advertising signs.
 4. Sign advertising the rental, sale or lease of the property upon which it is located.
 5. Gasoline price signs.
 6. Directional signs regulating on-site traffic and parking with not more than six square feet of sign area.

7. Flags bearing the official design of a nation, state, municipality, educational institution, organization, or as approved by the zoning administrator.
 8. Menu boards at drive through restaurants with a maximum size of 60 square feet.
 9. Garage sale signs subject to the approval of the property owner on which the sign is located and such sign shall contain the garage sale permit number.
- C. *Application for sign permit.* Applications for permits shall be made upon forms provided by the zoning administrator and shall contain or have attached thereto the following information:
1. Name, address and telephone number of the applicant.
 2. Location of building, structure or lot to which or upon which the sign or other advertising structure is to be attached or erected.
 3. Position of the sign or other advertising structure in relation to nearby buildings or structures.
 4. One blueprint or drawing of the plans and specifications and methods of construction and attachment to the building or in the ground.
 5. Name of person, firm, corporation or association erecting the sign and structure.
 6. Written consent of the owner of property where the sign is to be erected.
 7. In all cases where wiring is to be used in connection with the structure, it shall comply with the local, county or state electrical code(s).
 8. Such other information as the zoning administrator shall require to demonstrate compliance with this and all other ordinances of the city.
 9. Renewal and replacement of existing sign wording requires permits and must comply with this ordinance.
- D. *Sign permit issued if application in order.* The zoning administrator, upon review of an application for a sign permit and determination that the proposed sign complies with the requirements of this ordinance, shall issue a sign permit. In the case of illuminated signs, both an electrical permit and a building permit are required.
- E. *Sign permit fee.* Prior to the erection or alteration of any sign, except those signs specifically exempted herein, a permit shall first be obtained from the zoning administrator for such erection or alteration, and a permit fee paid to the city according to the schedule of fees as shall be established from time to time by resolution of the city council.
- F. *Sign permit revocable at any time.* A sign permit issued pursuant to this article may be revoked by the zoning administrator upon the permittee's violation of any of the conditions contained herein. If the work authorized by a sign permit has not been completed within four months after date of issuance, said permit shall become null and void.

Sec. 21.05. - General requirements for all signs.

- A. *Permit number.* Every sign hereafter erected or altered shall have placed on the face of the sign in a conspicuous place thereon, in letters not less than one-half inch in height, the date of erection, the permit number and the voltage of any electrical apparatus used in connection therein. Any change to the sign shall require the original permit number to remain on the sign.
- B. *Illumination.* Signs may be permitted to be internally and externally lighted, reflectorized, glowing, or otherwise illuminated, except as provided elsewhere in this ordinance. All illumination shall be concentrated on the area of the sign or landscape feature so as to prevent glare upon the street or adjacent property. No sign shall be

illuminated by other than electrical means or devices, and wiring shall be installed in accordance with all codes and ordinances. In no instance shall such illumination be located so as to be hazardous to traffic. Illuminations shall not be of a flashing or intermittent flashing type.

- C. *Signs not to constitute a traffic hazard.* No sign shall be erected in such a manner as to obstruct free and clear traffic vision.
- D. *Face of sign shall be smooth.* No nails, tacks or wires shall be permitted to protrude from the front of any sign. This shall not exclude, however, the use of block letters, electrical reflectors, or other devices which may extend over the top and in front of the advertising structure.
- E. *Obscene matter prohibited.* It shall be unlawful for any person to display upon any sign or other advertising structure any specified anatomical areas or specified sexual activities as defined herein.
- F. *Removal of certain signs.* Any sign now or hereafter existing which no longer advertises a bona fide business conducted, or a product, or entertainment, service or commodity offered or sold on the lot shall be taken down and removed by the owner, agent or person having the beneficial use of the building or structure upon which said sign shall be found within 30 days after written notice from the zoning administrator.
- G. *Public right-of-way.* No sign shall be erected or placed in the public right-of-way unless specifically authorized by the controlling governing body.
- H. *Political signs.* No political signs shall be permitted on city property or in a public right-of-way.
- I. *Sign setbacks.* All free standing, ground, pole, portable and pylon signs shall be set back not less than 20 feet from all street right-of-way lines except as otherwise provided herein.
- J. *Construction.*
 - 1. All pole signs shall be securely built, constructed and erected upon posts and standards sunk at least 42 inches below ground level and embedded in concrete. Wood or wood products shall be of wolmanized or equal treatment. A lightning grounding device shall be provided in accord with applicable electric codes.
 - 2. All letters, figures, characters or representations in cutout or irregular form, maintained in conjunction with, attached to, or super imposed upon any sign shall be safely and securely built or attached to the sign structure.
 - 3. All wall signs shall be safely and securely attached to structural members of the building by means of metal anchors, bolts or expansion screws. In no case shall any wall sign be secured with wire, strips of wood or nails.

Sec. 21.06. - Permitted signs accessory to churches, schools and nonprofit institutions.

- A. Churches, schools, colleges, buildings housing governmental functions and utilities of the city, county or state or any subdivision thereof, are permitted to erect a sign irrespective of the zoning district within which such use is to exist. Such signs may be illuminated. Such signs, when of a permanent nature, shall be constructed of materials approved by the zoning administrator and shall meet all the requirements of this ordinance, be limited to ground, portable and temporary signs as defined in this ordinance and subject to the following conditions:
 - 1. *Ground signs.*
 - a. There shall be no more than one sign.
 - b. Such signs shall be set back from the lot line at least one-third of the distance from the lot line to the nearest building, but need not be set back more than 100 feet from the property line.
 - c. No sign shall exceed 20 square feet in area, unless the sign is located more than 50 feet behind the property line, then said sign may be increased by five additional square feet for each additional ten feet of

setback, but in no event shall such sign exceed 50 square feet in area.

2. *Temporary signs.*

- a. Not more than one construction sign for building or remodeling of buildings shall be allowed not to exceed 16 square feet in total surface area and shall be located on the premises being utilized for such construction. Such sign shall be removed upon issuance of a certificate of occupancy or for a period of six months, whichever comes first.
- b. One sign advertising the rental, sale or lease of property shall be allowed. Such sign shall not exceed six square feet in area and not exceed four feet in height.

3. *Portable sign.*

- a. Portable signs not exceeding 32 square feet in area for each face of such sign shall be allowed and shall be permitted as temporary signs for periods not to exceed seven consecutive days in a 28-day period and not to exceed 28 days in any one year. In no instance shall such signs be located so as to obstruct parking spaces or automobile or pedestrian travel lanes. Such signs shall not flash or be located so as to obstruct traffic vision and lighting shall be of a type so as not to be confused with traffic controls and not to cause distraction to vehicle drivers.
- b. Connections to an energy source for lighting shall be in accord with all codes of the city, county and state and shall not be exposed in any way that may constitute a safety hazard to the public. This provision shall apply to existing portable signs and to new portable signs.

4. *Off-premises directional signs.*

- a. Directional signs not exceeding four square feet in area per sign face may be located in any district and shall not exceed a total of two such signs per using entity.
- b. Permission for the location of directional signs shall be secured by the owner of such sign from the property owner of the property on which such sign is to be located.

Sec. 21.07. - Permitted signs in all residential districts.

- A. Wall, ground and temporary signs, as defined in this ordinance, are allowed in all residential districts provided such signs shall not be illuminated unless otherwise provided for in this ordinance and subject to the following conditions by type:

1. *Ground signs.*

- a. *Signs advertising the lots and/or buildings in any subdivision or multiple-family project in the process of development.* It shall be permissible for a real estate broker or builder to erect one sign not to exceed a total surface area of 32 square feet or an overall height of six feet, to advertise the lots and/or buildings in any one subdivision. This shall not apply to individual lots.
- b. *Multiple-family residential units and mobile home park districts.*
 - (1) Any person owning or operating any multiple-family residential units or mobile home park may erect a sign bearing the name of the development. Such sign shall not exceed 20 square feet in area or exceed an overall height of four feet above the ground level. The sign may be lighted during the hours of darkness, but shall not contain advertising or information other than the name of the development and status of occupancy. No more than one sign may be erected for each development entrance.
- c. *Funeral homes.* One ground sign having a sign face of not more than 20 square feet for each sign face which may not exceed an overall height of four feet above the ground. Such sign may be lighted between

the hours of 5:00 p.m. and 10:00 p.m.

2. *Wall signs.*
 - a. *Dwelling nameplate.* For each dwelling unit, one nameplate not exceeding two square feet in area indicating name of occupant.
 - b. *[Safe and secure attachment.]* All wall signs shall be safely and securely attached to structural members of the building by means of metal anchors, bolts or expansion screws.
3. *Temporary signs.*
 - a. *Garage sale signs.* Garage sale signs may be used to advertise a permitted garage sale and shall be promptly removed upon completion of the garage sale.
 - b. *Banners and pennants.* During periods of "open house" for new homes, banners and pennants may be allowed for periods not to exceed 30 consecutive days as designated in the sign permit.
 - c. *Construction signs.* For building or remodeling of residential buildings, not more than one sign shall be allowed not to exceed ten square feet in total surface area and shall be located on the premises being utilized for such construction. Such sign shall be removed upon completion of construction or upon cessation of work for a period of six months.
 - d. *[Rental, sale or lease of property signs.]* One sign advertising the rental, sale or lease of property shall be allowed not to exceed ten square feet and not to exceed a height of four feet.

Sec. 21.08. - Permitted signs in OS, B-1, B-2 and B-3 districts.

- A. *Sign types allowed.* Wall, awning, canopy, freestanding, ground, marquee, projecting, pole, window, vehicle, changeable message and temporary signs as defined in this ordinance and subject to the following conditions:
 1. *Ground sign.*
 - a. One ground sign shall be permitted having a sign area of not more than 40 square feet for each sign face. On corner lots, two such signs are permissible where business fronts both streets. Such sign shall not exceed six feet in height.
 - b. Not more than one ground sign may be erected accessory to any one development regardless of the number of buildings, separate parties, tenants or uses contained therein. On corner lots, two such signs are permissible where business fronts both streets.
 - c. No ground sign shall be located nearer than five feet to any existing or proposed right-of-way line.
 - d. Ground signs may be illuminated only with constant light.
 2. *Pole.*
 - a. To be allowed only when a ground sign cannot be erected due to building location or other site constraints and upon approval of the planning commission.
 - b. One pole sign may be erected accessory to any one development regardless of the number of buildings, separate parties, tenants or uses contained therein.
 - c. A pole sign shall not be erected to a height greater than 15 feet above the level of the street upon which the sign faces. The distance from the ground to the bottom of the sign shall be not less than eight feet and shall be so erected as to not obstruct traffic vision. The area of such sign shall not exceed 120 square feet for each sign face.
 - d. Signs may be illuminated only with constant light.

- e. Time and temperature signs shall be permitted.
 - f. All pole signs shall be securely erected upon posts and standards at least 42 inches below ground level and shall be embedded in concrete. Wood or wood products shall be of wolmanized or equal treatment.
3. *Projecting.*
- a. One projecting sign may be erected at each entrance to a business or office establishment.
 - b. Projecting signs must project at right angles to the building, have no more than two faces, and project no more than five feet from the face of the building.
 - c. The bottom of the sign projecting must be at least ten feet above ground level and its top may not extend higher than whichever of the following is lowest:
 - (1) Twenty-five feet above grade.
 - (2) The sills of the first level of windows above first story.
 - (3) The lowest part of the roof.
 - d. The area of each projecting sign may not exceed 24 square feet for each sign face, unless the sign includes a public message device (such as a time and temperature sign). In the case of a public message device, an additional ten square feet on each face is allowed.
4. *Wall.*
- a. Wall signs may be provided on all street sides, parking lots sides or alley sides of a building. Where a single principal building is devoted to two or more business, offices or commercial uses, the operator of each such use may install a wall sign. The total sign area of all wall signs on any one wall shall not exceed ten percent of the wall surface of such wall. In those instances where a change of tenancy occurs which presents a hardship in providing signage based on this requirement, the zoning board of appeals may vary these provisions.
 - b. Signs may be illuminated only with constant light.
 - c. Time and temperature signs shall be permitted.
 - d. Limitation on placement. No wall sign shall cover wholly or partially any wall opening, nor project beyond the ends or top of the wall to which it is attached.
 - e. Projection and height. No wall sign shall have a greater thickness than 12 inches measured from the wall to which it is attached to the outermost surface. Wall signs may project over the public right-of-way not to exceed 12 inches provided a clearance of not less than seven feet six inches is maintained below the sign if it projects more than four inches. A wall sign shall not project above the roofline.
5. *Awning, canopy and marquee.*
- a. Letters may be painted or otherwise affixed to any permissible awning, canopy, or marquee subject to the following regulations [of this subsection].
 - b. Lettering or letters shall not project above, below or beyond the vertical drip of the awning or canopy.
 - c. Lettering on a marquee shall not extend beyond the geometric figure which encloses the sign message.
 - d. No awning, canopy or marquee sign shall extend below a minimum height of seven feet six inches.
 - e. The area of such sign shall be limited as part of the total sign area for all signs as provided in [subsection] (4.a.) above.
6. *Window.*

- a. Window signs shall not exceed 30 percent of the glass area of the window area on the section of building from the business. Window signs shall not include animation, video or changeable message material.

7. *Temporary or real estate signs.*

- a. For sale or rental of individual units, there shall be no more than one sign, except that on a corner lot two signs, one facing each street shall be permitted. No such sign shall exceed six square feet in area for each sign face of, and all such signs shall be removed upon occupancy.
- b. Signs advertising buildings under construction may be erected for the period of construction and shall not exceed a face area of 64 square feet for each sign face. Such signs shall be erected on the building or lot where such construction is being carried on and shall advertise only the architect, engineer contractor, subcontractor, building or materials and equipment used, and the proposed use.
- c. Temporary window signs are allowed only on the inside of the window and only if they advertise special sales or events lasting no more than 15 days. They shall occupy no more than 30 percent of the area of the window in which they appear.
- d. No temporary sign shall be strung on a building exterior or on a sign structure or across any public right-of-way nor shall any temporary sign project beyond the property line except as authorized by the city council.
- e. Temporary signs found by the zoning administrator to be in torn or damaged condition must be removed by the owner within three days after receipt of notice to do so from the zoning administrator. Temporary signs found to be unsafe shall be removed immediately upon receipt of notice from the zoning administrator.

8. *Changeable message signs.*

- a. Changeable message signs shall only be permitted as ground or wall signs.
- b. A changeable message sign shall be limited to announcing only prevailing Eastern Standard Time and the local temperature in Fahrenheit or Celsius, or limited to the electronic display of a non-flashing or nonmoving message that shall remain unchanged for at least 15 continuous seconds before it is replaced by another message. Electronic changeable messages shall be a part of the total square footage of display area permitted for the wall or ground sign even if the message is contained in a separate cabinet, except the face of the message shall not consume more than 60 percent of the total permitted display area of the sign.

9. *Attention getting devices.*

- a. Attention getting devices including searchlights, pennants, banners, propellers, spinners, streamers, balloons and similar devices or ornamentation designed for purposes of attracting attention, promotions or advertising are allowable only subject to approval of the city for a period not to exceed 15 days except as otherwise prohibited herein.
- b. "A" frame signs may be permitted at a sign size of not to exceed six square feet and located off a public right-of-way.
- c. Roof signs shall not be permitted.

Sec. 21.09. - Permitted signs in industrial districts.

- A. The provisions of signs permitted in OS, B-1, B-2 and B-3 districts shall also apply to industrial districts. In addition, non-accessory signs shall be permitted according to the following conditions; provided further that in those instances where the Michigan Department of Transportation has jurisdiction, a permit shall be filed with the

appropriate state agency.

1. *Non-accessory sign.*

- a. *Area and height limitations.* No billboard may be erected or maintained with a greater surface area than 300 square feet, an overall height above the ground greater than 35 feet, or bottom less than three feet above the ground surface.
- b. *Location.* Billboards may be erected only in industrial districts. No billboard may be erected or maintained within 500 feet of any public park, recreation ground, public reservation, school or church nor within 50 feet of street lines at any street intersection and shall have a minimum setback from the front property line which meets the setback requirement of the district.
- c. *Spacing.* Billboards shall be located no closer to one another than 1,000 feet.

Sec. 21.10. - Nonconforming signs.

- A. *Nonconforming signs.* All signs existing prior to the adoption of this ordinance that do not conform to the provisions of the ordinance shall be permitted to continue as nonconforming signs, provided that the nonconforming sign meets the following criteria:
 1. The sign was lawful at its inception, and
 2. Continuance of the sign would not be contrary to the public health, safety or welfare of the residents of the city, and
 3. No useful purpose would be served by strict application of the provisions of this article with which the sign does not conform, and
 4. The sign is not insecure, in danger of falling, or otherwise unsafe.
 5. Abandoned signs or signs no longer advertising the premises or the activity on the premises shall be removed.
- B. *Signs on nonconforming uses.* A nonconforming use shall not be permitted to add additional signs to the building or premises. This shall not preclude the changing of copy on a nonconforming sign which was manifestly designed to provide changeable lettering. Signs on nonconforming uses may be maintained.

Sec. 21.11. - Unsafe and damaged signs and sign maintenance.

- A. *Unsafe signs.* When any sign becomes insecure, in danger of falling, or otherwise unsafe, or if any sign shall be unlawfully installed, erected or maintained in violation of any of the provisions of this ordinance, the owner or lessee shall, upon receipt of a written notice from the zoning administrator, forthwith in the case of immediate danger, and in any case in not more than 24 hours, make such sign conform to the provisions of this ordinance or shall cause it to be removed. If the order is not complied with within 24 hours, the zoning administrator may remove such sign at the expense of the owner or lessee.
- B. *Damaged signs.* If any sign or advertising structure or supporting structure is torn, damaged, defaced or destroyed, and not repaired or replaced within ten days of said casualty, the zoning administrator shall issue a written notice to the owner or lessee of the sign requiring the repair, replacement or removal within 20 days. In the event said owner or lessee does not repair, replace, or remove the sign pursuant to the notice, or cannot establish a good faith effort to comply, the zoning administrator is authorized to cause removal of the sign. The expense of removing the sign shall be paid by the owner or lessee of the sign or by the owner of the building or structure or property from which the sign or structure was removed.
- C. *Sign maintenance.* All signs, together with all their supports, braces, guys and anchors, shall be maintained in good

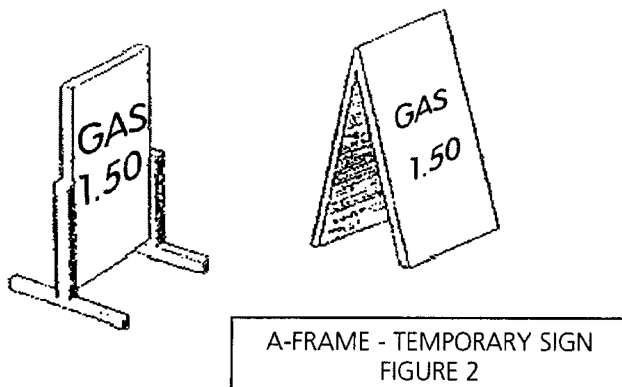
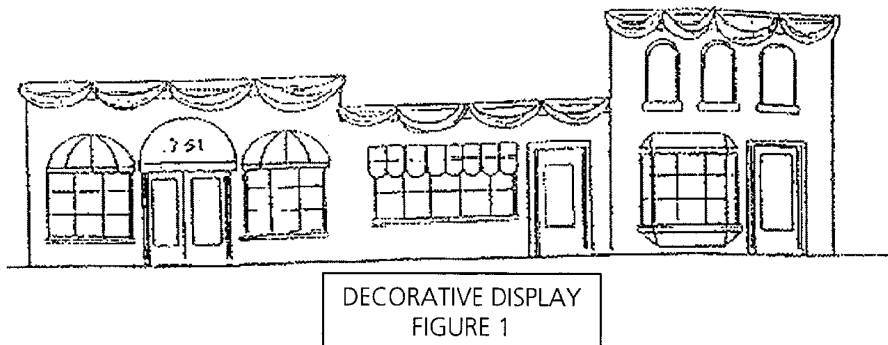
working order; and when not galvanized or constructed of approved corrosion-resistant, noncombustible materials, shall be painted when necessary to prevent corrosion. The exteriors of all signs, supporting members, painted surfaces, advertising materials and lettering shall be kept in good repair so as to present a neat and orderly appearance. All bulbs or component parts of the sign, including the electrical switches, boxes and wiring used in the illumination of the sign must be well maintained and in good repair. It shall be the duty and responsibility of the owner or lessee of every sign to maintain the immediate premises occupied by the sign in a clean, sanitary and healthful condition.

Sec. 21.12. - Political signs.

Political signs shall not be permitted on city property and in public rights-of-way.

Sec. 21.13. - Temporary signs.

Temporary signs such as banners shall only be permitted by the city council and shall be permitted for a specific period and such sign shall be maintained in its original condition at installation for the entire period of display. Removal by the applicant at the end of the duration of the display period shall be required.

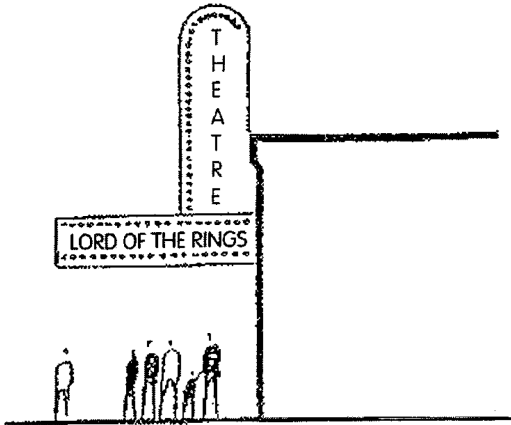




POLE OR PYLON SIGN
FIGURE 3

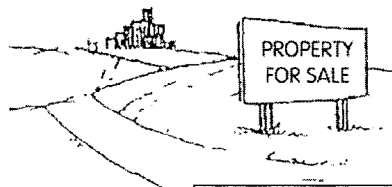
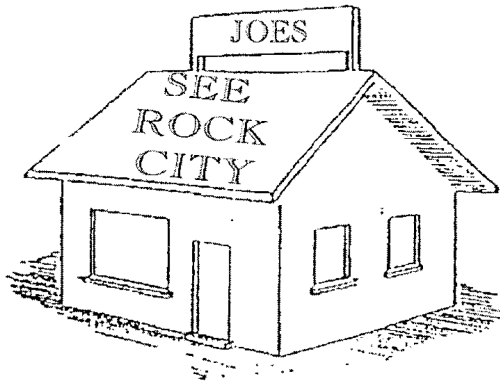


PORTABLE SIGN
FIGURE 4

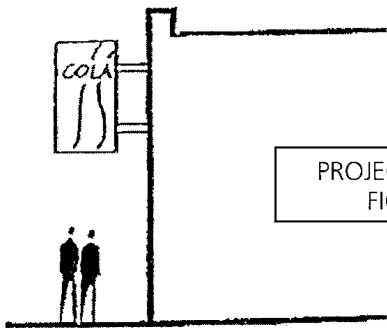


MARQUEE SIGN
FIGURE 5

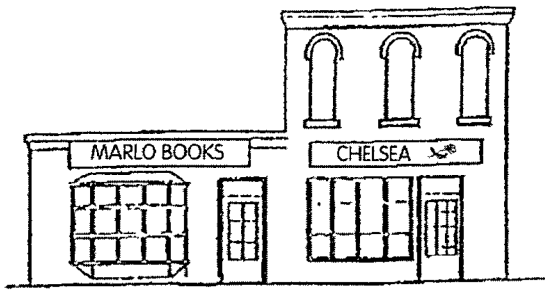
ROOF SIGNS
FIGURE 6



REAL ESTATE SIGN
FIGURE 7



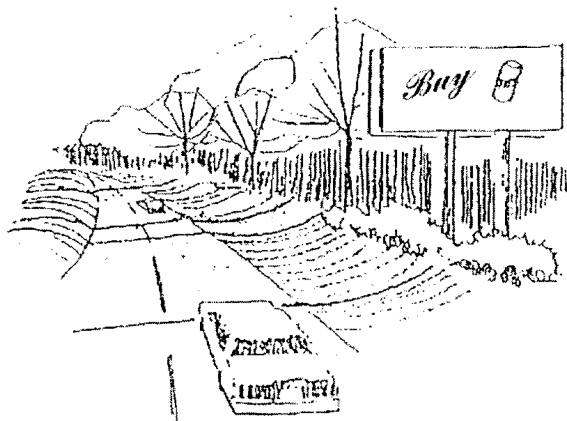
PROJECTING SIGN
FIGURE 8



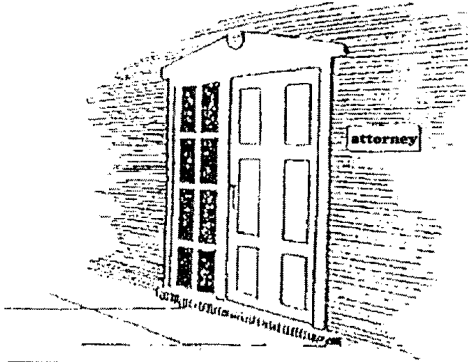
WALL SIGNS
FIGURE 9



TEMPORARY SIGNS
FIGURE 10



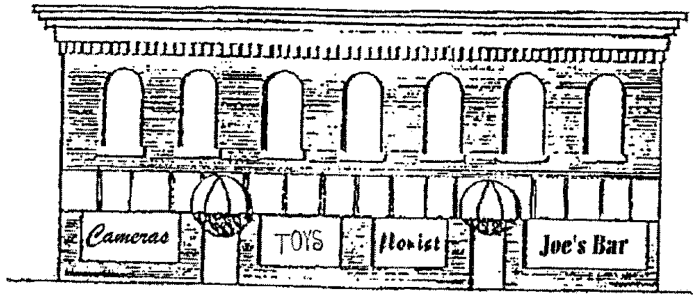
NON ACCESSORY SIGN
FIGURE 11



IDENTIFICATION NAME PLATE
FIGURE 12



BANNER SIGN
FIGURE 13

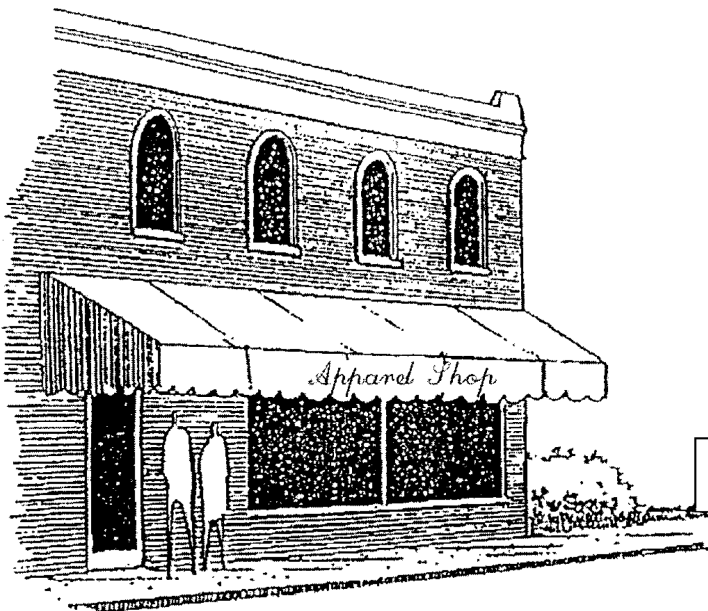
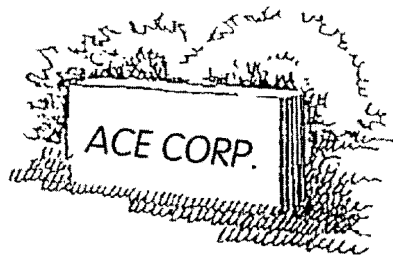
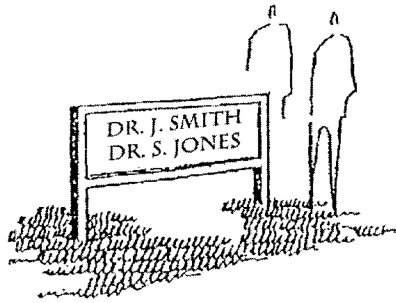


WINDOW SIGN
FIGURE 14

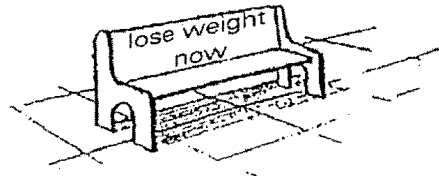


VEHICLE BUSINESS SIGN
FIGURE 15

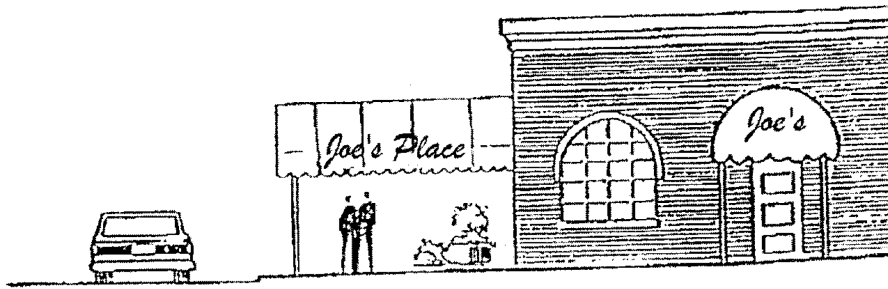
GROUND SIGNS
FIGURE 16



AWNING SIGN
FIGURE 17



BENCH SIGN
FIGURE 18



CANOPY SIGNS
FIGURE 19

ARTICLE 22. - SITE PLAN AND PLOT PLAN REVIEW

Sec. 22.01. - Purpose.

It is the purpose of this article to specify standards, data requirements, and the review process which shall be followed in the preparation of site plans and plot plans as required by this ordinance. A site plan contains comprehensive and detailed information about improvements proposed on the site and is required for land uses such as business, industrial, and multiple-family developments. Plot plans are less detailed plans pertaining to improvements proposed on the site and are required for less complex developments, such as single-family and two-family dwellings.

Sec. 22.02. - Site plan review.

- A. A site plan shall be submitted to the zoning administrator and the city planning commission for review and approval of:
1. Any use or development for which the submission of a site plan is required by any provision of this ordinance.
 2. Any development, except single-family and two-family residential, for which off-street parking areas are provided as required in [article 20](#), off-street parking requirements.
 3. Any use in an RC, RC-1, OS, B-1, B-2, B-3, I-1, WM and PUD development.
 4. All residentially related uses permitted in a single-family district such as, but not limited to, churches, schools and public facilities.
 5. Building additions or accessory buildings shall not require planning commission review unless off-street parking in addition to that already provided on the site is required.

- B. Every site plan submitted to the city shall be in accordance with the requirements of this ordinance. No site plan shall be reviewed by the planning commission until it has been reviewed by the zoning administrator, in coordination as may be necessary with the fire department, police department, city staff and consultants for compliance with the standards of the respective departments.
- C. The following information shall be included on the site plan:
1. A survey showing property dimensions and legal description, including angles, lot area and dimensions, and an arrow pointing north.
 2. Project description, including the total number of structures, units, bedrooms, offices, square feet, total and usable floor area, carports or garages, employees by shift, amount of recreational and open space, type of recreation facilities to be provided, and related information as pertinent or otherwise required by this ordinance.
 3. A plan showing the location of all buildings and structures existing and proposed on the site including building elevation drawings.
 4. Natural features such as woodlands, streams, flood plains, county drains, lakes or ponds, topography (at two-foot intervals on-site and within 150 feet of the site) and man-made features such as existing roads and structures, indicating which are to be retained, removed or altered.
 5. Existing public rights-of-way, private easements of record, and deed restrictions.
 6. Proposed streets and alleys, (including cross-sections), acceleration, deceleration or right turn lanes, driveways, parking spaces, sidewalks, with indication of direction of travel, the inside radii of all curves including driveway curb returns. The width of streets, driveways and sidewalks. The total number of parking spaces, and dimensions of a typical individual parking space and associated aisles. Proposed traffic control measures (including signs) and proposed street or road names shall also be indicated.
 7. A vicinity sketch showing the location of the site in relation to the surrounding street system and other land uses within 200 feet in every direction of the proposed use including land uses on the opposite side of any public thoroughfare(s).
 8. Location of utilities, water supply and the location and design of waste water systems as well as any easements that exist or are proposed to be established for installation, repair and maintenance of utilities.
 9. Proposed location of trash receptacles, accessory buildings and uses, and signs.
 10. A landscaping plan indicating the locations of plant materials to be preserved and locations of proposed planting and screening, fencing, and lighting in compliance with the requirements of section 23.09, landscaping planting. Also, proposed locations of common open spaces, if applicable.
 11. A storm drainage and storm water management plan for all streets and any impacted area.
 12. Location and specifications for any existing or proposed above or below ground storage facilities for any chemicals, salts, flammable materials, or hazardous materials as well as any containment structures or clear zones required by government authorities.
 13. Location of exterior drains, dry wells, catch basins, retention and/or detention areas, sumps and other facilities designed to collect, store or transport storm water or waste water. The point of discharge for all drains and pipes shall also be specified on the site plan.
 14. A statement from the applicant identifying all federal, state and local permits required, if any.
 15. Project completion schedule.

16. Such other information as may be necessary to enable the city to determine the proposed site plan's compliance provisions of this ordinance.
 17. All other information required by the city.
- D. In the process of reviewing the site plan, the zoning administrator and the planning commission shall consider:
1. The location and design of driveways providing vehicular ingress to and egress from the site, in relation to streets giving access to the site and to pedestrian traffic.
 2. The location of automobile parking areas and traffic circulation features within the site, and may make such requirements with respect to any matters as will assure:
 - a. Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets, and
 - b. Satisfactory and harmonious relationships between the development on the site and the existing and prospective development of contiguous land and adjacent neighborhoods.
- E. The planning commission may further require landscaping, fences and walls in pursuance of these objectives, which shall be provided and maintained as a condition of the establishment and the continued maintenance of any use to which they are appurtenant.
- F. The plan for the proposed building or structure shall include elevation drawings and shall indicate the manner in which the structure is in harmony with the general character of the surrounding development and in general contributes to the image of the community as a place of beauty, balance, fitness, broad vistas and high quality.
- G. The plan for the proposed building or structure indicates the manner in which the structure is reasonably protected against external and internal noises, vibrations, noxious odors and other factors which may tend to make the environment less desirable.
- H. The proposed building or structure will not, due to exterior design, appearance, or inferior quality cause the nature of the local environment to materially depreciate in appearance and value.

Sec. 22.03. - Site plan review procedures.

- A. *Submittal and distribution of site plans.* At least 12 copies of the application and site plan shall be submitted to the zoning administrator at least 14 days prior to transmittal to the planning commission. The zoning administrator shall review the application and site plans for completeness and if such application or plans are not complete according to article 22, the plans shall be returned to the applicant with a written notice identifying the inadequacies of the plans. Upon receipt of an adequately completed application and plans, the zoning administrator shall record the date of their receipt and transmit nine copies to the planning commission, one copy to the city engineer, if necessary, and one copy to the fire department when necessary.
- B. *Review.* The zoning administrator and the planning commission shall review the application and plans and determine their conformity with the applicable provisions of this ordinance. The planning commission may, at its discretion, delay deliberating upon a site plan at its next scheduled meeting unless the site plan and all supporting documents have been received by the planning commission at least seven business days prior to such meeting.
- C. *Approved site plans.* Three copies of the approved site plan, with any conditions required shall be maintained as part of the city records for future review and enforcement. One copy shall be returned to the applicant. Each copy shall be signed and dated with the date of approval by the chairperson of the planning commission. If any

variances from the zoning ordinance have been obtained from the zoning board of appeals, the minutes concerning the variances, duly signed, shall also be filed as a part of the site plan and delivered to the applicant for information and direction.

Sec. 22.04. - Conformity to approved site plans.

Property which is subject to site plan approval must be developed in strict compliance with the approved site plan and any amendments thereto. If construction and development does not conform to such approved plans, the approval and any permit shall be revoked by the zoning administrator pursuant to section [article] 25. Upon revocation of such approval, all construction activities shall immediately cease upon the site, other than for the purpose of correcting the violation or making the property safe.

Sec. 22.05. - Changes, expiration, fees and guarantees.

- A. *Amendment to the site plan.* No changes shall be made to an approved site plan prior to or during construction except as follows:
1. *Minor changes.* Minor changes to an approved site plan involving changes of less than five feet in the location of walkways, vehicular circulation ways and parking areas, or exterior building and structure walls; adjustment of utilities; and similar minor changes may be approved by the zoning administrator unless the zoning administrator defers judgment to the planning commission.
 2. *Major changes.* Major changes or amendments to an approved site plan involving changes in excess of five feet in the location of walkways, vehicular circulation ways and parking areas, or exterior building and structure walls; the number and location of accesses to public streets and alleys; a reduction in the number of parking spaces; and increase in the gross floor area or heights of buildings; a reduction in the open space; and similar major changes, shall require the approval of the planning commission in the same manner as the original application was submitted, reviewed, and approved and subject to the finding of all of the following:
 - a. Such changes will not adversely affect the initial basis for granting approval of a special land use permit; and
 - b. Such changes will not adversely affect the overall project in light of the intent and purpose of such development as set forth in this article; and
 - c. Such changes shall not result in the reduction of open space area as required herein.
- B. *Site plan expiration.* The approval of any site plan under this provision shall expire one year after the date of such approval, unless actual construction and development have been commenced in accordance with said site plan prior thereto. If such construction and development is commenced within said one-year period, then such approval shall continue for a period of five years from the date thereof; provided, however, that should a lapse of more than one year in continuous substantial construction and development occur, said approval shall expire. The building inspector shall not issue a building permit for any type of construction on the basis of the approved site plan after such approval has expired.
- C. *Fees.* Fees for review of site plans shall be collected at the time of site plan submittal in accordance with the site plan review fee schedule established by the city. Fees for review of an expired site plan may be waived in those instances where no substantial change in conditions of the site plan nor of abutting uses has taken place. In those instances where conditions have changed, the fee for review of expired site plans or new site plans shall be the same as for the initial submittal. Fees shall be provided in accord with a city council resolution for applications, permits and cost recovery for such services as engineering, planning and attorney fees associated with the project.

- D. *Performance bond.* Performance bond to cover improvements may be required as specified in article 32 of this ordinance.

Sec. 22.06. - Plot plan review.

- A. *Plans required.* In all RA districts, plot plans shall be required for single-family and two-family dwellings.
- B. *Data required.* The following data shall be submitted with applications for zoning compliance permits for uses requiring a plot plan:
1. An accurate, readable, drawing showing the following shall be required except in the case of minor alterations, repair, and demolitions as determined by the zoning administrator. The zoning administrator may establish and make available written guidelines as to the scale and level of detail needed for applications for various types of uses requiring a zoning compliance permit, or for information to be submitted to the zoning board of appeals concurrent with an appeal or a request for an interpretation or variance.
 - a. Name, address and telephone number of the applicant (and owner if different).
 - b. The location, shape, area and dimension of the lot.
 - c. The location of natural features such as woodlands, streams, floodplains, county drains, lakes or ponds with indication as to which are to be retained or removed.
 - d. The location, dimensions, height and bulk of the existing and/or proposed structures to be erected, altered, or moved on the lot.
 - e. A description of proposed use of the building(s), land or structures.
 - f. The proposed number of sleeping rooms, dwelling units, occupants, employees, customers and other users as may be applicable.
 - g. The yard, open space, and parking lot and space dimensions, and number of spaces.
 - h. A vicinity sketch showing the location of the site in relation to the surrounding street system, and adjacent land uses within 300 feet in every direction including on the opposite side of any public thoroughfare.
 - i. Configuration of the driveway and parking, county drains and site drainage patterns.
 - j. Existing public right-of-ways or easements.
 - k. Any other information deemed necessary by the zoning administrator to determine that the proposed improvement complies with the requirements of this ordinance.
- C. *Zoning administrator approval for plot plans.* Plot plan approval is required by the zoning administrator, prior to the issuance of a zoning compliance permit, for all other uses not listed in section 22.02 A above. The zoning administrator shall review such plans in accordance with the same procedures, requirements, and standards as specified in section 22.03
- D. *Amendments to a plot plan.* The zoning administrator shall review proposed changes to an approved plot plan in accordance with the same procedures, requirements, and standards as specified in section 22.05.

Sec. 22.07. - Condominium projects.

- A. All condominium projects including, but not limited to, attached condominium unit projects, single unattached site condominium projects, also known as site condominiums, and conversion condominium projects, shall conform to the requirements of all ordinances, rules, and regulations of the City of Tawas City including, but not limited to, this zoning ordinance and the Michigan Condominium Act, MCL 559.101 et seq.

1. *Site plans.* Site plans shall be submitted in accord with the requirements of [this] article 22.
2. *Condominium documents.* The master deed, recorded pursuant to the condominium act, and any other instrument referred to in the master deed or bylaws and including the bylaws, shall be submitted.

ARTICLE 23. - GENERAL PROVISIONS

Sec. 23.01. - Conflicting regulations.

Wherever any provision of this ordinance conflicts with the requirements, regulations or limitations imposed by any other law or ordinance, the law or ordinance with more stringent provisions shall govern.

Sec. 23.02. - Fences.

(See figure following.)

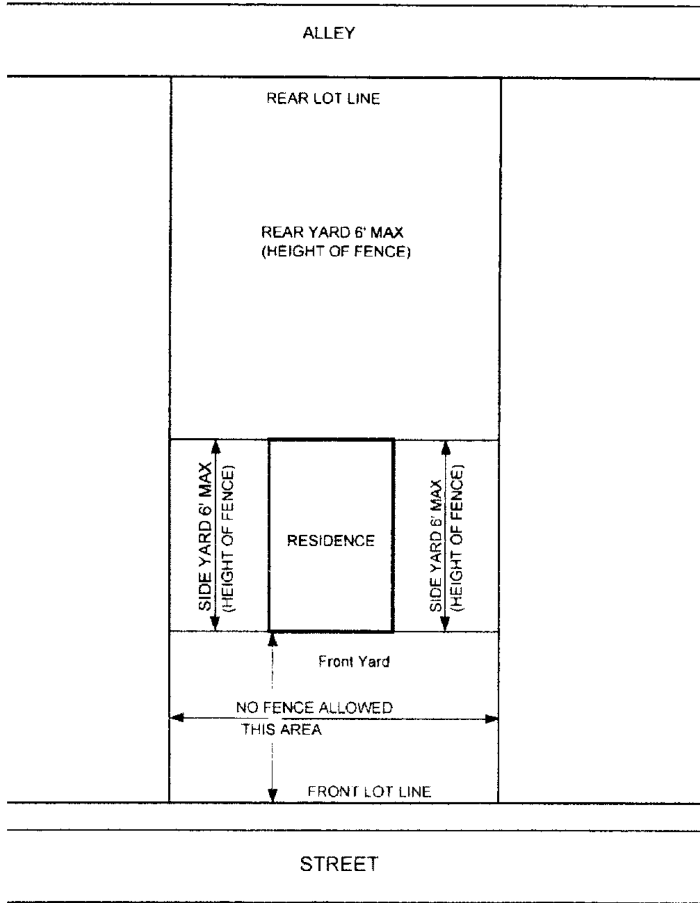
A. Fences, not exceeding six feet in height may occupy side and rear yards.

1. Fences on all lots in all residential districts which enclose property and/or are within a required side or rear yard shall not exceed six feet in height measured from the surface of the ground, and shall not extend toward the front of the lot nearer than the front of the house or the required minimum front yard, whichever is greater.
2. Nothing in this section is intended to prohibit the placement of decorative shrubs or ornamental fencing which may be located within front or exterior side yards, so long as such plantings or fencing does not enclose the restricted lawn area, the restricted lawn area being the front or exterior side yard. In no case shall any such decorative shrubs or fence(s) exceed four feet in height. Ornamental fences shall provide an open surface of not less than 50 percent of the fence surface.
3. Recorded lots having a lot area in excess of two acres and a frontage of at least 200 feet and acreage or parcels not included within the boundaries of a recorded plat in all residential districts are excluded from these regulations.
4. Fences on lots of record shall not contain barbed wire, electric current or charge of electricity.
5. Fences which enclose public or institutional parks, playgrounds, or public landscaped areas situated within an area developed with recorded lots shall not exceed eight feet in height measured from the surface of the ground and shall not obstruct vision to an extent greater than 25 percent of their total area except that nothing in this subsection shall prevent the erection of fencing for tennis courts, backstops or the like.
6. For the protection of the general public, all areas containing swimming pools with a water depth of greater than two feet shall be completely enclosed by a fence not less than four feet in height. The gates shall be of a self-closing and latching type, with the latch on the inside of the gate not readily available for children to open. Gates shall be capable of being securely locked when the pool is not in use for extended periods.
7. Above ground pools shall be completely fenced in accord with [subsection A]6 above, or shall be equipped with a retractable ladder which is capable of being securely locked.

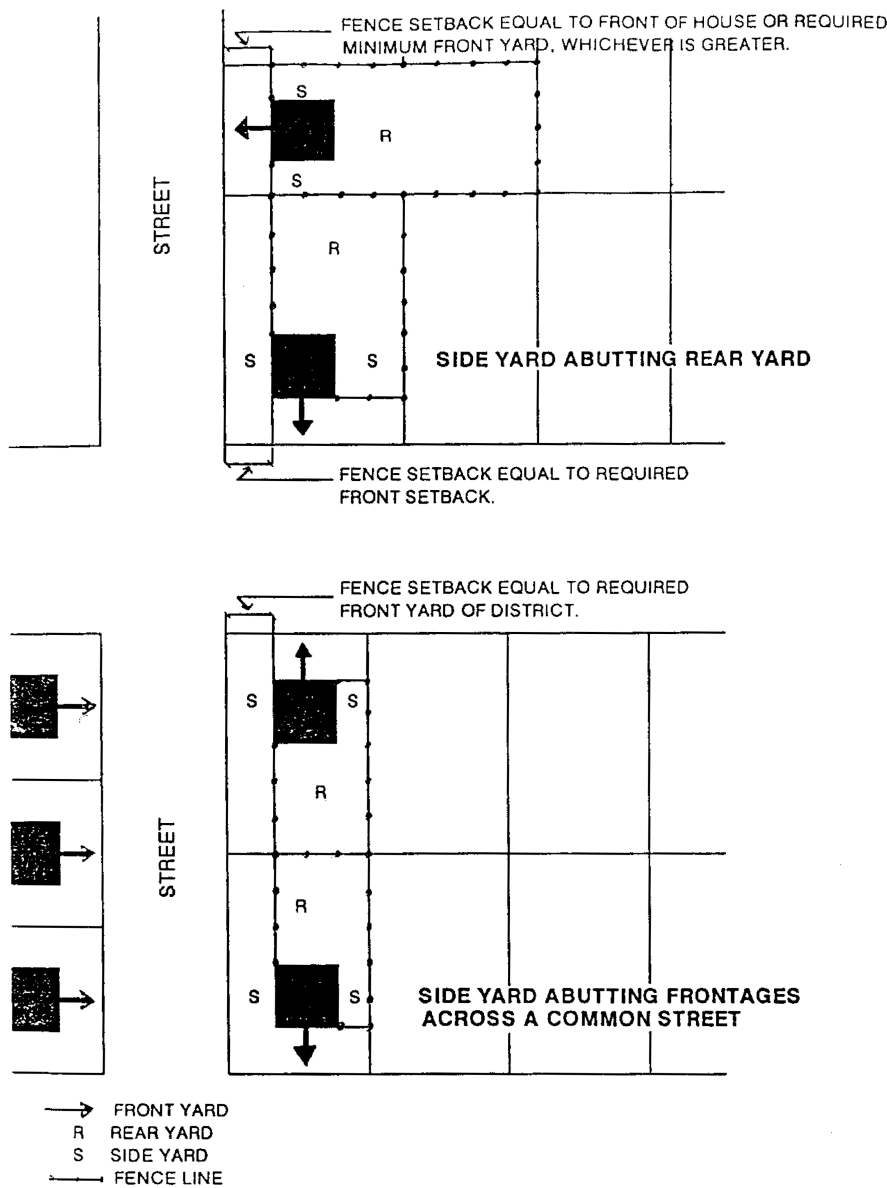
B. Fences shall be permitted in industrial districts provided:

1. No such fence permitted herein shall serve as a screening device except where permitted in conjunction with other screening materials.
2. No fence shall extend into a front or exterior side yard.

- 3. No fence shall exceed eight feet in height except barbed wire placed along the top of a fence may project beyond the maximum height limitation of the fence, but no fence, including barbed wire, shall exceed an overall height of 11 feet.
- C. Fence supports or devices must be on the permit holder's side of the fence in all zoning districts, with the finished side of the fence facing the adjacent property.



PERMITTED FENCE HEIGHT & LOCATION



RESIDENTIAL FENCE SETBACKS

Sec. 23.03. - [Reserved.]

Sec. 23.04. - Corner clearance.

No fence, wall, shrubbery, sign or other obstruction to vision above a height of two feet from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of 25 feet from their point of intersection.

Sec. 23.05. - Walls and earth berms.

- A. There shall be provided and maintained between any non-residential and residential district and between any multiple-family and single-family districts and between certain uses listed herein, an obscuring wall or landscaped earth berm as below set forth subject to materials and design approved by the city planning commission except as

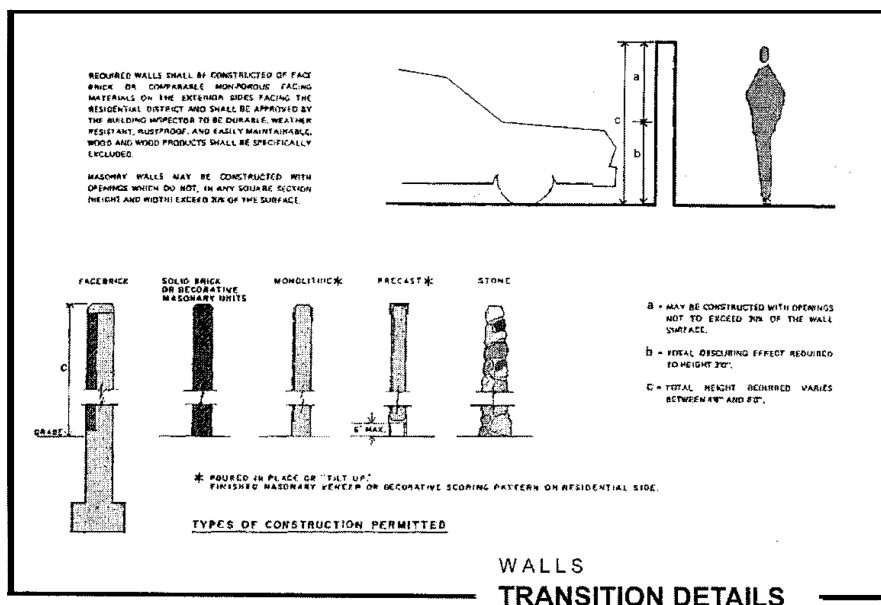
otherwise excluded in subsection C of this ordinance:

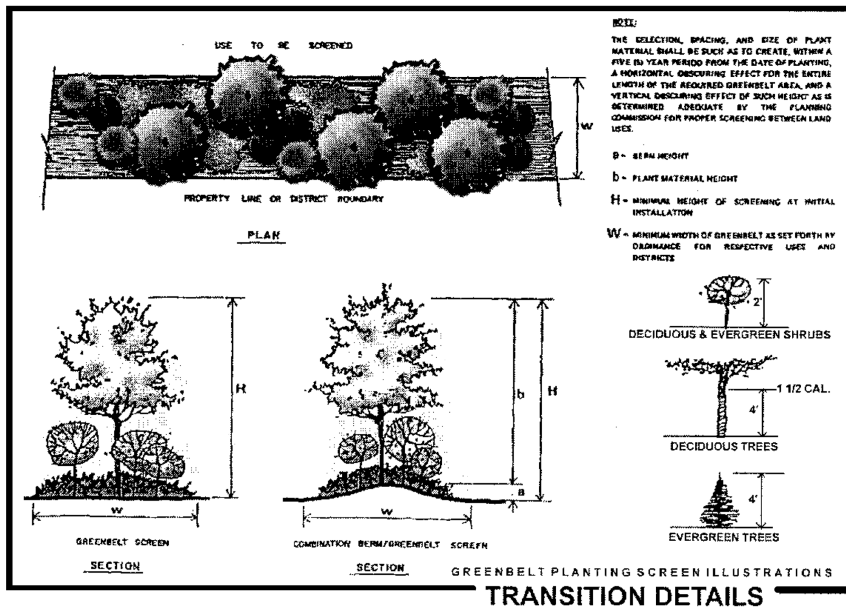
District	Height Limitation
1. Off-street parking area	4'-6" high (non-residential uses in residential districts shall provide the wall or earth berm immediately adjacent to the parking area)
2. RC and RC-1 districts	4'-6" high (non-residential uses in residential districts shall provide the wall or earth berm immediately adjacent to the parking area)
3. OS and WF districts	4'-6" high
4. B-1, B-2 and B-3 districts	6'-0" high
5. I-1 districts	6'-0" high
5(a). I-1 districts—open storage areas, loading or unloading areas, service areas	6'-0" high (or the height necessary to provide the most complete obscuring possible)
6. Auto wash, drive-in restaurants	6'-0" high
7. Utility buildings, stations and/or substations	6'-0" high
8. Automotive storage	6'-0" high
9. Refuse and waste disposal units	6'-0" high (see section 23.13)

- B. For those use districts and uses listed above, there may be provided in lieu of an obscuring wall, an obscuring, landscaped earth berm (earth mound). When such earth berm is provided in place of a wall, the berm shall be landscaped and maintained in a clean, orderly and growing condition, and shall meet the following design standards:
1. Continuous earth berms shall be provided with an undulating horizontal and vertical top and sides, the height of which shall be no less than required for a wall in the district. Earth berms may consist of opaque screen plantings within the horizontal berm depressions or architectural masonry walls or a combination of both, so long as the minimum required height of the earth berm plantings, walls or combinations thereof are maintained.
 2. Berms shall be a landscaped earth mound possessing a maximum slope ratio of three to one. (Three feet of horizontal plane for each one foot of vertical height.) The berms shall have nearly flat horizontal area at their crests of at least two feet in width. The side slopes shall be protected from erosion by sodding or seeding. Sodding shall be used only if the sodded areas are provided with irrigation. If seeded, they shall be protected with straw mulch held in place by jute netting until a permanent lawn is established; except that other nets designed and intended to control erosion may be used as well.
 3. The planning commission shall review the effectiveness of an earth berm against other screening devices set forth in this ordinance and determine if the berm is an acceptable alternative. The commission, in making its review, shall consider the type of objects to be screened, the type of land use that the objects are to be screened from, topographic conditions in the area and general appearances.
- C. Required walls or earth berms, except as otherwise specified in this section, shall be located on the lot line except where underground utilities interfere and except in instances where this ordinance requires conformance with front yard setback lines in abutting residential districts. Upon review of a site plan, the planning commission may recommend to the board of appeals location for the wall or earth berm. The zoning board of appeals, with planning commission recommendation, may waive the wall or earth berm requirement, if in specific cases, it

would not serve the purposes of screening the parking area. In considering the waiver of wall or earth berm requirements around parking areas in residential districts or between residential and non-residential districts, the planning commission and the board of appeals shall:

1. Make a determination as to whether or not the residential district is considered to be an area in transition and will become non-residential in the future. In such cases where the planning commission determines the residential district to a future non-residential area, it may recommend waiver of the wall or earth berm requirements.
 2. A landscape planting screen around an off-street parking lot in a residential district will provide for a more aesthetically pleasing and functional overall screen.
- D. Required walls or earth berms may, upon approval of the planning commission, be located on the opposite side of an alley right-of-way from a non-residential district that abuts a residential district when mutually agreeable to affected property owners. The continuity of the required wall or earth berm on a given block will be a major consideration of the planning commission in reviewing such requests.
- E. Required walls should be constructed of architectural masonry or other materials approved by the city.





Sec. 23.06. - Accessory uses, buildings and structures.

Accessory buildings, structures and uses, except as otherwise permitted in this ordinance, shall be subject to the following regulations:

A. *Accessory buildings.*

1. An accessory building shall be constructed of exterior building materials similar to the exterior of the principal building.
2. Accessory buildings shall not be erected in any required front yard or in any required exterior side yard.
3. No accessory building shall occupy more than 25 percent of any rear yard, provided that in a residential district, the accessory building shall not exceed the ground floor area of the main residence.
4. No detached accessory building shall be located closer than ten feet to any main building nor shall it be located closer than three feet to any interior side lot or rear lot line.
5. In those instances where the rear lot line abuts an alley right-of-way, the accessory building shall be no closer than one foot to such rear lot line. In no instance shall an accessory building be located within an easement or dedicated right-of-way. In those instances where the rear lot line abuts a street right-of-way, the accessory building shall be no closer to this line than the required front yard setback in the district in which the property is located.
6. No detached accessory building in RA through RC-1, RD, OS, and B-1 districts shall exceed one story or 16 feet in height. Accessory buildings in all other districts may be built to a height equal to the maximum permitted height of the district, provided, if the accessory building exceeds the one story 16 feet in height, the building shall be set back one foot from side and rear lot lines for each foot the building exceeds 16 feet in height.
7. When an accessory building in a one-family residential, business or office district is intended for a use other than dog houses, the parking or storage of private motor vehicles, tools or recreation equipment, the accessory use shall be subject to review and approval by the board of appeals. When an accessory building

is used as a garage for the parking of private motor vehicles, it shall not exceed 1,200 square feet in gross floor area.

B. *Accessory structures.*

1. Accessory structures, except where otherwise permitted and regulated in this ordinance, shall be located in the rear yard and shall meet the setback requirements of an accessory building.
2. Flag poles may be located within any required front or exterior side yard. Such poles shall be located no closer to a public right-of-way than one-half the distance between the right-of-way and the principal building.
3. Canopy or canopies covering gasoline pump islands may extend into the required front or exterior side yards to a point 15 feet from the street right-of-way line. No signs shall be placed on any canopy other than a sign showing the height of the canopy. Such signs shall not exceed two square feet in total display area.
4. Ground-mounted private communication antennas shall be located in the rear yard, except when such antennas will not be highly visible from a street when so placed, they may be located in a nonrequired interior side yard.
5. No private communications antenna shall exceed the height limitations of the district in which it is located and shall be placed so that a horizontal distance at least equal to the vertical height of the antenna shall be provided between the antenna and the nearest property line. Except, in those instances where an antenna extending upward from the ground is also securely attached elsewhere to a building, the required distance to the nearest property line may be measured from the building attachment to the top of the antenna. All such antenna may be attached to a pole, a tower or to a rooftop of a principal or accessory building, provided all applicable structural and electrical code requirements are met.
6. Wind powered generators shall be permitted provided:
 - a. They are located in the rear yard only.
 - b. They do not exceed the height limitation of the district.
 - c. They are so located on the premises that a distance at least equal to the height of the generator blades at their apogee is provided to the nearest property line.
 - d. They meet all applicable structural and electrical codes.
7. Solar energy panels when located on the ground shall observe all applicable requirements pertaining to an accessory building. When roof-mounted, they shall be mounted either flat against the roof surface or shall not project more than three feet outward from the roof measured from the surface of the roof where so affixed to the furthest outward projection of the panel.
8. A freestanding wood or bio-fuel burning device for heating or water heating for the home or to supplement in-home heating or water heating shall not be permitted in any residential district as an accessory use.

(Ord. No. 304, 6-20-2011)

Sec. 23.07. - Outdoor displays of products or materials intended for retail sale or rental.

Outdoor displays of products or materials intended for retail sale or rental, except as otherwise permitted in this ordinance, shall be subject to the following regulations:

A. *General standards.*

1. An outdoor display shall be considered an accessory to the principal business use conducted on the

premises and may only be allowed in the B-1, B-2 and B-3 zoning districts.

2. The exterior of the premises shall be kept clean, orderly and maintained.
 3. The city shall not be held liable or responsible for any type of damage, theft or personal injury which may occur as a result of an outdoor display.
 4. All applications for outdoor displays shall be approved by the planning commission.
- B. *Standards within the B-2 zoning district.*
1. An outdoor display may be located in front of or adjacent to the establishment.
 2. Outdoor display and sale areas shall not be placed within the public right-of-way or sidewalk areas unless otherwise permitted by the city council.
 3. Outdoor display and sale areas shall not occupy or obstruct the use of any fire lane, required off-street parking or landscaped area required to meet the requirements of the zoning ordinance.
- C. *Standards within the B-1 and B-3 zoning districts.*
1. An outdoor display shall not be located within any required yard and shall not be located within any public street right-of-way.
 2. An outdoor display shall not occupy or obstruct the use of any fire lane, required off-street parking or landscaped area required to meet the requirements of the zoning ordinance.

(Ord. No. 310, 12-17-2012)

Sec. 23.08. - Reserved.

Sec. 23.09. - Landscape planting.

- A. *[Planting period.]* All plant materials required by this ordinance or an approved site plan shall be planted to completion within six months from date of approval and shall thereafter be properly maintained.
- B. *[Materials; growing conditions; appearance; replacement.]* All plantings shall consist of permanent, living plant materials and shall be maintained in a healthy growing condition which shall include watering, cultivation and weed control, and further maintained in a neat and orderly appearance free of refuse and debris. All unhealthy and dead plant materials shall be replaced within three months or during the next appropriate planting season.
- C. *[Site plan; planting plan.]* A site plan including a detailed planting plan for the required landscape screen or plantings must be submitted to the zoning administrator and receive approval by the planning commission prior to issuance of a building permit. Plans shall be submitted in accordance with the following:
 1. A minimum scale of one inch equals 40 feet.
 2. Plans shall indicate, to scale, the location, spacing, starting size and description for each unit of plant material proposed for use within the required screening or planting area, together with the finished grade elevations therein.
 3. Plans shall indicate the proposed location of all structures (including height), off-street parking areas, points of ingress and egress to the site, walks, roadways, proposed outside storage, dumpster areas, loading or service areas and transformers.
 4. Plans shall indicate existing plant or tree cover including types and heights of trees.
- D. *[Planting plan reviewal.]* The planting plan shall be reviewed relative to the following:
 1. The proper spacing, height, placement, location and type of plant materials:

- (a) To insure landscape screens are sufficient to achieve the requisite horizontal and vertical obscuring of the private use.
 - (b) To insure landscape planting areas meet the minimum requirements set forth in this ordinance.
 - (c) Where landscape screens are required a proper relationship must exist between deciduous and evergreen plant materials to assure that the desired obscuring effect will be maintained throughout the various seasonal periods.
2. The choice and selection of plant materials shall be made so as to insure that root systems will not interfere with public utilities and that fruit and other debris (excluding leaves) will not constitute a nuisance within public rights-of-way or to abutting property owners.
 3. The choice and selection of plant materials shall be of types that will survive and thrive in the area in which they are to be located. It is suggested that a mixture of plant materials (evergreen and deciduous trees and shrubs) be provided in all landscape plans as a protective measure against disease and insect infestation.
 4. The size of plant materials (both starting and ultimate).
 - (a) Where landscape screens are required to insure adequate maturity and optimum screening effect.
 - (b) Where landscape planting areas are required, to insure such areas are safely distant from any building, point of ingress or egress and do not create a traffic hazard.
- E. *[Landscape planting screens and planting areas.]* Landscape planting screens and landscape planting areas shall consist of suitable plant materials laid out in conformance with the following:
1. *Landscape planting screen.*
 - (a) Plant materials (except creeping vine type) shall not be located within two feet of a property line.
 - (b) Where plant materials are planted in two or more rows, planting shall be staggered in rows.
 - (c) Evergreen trees shall be a minimum of six feet in height. When planted in informal groupings, they shall be spaced not less than ten feet on centers. If placed further apart, additional screen plantings shall be used to achieve the desired obscuring effect. When planted in rows, they shall be spaced not more than eight feet on centers.
 - (d) Narrow evergreen trees shall be a minimum of five feet in height. When planted in informal groupings, they shall be spaced not more than ten feet on centers. When planted in rows, they shall be spaced not more than five feet on centers.
 - (e) Tree-like shrubs shall be a minimum of six feet in height and spaced not more than ten feet on centers.
 - (f) Large deciduous shrubs shall be a minimum of four feet in height and spaced not more than six feet on centers.
 - (g) Deciduous trees shall be a minimum of eight feet in height with a minimum caliper of 2½ inches, they shall be spaced not more than 30 feet on centers.
- F. *Street trees.*
1. In addition to landscape requirements as specified herein, trees shall be located on private property spaced 35 feet on centers along all street frontages. On streets under the jurisdiction of the county or the state, plans for street trees shall be subject to the requirements of such agency.
- G. *Landscaping planting areas.*
1. Spacing between and minimum size of plant materials (in feet) shall be as follows:

Plant Material Types	Narrow Evergreen Trees	Evergreen Trees	Tree-Like Shrubs	Large Deciduous Trees	Large Shrubs
Narrow evergreen tree	Min. 5' Max. 10'	Min. 12'	Min. 10'	Min. 15'	Min. 5'
Evergreen trees	Min. 12'	Min. 10' Max. 20'	Min. 12'	Min. 20'	Min. 6'
Tree-like shrubs	Min. 10'	Min. 12'	Min. 8' Max. 15'	Min. 15'	Min. 6'
Large deciduous trees	Min. 15'	Min. 20'	Min. 15'	Min. 20' Max. 30'	Min. 6'
Large shrubs	Min. 5'	Min. 6'	Min. 6'	Min. 6'	Min. 4' Max. 6'

Minimum sizes

Narrow evergreen trees, five feet in height.

Evergreen trees, six feet in height.

Tree-like shrubs, six feet in height.

Large deciduous trees, 2½-inch caliper.

Large deciduous shrubs, four feet in height.

2. Trees not permitted (all locations):

- (a) Box elder;
- (b) Soft maples;
- (c) Elms;
- (d) Horse chestnut (nut-bearing);
- (e) Tree of Heaven;
- (f) Catalpa;
- (g) Ash.

3. Trees not permitted within street right-of-way:

- (a) Basswood;

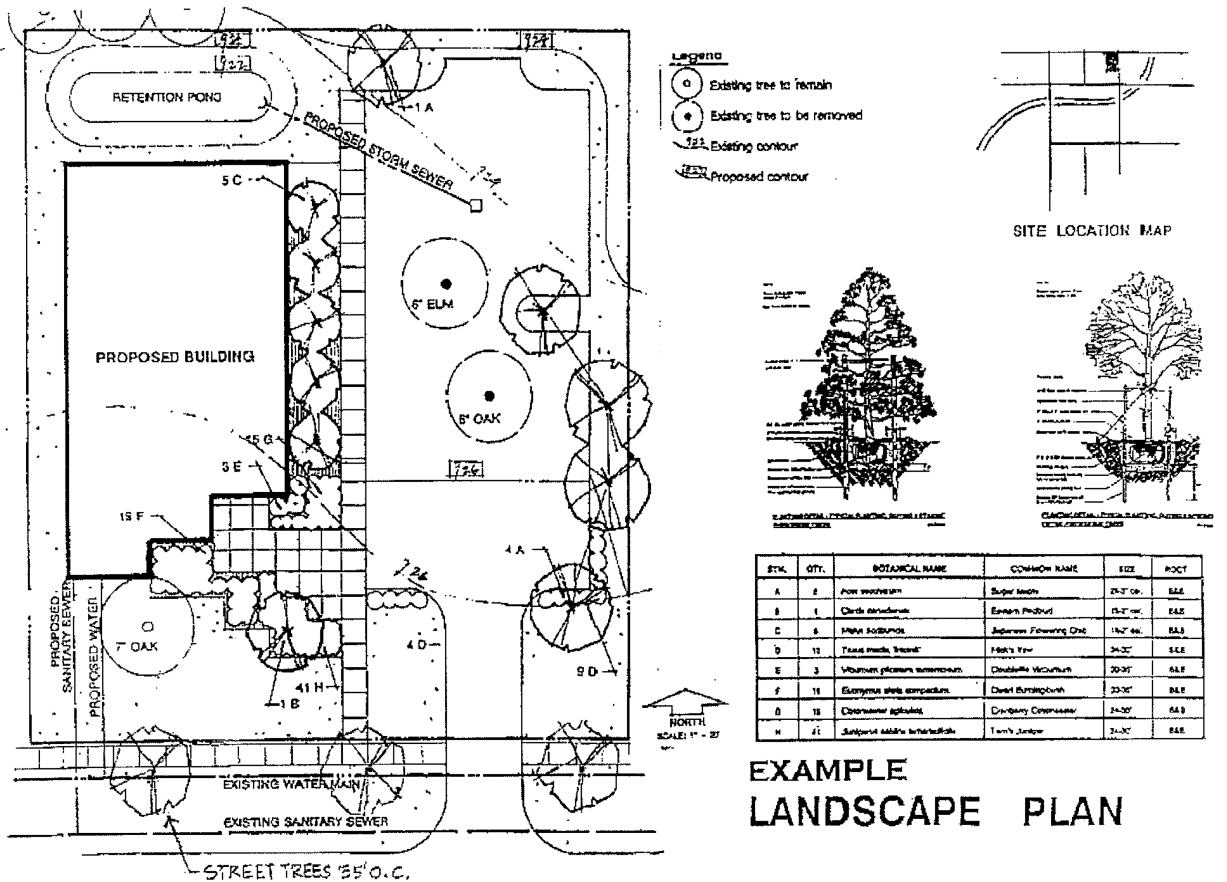
(b) Cottonwood;

(c) Willow.

4. The following table is a list of suggested plant materials. Size, special characteristics and tolerances are given to aid in determining what plant materials are right for individual situations. This list is not intended to be a comprehensive list of plant materials, especially in the area of deciduous shrubs.

T - Tolerant I - Intolerant S - Slow M - Moderate F - Fast V - Varies	Deicing Salt	Heat	Drought	Shade	Course	Medium	Fine	Oval	Round	Pyramidal	Light Foliage	Dense Foliage	Ped Level Massing	Attractive Flowers	Attractive Fruit	Good Fall Color	Winter Interest	Growth Rate
Shade (canopy) trees 50'—60'																		
Hackberry	T	T	T	T		X	X											F
Honeylocust, Thornless	T	T	T				X		X		X		X					F
Linden, American	I			T	X			X				X	X	X				M
Maple, Norway	T		I		X				X			X	X					M
Maple, Red	I			T		X		X						X		X		F
Maple, Sugar	I	I		T		X		X				X				X		S
Oak, Pin	I		I	T		X				X			X			X	X	M
Intermediate trees 30'—40'																		
Birch, River				T			X	X			X		X			X	X	F
Linden, Greenspire				T		X				X		X	X	X				F
Linden, Littleleaf			I	T		X		X			X	X	X					M
Linden, Redmond				T	X					X		X	X	X				M
Low trees 15'—25'																		
Beech, Blue				T			X		X				X			X		S
Crabapple	I			I		X		X	X				X	X	X		X	F
Dogwood, Pagoda				T		X		X					X	X		X		M
Hawthorn, Thornless	I					X			X				X	X	X			F
Maple, Amur	T			T		X			X				X			X		F
Mountain Ash, European	I		T	I			X	X	X				X					M
Olive, Russian	T	T	T				X		X				X					F
Shadblow Serviceberry				T		X		X			X		X					F
Evergreen trees 50'—60'																		
Pine, Austrian	T			T		X				X			X				X	F
Pine, Scotch	T					X				X			X				X	F
Spruce, Black Hills	T	T	T			X				X			X				X	M
Spruce, Colorado	T					X				X			X				X	S
Deciduous shrubs 4½' and taller																		
Buckthorn, Columnar	T	T		T		X		X					X		X			F
Chokeberry, Black				T		X			X				X	X	X	X		S
Dogwood, Redtwig	I					X			X				X	X			X	F
Euonymous, Winged	I				X			X		X			X			X	X	S
Lilac, French				T		X			X				X	X				M

Ninebark, Golden				T	X			X						F
Deciduous shrubs under 4½'														
Currant, Alpine	T	T				X	X		X	X				M
Barberry, Japanese	I		T	T	X				X		X	X	X	M
Cranberry Bush, Compact	I					X	X		X					
Honeysuckle, Emerald Mound				T		X	X		X	X	X			M
Potentilla	T	T	T		X				X	X				M
Spiraea, Anthony Waterer				T		X	X		X	X				M
Evergreen shrubs (height varies)														
Arborvitae		Varies				X	Varies		X				X	S
Junipers		Varies				X	Varies		X				X	V
Pine, Mugho		Varies				X	Varies		X				X	S
Yews		Varies				X	Varies		X				X	S
Groundcovers 1'—2'														
Cinquefoil Wineleaf				T			X		X			X		F
Crownvetch				T	T		X		X	X				S
Creeper, Virginia	T		T	T	X				X			X		F
Fleeceflower		T	T			X			X	X	X		X	F



Sec. 23.10. - Exterior lighting.

- A. All outdoor lighting in all use districts used to light the general area of a specific site shall be shielded to reduce glare and shall be so arranged as to reflect lights away from all adjacent residential districts or adjacent residences and thoroughfares.
- B. Outdoor lighting poles or standards shall not exceed the maximum height limitation of the district in which they are located, except that no lighting pole or standard shall exceed 25 feet in height when located on land adjacent to a residential district.
- C. All outdoor lighting in all use districts shall be directed toward and confined to the ground areas of lawns or parking lots.
- D. All lighting in nonresidential districts used for the external illumination of buildings, so as to feature said buildings, shall be placed and shielded so as not to interfere with the vision of persons on adjacent streets or roads or adjacent property.
- E. Illumination of signs shall be directed or shaded downward so as not to interfere with the vision of persons on adjacent streets or roads or adjacent property.
- F. Lighting provided under gas station covered areas and at similar installations shall be flush mounted with the underside surface of such covered area.
- G. Artificial light shall be maintained in a manner so as not to constitute a hazard or nuisance.
- H. Flashing lights shall be prohibited.

Sec. 23.11. - Frontage on a public street.

No lot or parcel of land shall be used for any purpose permitted by this ordinance unless said lot or parcel shall front directly upon a public street and have access thereto as approved by the city unless otherwise provided for in this ordinance.

Sec. 23.12. - Building grade.

- A. Any building having required yard space shall be located at such elevation that a sloping grade shall be maintained to cause the flow of surface water away from the walls of the building. This grade shall slope away from the building at a rate of two percent (one foot per 50 feet of horizontal distance).
- B. When a new building is to be constructed on a vacant lot between two existing buildings or adjacent to an existing building, the established level of existing buildings shall have priority in determining the level of the new building. The yard around the new building shall be graded to meet existing grades at the property line. Grades shall be subject to approval by the zoning administrator. Storm water run-off shall be channeled so that it shall not flow across other property, nor cause runoff from adjacent properties to pool or pond on that property unless within an approved retention or detention pond.

Sec. 23.13. - Waste receptacles.

- A. Receptacles, including waste receptacles, waste compactors and recycling bins, shall be designed, constructed and maintained according to the standards of this ordinance. Waste receptacle location and details of construction shall be shown for each proposed receptacle on site plans.
 - 1. *Containers.* [Containers] shall be consolidated to minimize the number of collection sites and located so as to reasonably equalize the distance from the buildings or projects they serve. For storage of recyclable materials, the enclosure area and pad size shall be increased to amply accommodate the extra materials and their

containers.

2. *Location.* Waste receptacles shall be located in the rear yard or non-required side yard, and shall be as far away as practical, and in no case less than 20 feet, from any residential district and placed in such a way that they are not easily damaged by the refuse vehicle. The location and orientation of the waste receptacle and enclosure shall minimize the potential for the waste receptacle to be viewed from a public street or adjacent residential district.
3. *Protection.* Bollards or similar protective devices shall be installed at the opening to prevent damage to the enclosure.
4. *Access.* Waste receptacles shall be easily accessed by refuse vehicles without potential for damage to the enclosure or automobiles parked in designated parking spaces.
5. *Base design.* The receptacle base shall be at least ten feet by six feet and constructed of six inches of reinforced concrete pavement. The base shall extend six feet beyond the waste receptacle pad or gate to support the front axle of a refuse vehicle.
6. *Lids or covers.* Each waste receptacle shall have an enclosing lid or cover.
7. *Screening.* In addition to the requirements above, screening for waste receptacles shall be according to the following standards:
 - a. Outside trash disposal containers shall be screened on all sides with an opaque fence or wall, and [a] gate at least one foot higher than the receptacle, but no less than six feet in height, whichever is higher.
 - b. Materials of the enclosure shall be constructed of brick; concrete or decorative precast panel with brick effect; a wooden enclosure, provided the lumber is treated to prevent decay; or a combination of these materials, as determined by the zoning administrator to be durable and suitable for outdoor use. The materials shall provide a similar or compatible appearance to the main building.

ARTICLE 24. - GENERAL EXCEPTIONS

Sec. 24.01. - Area, height and use exceptions.

The regulations in this ordinance shall be subject to the following interpretations and exceptions.

Sec. 24.02. - Essential services.

Essential services serving the city and essential transportation services authorized by state and federal law shall be permitted as authorized and regulated by law and other ordinances of the city.

Sec. 24.03. - Voting place.

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

Sec. 24.04. - Height limit.

The height limitations of this ordinance shall not apply to chimneys, church spires, flag poles, public monuments, wireless transmission towers or approved wireless communication towers; provided, however, that the board of appeals may specify a height limit for any such structure when such structure required authorization unless otherwise specified in this ordinance.

Sec. 24.05. - Lot area.

Any lot existing and of record on the effective date of the ordinance may be used for any principal use permitted in the district in which such lot is located provided the development of such lot meets setback requirements.

Sec. 24.06. - Lots adjoining alleys.

In calculating the area of a lot that adjoins an alley for the purpose of applying lot area and setback requirements of this ordinance, one-half the width of such alley abutting the lot shall be considered as part of such lot for lot area requirements only and in no case shall alleys be obstructed unless such alley is vacated.

Sec. 24.07. - Yard regulations.

When yard regulations cannot reasonably be complied with, or where their applications cannot be determined on lots of peculiar shape, topography or due to architectural or site arrangement, such regulations may be modified or determined by the board of appeals.

Sec. 24.08. - Porches, decks and access ramps.

An open, unenclosed and uncovered porch or paved terrace or an access ramp may project into a required front yard for a distance not exceeding ten feet and in no instance shall such projection be closer than six feet to a front lot line. Decks not exceeding 24 inches in height above the grade upon which placed may project into a required side or rear yard not to exceed a depth of 30 percent of the depth of the required side or rear yard.

Sec. 24.09. - Access through yards.

For the purpose of this ordinance, access drives may be placed in the required front or side yards so as to provide access to rear yards or accessory or attached structures. These drives shall not be considered as structural violations in front and side yards. Further, any walk, terrace or other surface servicing a like function, and not in excess of 12 inches above the grade upon which placed shall, for the purpose of this ordinance, be permitted in any required yard.

Sec. 24.10. - Projections into yards.

Architectural features, including gutters, soffits, eaves, cornices, and roof overlaps, may extend or project into a required side yard not more than two inches for each one foot of width of such side yard; and may extend or project into a required front yard or rear yard not more than three feet.

Bay windows, chimneys and other similar projections of up to ten feet in length, and not occupying more than 30 percent of the length of the wall on which they are located, may project into required side yards not more than two inches for each one foot of width of such side yard (up to a maximum of two feet of projection), and may project into a required front or rear yard not more than three feet.

Sec. 24.11. - Yard exceptions.

A. *Front yards.*

1. Except for existing alignment of building setbacks, in any residential district, the front yard requirements of a lot may be modified by the zoning administrator so as to equal the average depth of existing developed front

yards on lots within 100 feet of the lot and within the same block front. The front depth shall not be less than ten feet and in no such instance shall encroachment by a porch or paved terrace be located closer than six feet to a front lot line.

B. *Side yards.*

1. On lots with a width of less than 60 feet and recorded as less than 60 feet prior to the date of adoption of this ordinance the minimum width of each of the side yards shall be five feet, except side street yards shall be a minimum width of ten feet.

C. *Rear yards.*

1. In all residential districts any platted and recorded lot less than 120 feet deep may have four inches deducted from the required rear yard depth for every foot the lot is less than 120 feet deep. No rear yard shall be less than ten feet deep.

D. *All yards.*

1. When determining yard types for setback purposes any wall of any building can be the front, rear, or side so long as the rear is opposite the front and the sides are opposite to each other. The address side of the lot shall be considered the front yard side of the lot unless otherwise determined by the board of appeals.

Sec. 24.12. - Lots or parcels of land having water frontage.

- A. Those residential lots or parcels having water frontage and abutting a public thoroughfare shall maintain the yard on the water side as an open, unobscured yard except that a covered or uncovered boat well may be permitted after review and approval of plans by the zoning administrator. The zoning administrator, in making his review, shall find the following conditions exist before granting approval:
 1. Erection of a boat well shall not unreasonably impair the view of the waterfront from adjacent lots or parcels.
 2. The boat well is not located in such a way that it will create a potential safety hazard to boaters on the water.
 3. The appearance of the boat well shall be in harmony with the principal use of the lot or parcel.
- B. Accessory structures shall be permitted in a yard abutting the road right-of-way and the main building provided a rear yard setback of 25 feet is provided in which accessory structures shall not be permitted.
- C. The proposed use shall meet all requirements of applicable State of Michigan regulations.

ARTICLE 25. - ADMINISTRATION

Sec. 25.01. - Administrative officials.

Except where herein otherwise stated, the provisions of this ordinance shall be administered by the zoning administrator of the city. The zoning administrator shall have the authority to:

- A. Issue certificates of zoning compliance.
- B. Review site plans and other zoning issues for presentation to the planning commission and city council.
- C. Make inspections of buildings and premises necessary to carry out the duties of administration and enforcement of this ordinance.
- D. Perform such other further functions necessary and proper to enforce and administer the provisions of this ordinance.

- E. Enforcement actions may be initiated by a complaint or by the zoning administrator independently anytime he or she identifies a violation.

Sec. 25.02. - Permit application.

- A. No land, building, structure or part thereof shall be occupied by or for any use for which a building permit is required by this ordinance unless and until a certificate of zoning compliance shall have been issued for such new use. No land or building shall be occupied or reoccupied, used or changed in use until a certificate of zoning compliance shall have been issued by the zoning administrator stating that the land or building or proposed use of a building or land complies with all the provisions of this ordinance. A copy of such certificate of zoning compliance shall be conspicuously posted and displayed on the premises used for any purposes other than single and two-family residential.
 1. *Certificates not to be issued.* No certificate of zoning compliance shall be issued for the erection alteration or use of any building or structure or part thereof, or for the use of any land, which is not in accordance with all provisions of this ordinance.
 2. *Zoning compliance for new use of land.* No land heretofore vacant shall hereafter be used or an existing use of land be hereafter changed to use of a different class or type unless a certificate of zoning compliance is first obtained for the new or different use.
 3. *Zoning compliance for new use of buildings.* In addition to applicable building code requirements, no buildings or structures, or part thereof, shall be changed to or occupied by a use of a different class or type unless a certificate of zoning compliance is first obtained for the new or different use.
 4. *Zoning compliance required.* In addition to applicable building code requirements, no building or structure, or part thereof, shall be hereafter erected, altered, moved or repaired unless a certificate of zoning compliance shall have been first issued for such work unless otherwise provided for in this ordinance. The terms "altered" and "repaired" shall include any changes in structural parts, stairways, type of construction, type, class or kind of occupancy, light or ventilation, means of egress and ingress, or other changes affecting or regulated by the building code and housing law applicable in the city, or by this ordinance.
 5. *Certificates for existing buildings.* Certificates of zoning compliance will be issued for existing buildings, structures or parts thereof or existing uses of land if, after inspection, it is found that such buildings, structures or parts thereof or such use of land are in conformity with the provisions of this ordinance.
 6. *Records of certificate.* A record of all certificates issued shall be kept on file in the office of the zoning administrator, and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved.
 7. *Certificates for dwelling accessory buildings.* Buildings accessory to dwellings shall not require separate certificates of zoning compliance but may be included in the certificate of zoning compliance for the dwelling when shown on the plot plan and when completed at the same time as such dwelling.
 8. *Certificates for change of occupancy.* A certificate of zoning compliance shall be required for change of occupancy for all uses except single-family, two-family and multiple-family dwellings.
- B. The zoning administrator shall require that all applications for certificates of zoning compliance for uses not covered by [article 22](#) be accompanied by plans and specifications including a plot plan, in duplicate, drawn to scale, showing the following:
 1. The actual shape, location and dimensions of the lot, drawn to scale.

2. The shape, size and location of all buildings or other structures upon it including, in residential areas, the number dwelling units the building is intended to accommodate.
3. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this ordinance are being observed.

One copy of the plans shall be returned to the applicant by the zoning administrator after he shall have issued or denied a certificate of zoning compliance. A copy shall be retained in the office of the zoning administrator.

- C. Certificates of zoning compliance shall be effective for the following time period:
1. Residential structures, 12 months.
 2. Office, commercial and institutional structures, 18 months.
 3. Industrial structures, 24 months.

Sec. 25.03. - Fees.

Fees may be established by resolution of the city council for all review, inspection and supervision resulting from enforcement of this ordinance.

Sec. 25.04. - Performance bond.

A performance bond for improvements may be required as specified in article 32 of this ordinance.

Sec. 25.05. - Zoning notice (hearing) requirements.

- A. All zoning application/hearing notices shall be published once in a newspaper of general circulation at least 15 days before the date of the meeting at which the application will be considered (or the hearing held, if a hearing is involved) (MCL 125.3103). The notice shall:
1. Describe the nature of the zoning request/application/action.
 2. State the time, date and place of the meeting.
 3. Indicate the property that is the subject of the request. (If the request involves ten or fewer adjacent properties, the notice must also include a list of all existing street addresses within the properties.)
 4. Indicate when and where written comments will be received concerning the request.
- B. If the notice is for planning commission or city council action to adopt an initial zoning ordinance, this is the only required notice.
- C. For all other zoning notices, if the request involves ten or fewer adjacent properties (or the request is for a zoning board of appeals interpretation of the zoning ordinance or appeal of an administrative decision regarding a specific parcel), the notice must also be sent by mail or personal delivery to:
1. Owners of property for which the approval is being considered.
 2. All persons to whom real property is assessed within 300 feet of the property.
 3. Occupants of all structures within 300 feet of the property (regardless of whether the property or occupant is located in the city). If the name of the occupant is not known, the term "occupant" may be used.
- D. Notice of a request for a zoning board of appeals interpretation of the zoning ordinance or appeal of an administrative decision notice must also be sent to the person requesting the interpretation (MCL 125.3604).

ARTICLE 26. - PLANNING COMMISSION

Sec. 26.01. - Powers and duties.

The planning commission is hereby designated the commission pursuant to Public Act No. 285 of 1931 (MCL 126.31 et seq.), as amended, and shall perform the duties of said commission as provided in said act, together with such other powers and duties as are given to the commission by the provisions of this ordinance. One member of the planning commission shall serve as a member of the board of appeals.

Sec. 26.02. - Authority to approve uses.

Whenever in this ordinance the lawful exercise or existence of a use requires the approval of the city council, the commission is hereby authorized and directed to investigate the matter requiring such approval, to conduct a hearing thereon, and to make a determination and recommendation to the city council, which shall then approve, approve with modifications, or deny the requested use.

Sec. 26.03. - Hearing; notice.

Upon receipt of an application for a special land use approval, a conditional use approval, a planned development approval, a single-family cluster approval or any other land use approval which requires a decision on discretionary grounds, notice shall be provided pursuant to the requirements of Public Act No. 110 of 2006 (MCL 126.3101 et seq.). (See [section 25.05](#))

Sec. 26.04. - Surveys and plans.

Where the planning commission is empowered to approve certain uses of premises under the provisions of this ordinance or in cases where the commission is required to make an investigation and recommendation to the city council, the applicant shall furnish such surveys, plans or other information as may be reasonably required by the commission for the proper evaluation and consideration of the matter.

Sec. 26.05. - Special land uses.

- A. Application for a special land use permit shall be made by filing the application form, required information, and required fee with the zoning administrator. The fee shall be set by resolution by the governing body, except that no fee shall be required for a special land use permit application for the construction of a single-family residence or of any governmental body or agency. The zoning administrator shall transmit his recommendation along with a copy of the application and submitted information to the planning commission for investigation, review and recommendation.
- B. An application for a special land use permit shall contain the following information:
 1. The applicant's name, address, and telephone number.
 2. The names and addresses of all record owners and proof of ownership.
 3. Legal description, address, and tax parcel number of the property.
 4. A scaled and accurate survey drawing correlated with a legal description and showing all existing buildings, drives, and other improvements.
 5. A detailed description of the proposed use.

6. A site plan, if requested by the planning commission, which plan shall meet all the requirements of article 22.
 7. Any other information as may be appropriate as required by articles 16, 17 and 18 of this ordinance.
- C. The planning commission shall review the particular circumstances and facts of each proposed use in terms of the following standards and required findings, and with respect to any additional standards set forth in this ordinance. The planning commission shall find and report adequate data, information, and evidence demonstrating whether the proposed use meets all required standards and:
1. Will be consistent with the intent and purpose of this ordinance.
 2. Will be compatible with the natural environment and existing and future land uses in the vicinity.
 3. Will be compatible with the community master plan of current adoption.
 4. Will be compatible with essential public facilities and services, such as highways, streets, police and fire protection, drainage ways and structures, refuse disposal, or schools affected by the use.
 5. Will not be hazardous, or disturbing to existing or future neighboring uses.
 6. Will not create additional requirements at public costs for public facilities and services that will be detrimental to the economic welfare of the city.
 7. Will not involve uses, activities, processes, materials and equipment and conditions of operation that will be detrimental to any person, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
 8. The use will be consistent with the public health, safety and welfare of the city.
- D. The planning commission shall approve, conditionally approve, or reject a special land use permit application. The planning commission's action, the basis for its decision, and all conditions imposed, shall be described in a written statement which shall be made a part of the record in a public meeting.
- E. In those cases where city council approval is required and upon consideration of the planning commission's recommendation, the city council shall approve, conditionally approve, or reject a permit application. The city council's basis for its decision, and all conditions imposed, shall be described in a written statement and finding of facts, which shall be made a part of the record in a public meeting.
- F. In granting a special land use permit, the planning commission may impose conditions it deems necessary to achieve the objective and standards of this ordinance, the standards of the zoning act, and the public health, safety, and welfare of the city. Failure to comply with such conditions shall be considered a violation of this ordinance. An approved special land use permit, including all conditions, shall run with the land to which the approval applies, and shall remain unchanged except upon the mutual consent of the city and the permittee. Any such changes shall be recorded in the minutes of the meeting at which the action occurred. The procedures required for an original application shall be followed with respect to any proposed changes.
- G. An application for a special land use permit which has been denied wholly or in part by the city shall not be resubmitted for a period of 365 days from the date of denial, except on grounds of new evidence or proof of changed conditions found by the planning commission to be valid.
- H. A special land use approval runs with the land until such time as the use designated in the "approval" is changed by the occupant. The land then reverts back to only the uses and conditions permitted by right in that specific zoning district.
- I. The decision of the planning commission with respect to a special land use permit may not be appealed to the zoning board of appeals.

Sec. 26.06. - Application of procedures for planned unit developments, cluster and open space options.

- A. The procedures for consideration, recommendation, and approval, conditional approval or rejection of special land use permit applications provided in this article apply equally to planned unit developments, the one-family cluster and open space option.

Sec. 26.07. - Conditions for approval.

Reasonable conditions may be required in conjunction with the approval of a special land use, planned development district, single family cluster development or other land uses or activities permitted by discretionary decision. The conditions may include conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall do the following:

- A. Be designed to protect natural resources, the health, safety and welfare, as well as the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the city as a whole.
- B. Be reasonably compatible with the master plan for future land use.
- C. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
- D. Be necessary to meet the intent and purpose of the zoning requirements; be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.
- E. The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the approving authority and the landowner. The approving authority shall maintain a record of changes granted in conditions.

ARTICLE 27. - BOARD OF APPEALS

Sec. 27.01. - Created; membership.

Pursuant to Public Act No. 110 of 2006 (MCL 125.3101 et seq.), as amended, there shall be established and appointed by the city council, a zoning board of appeals. Such board shall consist of five members, one of whom shall be a member of the city council, one a citizen member of the planning commission with appointment by the city council coinciding with his/her planning commission term, and three members who shall be appointed by the city council. In the latter instance, one of such members shall be appointed for a one-year term, one of such members shall be appointed for a two-year term, and two of such members shall be appointed for a three-year term. Thereafter, each member shall be appointed to hold office for a full three-year term. No elected officer or employee of the city, other than the city council member, shall be a member of the board. Any vacancy in the board shall be filled by the city council for the remainder of the unexpired term. Compensation of members of the board of appeals shall be fixed by the city council.

The city council may also if it so desires appoint not more than two alternate members for the same term as regular members of the board of appeals. An alternate member may be called in the absence of a regular member of the board of appeals who will be unable to attend one 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 appeals.

The board shall annually elect its own chairman and at such other times as the board may determine by rule. All meetings of the board shall be open to the public. The board shall adopt its own rules of procedure and shall maintain a record of its proceedings which shall be filed in the office of the city council and shall be a public record. The fees to be charged for appeals shall be set by resolution of the city council.

Sec. 27.02. - Powers of zoning board of appeals.

The zoning board of appeals shall not have the power to alter or change the zoning district classification of any property, nor 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 appeal, administrative review, interpretation, exception or variance as defined as follows:

- A. *Administrative review.* The zoning board of appeals shall hear and decide questions that arise in the administration of the zoning ordinance including its interpretation and interpretation of the zoning map.
- B. *Appeals.* The zoning board of appeals shall hear and decide appeals from and review any administrative order, requirement, decision or determination made by any city administrative official or body charged with enforcement of this ordinance.
- C. *Special land use approvals.* The zoning board of appeals shall not hear appeals of decisions regarding special land use or planned unit development requests.
- D. *Non-use variance.* The zoning board of appeals may grant non-use variances relating to the construction, structural changes, or alteration of buildings or structures related to dimensional requirements of this ordinance or to any other non-use-related standard in this ordinance. Variances may be granted when practical difficulties prevent compliance with the strict letter of this ordinance so that the spirit of the ordinance is observed, public safety secured, and substantial justice done. In addition, the zoning board of appeals may grant variances in height and bulk requirements for public utility installations. In granting any variance, the board of appeals may attach thereto such conditions regarding the location, character and other features of the proposed uses as it may deem reasonable in furtherance of the purposes of this ordinance. In granting a variance, the board of appeals shall state the grounds upon which it justified the granting of a variance.

Sec. 27.03. - Appeals procedure.

Appeals and requests made to the zoning board of appeals may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, board or bureau by filing a notice of appeal with the board of zoning appeals on appropriate forms provided by the zoning administrator and payment of the required fee. The board of appeals may require the applicant to furnish such surveys, plans or other information as may be reasonably required to the board of appeals for the proper consideration of the matter.

The zoning board of appeals shall fix a reasonable time for the hearing of an appeal or request for interpretation or variance, giving due notice thereof pursuant to the notice requirements of Public Act No. 110 of 2006 (MCL 125.3101 et seq.), as amended. (See [section 25.05.](#)) Parties may appear at the hearing in person, or by agent or attorney.

The board of appeals may reverse or affirm wholly or partly or may modify an order, requirement, decision or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the officer from whom the appeal is taken. The concurring vote of a majority of the board of appeals shall be necessary to reverse any order, requirement, decision or determination of the zoning administrator or to decide in favor of the applicant any matter upon which it is required to pass under this ordinance or to effect any variation in this ordinance.

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the zoning administrator certifies to the board of appeals, after notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would cause imminent peril to life and property.

Sec. 27.04. - Standards.

Each case before the zoning board of appeals shall be considered as an individual case and shall conform to the detailed application of the following standards in a manner appropriate to the particular circumstances of such case. The board shall give consideration to the following:

- A. The applicant must show practical difficulty by demonstrating all of the following:
 1. That strict compliance with area, setbacks, frontage, height, bulk, or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome;
 2. That a variance would do substantial justice to the applicant as well as to other property owners in the district, or whether a lesser relaxation would give substantial relief and be more consistent with justice to others;
 3. That the plight of the property owner is due to unique circumstances of the property;
 4. That the problem is not self-created.
- B. Plans and documentation as follows should be submitted:
 1. The location and size of the use.
 2. The nature and intensity of the operations involved in or conducted in connection with it.
 3. Its size, layout and its relation to pedestrian and vehicular traffic to and from the use.
 4. The assembly of persons in connection with it will not be hazardous to the neighborhood or be incongruous therewith or conflict with normal traffic of the neighborhood. Taking into account, among other things, convenient routes of pedestrian traffic, particularly of children.
 5. Vehicular turning movements in relation to routes of traffic flow, relation to street intersections, site distance and the general character and intensity of development of the neighborhood.
 6. The location and height of buildings, the locations, nature and height of walls, fences and the nature and extent of landscaping of the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.
 7. The nature, location, size, and site layout of the use shall be such that it will be a harmonious part of the district in which it is situated, taking into account, among other things, prevailing shopping habits, convenience of access by prospective patrons, the physical and economic relationship of one type of use to another and related characteristics.
 8. The location, size, intensity and site layout of the use shall be such that its operations will not be objectionable to nearby dwellings by reason of noise, fumes or flash of lights to a greater degree than is

normal with respect to the proximity of commercial to residential uses, nor interfere with an adequate supply of light and air, nor increase the danger of fire or otherwise endanger the public safety.

C. Fees for the processing of appeals shall be established by resolution of the city council.

Sec. 27.05. - Miscellaneous.

No order of the zoning board of appeals permitting the erection or alteration of buildings shall be valid for a period longer than one year.

ARTICLE 28. - ZONING COMMISSION

The planning commission is hereby designated as the commission specified in Public Act No. 110 of 2006 (MCL 125.3101 et seq.), as amended, and shall perform the duties of said commission as provided in the statute in connection with this ordinance.

ARTICLE 29. - CHANGES AND AMENDMENTS

The city council may from time to time on recommendation from the planning commission, on its own motion or on petition amend, supplement, or change this ordinance as follows:

- A. Upon presentation to the city council of a petition for amendment of this ordinance by an owner of real estate to be affected, such petition shall be accompanied by a fee. The amount of such fee shall be set by resolution of the city council.
- B. All amendment proposals not originating with the planning commission shall be referred by the city council to the planning commission for a recommendation before any action is taken by the city council.
- C. The planning commission shall study the proposed ordinance amendment and make written recommendation to the city council for approval, conditional approval, or disapproval. In the course of such study, the planning commission may hold public informational meetings on the proposed amendment.
- D. The planning commission shall hold a public hearing thereon. The city council may hold a public hearing if it considers it necessary, and must grant a hearing to a property owner who makes a request by certified mail to the city clerk. Such hearings may be conducted only after notice is given pursuant to Public Act No. 110 of 2006 (MCL 125.3101 et seq.), as amended. (See section 25.05)

ARTICLE 30. - INTERPRETATION

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience or general welfare. It is not intended by this ordinance to repeal, abrogate, annul or in any way impair or interfere with any existing provision of law or ordinance other than the above described zoning ordinance or with any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises; provided, however, that 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.

ARTICLE 31. - VESTED RIGHT

Nothing in this ordinance should 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 they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety and welfare.

ARTICLE 32. - ENFORCEMENT, PENALTIES AND OTHER REMEDIES

Sec. 32.01. - Violations.

Any firm, corporation or person who violates any provision of this zoning ordinance is responsible for a municipal civil infraction and is subject to payment of a civil fine of not less than \$100.00, plus costs and other sanctions, for each infraction.

Sec. 32.02. - Declaration of public nuisance.

Any building or structure which is erected, altered or converted, or any use of premises or land which is begun or changed subsequent to the effective date of this ordinance and in violation of any of the provisions hereof is hereby declared to be a public nuisance per se and may be abated by order of any court of competent jurisdiction.

Sec. 32.03. - Fines, separate offenses.

The owner of any building, structure or premises or part thereof where any condition in violation of this ordinance shall exist or shall be created, and who has assisted knowingly in the commission of such violation, shall be responsible for a separate offense and be liable for the fines herein provided.

Sec. 32.04. - Each day a separate offense.

A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

Sec. 32.05. - Rights and remedies cumulative.

The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

Sec. 32.06. - Performance bonds.

- A. Where in this ordinance there is delegated to the zoning board of appeals, city council or the planning commission the function of establishing certain physical site improvements as a contingency to securing a zoning amendment, site plan approval, special approval or variance, the zoning board of appeals, city council or the planning commission may, to ensure strict compliance with any regulation contained herein or required as a condition of the issuance of a permit, require a cash, performance or surety bond executed by a reputable surety company authorized to do business in the state, or irrevocable letter of credit, in an amount determined by the zoning board of appeals, city council or the planning commission to be reasonably necessary to ensure compliance hereunder; provided, however, that in fixing the amount of such cash, performance, surety bond or irrevocable letter of credit, consideration shall be given to the size and scope of the proposed improvement project, current

prevailing cost of rehabilitating the premises upon default of the operator, estimated expenses to compel the operator to comply by court decree, and such other factors and conditions as might be relevant in determining the sum reasonable in the light of all facts and circumstances surrounding each application.

- B. The performance guarantee shall be deposited with the city council at the time of the issuance of the permit authorizing the activity or project.
- C. The city council shall establish procedures whereby a rebate of cash deposits, in reasonable proportion to the ratio of work completed on the required improvements, will be made as work progresses.
- D. As used in this section, "improvements" means those features and actions associated with a project which are considered necessary by the body or official granting approval to protect natural resources or the health, safety and welfare of the residents of the city and future users or inhabitants of the proposed project or project area, including but not limited to roadways, paving, walls, curbing, striping, lighting utilities, sidewalks, screening, landscaping and drainage.
- E. A certificate of occupancy for any improvement will not be issued nor shall the property be used or occupied in any way until the required physical site improvements are fulfilled. In instances where all improvements as required by this ordinance are not completed and a temporary certificate of occupancy is requested, the cost of such remaining improvements shall be estimated by the zoning administrator, taking into account the criteria listed above. The zoning administrator may grant temporary occupancy if use of the premises does not constitute a hazard or nuisance. Temporary occupancy will not be granted until satisfactory cash bond or irrevocable letter of credit in the amount of the estimated cost of completion is filed with the city council. If the work is not completed by the date specified on the temporary occupancy permit, the city council may use the cash, surety bond or irrevocable letter of credit to complete the improvements.

Objection to a performance guarantee requirement must be in writing and filed with the city council within 30 days of notice of the requirement. The determination of the city council shall be final.

ARTICLE 33. - SEVERANCE CLAUSE

Sections of this ordinance shall be deemed to be severable and should any section, paragraph or provisions hereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this ordinance as a whole or any part hereof, other than the part so declared to be unconstitutional or invalid.

ARTICLE 34. - EFFECTIVE DATE

This ordinance is hereby declared necessary for the preservation of the peace, health, safety and welfare of the people of the City of Tawas City, Iosco County, Michigan.

1.	Date of public hearing:	1/7/08
2.	Date of city council first reading:	1/7/08
3.	Date of city council second reading:	1/21/08
4.	Date of publication:	1/30/08

5.	Date ordinance shall take effect:	2/29/08
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