

## Chapter 82 - ZONING

*Footnotes:*

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**State Law reference**— Zoning, MCL 125.581 et seq.

## ARTICLE I. - IN GENERAL

## Sec. 82-1. - Citation.

This chapter shall be known and may be cited as the "City of Galesburg Zoning Ordinance."

(Ord. No. 227, § 5.1, 9-4-2001)

## Sec. 82-2. - Rules applying to text and grammatical usage.

The language and definitions within this chapter are intended to follow the common meaning for words or their standard utilization. The following rules shall also apply with regards to the use of terms within this chapter:

- (1) Words used in the present tense include the future tense.
- (2) The singular term includes the plural and the plural the singular.
- (3) The word "shall" is mandatory while the word "may" is discretionary.
- (4) The word "building" includes the word "structure" and also includes any addition or extension.
- (5) The word "person" or "applicant" shall include individuals, associations or corporations.
- (6) The word "occupied" and the word "used" shall be assumed to include "or intended, arranged or designed to be used or occupied."
- (7) The positions of "building official" and "zoning administrator" are those persons appointed by the city to review applications, process requests and make official determinations or recommendations as indicated in this chapter.
- (8) The city planning commission, city zoning board of appeals and the city council shall be referenced simply as the "planning commission," "zoning board of appeals" and "city council" respectively.

(Ord. No. 227, § 5.5, 9-4-2001)

## Sec. 82-3. - Definitions.

*Abandon* means cease to use or occupy a building, structure, land or right-of-way for it's permitted or intended use for any time period as specified.

*Abutting* means having a common border with or being separated from such a common border by a right-of-way, alley or easement.

*Access* means a point or area established thorough a driveway for a single lot or unit, or through a private driveway of no less than 20 feet in width serving two lots or units. Each lot or unit must be provided access and must meet the site development regulations for the district in which it is located.

*Accessory building* means a subordinate building, the use of which is clearly incidental to that of the principal building or to the use of the land and which is attached securely to a permanent masonry foundation or as established by the building inspector. An accessory building may not be constructed until a principal building and use has been established.

*Accessory use* means a use that is subordinate to the principal use on a lot and used for a purpose clearly incidental to that of the main use.

*Act* means the City and Village Zoning Act (MCL 125.581 et seq.).

*Addition* means an extension or increase in floor area or height of a building or structure.

*Adult entertainment* means any use of land, buildings or structures as defined within this chapter under the special use provisions for such use.

*Adult foster care.* See *Residential Care Facilities (Limited)*.

*Agriculture* means the art and science of cultivating the ground, the production of crops such as fruits, vegetables or other common horticultural practices for purposes of personal use or for sale. The keeping or raising of livestock may be included within this definition subject to additional restriction.

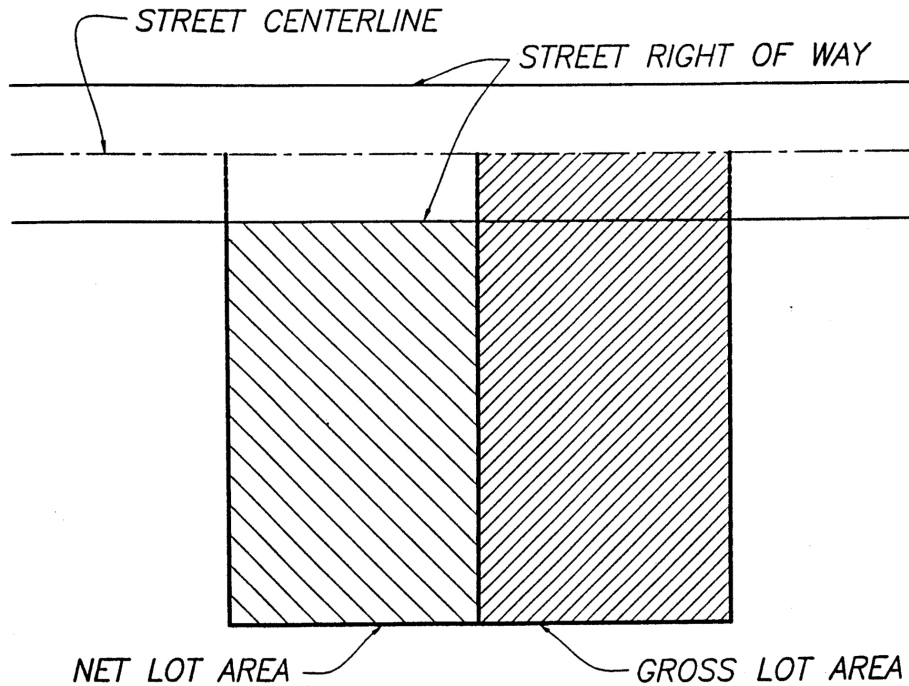
*Alley* means a public or legally established private thoroughfare, other than a street, which affords a secondary means of vehicular access to abutting property.

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

*Animal* includes nondomesticated animals or livestock limited to agricultural uses and domesticated animals or household pets limited to residential districts or within a commercial kennel operation.

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

*Area, lot*, means the total area within the property lines; gross lot area includes any easements or right-of-ways and net lot area excludes the street right-of-way. (See Diagram)

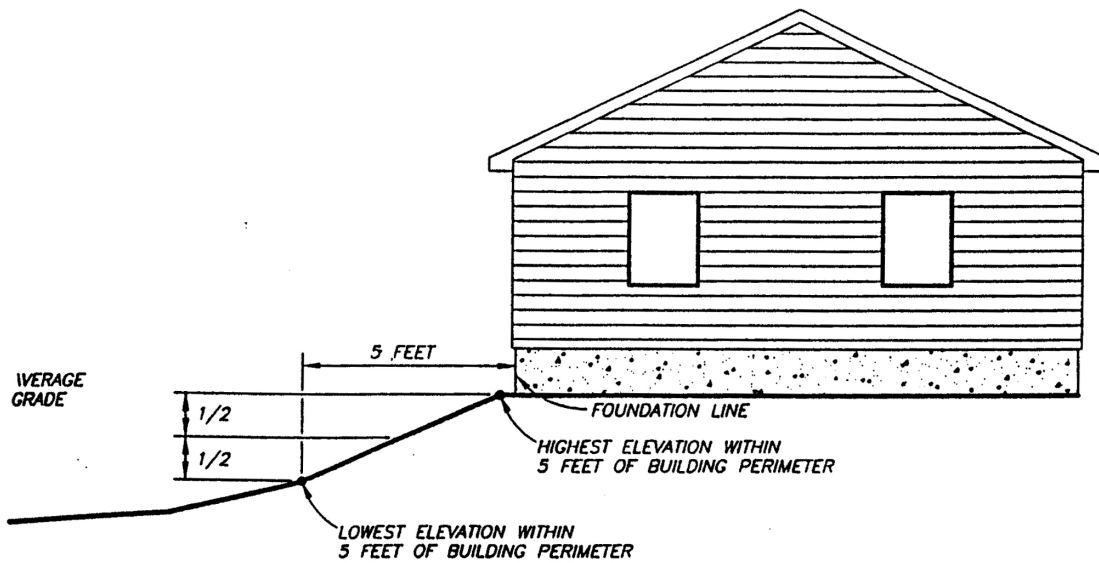


### NET AND GROSS LOT AREA

*Automobile vehicle or trailer sales area* means any space used for display, sale or rental of motor vehicles, motorcycles or trailers, manufactured homes or similar sales of new or used vehicles or trailers in operable condition.

*Automotive repair* means the general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service such as body, frame or fender straightening and repair, overall painting and undercoating of automobiles when carried on in a completely enclosed room or building.

*Average grade* means the elevation utilized for determining whether a story or a basement has been established. (See Diagram)



FOR DETERMINING GROUND ELEVATION FOR PURPOSES OF ESTABLISHING A BASEMENT OR A STORY (SEE STRUCTURAL TERMINOLOGY DIAGRAM)

## AVERAGE GRADE

*Basement* means that portion of a building which is below the first story, the ceiling of which is less than five feet above the surrounding ground elevation or where more than one-half of the height of the story is below the average grade.

*Bed and breakfast inn* means an owner-occupied residence (inn) where guest rooms are rented on a daily basis and the meals served are limited to breakfast. Where such use is within a commercial district, owner-occupancy shall not be required and the meals served may not be limited to breakfast only.

*Billboard* means any sign used as an outdoor display for purposes of advertising any business, product or service not located on the same parcel as the business, product or service. This definition does not include any bulletin boards used to display official court or public office notices.

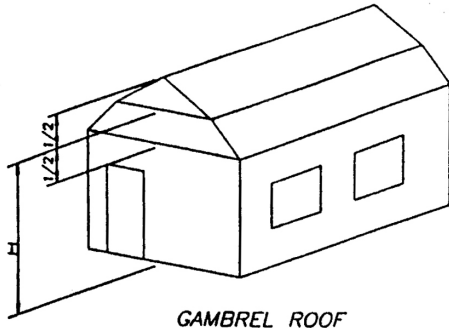
*Building* means any structure, either temporary or permanent, having a roof and used or built for the shelter or enclosure of persons, animals, chattels, or property of any kind. This definition shall include tents.

*Building, accessory.* See *Accessory building*.

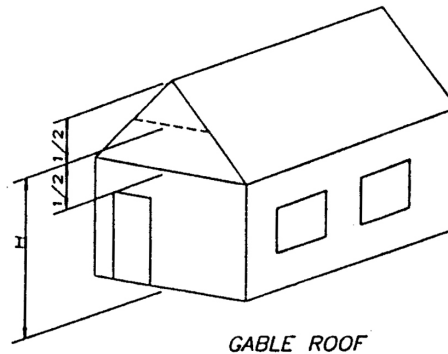
*Building coverage* means that percentage of the lot or parcel area covered by buildings or other structures.

*Building height* means the vertical distance measured from the established sidewalk grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip and gambrel roof. Where a building is set back from the street line, the height of the building may be measured from the average elevation of the finished grade along the front of the building, provided such average elevation shall not exceed the established

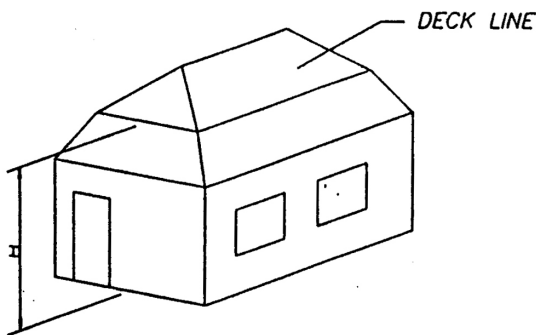
sidewalk grade at the center of the front of the building by more than one inch for each front foot that the building sets back from the front line. (See Diagram)



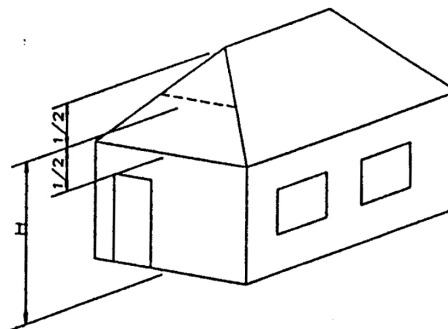
GAMBREL ROOF



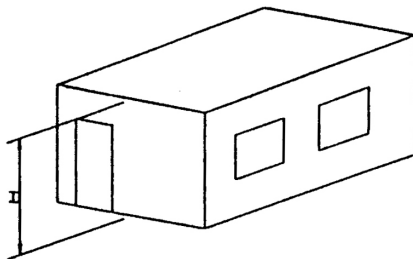
GABLE ROOF



MANSARD ROOF



HIP ROOF



FLAT ROOF

H = HEIGHT OF BUILDING

## BUILDING HEIGHT REQUIREMENTS

*Building permit* means a permit for commencing construction issued in accordance with a plan for construction that complies with all the provisions of this chapter.

*Building, principal* means a building or group of buildings in which the permitted use for the lot is conducted and located.

*Church* means a building wherein people regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain worship, together with all accessory buildings and uses customarily associated with such principal purpose, including a parsonage, rectory or convent. Residential dwellings shall not be considered a church.

*Club or lodge, private*, means a nonprofit association of persons who are bona fide members paying annual dues, which owns, hires, or leases a building or portion thereof, the use of such premises being restricted to members and their guests. The affairs and management of such "private club or lodge" are conducted by a board of directors, executive committee or similar body chosen by the members at a meeting. It shall be permissible to serve food and meals on such premises provided

adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests shall be allowed provided it is secondary and incidental to the promotion of some other common objective by the organization and further provided that such sale of the alcoholic beverage is in compliance with the applicable federal, state and municipal laws.

*Common element* means an unoccupied area within a planned unit development or a site condominium project which is reserved for the enjoyment of all residents (a general common element) or by only some residents (a limited common element) and maintained by those residents through associations.

*Condominium unit* means that portion of a condominium project or site condominium development under single ownership with exclusive rights as established within the master deed.

*Drive-in or drive-through* means an establishment that provides for service to be offered in a manner which accommodates the patron, who remains in their vehicle within either the off-street parking area accessory to the business or a designated drive-through lane adjacent to the business.

*Dwelling unit* means a building or portion thereof, designed for occupancy by one family for residential purposes and having cooking facilities.

*Dwelling, multiple-family*, means a building, or portion thereof, designed exclusively for three or more dwelling units and occupancy by three or more families living independently of each other.

*Dwelling, one-family*, means a building designed exclusively for one dwelling unit.

*Dwelling, two-family*, means a building designed exclusively for two dwelling units.

*Essential services* means the erection, construction, alteration or maintenance by public utilities or municipal department or commission of underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, but not including buildings, reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or safety or general welfare. Telecommunication towers and similar facilities developed for private enterprise shall not be considered essential services.

*Family* means the term shall mean "traditional family" or "functional family" as defined below:

- (1) *Traditional family* includes an individual or group of two or more persons related by blood, marriage or legal adoption, together with foster children and domestic household employees of the principal occupants, with not more than one additional unrelated person, who are domiciled together as a single housekeeping unit in a dwelling.
- (2) *Functional family* includes a collective number of individuals domiciled together in one dwelling unit whose relationship is of a permanent and distinct domestic character, with a demonstrable and recognizable bond characteristic of a cohesive unit, who are in fact cooking and living as a single nonprofit housekeeping unit. A functional family shall not include:
  - a. Any society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie, or other organization which is not a recognized religious order;
  - b. Any group of individuals whose domestic relationship is of a transitory, temporary or seasonal nature or character; and
  - c. Any group of individuals whose association is essentially for convenience and economics, or for the limited

duration of their education, training or a similar determinate period of time.

*Farm* means all of the contiguous neighboring or associated land operated as a single unit on which bona fide agriculture is carried on directly by the owner-operator, manager or tenant farmer by his own labor or with the assistance of members of his household or hired employees; provided, however, that land being considered a farm hereunder shall include a contiguous parcel of ten acres or more in area.

*Flood plain* means that portion of land adjacent to a water body or watercourse which is subject to periodic inundation.

*Floor area* means the sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. The "floor area" of a building shall include the area of any floor when more than one-half of the room height is above the established curb level, or above the finished lot grade level where curb levels have not been established. The term "floor area" shall include elevator shafts and stall wells at each floor, floor space used for mechanical equipment (except equipment, open or enclosed located on the roof), penthouses, attic space having headroom of seven feet, six inches or more, interior balconies and mezzanines. Any space devoted to off-street parking or loading shall not be included in "floor area." The floor area of a house which has a roof covered with earth shall be measured by considering the base floor as the main floor. (See Structural Terminology Diagram)

*Frontage* means the total length along which a parcel of land fronts on a street, right-of-way, waterway or similar boundary.

*Gasoline service or filling station* means any building or premises used for the dispensation, sale or offering for sale at retail of any motor fuels, oils or lubricants. When the dispensing, sale or offering for sale is incidental to the conduct of a vehicle repair facility, the premises are regulated under vehicle repair.

*Greenbelt buffer* means a strip or parcel of land privately restricted or publicly dedicated as open space, located between land uses for the purpose of protecting the character of adjacent residential or other uses. Said greenbelt buffer shall include, but not be limited to the following materials: open space with maintained grass cover, evergreens, deciduous trees, shrubs, bushes. Where a use is subject to site plan review and approval and the parcel abuts a residential zone, the greenbelt shall be coordinated with the required landscape plan in order to create no less than a ten-foot buffer, which may include the use of a fence, wall or screen.

*Home occupation* means an occupation that may be carried on within a residential district (excluding R-6), subject to special exception use approval and the conditions established under [section 82-92](#). A home office with no advertised product or service directing clients or customers to that residential location may not be required to obtain special exception use approval.

*Horticulture* means the art and science of growing flowers, fruits and vegetables for purposes of personal use or sale. Such use shall be permitted where agriculture is a special exception use (R-1) while commercial greenhouses and the sale of nursery are regulated as a permitted use in the I-1 Restricted Industrial District.

*Hospital* means an institution providing health services, primarily for in-patients, and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities, central services facilities and staff offices.

*Hotel, motel* means a building or a series of attached or detached rooms for rent for short-term or transient lodging. No kitchen or cooking facilities are to be provided with the exception of those in the manager's unit unless approved by the planning commission.

*Industrial park* means a special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors.

*Kenel* means any lot or premises on which domesticated animals (dogs, cats or other household pets) are boarded for remuneration.

*Land division* means the regulation for splitting or dividing parcels of land subject to a land division ordinance and this chapter. Approval of land division shall be based upon complying with regulations relating to lot area, lot width, lot depth and means of access.

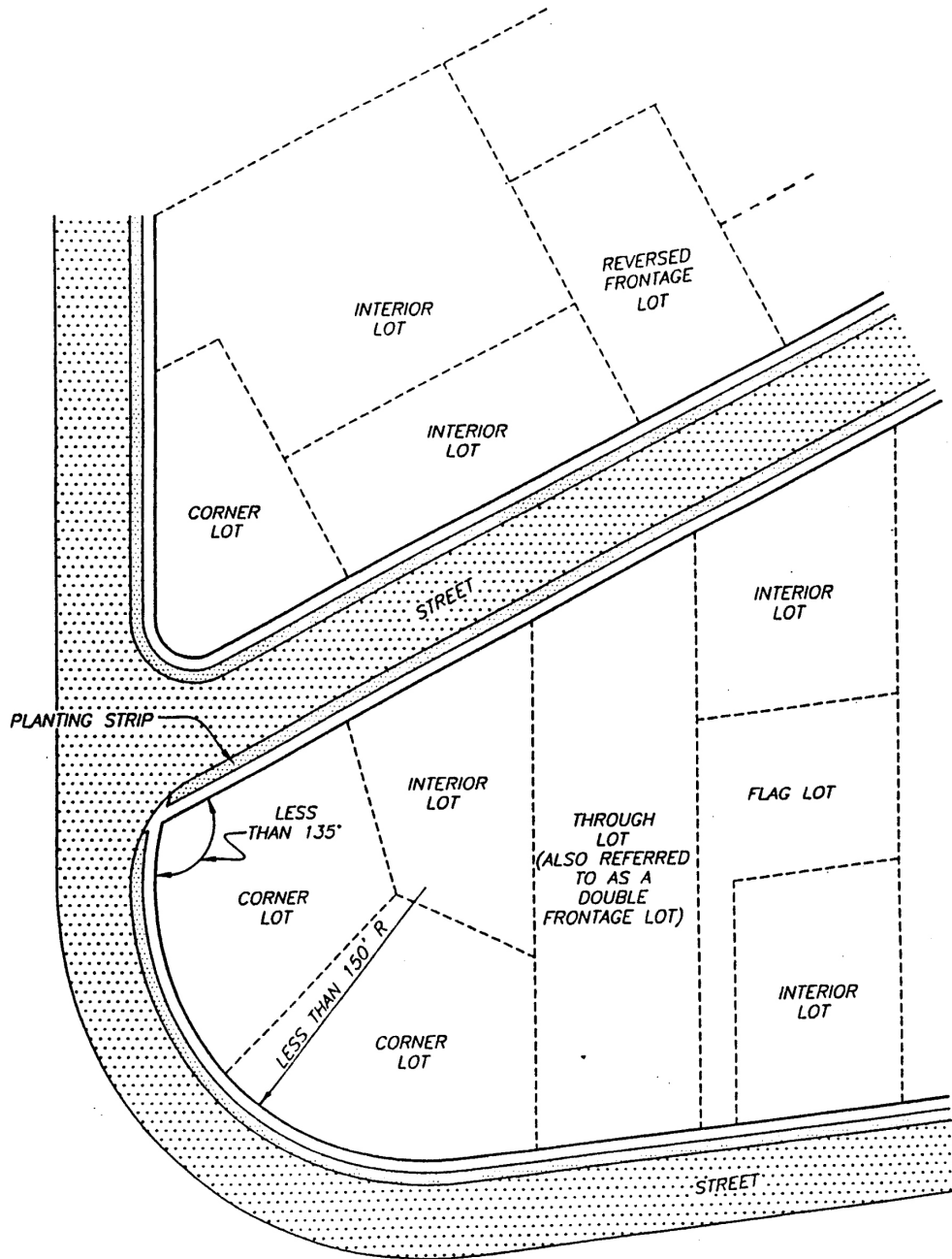
*Loading space* means an off-street space on the same lot with a building, or group of buildings for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

*Lot* means a platted lot of a recorded subdivision or a parcel of land occupied or intended for occupancy by a use permitted in this chapter [including one principal building together with its accessory buildings] and providing the open spaces, parking and loading spaces required by this chapter. Said parcel of land may consist of one or more lots of record according to any recorded plat, but for the purpose of this chapter may be deemed one parcel or lot if title to the property is held under the same ownership. A "site" within a site condominium project shall be deemed the equivalent of a lot for purposes of approval unless otherwise approved as part of a planned unit development project and incorporated into the master deed.

*Lot, corner* means a lot where the interior angle of two adjacent sides at the intersection of the two streets is less than 135 degrees. A lot abutting upon a curved street, or streets, shall be considered a corner lot for the purposes of this chapter if the arc is of less radius than 150 feet and the tangents to the curve, at the two points where the lot lines meet the curve or the



straight street line extended from an interior angle of less than 135 degrees. (See Types of Lots Diagram)



## TYPES OF LOTS

*Lot, interior* means any lot other than a corner lot.

*Lot lines* means the lines bounding a lot as defined herein:

- (1) *Front lot line.* In the case of an interior lot, the line separating said lot from the street, in the case of a corner lot or double frontage lot, the line separating said lot from that street which is designated as the front street in the plot. In the case of lots bordering on a lake, river, or canal: the established water or shoreline shall be designated as the rear of such lots.
- (2) *Rear lot line.* The lot line opposite the front lot line. In the case of a lot irregularly shaped at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten feet long lying farthest from the front lot line and wholly within the lot.
- (3) *Side lot line.* Any lot line other than the front lot lines or the rear lot lines.

*Lot coverage* means that part or percent of the lot occupied by buildings or structures including accessory buildings or structures.

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

*Lot, through* means an interior (double frontage) lot having a street line for both the front lot line and the rear lot line.

*Lot of record* means a lot or parcel of land for which the deed, prior to the adoption of Ordinance No. 134 is on record with the county register of deeds and which exists as described herein.

*Lot width* means the horizontal distance between the side lot lines, measured at the frontage of the lot along the road right-of-way. Such lot width may be measured at the building line where the lot or site is a part of a traditional plat or site condominium project subject to that approval process.

*Master plan* means the plan prepared and adopted by the city planning commission under the provisions of Public Act No. 285 of 1931 (MCL 125.31 et seq.).

*Mobile/manufactured home* means a vehicular, portable structure built on a chassis and designed to be used without a permanent foundation as a dwelling when connected to required utilities and which is, or is intended to be attached to the ground, to another structure, or to a utility system on the same premises for more than 30 days.

*Mobile home park* means any subdivision, however designated, that is occupied or designed for location of three or more mobile or manufactured homes, pursuant to the requirements of the state mobile home commission.

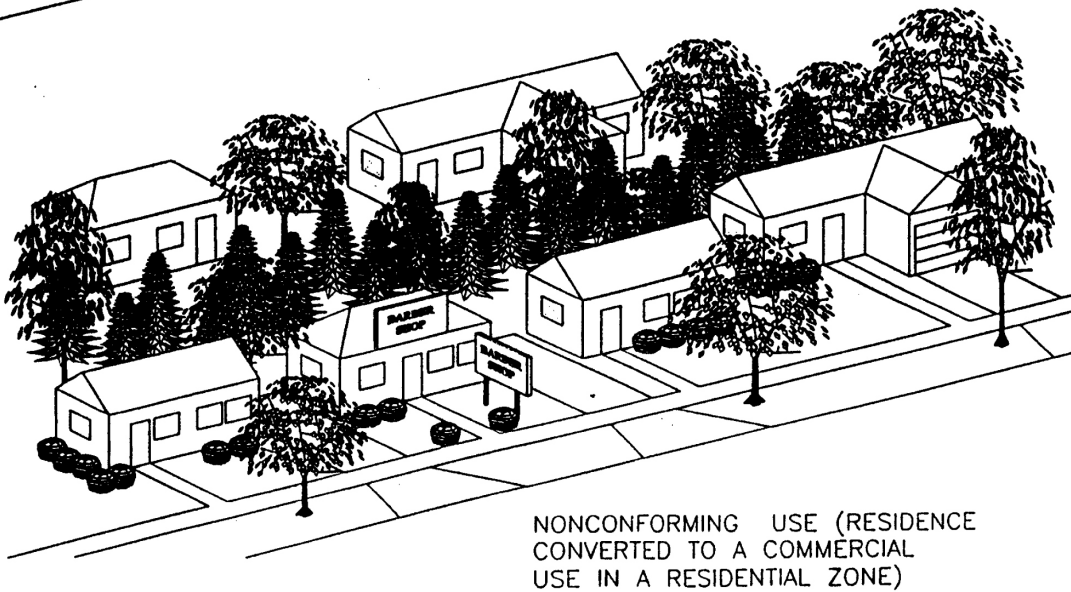
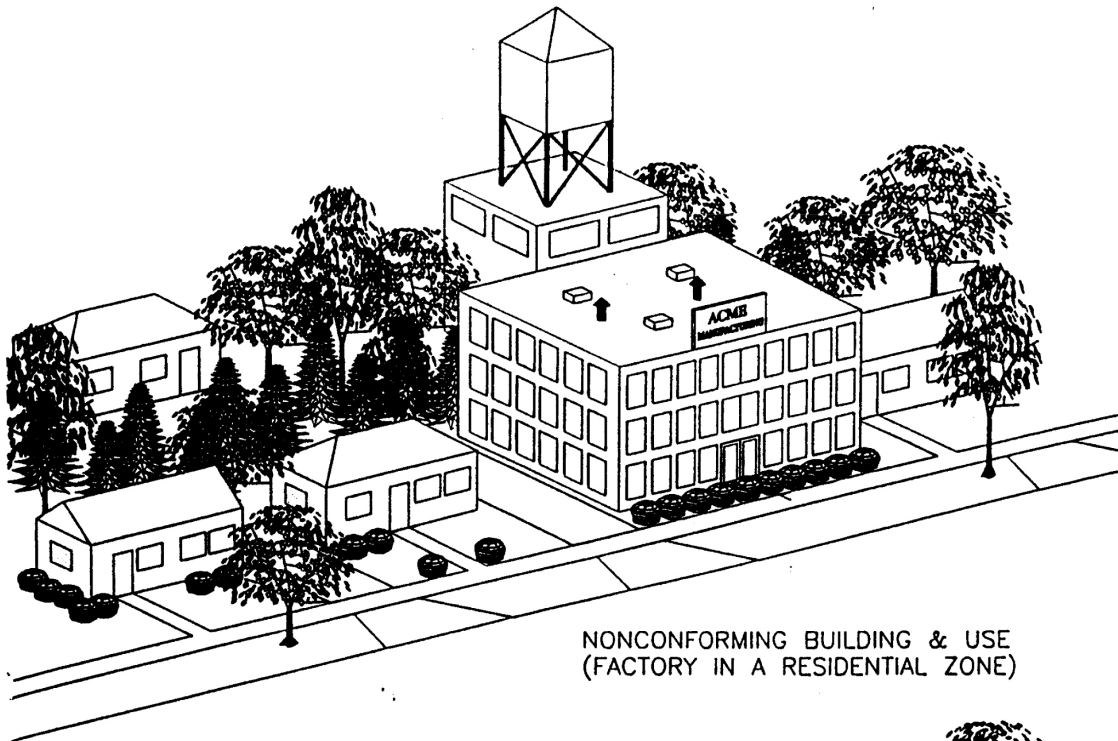
*Modular/manufactured housing unit* means a unit constructed solely within the factory in various sized modules, which are then transported by flatbed, or other means, to the site where they are assembled on permanent foundations, to form single-family dwellings which are either attached (in rows or clusters), stacked or detached.

*Nonconforming building or lot* means a building or lot portion thereof, existing at the effective date of this chapter, or amendments thereto, and which does not conform to the provisions of this chapter nor to the site development regulations of the district in which it is located. (See Diagram)



— EXAMPLES OF NON-CONFORMING LOTS —

*Nonconforming use* means a use which lawfully occupied a building or land at the time of this chapter, or amendments thereto became effective, and which does not conform to use regulations of the district in which it is located. (See Diagram)



## NONCONFORMING USE

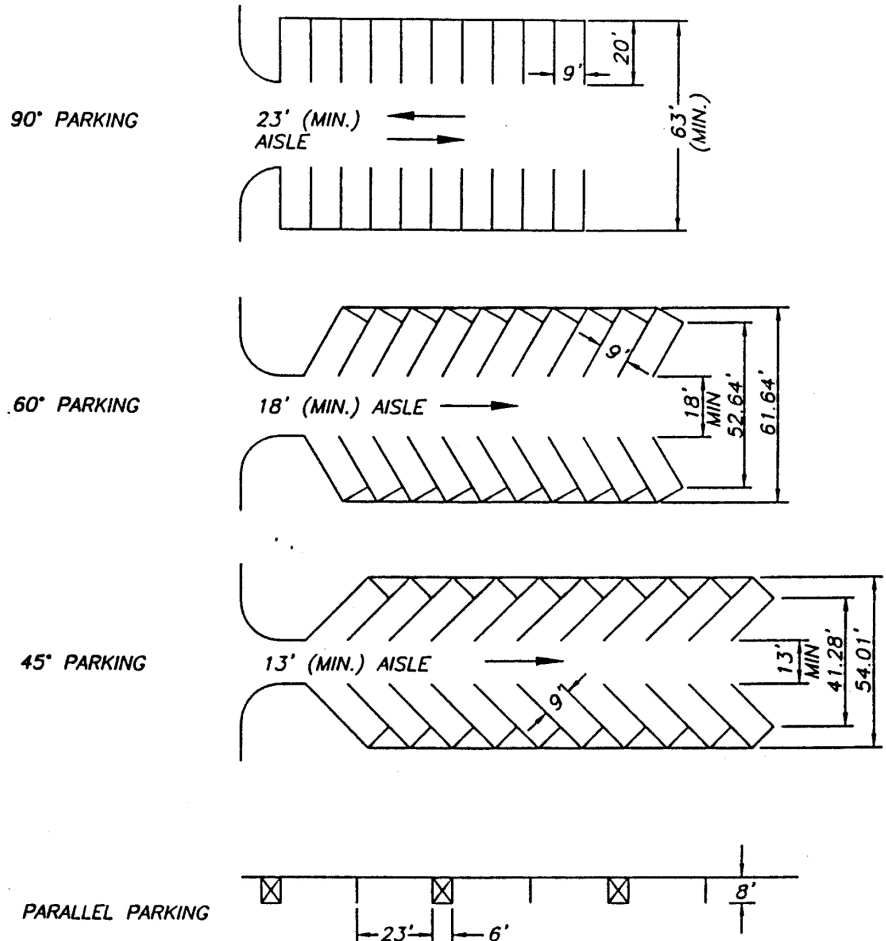
*Nursery school* means a public or private school or kindergarten wherein day care and education are provided for seven or more children ages six years and under.

*Nursing or convalescent home* means a structure with sleeping rooms where persons are housed or lodged and furnished meals and nursing care for hire.

*Off-street parking lot* means a facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of more than two automobiles.

*Open space* means any space suitable for recreation or any unoccupied land or water area not utilized for buildings, structures or parking areas.

*Parking space* means an off-street land area of no less than nine feet in width and 20 feet in length, exclusive of driveways, and developed so as to be usable for the parking of a motor vehicle and so located as to be readily accessible to a public street



or alley. (See Parking Layouts Diagram)

## PARKING LAYOUTS

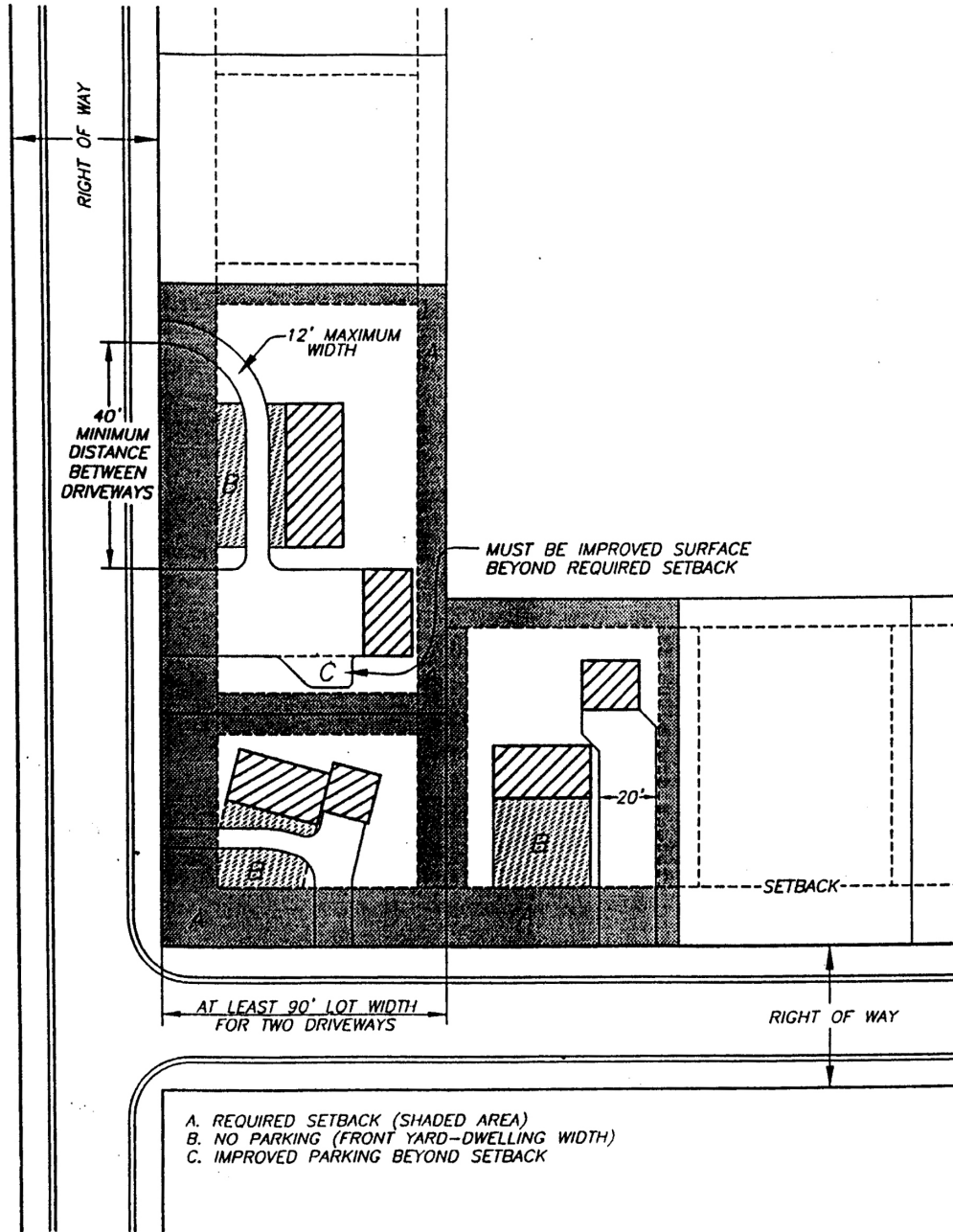
*Planned unit development* means a tract of land which includes two or more principal buildings developed under single ownership or control; the development of which is unique and of a substantially different character than that of the surrounding area, and where the specific requirements of a given district may be modified and where the minimum area is fixed. Such development shall be based on a plan which allows for flexibility of design not available under normal zoning district requirements. A nonresidential or mixed-use site condominium project shall meet the requirements for planned unit development.

*Planned unit residential development* means a tract of land developed for residential purposes and under single ownership or control through an association, as regulated within a master deed. A residential site condominium project shall adhere to the standards for planned unit residential development.

*Portable display sign* means a mobile/temporary, electrical or nonelectrical sign that is mounted on a trailer-type frame with wheels or skids or portable wood or metal frame and not permanently attached to the ground; menu and sandwich boards; search light stands; and hot-air or gas-filled balloons or umbrellas used for advertising.

*Principal use* means the main or primary use to which the premises are devoted.

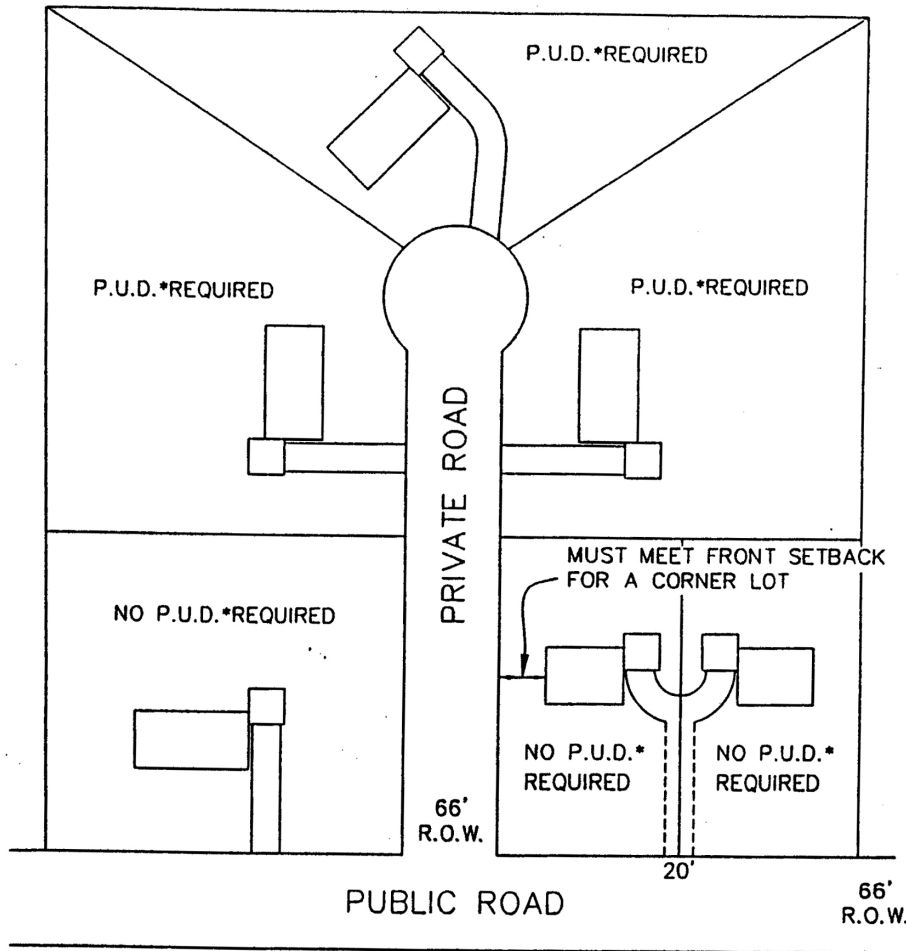
*Private driveway* means a driveway or access of no less than 20 feet in width at the curb or roadway, defined by a recorded easement or shared driveway agreement, serving two single-family units or lots, which otherwise meet the site development requirements for the district in which they are located. (See Residential Parking/Driveways Diagram)



## RESIDENTIAL PARKING/DRIVEWAYS

*Private road* means a road or access defined by a recorded easement or separate lot, as defined under land division, having a right-of-way of not less than 66 feet in width and serving three or more residential units or lots or two or more commercial or industrial lots. Such private roads may be allowed within planned unit (residential) developments provided they are defined as

a common element and maintained by an association as defined in the master deed. Such private road shall adhere to the standards of the Kalamazoo County Road Commission for the construction of a paved. (See Diagram)



**PRIVATE ROAD:** MINIMUM EASEMENT OR RIGHT-OF-WAY OF 66 FEET SERVING THREE OR MORE RESIDENTIAL UNITS AND SUBJECT TO THE APPROVAL FOR PLANNED UNIT DEVELOPEMENT AND THE STANDARDS FOR PRIVATE ROAD DEVELOPEMENT.

**PRIVATE DRIVEWAY:** MINIMUM EASEMENT OF 20 FEET SERVING NO MORE THAN TWO RESIDENTIAL UNITS WITH FRONTAGE ON A PUBLIC ROAD AND MEETING THE LOT WIDTH AND DEPTH RATIO FOR THE ZONING DISTRICT IN WHICH IT IS LOCATED.

\* P.U.D. = PLANNED UNIT DEVELOPEMENT

## PRIVATE ROADS (P.U.D)

*Public sewer system* means a public sewer system shall be defined as a central or community sanitary sewage system and collection system of pipes and structures including pipes, conduits, manholes, pumping stations, sewage and waste water treatment works, diversion and regulatory devices, and outfall structures, collectively or singularly, actually used or intended for use by the general public or a segment thereof, for the purpose of collection, conveying, transporting, treating or otherwise handling sanitary sewage or industrial liquid wastes of such a nature as to be capable of adversely affecting the public health; operated for the benefit of the general public in a given area whether owned by a public, semi-public or private entity.

*Public utility* means any person, firm, or corporation, municipal department, board or commission duly authorized to furnish, under state or municipal regulations, to the public; natural gas, steam, electricity, sewage disposal, communications, telegraph, transportation or water.

*Residential care facilities* means homes or facilities providing care services on a part-time or full-time basis. Such uses are established as permitted or conditional uses based upon their compatibility with uses in those individual zoning districts. The following four categories of residential care facilities are defined:

- (1) *Family care home*. Includes child day care and child foster care for six or fewer children within a residential setting. Such use is considered a permitted use in any district that permits single-family dwellings, subject to state licensing requirements. No nonresident employees are permitted and such use shall operate less than 12 hours per day for nonresident children.
- (2) *Group care home*. Includes group day care and group foster care for between seven and 12 children within a residential setting. Such use shall be established as a special exception use, or as a permitted use subject to those same conditions and meet state licensing requirements. A resident employee is required and no more than one nonresident employee is permitted. Such use shall operate less than 24 hours per day for nonresident children.
- (3) *Limited residential care facilities*. Includes adult foster care and all other child day care and foster care for up to 25 individuals, subject to state licensing requirements. This would include nursing homes, assisted living facilities and senior housing for up to 25 people. It is anticipated that these facilities would operate 24 hours per day and would include nonresident employees. Such facilities should be located in higher density residential and office/business settings.
- (4) *Full residential care facilities*. Includes commercial day care centers, nursing homes, assisted living facilities and other congregate care and/or senior housing facilities. Such use shall be considered a commercial use and include access to medical staff on a full-time or part-time basis.

This definition shall include unlicensed residential facilities and those licensed by the state of Michigan. It does not include facilities providing treatment, such as substance abuse, or rehabilitation, such as halfway houses, or other uses regulated by the department of corrections.

*Restaurant* means any business establishment whose principal business is the sale of food and beverages to the customer for consumption on the premises, for consumption off-site (carry-out) or in either manner through interior seating and drive-through or drive-in facilities. Such use shall be further regulated as a special use when the sale of alcohol is incorporated into the operation.

*Right-of-way* means a street, alley or other thoroughfare or easement permanently established for passage of persons or vehicles.

*Rooming house* means a building, or part thereof, other than a hotel, where sleeping accommodations are provided for hire and where meals may be regularly furnished.

*Rooming unit* means any room or group of rooms, forming a single habitable unit used for living and sleeping, but which does not contain cooking or eating facilities.

*Rowhouse, (townhouse)* means an attached house in a row or group, each house containing not more than two dwelling units and each house separate from adjoining houses in the same row or group by common fire walls or fire separations.



*Setback* means the minimum horizontal distance between the street, rear or side lines of the lot and the front, rear or side lines of the building. When two or more lots under one ownership are used, the exterior property lines so grouped shall be used in determining offsets.

*School* means a building used for the purpose of elementary or secondary education which meets all requirements or compulsory education laws of the state of Michigan, and not providing residential accommodations.

*Shopping center* means a group of commercial-establishments, planned, developed, owned and managed as a unit, with off-street parking provided on the property, and related in its locations, size and type of shops to the trade area which the unit serves.

*Signs* means any works, numbers, figures, devices, designs, or trademarks, other than billboards, by which anything is made known and which are visible from the exterior of the structure.

*Site condominium project* means a plan or project consisting of not less than three single-family residential units or two or more commercial or industrial units established in conformance with the Michigan Condominium Act (MCL 559.101 et seq.). Such development shall comply with the requirements for planned unit development. (See Diagram)

*Story* means the part of a building, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling or roof. (See Structural Terminology Diagram)

*Street* means a thoroughfare which affords the principal means of access to abutting property.

*Structure* means anything constructed or erected, except antennas, the use of which requires location on the ground or attachment to something having location on the ground.

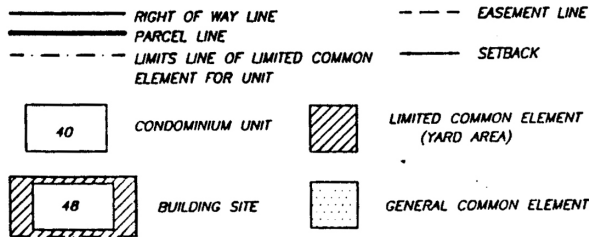
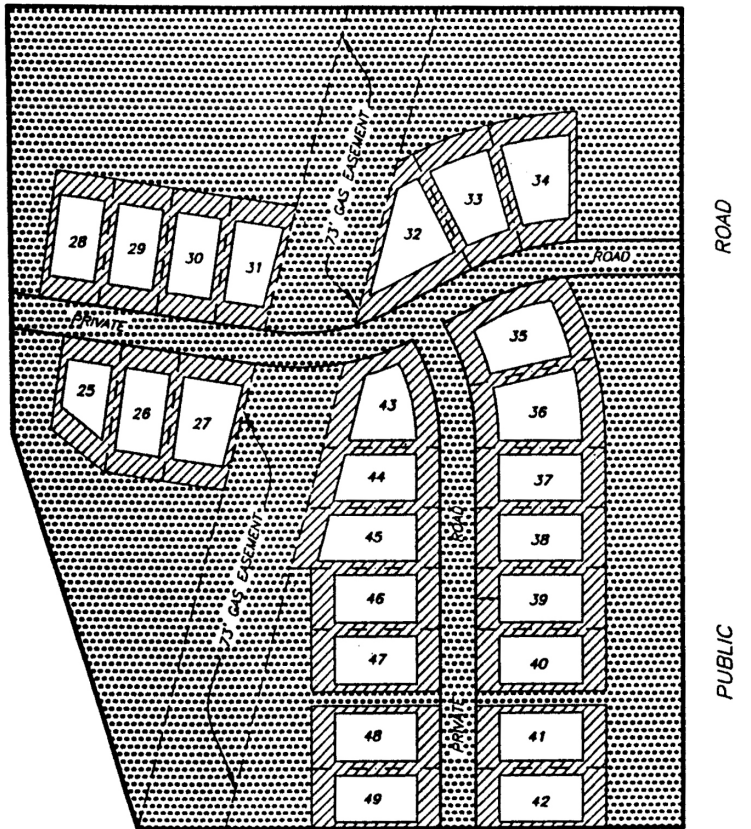
*Structural alteration* means the erection, strengthening, removal or other change of the supporting elements of a building, such as footings, bearing walls, beams, columns and the like.

*Swimming pool* means any artificially constructed, portable or nonportable pool capable of being used for swimming or bathing, having a depth of three feet or more at any point.

*Telecommunication tower* means any structure which is designed and constructed for the purpose of supporting one or more antennas for telephone, radio or similar communication purposes. Such structures may be freestanding, such as self-supporting lattice, guyed or monopole towers, or alternative design mounting structures, such as man-made trees, clock towers, steeples, light poles, water towers or other structures that may camouflage or minimize the presence of antennas and towers.

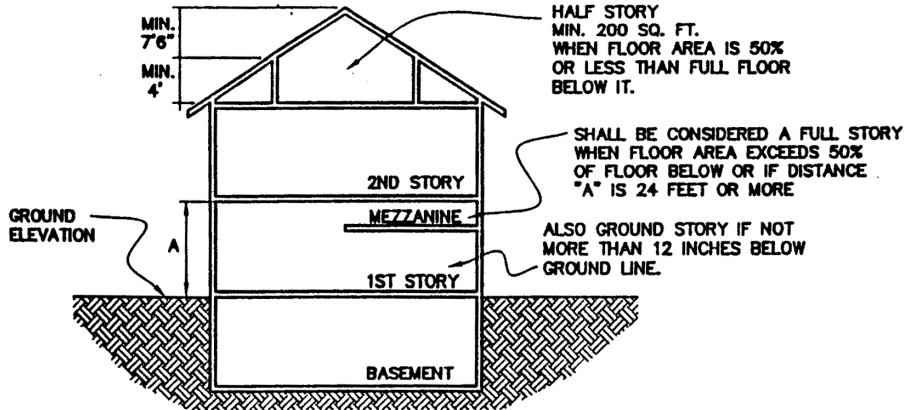
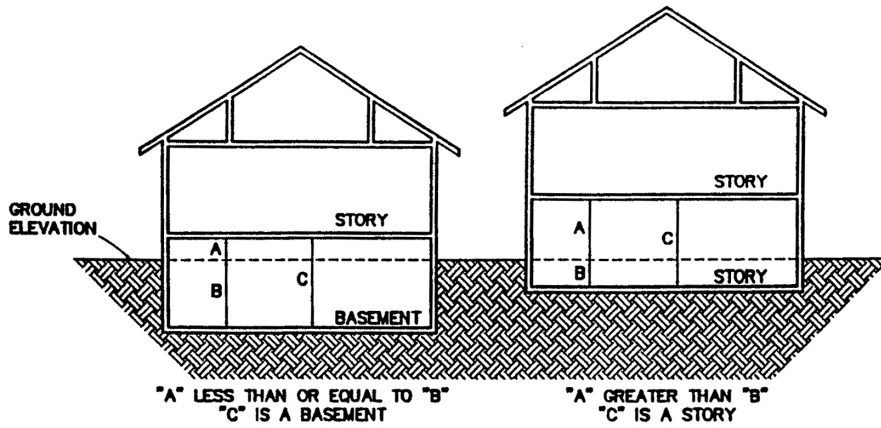
*Temporary sign* means a display, informational sign, banner, advertising flag, pennant, sandwich sign, balloon, search light, sidewalk or curb sign, irrespective of whether the signs are mounted on or affixed to any trailers, wheels or other means of being moved, or other advertising device, with or without the structural frame, not permanently attached to a building, structure or the ground, and intended for a limited of period of display.

*Usable floor area* means the area for the purpose of computing parking and off-street loading and unloading space, is that area used for or intended to be used for the sale of merchandise or services or for use to serve patrons, clients or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise utilities shall be excluded from this computation of "usable floor area". Measurement of floor area shall be the sum of the gross horizontal areas of the several floors of the building measured from the interior faces of the exterior walls.



NOTE: ALL LIMITED COMMON ELEMENT AREAS ARE CONVERTIBLE AREAS

# SITE CONDOMINIUM TERMS

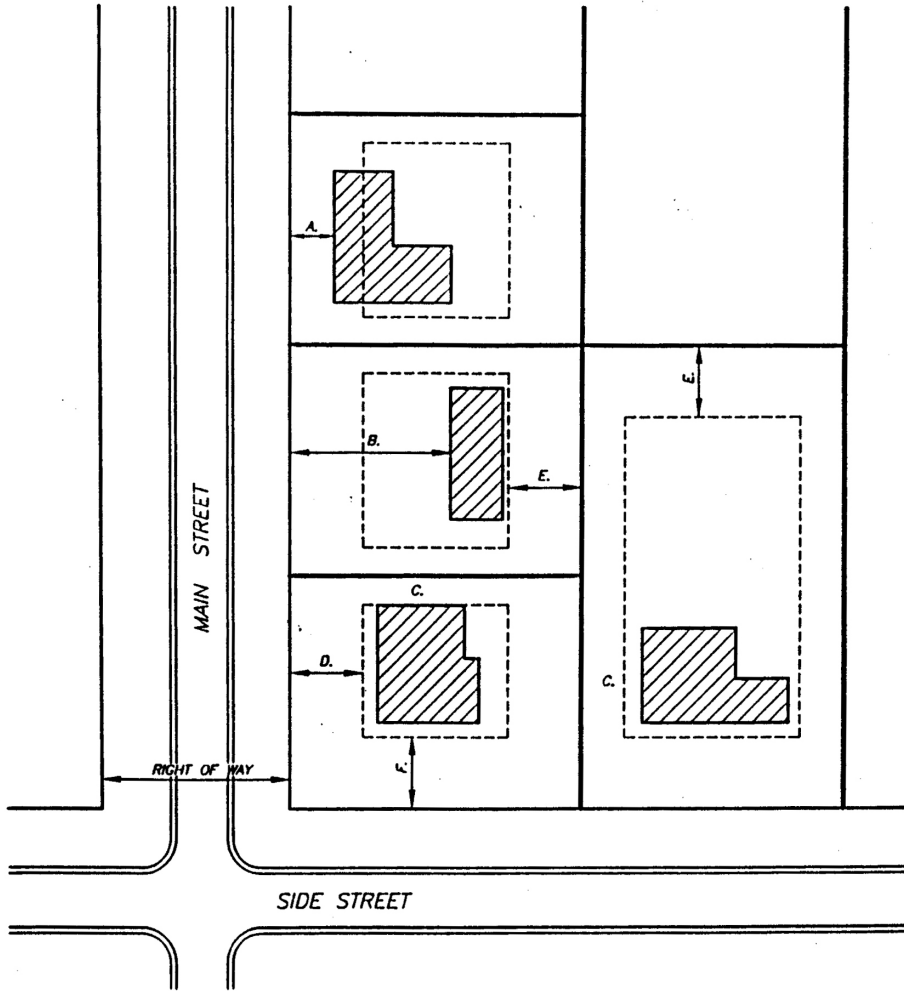


STRUCTURAL TERMINOLOGY  
(BASEMENT/STORY)

*Use* means the purpose for which land or premises of a building thereon is designed, arranged or intended, or for which it is occupied or maintained, let or leased. The principal use shall be that primary use which is permitted and an accessory use shall be subordinate and incidental to that primary or principal use.

*Variance* means a modification of the literal provisions of this chapter 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.

*Yard* means an open space on the same lot with the main building unoccupied and unobstructed from the ground upward except as otherwise provided in this chapter. (See Yard Requirements Diagram)



- A. DEFICIENT SETBACK (NONCONFORMING)
- B. YARD ESTABLISHED BY BUILDING LINE
- C. SIDE YARD
- D. MINIMUM FRONT YARD REQUIRED
- E. MINIMUM REAR YARD REQUIRED
- F. MINIMUM FRONT YARD REQUIRED ON CORNER LOTS
- BUILDING ENVELOPE

## YARD REQUIREMENTS

- (1) *Front yard* means a yard extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the main building. A corner lot shall be considered to have two front yards for purposes of meeting yard requirements.
- (2) *Rear yard* means a yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of the main building.
- (3) *Side yard* means a yard between the main building and the side lot line, extending from the front yard to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line to the nearest point of the main building.

*Zoning district* means the boundaries established through this chapter and depicted on the "Official Map" for distinct use and site development regulations.

**Note**— Please note that diagrams have been inserted into this document to assist the reader and are for reference only. The written text shall be considered for interpretation purposes.

(Ord. No. 227, § 5.6, 9-4-2001; Ord. No. 237, § 1, 2-25-2005)

Sec. 82-4. - Enforcement.

The provisions of this chapter shall be enforced by a zoning officer and such deputies or assistants as may be from time to time designated by resolution of the city council.

(Ord. No. 227, § 5.15, 9-4-2001)

Sec. 82-5. - Violations of chapter provisions.

- (a) Buildings or structures erected, maintained, altered, moved, razed, or converted, or any use of land or premises in violation of any provision of this chapter are declared to be nuisances per se.
- (b) The zoning officer shall inspect each alleged violation and shall order correction, in writing by posting the premises of all conditions found to be in violation of this chapter. A copy thereof shall be served in person or by mailing to the last known address of the owner thereof.
- (c) An appeal may be taken to the board of appeals by any person alleging error in any administrative order concerning the enforcement of this chapter.
- (d) All violations shall be corrected within 14 days of posting, personal service, or date of mailing, whichever is last, or any extension of time authorized by the city council. A violation not so corrected shall be reported to the municipal attorney who shall initiate prosecution procedures.

(Ord. No. 227, § 5.16, 9-4-2001)

Sec. 82-6. - Penalties for violation of chapter provisions.

Any person, corporation, association, or firm who shall violate this chapter, or any permit, license, variance or exception granted hereunder, or any lawful order of the zoning officer, board of appeals, or the municipal body issued in pursuance of this chapter shall be guilty of a misdemeanor. Upon conviction thereof before any court of competent jurisdiction, he shall be punishable by a fine of not to exceed \$500.00 or by imprisonment not to exceed 90 days, or both. Each day during which a violation continues shall be deemed a separate offense. The imposition of any sentence shall not exempt an offender from compliance with the provisions of this chapter. The foregoing penalties shall not prohibit the municipality from seeking injunctive relief against a violator, or such other appropriate relief as may be provided by law.

(Ord. No. 227, § 5.17, 9-4-2001)

**State Law reference**— Zoning violations, MCL 125.587.

Sec. 82-7. - Limitations on all land and structures.

- (a) Every building hereinafter erected shall be located on a lot as herein defined; and except as herein provided there shall be not more than one single-family dwelling on one lot.
- (b) The illumination of any buildings or uses of land shall be designed and operated so that the source of light shall not be directed upon adjacent properties or the public street. In no event shall the illumination of a building or use of land be permitted to flood upon adjacent residential structures.

(Ord. No. 227, § 5.34, 9-4-2001)

Sec. 82-8. - Building permit to erect or alter structures.

No structure shall be erected, altered or excavation started until a building permit for such erection or alteration shall have been issued.

(Ord. No. 227, § 5.35, 9-4-2001)

Sec. 82-9. - Limitations on height.

No building shall be erected, reconstructed, or structurally altered to exceed in height the limit hereinafter designated for the zone in which such building is located, except the height limitations of this chapter shall not apply to church spires, belfries, cupolas, antennas, domes not used for human occupancy; nor to chimneys, ventilators, skylights, water tanks, barns, silos, bulkheads, and necessary mechanical appurtenances usually carried above the roof level, except where in the opinion of the building inspector such may be deemed to interfere with aerial navigation or constitute a fire hazard. The total coverage of such features shall not exceed 20 percent of the total roof area and shall not exceed a reasonable height to be determined upon reference of all such cases to the zoning board of appeals by the zoning officer.

(Ord. No. 227, § 5.36, 9-4-2001)

Sec. 82-10. - Limitations on area.

- (a) No building shall be erected, nor shall any existing building be altered, enlarged, moved, or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, except in conformity with the yard, lot, area and building location regulations hereinafter designated for the zone in which such building or open space is located, except as otherwise specifically provided.
- (b) No yard or other open space provided about any building for the purpose of complying with the provisions of this chapter shall be considered as a yard or open space for any other building.
- (c) Any parcel of real property of record and in single ownership at the time of adoption of Ordinance No. 234 that fails to comply with the area and lot size requirements of this chapter may be used for a permitted use provided 90 percent compliance with each yard requirement is effected. Any such parcel of record, in common ownership with adjacent parcels of record on or before the effective date of Ordinance No. 134 may be used as separate lots if each such parcel contains 90 percent of the required lot area. Where two or more such parcels in common ownership do not each contain 90 percent of the required lot area they shall be combined or otherwise redivided to conform to this chapter.

(Ord. No. 227, § 5.37, 9-4-2001)

Sec. 82-11. - Site development or plot plan.

The planning commission is hereby empowered as an administrative body to review a site development plan of any use hereafter referred to in article V or article VIII for review prior to the issuance of a building permit. Approval shall be subject to the following procedures and conditions:

- (1) The planning commission shall ascertain that the proposed development is arranged:
  - a. To provide convenient and safe automobile circulation and parking in relation to the streets, pedestrian walkways and adjoining properties or parking areas.

- b. To ensure adequate visual sight distances.
  - c. To minimize conflicts of traffic movements on public streets and upon the property involved.
  - d. To ensure the safety, convenience and well-being of adjoining property owners and other citizens.
- (2) To these ends the planning commission is empowered hereby to designate entryways and exits, the direction of traffic flow on off-street parking areas and drives, to limit the number of drives onto a public street, to designate their location of intersection with a public street and, where feasible, to require the use of existing drives on adjacent properties to decrease traffic conflicts on the public streets.
- (3) Upon approval of said plan, the chairman of the planning commission shall sign three copies thereof. One signed copy shall be returned to the applicant, one shall be made a part of the planning commission's files and one shall be forwarded to the zoning officer for issuance of a building permit.

(Ord. No. 227, § 5.38, 9-4-2001)

Sec. 82-12. - Specific uses and structures regulated.

- (a) *Animals.* Any other provision of this chapter notwithstanding, the keeping, housing, raising, use or medical care of livestock, fowl or other animals, other than household pets of an occupant of the residence, is prohibited. Agricultural uses are subject to special exception use approval under the R-1 District. More intensive agricultural uses associated with agribusiness are subject to special exception use approval in the I-1 District. Kennels are subject to special exception use approval within the C-1 District. Where animals, other than household pets of an occupant of the residence, are kept or allowed outside, a fence so constructed as to keep said animals from leaving the premises at will shall be provided and regularly maintained.
- (b) *Basement dwellings.* The use of any portion of a basement, as defined in this chapter, as a dwelling is prohibited in all zones. The use of the basement of a partially built or planned building as a dwelling unit is also prohibited.
- (c) *Essential services and institutional uses.* Essential services and institutional uses may be located in any zone upon approval as a special exception use.
- (d) *Mixed occupancy.* Before issuing a building permit for any premises intended or used for a combination of dwelling and commercial occupancy, the zoning officers shall request a report from the fire chief and the health officer as to any hazards that exist or may be expected to exist and their recommendations as to additional provisions necessary in the interest of safety or health. Such recommendations shall be complied with before issuance of a permit.
- (e) *Recreational and camping dwellings.* The use of campers, house trailers, motor homes, tents, or similar camping equipment for dwellings is prohibited in all zones.
- (f) *Projections.* Retractable awnings may be erected in any zone. Permanent awnings, canopies, marquees, eaves, balconies or decorative architectural projections may extend up to 36 inches into any required yard, or over a public right-of-way where there is no yard required, provided that all such projections must be at least eight feet above the ground. In the C-2 District the city council may approve other projecting structures over the public right-of-way. Before granting such approval the council shall ascertain that any such structure extends not more than eight feet over the public sidewalk, provides clearance of at least eight feet above the ground, and that the design and construction of said structure will provide a harmonious appearance with other similar existing structures.
- (g) *Row dwellings or terrace family dwellings.* Attached single-family dwellings, other than a two-family dwelling, shall only be allowed in the R-4 Multi-family District or within a planned unit development.
- (h) *Sewer and water.* No building permit shall be issued for any new building to be occupied by human beings wherein water is to be supplied or liquid wastes of any kind are to be disposed of unless the building is served by a public sewer.

- (i) *Swimming pools.* Swimming pools are permitted in all districts, provided the provisions of chapter 14, article III, swimming pools, and the following regulations are complied with:
  - (1) The pool shall be maintained in a clean and healthful condition in accordance with County and city health requirements.
  - (2) No swimming pool shall be emptied in any manner that will cause water to flow upon another lot.
  - (3) Every swimming pool shall be completely enclosed with a permanent substantial fence, with gates, at least five feet in height above ground level.
  - (4) The swimming pool basin shall not be closer than ten feet to any side or rear lot line and no part of the pool shall be constructed within a required front yard or required side yard.
- (j) *Temporary permit.* The zoning officer may issue temporary use permits for the following uses after determining that such uses will not be detrimental to adjacent conforming uses during the permitted period of use. A second temporary use permit may be issued by the zoning officer at the end of such time limit for good cause shown. The zoning officer may attach such conditions and requirements deemed necessary to meet the intent of the provisions of this chapter. A third temporary use permit may only be authorized by the board of appeals:
  - (1) *Trailer homes.* Temporary buildings and trailer offices shall be allowed for in all districts subject to obtaining a special exception use permit.
  - (2) *Signs and supplies.* The storage of building supplies and machinery, temporary storage buildings, the assembly of materials and customary trade, contractor, architect and identification signs in connection with a construction project may be authorized by the zoning officer for a period of up to 12 months.
  - (3) *Seasonal uses.* The zoning officer may authorize a temporary permit for up to 30 days for seasonal or unusual nonrecurrent temporary uses and signs.
- (k) *Transition zoning.* The R-4 Multiple-Family District allows for offices as a special exception use and the C-2 Local Commercial allows for residential uses as a special exception use. These zones, and specifically these uses, are intended to provide for transition between residential and commercial zoning districts.
- (l) *Walls and fences.* Retaining walls located on a property line, and fences not more than four feet in height are permitted in the required yards of all zones provided that such fences are not more than 75 percent solid. Solid walls and fences up to six feet in height are permitted only in back of required front yards and in side or rear yards in all zones, provided that such walls or fences on corner lots must meet the side street side yard setback requirements. Walls and fences of more than six feet in height are prohibited in any R District. Chain link protective fences, not more than 20 percent solid, may be permitted up to ten feet in height in any side or rear yard in a C or I District.
- (m) *Yards.* Every lot must provide one front yard, a rear yard and side yards as required by its zone district. All front yards must face upon a dedicated public street and shall be at least 36 feet in width at the street right-of-way line provided that any lot less than 50 feet in width at the street right-of-way line shall have an average width of not less than 65 feet.
- (n) *Flag poles.* In all residential districts, the flag pole height shall not exceed the highest point of the dwelling roof plus 20 percent. In all commercial and industrial districts, the flag pole height shall not exceed 35 feet maximum. In all districts, a five foot minimum setback from the lot line shall apply.

(Ord. No. 227, § 5.39, 9-4-2001; Ord. No. 0249, § 1, 7-2-2007)

Sec. 82-13. - Prior building permits.



Nothing in this chapter shall prohibit the completion of construction and use of a nonconforming building for which a building permit has been issued prior to the effective date of Ordinance No. 134, provided that construction is commenced within 90 days after the date of issuance of the permit; that construction is carried on diligently and without interruption for a continuous period so that the entire building shall be completed according to the plans filed with the permit application within two years after the issuance of the building permit.

(Ord. No. 227, § 5.40, 9-4-2001)

Sec. 82-14. - Certificate of occupancy.

(a) It shall be unlawful to use or permit the use of any building or premises or part thereof hereafter created, located, erected, changed, converted or enlarged wholly or partially until a certificate of occupancy has been issued for that premises certifying that the structure or use complies with the provisions of this chapter. Such occupancy permits shall be granted or denied within five days from the date that a written application is filed with the building inspector or zoning enforcement officer.

(b) The issuance of a certificate of occupancy shall not be construed as permitting any violation of this chapter.

(Ord. No. 227, § 5.41, 9-4-2001)

Sec. 82-15. - Validity or severability clause.

Should any section, subsection, clause or provision of this chapter be declared by the courts to be invalid, such decision shall not affect the validity of this chapter in its entirety or of any part thereof, other than that portion so declared to be invalid.

(Ord. No. 227, § 5.42, 9-4-2001)

Sec. 82-16. - Conflict with other laws.

Whenever the requirements of this chapter are at variance with the requirements of other lawfully adopted rules, regulations or ordinances, the most restrictive, or that imposing the higher standards, shall govern.

(Ord. No. 227, § 5.43, 9-4-2001)

**State Law reference**— Conflicts between zoning and other ordinances, MCL 125.586.

Sec. 82-17. - Boundaries of zones.

Where uncertainty exists as to the boundaries of any of the zones as shown on the zoning map, the following rules shall apply:

- (1) Zone boundary lines are intended to be parallel or perpendicular to street, alley, or lot lines, unless such zone boundary lines are fixed by dimensions, as shown on said zoning map.
- (2) Where zone boundaries are indicated as approximately following street or alley lines or proposed street lines, or the centerlines of such streets or alleys, said lines shall be constructed to be such boundaries.
- (3) Where zone boundaries are so indicated that they approximately follow lot lines and are not more than 25 feet distant therefrom, such lot lines shall be such boundaries.
- (4) In unsubdivided property or where a zone boundary divides a lot, the location of any such boundary, unless the same is indicated by dimensions shown on such maps, or described in the text of this chapter, shall be determined by the use of the map scale shown thereon, and scaled to the nearest foot.

- (5) If all or any portion of any public street, alley, right-of-way, easement, or land which is not included in any zone shall ever revert to or come into private ownership or shall ever be used for any purpose other than a public purpose, said land shall be subject to all of these regulations which apply within the zone immediately adjacent thereto, or within the most restricted of the immediately adjacent zones, if there be more than one.

(Ord. No. 227, § 5.44, 9-4-2001)

Sec. 82-18. - Amendment procedures.

- (a) *Submission of application.* Such regulations, restrictions, and boundaries established by this chapter may from time to time be amended, supplemented, or repealed by the municipality as provided by the applicable state statute. Requests for amendment of this chapter may be made by an interested person or governmental agency by submitting an application for the proposed amendment, (or a letter) to the city clerk provided that the planning commission may initiate a zoning amendment without such application. The city clerk shall within five days after acceptance of such application, transmit a copy of the application to the planning commission.
- (b) *Text amendment.* In case of a text amendment, the applicant shall submit, in writing, the proposed text to be added and/or the existing text to be deleted.
- (c) *Map amendment.* In case of a map amendment, the applicant shall submit a written statement specifying the following:
- (1) The name and address of the owner of the land.
  - (2) The street number, if any, or if none the location with respect to nearby public roads serving the land which is proposed to be reclassified.
  - (3) A description by metes and bounds, courses and distances of the land, or if the boundaries conform to lot boundaries within a subdivision for which a plat is recorded in the land records of the county, then a lot, block and subdivision designation with appropriate plat reference.
  - (4) An identification plat prepared by a civil engineer, surveyor, or other competent person, and certified thereon by him to be correct and in conformity with this section, showing the land proposed to be reclassified, or if the boundaries conform to the lot boundaries within a subdivision for which a plat is recorded among the land records of the county, then a copy of such plat, and land proposed to be reclassified appearing in a color distinctive from that of other land shown on the plat.
  - (5) The area of the land proposed to be reclassified, stated in square feet if less than one acre and in acres if one acre or more.
  - (6) The present classification and the classification proposed for such land.
- (d) *Fee.* The clerk shall collect a fee from the applicant in the amount established by the city council to cover cost for notices and public hearing. No fee shall be charged a public official or body.
- (e) *Just cause for action.* If said request shows just cause for action, the planning commission shall:
- (1) Set a time and place for public hearing and provide for the publishing of legal notices of such hearing as provided by law.
  - (2) Give not less than 15 days' notice of the time and place of said hearing by certified or registered mail to any public utility or railroad company owning or operating any utility or railroad within an area affected by the zoning request.
  - (3) Hold said public hearing, receiving all comments and reports requested or noting the absence of such.
  - (4) Submit the proposed amendment to the city council, with or without changes, provided such changes are

decided upon at the public hearing, together with a written recommendation thereon.

- (f) *Adoption, referral or denial.* The city council may adopt such amendment; or refer the same for further report; or deny said amendment. Where such action is contrary to the recommendation of a majority of the full membership of the planning commission, such amendment shall be passed only by a two-thirds vote of the full membership of the city council.

(Ord. No. 227, § 5.141, 9-4-2001)

**State Law reference**— Zoning amendments, MCL 125.584.

Secs. 82-19—82-33. - Reserved.

## ARTICLE II. - BOARD OF APPEALS

### *Footnotes:*

--- (2) ---

**State Law reference**— *Board of appeals, MCL 125.585 et seq..*

Sec. 82-34. - Establishment of a board of appeals.

There shall be a board of appeals appointed by the city council of five members as provided under the state statute. Vacancies shall be filled by appointment for unexpired terms. One member shall be a member of the planning commission and one member shall be a city councilman. Initially two of the members will be appointed for three years, two for two years and one for one year. In the second year the one member shall be appointed for a term of three years and in the third year two members will be appointed for a term of three years and thereafter appointment shall be made for terms of three years. All members of the board must be property owners and a majority of the board must be residents of the city.

(Ord. No. 227, § 5.21, 9-4-2001)

Sec. 82-35. - Authority of the board of appeals.

The authority of the board of appeals shall be as follows:

- (1) To hear and decide upon requests for the interpretation of the provisions of this chapter, including the power to review, upon request, any order or decision of the zoning officer or any other order or decision issued pursuant to this chapter.
- (2) To grant variances pursuant to the statutory authority of the above statute to wit: where there is practical difficulty or unnecessary hardship in carrying out the strict letter of this chapter, and request is made to vary such provisions so that the spirit of this chapter shall be observed, public safety secured and substantial justice done.
- (3) To hear and decide petitions for special exceptions, conditional uses, or temporary uses. Before authorizing any use, the board shall determine in addition to the other provisions of this chapter, whether the proposed use would be unduly hazardous, harmful or a nuisance to the surrounding neighborhood by reason of noise, atmospheric pollution, vibration, glare, fire potential, parking, traffic, aesthetic effect, devaluation of property values or psychological effects. The board may impose such additional requirements and conditions necessary to preserve the intent of this chapter.

- (4) If a variance is granted or if other decisions are made authorizing the applicant to proceed pursuant to his request, necessary permit therefor shall be secured and the authorized action begun within three months after the date of council board, and the structure or alteration shall be completed within 12 months of said date. The board may, upon petition the reasons therefor, extend either the three or the 12-month period, but only if said petition shall state facts indicating it is impossible to perform the work permitted. Should the petitioner fail to obtain the necessary permit or fail to complete work within the 12-month period then the variance, special exception, conditional use or temporary use shall be terminated and petitioner shall take no further action thereon.
- (5) No application for a variance or special exception, conditional use or temporary use which has been denied wholly or in part by the board shall be resubmitted for a period of one year from the date of the order denying, except on grounds of newly discovered evidence or proof of the changed conditions found upon inspection by the board to be valid.

(Ord. No. 227, § 5.22, 9-4-2001)

Sec. 82-36. - Variance.

The board shall not schedule a public hearing on a variance for a period of 30 days after receipt of the request. The board shall notify the planning commission of the appeal and request a study and report. No decisions shall be made by the board until the report of the planning commission is received, provided such report shall be made within 30 days of the next regularly scheduled planning commission meeting.

(Ord. No. 227, § 5.23, 9-4-2001)

Sec. 82-37. - Application for variances, appeals or special exceptions.

Appeals to the board may be taken by any party aggrieved by a decision or order of the zoning officer or by any officer or agency of the municipality affected by such decision or order.

- (1) Requests for variances, appeals or special exceptions may be made by submitting an application (or letter) to the municipal clerk, together with the proper fee. (See section 82-39.)
- (2) A site plan, plot plan or development plan of the total property involved, showing the location of all abutting streets, the location of all existing and proposed structures, the types of buildings and their uses, shall be submitted with each request for a variance, appeal or special exception.

(Ord. No. 227, § 5.24, 9-4-2001)

Sec. 82-38. - Public hearings.

When an application for hearing or appeal has been filed with the required data, in proper form and the fee paid, the secretary of the board shall immediately place the said application or appeal upon the calendar for hearing and cause notices stating the time, place and object of the hearing to be served. Such notices shall be served personally or by mail at least 72 hours, exclusive of Sundays, prior to the day of such hearing upon the applicant or the appellant and building inspector, or other administrative body from which such appeal is taken. A like notice shall be sent at least 72 hours, exclusive of Sundays, prior to the hearing to all occupants of property within a 300-foot radius of the premises involved, and to all owners of property as shown by the city treasurer's office within 300 feet of the premises involved by regular U.S. mail, postage prepaid with proof of posting, addressed to the last known address of such occupants and property owners as shown by said records. Any interested party may appear and be heard at such hearing in person or by agent or attorney. Upon the date for hearing any

application or appeal, the board may adjourn the hearing in order to permit the obtaining of additional information, or to cause such further notices it deems proper to be served. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the resumption of said hearing unless the board so decides.

(Ord. No. 227, § 5.25, 9-4-2001)

Sec. 82-39. - Fees.

- (a) The amount of the fee shall be determined by the city council by resolution for any applications, hearings, permits or other action of any officer, council or board under this chapter and these fees shall be substantially commensurate with the cost and expense involved therein.
- (b) The required fees for a hearing before the appeals board are a part of the cost of any building permit and are in addition to other building permit fees. Said fee, where required, shall be paid to the city clerk before any action shall be taken on said petition. Monies so received shall be retained whether the requested relief is granted or not, and shall be used as provided by law. Fees may be changed by the city council at any regular meeting, which change shall be effective 30 days from the date of adoption of such change.

(Ord. No. 227, § 5.26, 9-4-2001)

Sec. 82-40. - Minutes and records.

The board shall keep minutes of its proceedings showing the vote of each member upon every question, or if absent or failing to vote indicating such fact, and shall keep records of its proceedings and other official actions, all of which shall be filed promptly in the office of the city clerk and shall be a public record. The record need not be a verbatim transcript of the proceedings, but may state the substance thereof, with the exception that the record shall set out verbatim the decision of the board.

(Ord. No. 227, § 5.27, 9-4-2001)

Sec. 82-41. - Vote necessary for decision.

The final disposition of any matter of the board's proceedings shall require the concurring vote of not less than a majority of its members present at the meeting.

(Ord. No. 227, § 5.28, 9-4-2001)

Sec. 82-42. - Decisions.

- (a) All decisions of the board shall be reflected in the approval of the minutes from that hearing or meeting, indicating the substance leading to such discretionary decision.
- (b) The board shall render its decision within 30 days after the hearing thereon and shall within 24 hours thereafter forward a copy thereof to the petitioner unless the petitioner or his/her agent was present at the meeting in which the decision was made.

(Ord. No. 227, § 5.29, 9-4-2001)

Secs. 82-43—82-57. - Reserved.

ARTICLE III. - ZONING DISTRICTS

*Footnotes:*

--- (3) ---

**State Law reference**— *Zoning districts authorized, MCL 125.581.*

## Sec. 82-58. - Zoning districts.

- (a) For purposes of this chapter, the city is hereby divided into the following zoning districts:

OS Open Space District

R-1 Single-Family Residential District

R-2 Single-Family Residential District

R-3 Two-Family Residential District

R-4 Multiple-Family Residential District

R-5 Housing Rehabilitation District

R-6 Mobile Home Park District

C-1 General Commercial District

C-2 Local Commercial District

I-1 Restricted Industrial District

I-2 Manufacturing District

- (b) The location and boundaries of the zones established within this chapter shall be shown on the map entitled the "Zoning Map of the City of Galesburg." The zoning ordinance text and map may be amended following a public hearing before the planning commission, with final approval and adoption by the city council. The map, any section or portion, together with any notations, dimensions or other data shown thereon, are hereby made part of this chapter to the same extent as if the information set forth on the map were fully described and incorporated into this text. The dimension of each district is based upon the scale as depicted on the map. The map shall initially be interpreted by the zoning administrator based upon legal description and other factual information related to the parcels in question. Where a dispute occurs, the zoning administrator shall request an interpretation of the map by the zoning board of appeals.

- (c) The official copy of the zoning map shall be in the custody of the city clerk.

(Ord. No. 227, § 5.51, 9-4-2001)

## Sec. 82-59. - OS Open Space District.

- (a)
- Statement of purpose.*
- The "OS" Open Space District is composed of lands within the city that possess unique natural or man-made resources that should be preserved and protected for the use and enjoyment of existing and future residents. Such land is zoned under this district in order to retain areas in the city for parks and recreation, educational pursuits and historical and natural resource protection. Public facilities are the primary use within this

district, although other uses may be considered as special uses based upon their religious or nonprofit nature and their benefit to the community. Such uses may include private schools, churches or similar uses that retain open space for purposes of civic or recreational benefit.

- (b) *Permitted uses.* The following uses are permitted by right within this district, although they may be subject to site plan review as required within this chapter:
- (1) Public parks, schools and playground facilities, or public open space areas preserved for recreational or educational pursuits.
  - (2) Historical or natural resources that should be preserved due to their historic significance, natural beauty or need for environmental protection.
  - (3) Libraries, cemeteries, auditoriums or other public facilities that support civic or cultural needs within the community or provide informational or educational resources.
- (c) *Special exception uses.* The following uses are permitted within this district subject to obtaining a special use permit for their approval:
- (1) Churches, parochial or private schools or similar uses of a nonprofit nature that provide religious or educational resources while preserving open space and recreational benefit within the community.
  - (2) Private or nonprofit recreational facilities such as golf courses, sports-related fields or similar uses that retain open space for passive or active recreation.
  - (3) Hospitals or community centers provided such use is a community resource and not a private facility competing with other private facilities of a similar type and nature.
- (d) *Site development regulations.* The following dimensional standards shall be met related to the development or redevelopment of permitted or special uses within this district:
- (1) *Lot area.* The minimum lot area shall be one acre.
  - (2) *Lot width.* The minimum lot width shall be 132 feet. If the use is specifically a walkway, bike path or similar trail, the minimum width shall be 20 feet.
  - (3) *Lot coverage.* The maximum lot coverage shall be 25 percent.
  - (4) *Yard requirements.* The following are minimum building setbacks as measured from the property line (or street right-of-way line if that is incorporated into the lot area):
    - a. *Front yard.* No less than 50 feet.
    - b. *Side yard.* No less than 20 feet.
    - c. *Rear yard.* No less than 50 feet.
  - (5) *Height.* The maximum building height shall be 35 feet.

(Ord. No. 227, § 5.52, 9-4-2001)

Sec. 82-60. - R-1 Single-Family Residential District.

- (a) *Statement of purpose.* The "R-1" Single-Family Residential District is composed of lands within the city that are devoted to detached single-family residences on larger lots. Agricultural uses are permitted as special exception uses, although the intent of the district is to support expanded residential development in these areas of the city. Lot splits through land division, traditional plats and site condominium projects within planned unit development are the primary approaches anticipated within this zoning district.
- (b) *Permitted uses.* The following uses are permitted by right within this district:

- (1) Detached single-family dwellings.
  - (2) Publicly owned and operated buildings and uses including community buildings, school facilities and public parks and playgrounds.
  - (3) Accessory buildings and uses.
  - (4) Family care home.
- (c) *Special exception uses.* The following uses are permitted within this district subject to obtaining a special use permit for their approval:
- (1) Churches, parochial or private schools or similar uses of a nonprofit nature.
  - (2) Home occupations.
  - (3) Planned unit development limited to residential development with a density of no more than two units per acre.
  - (4) Agricultural uses, including horticulture and gardening, provided the use does not extend to those uses regulated under agri-business within the I-1 Industrial District. The sale of produce that has been raised on the parcel from which it is sold, may be identified as a roadside stand.
  - (5) Bed and breakfast inn.
- (d) *Site development regulations.* The following dimensional standards shall be met related to the development or redevelopment of permitted or special uses within this district:
- (1) *Lot area.* The minimum lot area shall be 16,000 square feet.
  - (2) *Lot width.* The minimum lot width shall be 100 feet.
  - (3) *Lot coverage.* The maximum lot coverage shall be 30 percent.
  - (4) *Yard requirements.* The following are minimum building setbacks as measured from the property line:
    - a. *Front yard.* No less than 40 feet.
    - b. *Side yard.* No less than 15 feet.
    - c. *Rear yard.* No less than 40 feet.
  - (5) *Height.* The maximum building height shall be 35 feet.
  - (6) *Floor area.* The minimum floor area shall be 1,200 square feet with a minimum first floor of 800 square feet.

(Ord. No. 227, § 5.53, 9-4-2001; Ord. No. 0248, § I, 1-16-2007)

Sec. 82-61. - R-2 Single-Family Residential District.

- (a) *Statement of purpose.* The "R-2" Single-Family Residential District is composed of lands within the city that are devoted to detached single-family residences at a density of less than four units per acre. Traditional plats and site condominium projects through planned unit development are the primary approaches anticipated within this district.
- (b) *Permitted uses.* The following uses are permitted by right within this district:
  - (1) Detached single-family dwellings.
  - (2) Publicly owned and operated buildings and uses including community buildings, school facilities and public parks and playgrounds.
  - (3) Accessory buildings and uses.
  - (4) Family care home.
- (c) *Special exception uses.* The following uses are permitted within this district subject to obtaining a special use permit



for their approval:

- (1) Churches, parochial or private schools or similar uses of a nonprofit nature.
  - (2) Home occupations.
  - (3) Planned unit development limited to residential development with a density of less than four units per acre.
  - (4) Group care home.
  - (5) Bed and breakfast inn.
- (d) *Site development regulations.* The following dimensional standards shall be met related to the development or redevelopment of permitted or special uses within this district:
- (1) *Lot area.* The minimum lot area shall be 12,000 square feet.
  - (2) *Lot width.* The minimum lot width shall be 80 feet.
  - (3) *Lot coverage.* The maximum lot coverage shall not exceed 35 percent.
  - (4) *Yard requirements.* The following are the minimum building setbacks as measured from the property line:
    - a. *Front yard.* No less than 30 feet.
    - b. *Side yard.* No less than ten feet.
    - c. *Rear yard.* No less than 30 feet.
  - (5) *Height.* The maximum building height shall be 35 feet.
  - (6) *Floor area.* The minimum floor area shall be 1,000 square feet with a minimum first floor of 800 square feet.

(Ord. No. 227, § 5.54, 9-4-2001)

Sec. 82-62. - R-3 Two-Family Residential District.

- (a) *Statement of purpose.* The "R-3" Two-Family Residential District is composed of lands within the city devoted to detached and attached single-family and two-family dwellings on smaller lots. The intent is to provide for a range of housing types with an overall density of less than six units per acre. While two-family units are permitted, the minimum lot area is larger in order to remain within this density standard.
- (b) *Permitted uses.* The following uses are permitted by right within this district:
  - (1) Single-family dwellings.
  - (2) Two-family dwellings.
  - (3) Accessory buildings and uses.
  - (4) Family care home.
- (c) *Special exception uses.* The following uses are permitted within this district subject to obtaining a special use permit for their approval:
  - (1) Home occupations.
  - (2) Planned unit development limited to residential development with a density of less than six units per acre.
  - (3) Group care home.
  - (4) Bed and breakfast inn.
  - (5) Churches, parochial or private schools or similar uses of a nonprofit nature.
- (d) *Site development regulations.* The following dimensional standards shall be met related to the development or redevelopment of permitted or special uses within this district:
  - (1) *Lot area.* The minimum lot area shall be 8,000 square feet for single-family dwellings and 16,000 square feet for

two-family dwellings.

- (2) *Lot width.* The minimum lot width shall be 66 feet for single-family dwellings and 100 feet for two-family dwellings.
- (3) *Lot coverage.* The maximum lot coverage shall be 50 percent for a single-family dwelling and 40 percent for a two-family dwelling.
- (4) *Yard requirements.* The following are minimum building setbacks as measured from the property line:
  - a. *Front yard.* Not less than 30 feet.
  - b. *Side yard.* Not less than ten feet.
  - c. *Rear yard.* Not less than 30 feet.
- (5) *Height.* The maximum height shall be 35 feet.
- (6) *Floor area.* The minimum floor area shall be 1,000 square feet for a single-family dwelling and 800 square feet for each two-family dwelling unit. The minimum first floor shall be 800 square feet.

(Ord. No. 227, § 5.55, 9-4-2001; Ord. No. 0248, § II, 1-16-2007)

Sec. 82-63. - R-4 Multiple-Family Residential District.

- (a) *Statement of purpose.* The "R-4" Multiple-Family Residential is composed of lands within the city that are devoted to higher density residential use in a variety of housing types. This includes single-family, two-family and multiple-family dwellings as permitted uses and more transitional uses such as office use by special exception. Residential care facilities, including family care as a permitted use and group homes and limited residential care facilities as special exception uses, are directed into this district based upon this higher density.
- (b) *Permitted uses.* The following uses are permitted by right within this district:
  - (1) Single-family dwellings.
  - (2) Two-family dwellings.
  - (3) Multiple-family dwellings and Bed and Breakfast operations.
  - (4) Accessory buildings and uses.
  - (5) Family care home.
- (c) *Special exception uses.* The following uses are permitted within this district subject to obtaining a special use permit for their approval:
  - (1) Office uses.
  - (2) Home occupations.
  - (3) Group care home.
  - (4) Limited residential care facilities.
  - (5) Planned unit development, including office and retail uses, subject to the residential density not exceeding eight units per acre.
  - (6) Bed and breakfast inn.
- (d) *Site development regulations.* The following dimensional standards shall be met related to the development or redevelopment of permitted or special uses within this district:
  - (1) *Lot area.* The minimum lot area for a single-family dwelling shall be 8,000 square feet, and 16,000 square feet and for a two-family or multiple-family dwelling. The minimum lot area for a multiple dwelling in excess of four units shall be one acre.

- (2) *Lot width.* The minimum lot width shall be 66 feet for a single-family dwelling, 100 feet for a two-family dwelling and 132 feet for a multiple-family dwelling.
- (3) *Lot coverage.* The maximum lot coverage shall not exceed 50 percent with this calculated by the total floor area of all floors and buildings in relation to the lot area.
- (4) *Yard requirements.* The following are minimum building setbacks as measured from the property line:
  - a. *Front yard.* Not less than 30 feet.
  - b. *Side yard.* Not less than ten feet.
  - c. *Rear yard.* Not less than 30 feet.
- (5) *Height.* The maximum building height shall not exceed four stories or 50 feet.
- (6) *Floor area.* The minimum floor area shall not be less than 800 square feet for a single-family dwelling, 700 square feet for each two-family dwelling unit and 600 feet for each multiple-family dwelling unit. The minimum first floor area shall be 800 square feet.

(Ord. No. 227, § 5.56, 9-4-2001)

Sec. 82-64. - R-5 Housing Rehabilitation Overlay District.

- (a) *Statement of purpose.* The "R-5" Housing Rehabilitation Overlay District is targeted toward those residential areas within the city where the site development regulations for the underlying zone create substantial nonconformity, limiting the ability to improve or rehabilitate the housing units without multiple variances being granted. This district may be established where it has been determined that at least 50 percent of the units are nonconforming buildings or are located on nonconforming lots. The owners of such units may petition the city to rezone the property or the city may initiate the rezoning based upon the availability of public or private financing to assist in the rehabilitation effort.
- (b) *Permitted uses.* The following uses are permitted by right within this district:
  - (1) Single-family dwellings.
  - (2) Two-family dwellings.
  - (3) Accessory buildings and uses.
  - (4) Family care homes.
- (c) *Special exception uses.* The following uses are permitted within this district subject to obtaining a special use permit for their approval:
  - (1) Multiple-family dwellings.
  - (2) Home occupations.
- (d) *Site development regulations.* The following dimensional standards shall be met related to the development or redevelopment of permitted or special uses within this district:
  - (1) The minimum lot area, lot width and yard requirements may be reduced by up to 50 percent of the dimensional standard within the underlying district.
  - (2) The maximum lot coverage and building height may be increased by 20 percent of the dimensional standard within the underlying district.

(Ord. No. 227, § 5.57, 9-4-2001)

Sec. 82-65. - R-6 Mobile Home Park District.

- (a) *Statement of purpose.* The "R-6" Mobile Home Park District is composed of lands within the city that are specifically regulated under the State of Michigan Mobile Home Commission Rules, conferred under Public Act No. 86 of 1987 (MCL 125.2301 seq.).
- (b) *Permitted uses.* The following uses are permitted by right within this district:
  - (1) Mobile or manufactured homes.
  - (2) Accessory buildings and uses.
- (c) *Special exception uses.* None
- (d) *Site development regulations.* The minimum parcel size for the establishment of this district shall be 20 acres. All other standards shall be based upon the mobile home commission rules.

(Ord. No. 227, § 5.58, 9-4-2001)

Sec. 82-66. - C-1 General Commercial District.

- (a) *Statement of purpose.* The "C-1" General Commercial District is composed of lands within the city that are devoted to more intensive commercial use situated on larger lots outside of, or on the fringe of, the Central Business District (CBD). In some instances, such uses may be compatible with light industrial uses provided sufficient lot area exists for purposes of access, parking and landscaping.
- (b) *Permitted uses.* The following uses are permitted by right within this district:
  - (1) Office uses, that may include some vehicle or equipment storage as part of the business use or service.
  - (2) Automobile, trailers, recreational vehicles, watercraft and motorcycle sales and service, including automobile repair, car wash facilities, detailing and similar uses, and sales and service of similar mobile equipment.
  - (3) Restaurants, including fast-food or those with drive-in or drive-through facilities, excluding those serving alcoholic beverages.
  - (4) Public or community buildings, including schools and playground facilities.
  - (5) Limited residential care facilities, subject to required conditions.
- (c) *Special exception uses.* The following uses are permitted within this district subject to obtaining a special use permit for their approval:
  - (1) Gasoline service, convenience store, laundry or dry cleaning or similar uses where oil or gasoline sales, or chemical applications are utilized that may require additional licensing or regulation.
  - (2) Lumber yards, contractor establishments, storage facilities or similar uses, including kennels, where outdoor storage of equipment or materials is typical and fencing is utilized for security purposes.
  - (3) Restaurants, bars, package liquor sales or similar uses serving or selling alcoholic beverages.
  - (4) Shopping centers.
  - (5) Full residential care facilities.
  - (6) Bed and breakfast inn.
  - (7) Hotel or motel.
- (d) *Site development regulations.* All permitted and special exception uses shall be subject to site plan review and shall adhere to the following requirements:
  - (1) Lot area. The minimum lot area shall be 30,000 square feet.
  - (2) Lot width. The minimum lot width shall be 150 feet.
  - (3) Lot coverage. The maximum lot coverage shall be 40 percent.

- (4) Yard requirements. The following are minimum building setbacks as measured from the property line:
  - a. Front yard. Not less than 40 feet.
  - b. Side yard. Not less than ten feet.
  - c. Rear yard. Not less than 30 feet.
- (5) Height. The maximum building height shall not exceed 35 feet.

(Ord. No. 227, § 5.59, 9-4-2001; Ord. No. 240, § 1, 8-18-2005)

Sec. 82-67. - C-2 Local Commercial District.

- (a) *Statement of purpose.* The "C-2" Local Commercial District is composed of lands within the city that are devoted to less intensive business uses such as office and retail sales of goods and services. Such uses would include those traditionally found within the Central Business District (CBD) as well as those more compatible with adjoining residential neighborhoods and pedestrian movement. Uses of a more intensive nature, such as gasoline service, are permitted by special exception within this district. This zone also provides for residential use as a special use, with this often established on the second floor above a permitted office or retail use.
- (b) *Permitted uses.* The following uses are permitted by right within this district:
  - (1) Retail sales of goods and services, including, but not limited to, apparel, hardware, floral, jewelry, furniture, drug stores or variety or antique shops.
  - (2) Office uses, including medical or dental.
  - (3) Personal services such as barber and beauty salons or tanning facilities.
  - (4) Financial services including banks, brokerage, insurance or similar uses.
  - (5) Food products, sales and service including bakeries, grocery stores or restaurants, provided those serving alcoholic beverages are regulated as special exception uses.
  - (6) Electronic or appliance sales and service, including photography, radio and television, heating and cooling, audio or video or similar uses.
  - (7) Public or community buildings, including libraries, museums or administrative offices.
  - (8) Accessory buildings and uses.
- (c) *Special exception uses.* The following uses are permitted within this district subject to obtaining a special use permit for their approval:
  - (1) Gasoline service, convenience store, laundry and dry cleaning or similar uses where oil or gasoline sales, or chemical applications are utilized that may require additional licensing or regulation.
  - (2) Restaurants, bars, package liquor stores or similar uses selling alcoholic beverages through dine-in or take-out services.
  - (3) Funeral homes, excluding crematoriums.
  - (4) Residential dwelling units, provided such are located in conjunction with an existing business on the same parcel or lot or are located within a commercial district based upon transition to such use.
  - (5) Bed and breakfast inn.
  - (6) Hotel or motel.
- (d) *Site development regulations.* All permitted and special exception uses shall be subject to site plan review and shall follow those standards as well as regulations concerning parking, lighting and signage. No minimum lot area or lot width standards are established based upon the historic pattern of attached commercial buildings within this district.

(Ord. No. 227, § 5.60, 9-4-2001)

Sec. 82-68. - I-1 Restricted Industrial District.

- (a) *Statement of purpose.* The "I-1" Restricted Industrial District is composed of lands within the city that are devoted to businesses of a more intensive commercial nature or of a light industrial nature. Such uses include those that are directed at storage or warehouse facilities rather than manufacturing or assembly.
- (b) *Permitted uses.* The following uses are permitted by right within this district:
- (1) Warehouse and storage facilities, including mini-storage, provided there is no outdoor storage of equipment or materials.
  - (2) Distribution and trucking facilities.
  - (3) Sales of a wholesale or retail nature, including greenhouses, nurseries and landscape businesses. Where such use is included with another permitted use, access and parking associated with customer service shall be separate and indicated on the required site plan.
- (c) *Special exception uses.* The following uses are permitted in this district subject to obtaining a special use permit for their approval:
- (1) Lumber yards, contractor's establishment, storage facilities or similar uses where outdoor storage of equipment or materials is typical and fencing is utilized for security purposes.
  - (2) Light assembly of products, provided such use does not extend beyond the purpose or intent of this district and is not a permitted or special exception use within the I-2 Manufacturing District.
  - (3) Adult entertainment uses.
  - (4) Telecommunication towers.
  - (5) Agri-business.
- (d) *Site development regulations.* The following dimensional standards shall be met as follows:
- (1) Lot area. The minimum lot area shall be one acre.
  - (2) Lot width. The minimum lot width shall be 200 feet.
  - (3) Lot coverage. The maximum lot coverage shall not exceed 50 percent.
  - (4) Yard requirements. The following are minimum building setbacks as measured from the property line:
    - a. Front yard. Not less than 50 feet.
    - b. Side yard. Not less than 20 feet.
    - c. Rear yard. Not less than 40 feet.
  - (5) Height. The maximum building height shall be 35 feet.

(Ord. No. 227, § 5.61, 9-4-2001)

Sec. 82-69. - I-2 Manufacturing District.

- (a) *Statement of purpose.* The "I-2" Manufacturing District is composed of lands within the city that are devoted to more intensive industrial pursuits, including manufacturing, assembly and related production facilities.
- (b) *Permitted uses.* The following uses are permitted by right within this district:
- (1) Any permitted use within the I-1 Restricted Industrial District.
  - (2) Light manufacturing facilities, including those uses that operate without excessive noise or odor and that regular

business hours are less than 12 hours per day.

(c) *Special exception uses.* The following uses are permitted within this district subject to obtaining a special use permit for their approval:

- (1) Manufacturing and assembly facilities, including those that operate two or more shifts on a regular basis.
- (2) Junk yards or similar facilities that include outdoor storage of materials or equipment not utilized within other permitted uses.
- (3) Lumber yards, contractor's establishment, storage facilities or similar uses where outdoor storage of equipment and materials is typical and fencing is utilized for security purposes.

(d) *Site development regulations.* Shall meet the requirements within the I-1 Restricted Industrial District.

(Ord. No. 227, § 5.62, 9-4-2001)

Secs. 82-70—82-84. - Reserved.

#### ARTICLE IV. - SUPPLEMENTARY REGULATIONS

Sec. 82-85. - Purpose of article.

In addition to specific regulation of uses by district, there is a need to regulate supplemental or accessory uses, including parking and sign regulations. Nonconforming uses of land, nonconforming buildings and structures and nonconforming lots may be considered legal yet nonconforming subject to other restrictions on their use or redevelopment. Special uses are those permitted in a district upon compliance with conditions related to obtaining a special use permit.

(Ord. No. 227, art. 6, 9-4-2001)

Sec. 82-86. - Parking regulations.

- (a) *Owner to maintain and provide parking spaces.* Every property owner shall provide and maintain at all times the required number of off-street parking spaces, and the necessary loading and unloading facilities associated thereto, in each district for all occupants, employees and patrons of said property.
- (b) *Parking plan.* A plan showing the required parking and loading spaces including the means of access and interior circulation except for one-family and two-family dwellings, shall be provided at the time of application for a building permit for the erection or enlargement of any building.
- (c) *Manner and location of parking spaces.* Parking space shall be provided in the manner and location herein specified:
  - (1) No parking area, parking space or loading space which exists at the time Ordinance No. 134 became effective or which subsequent thereto is provided for the purpose of complying with the provisions of this chapter shall thereafter be relinquished or reduced in any manner below the requirements established by this chapter, unless additional parking area or space is provided sufficient for the purpose of complying with the provisions of this chapter within 300 feet of the proposed or existing uses for which such parking will be available.
  - (2) Parking of motor vehicles in residential zones, except those used for farming, shall be limited to passenger vehicles, and not more than one commercial vehicle of the light delivery type. The parking of any other type of commercial vehicles, or buses, except for those parking on school property; is prohibited in a residential zone.
- (d) *Parking space and lot requirements.* Requirements for all parking spaces and parking lots:
  - (1) Each automobile parking space shall be not less than nine feet wide and 20 feet in length exclusive of driveway

and aisle space.

- (2) All off-street parking facilities shall be drained so as to prevent damage to abutting properties or public streets and shall be constructed of materials which will have a dust-free surface resistant to erosion.
  - (3) Any lighting fixtures used to illuminate any off-street parking area shall be so arranged as to reflect the light downward and onto the property itself and away from any adjoining residential lots.
  - (4) An area equivalent to five percent of the minimum parking requirement for all nonresidential parking shall be added and maintained as a landscaped area. The planning commission may require additional landscaping where deemed necessary to maintain the desirability of adjoining properties.
  - (5) Off-street parking facilities in nonresidential zones shall be effectively screened on any side which adjoins or faces property in any residential zone by a wall, fence, or compact planting not less than four feet or more than eight feet in height. Plantings shall be maintained in good condition and not encroach on adjoining property. Screening shall not be so placed or maintained as to provide a traffic hazard through obstruction of visibility.
  - (6) All off-street parking areas that make it necessary for vehicles to back out directly into a public road are prohibited. This prohibition shall not apply to off-street parking areas of one or two-family dwellings.
  - (7) Space for all necessary loading and unloading operations must be carried on entirely within the lot area of the use it serves and shall not interfere with pedestrian or vehicular movement.
  - (8) The number of parking spaces required for land or buildings used for two or more purposes, shall be the sum of the requirements for the various individual uses, computed in accordance with this section; parking facilities for one use shall not be considered as providing the required parking facilities for any other use.
  - (9) Shared Parking: Except for in residential areas common, shared parking facilities are encouraged in the city. The development and use of a parking area shared between two or more uses shall be permitted where peak activity for each use will occur at different periods of the day or week.
    - a. Shared facilities shall submit a signed shared parking agreement, subject to acceptance by the city attorney.
    - b. The collective off-street parking area shall not be located farther than 300 feet from any building or use being served. For the purposes of this regulation, a collective parking area shall be considered conforming if at least 20 percent of a contiguous parking area is located within 300 feet of the building(s) being served.
    - c. After a parking study and documentation from the applicant (if necessary), the planning commission may reduce the required number of parking spaces based on the peak hour demand and may require a shared parking agreement.
  - (10) The requirements of this article may be met by participation in a municipal or community parking development designed to serve a larger area, provided the plans for such parking areas have been approved by the Planning Commission.
- (e) *Minimum required spaces.* Minimum required parking spaces:
- (1) Apartment houses. Two parking spaces per dwelling unit.
  - (2) Office buildings. One parking space for each 250 square feet of floor space utilized for workspace of employees.
  - (3) Retail stores, supermarkets, department stores, personal service shops and shopping centers. One parking space for each 500 square feet area in the basement and on the first floor used for retail sales and one space for each 750 square feet of floor area on the second floor used for retail sales, and one space for each 1,000 square feet of floor area on the third floor and any additional floors used for retail sales.
  - (4) Manufacturing buildings. One parking space for each two employees on the maximum shift.
  - (5) Libraries, museums, and post offices. One parking space for each 400 square feet of floor area



- (6) Bowling alleys. Three parking spaces for each alley.
  - (7) Motels and hotels. One parking space for each separate unit.
  - (8) Theaters, auditoriums, stadiums and churches. One parking space for each four seats.
  - (9) Dance halls, assembly halls and convention halls without fixed seats. One parking space for each 50 square feet of floor area if it is to be used for dancing and assembly.
  - (10) Restaurants and nightclubs. One parking space for each 400 square feet of floor area.
  - (11) Bicycle parking. A bicycle parking space means allocation to allow for the temporary placement of a bicycle. This means an area designated for bicycle parking which includes the use of bicycle rack(s). Bicycle parking spaces shall be located in an area that is visible, safe, and convenient with adequate lighting provided. Bicycle parking spaces shall be located to maximize accessibility to building entrances or be located within a building area that is accessible to the public. In off-street parking areas with 35 or more automobile parking spaces, one bicycle parking space may be substituted per 25 spaces of automobile parking spaces.
- (f) *Parking waiver*. Where it can be demonstrated that the requirements of this section would provide an unnecessary amount of parking area for the specific needs of a particular use, the planning commission may, on a case-by-case basis, approve a site plan with lesser parking area required provided the following conditions are considered:
- (1) Said use provides only limited service to the general public.
  - (2) The maximum number of employees and visitors during any working period can be demonstrated.
  - (3) An agreement to provide additional parking is legibly stated on said site development plan if an increase in employees or visitors shall occur at a future time.
  - (4) The parking area proposed accommodates one car for each stated employee or visitor plus ten percent more than such number.
  - (5) Said site plan approval of lesser requirements shall be valid only for the stated use. An occupancy permit for a new use shall not be issued unless a new site plan is reviewed and approved.

(Ord. No. 227, § 5.130, 9-4-2001; Ord. No. 284, 9-13-2021)

Sec. 82-87. - Reserved.

**Editor's note**— Ord. No. 0256, adopted Nov. 2, 2009, repealed § 82-87, which pertained to sign regulations. Sign regulations have been redesignated to Ch. 14, Art. V. See the Code Comparative Table for complete derivation.

Sec. 82-88. - Nonconforming uses.

The following regulations shall control nonconforming uses and structures:

- (1) *Continuance of nonconforming use or structure*. The lawful use of any land or structure as such existed at the time of enactment of Ordinance No. 134 may be continued, although such use or structure does not conform with the provisions of this chapter. Structures or uses which are nonconforming by reason of height, yards or area, or parking and off-street loading provisions only, may be altered, remodeled or modernized, provided that no additional encroachment of the height, yard, area or parking provisions are occasioned thereby.
- (2) *Change of use*. The use of a nonconforming building may be changed to another nonconforming use if the board of appeals finds that such new use would markedly decrease the degree of nonconformance and would enhance the desirability of adjacent conforming uses. This shall not be construed to permit the conversion of a nonconforming use to a prior nonconforming use nor to waive the other provisions of this section.

- (3) *Restoration and repairs.* Such repairs and maintenance as are required to keep a nonconforming building or structure in sound condition may be made. If the cost of reconstruction of a nonconforming building or structure which has been destroyed by fire, flood, windstorm or other calamity exceeds 75 percent of the value of the structure as determined assessed value as equalized, its reconstruction and subsequent use shall conform to the provisions of this chapter. A nonconforming building damaged to a lesser extent may be restored to its size at the time prior to such damage and resumed. Any such restoration must be started within a period of one year of the time of such damage and diligent to completion within one year of the issuance of a building permit.
- (4) *Extensions, enlargements, moving.* A nonconforming use of any land or structure shall not hereafter be enlarged or extended unless such extension does not increase its nonconformity. No conforming building or structure shall be moved in whole or in part to another location unless such structure or use conforms to district regulations.
- (5) *Nonconforming use discontinued.* Where a nonconforming use has ceased for more than one year it shall not again be devoted to a nonconforming use except as provided in subsection (3) above. Where a nonconforming use has been changed to a permitted use it shall not again be devoted to a nonconforming use.
- (6) *Plans already filed.* In any case where plans and specifications for a building or structure have been filed which would conform with zoning regulations effective at the date of such filing but not with the regulations of this chapter, and where a building permit for such a building or structure has been issued and construction work started at the effective date of said change, such work may proceed provided it is diligently pursued to completion.
- (7) *Nonconforming signs.* All nonconforming signs shall be permitted to continue until such time as the sign structure, sign background or sign support is replaced, changed or strengthened. At such time the nonconforming sign shall be changed to a conforming sign or removed.

(Ord. No. 227, § 5.132, 9-4-2001)

**State Law reference—** Nonconforming uses and structures, MCL 125.583a.

Sec. 82-89. - Accessory uses or buildings.

Only uses which comply with all of the following conditions may be operated as an accessory use:

- (1) Is clearly incidental and customary to and commonly associated with the operation of the permitted uses.
- (2) Is operated and maintained under the same ownership and on the same lot (see the definition of *Lot*) as the permitted uses.
- (3) Does not include structures or structural features inconsistent with permitted uses.
- (4) All accessory buildings shall conform to the following requirements:
  - a. Accessory buildings which are accessory to a permitted principal use of land may be erected if located in accordance with the yard requirements for principal buildings for the district in which they are located. No other accessory buildings may be built on any lot on which there is no principal building.
  - b. Accessory buildings are prohibited in any front yard.
  - c. Accessory buildings may be located in the side yard setback provided the location is no less than five feet from the property line and no less than ten feet from any other principal or accessory building.
  - d. Accessory buildings may be located in the rear yard setback provided the location is no less than five feet from the rear or side property line and no less than ten feet from any other principal or accessory building.

- (5) If an accessory use is carried on within the structure containing the permitted uses, the gross floor area within such utilized by Accessory Uses (except garages and off-street loading facilities) shall be not greater than; 20 percent of the floor area, but not to exceed 300 square feet, of a single unit dwelling; then ten percent of the gross floor area of a structure containing any permitted uses other than a single unit dwelling.
- (6) Fall-out shelters are permitted as accessory uses and structures in any district, subject to the yard and lot coverage regulations of the district. Such shelters may contain or be contained in other structures or may be constructed separately, and in addition to shelter use may be used for any accessory use permitted in the district, subject to the district regulations on such use. Fall-out shelters constructed completely below the ground level except for a vent not exceeding 30 inches in height above ground level, may be contained within any yard area.

(Ord. No. 227, § 5.133, 9-4-2001)

#### Sec. 82-90. - Screening.

Hereafter every commercial or industrial use occupying land immediately adjacent to a residential district shall have a screening area separating the said commercial or industrial use from adjoining residential districts. The screen shall be in the form of either a wall, fence, or evergreen planting which is compact and maintained in good condition at all times. The height of the screen shall not be less than five feet, except where the screen would interfere with traffic safety, in which case it may be reduced to, but not less than, three feet in height.

(Ord. No. 227, § 5.134, 9-4-2001)

#### Sec. 82-91. - Setback from streams and rivers.

Any building constructed on a lot abutting a stream or river shall be set back at least 100 feet from the high-water line, except:

- (1) Those buildings in existence at the time of passage of Ordinance No. 134.
- (2) Where the majority of the property abutting said water line within 500 feet of a vacant lot has been built upon at the time of passing of Ordinance No. 134, the setback of any building hereafter erected on said vacant lot shall not be required to be greater than, nor shall it be less than, the average setback of the improved properties.
- (3) One story boat houses used exclusively for boating and bathing facilities may be constructed at the high-water shore line, but not over the water, provided that docks, together with temporary boat shelters which are dismantled during the winter months, may be constructed out into the water beyond the said high-water shore line not more than ten feet from said shore line.

In the event of a controversy concerning the location of the high-water shoreline for the purposes herein set forth, the determination of the board of appeals established under the statute and this chapter shall be conclusive on such questions.

(Ord. No. 227, § 5.135, 9-4-2001)

#### Sec. 82-92. - Special exception uses.

Special exception uses shall refer to such uses as require permission by the zoning board of appeals. On application, supplementing an application for zoning compliance permit, the zoning board of appeals may grant a permit for such uses as are specified under article III, zoning districts, as special exception uses. In granting such permit, the board shall specify

appropriate conditions and safeguards. The zoning board of appeals, in arriving at this decision relative to any application for a special exception uses, shall apply the following general standards:

- (1) The proposed use or uses shall be of such location, size and character as to be in harmony with the appropriate and orderly development of the zoning district in which situated and shall not be detrimental to the orderly development of adjacent zoning districts.
- (2) The location and site of the proposed use or uses, the nature and intensity of the principal use and all accessory uses, the site layout and its relation to streets giving access to it, shall be such that traffic to and from the use or uses, and the assembly of persons in connection therewith, will not be hazardous or inconvenient to the neighborhood nor unduly conflict with the normal traffic of the neighborhood. In applying this standard the zoning board of appeals shall consider among other things: convenient routes for pedestrian traffic, particularly of children; the relationship of the proposed use to main traffic thoroughfares and to streets and road intersections; and, the general character and intensity of the existing and potential development of the neighborhood. The board shall determine that the proposed use will not have a detrimental effect upon the neighboring property or the neighboring area in general not impair the value of neighboring property.
- (3) Unless a variance is granted, the standards of density and required open spaces for the proposed use shall be at least equal to those required by this chapter in the zoning district in which the proposed use is to be located. After granting a special exception, the board shall have the power to grant variances as provided herein.
- (4) In addition to compliance with the general standards for approval, the zoning board of appeals may require that specific conditions be met that will allow the special exception use to become more compatible with abutting land use. The special exception uses are listed and shall adhere to the specific conditions applied to that use as well as any other conditions imposed by the zoning board of appeals in their approval. The zoning board of appeals may also interpret the ordinance and establish conditions for a use where the proposed use is not specifically listed or where specific conditions have not been imposed.

(Ord. No. 227, § 5.136, 9-4-2001)

**State Law reference**— Special land uses, MCL 125.584a, 125.584c.

Sec. 82-93. - Specific conditions for listed special exception uses.

In addition to the general standards outlined under section 82-92 and the parking and sign regulations within this article, there shall be additional specific conditions required for the following list of special exception uses:

Special Exception Use	District	Subsection
Junk Yards	I-2	(1)
Gasoline Service, Convenience, Laundry	C-1, C-2	(2)
Churches, Private Schools, Nonprofits	OS, R-1, R-2	(3)
Private Recreational Facilities	OS	(4)
Planned Unit Development	R-1, R-2, R-3, R-4, R-5	(5)
Shopping Center	C-1	(6)
Residential Care Facilities (By Definition)	R-2, R-3, R-4, C-1	(7)
Essential Services	(All Districts)	(8)
Agri-Business	I-1	(9)
Home Occupations	R-1, R-2, R-3, R-4, R-5	(10)

Temporary Building or Trailer Office	(All Districts)	(11)
Telecommunication Towers	I-1	(12)
Adult Entertainment	I-1	(13)
Lumber Yards, Contractors Est., Outdoor Storage	C-1, I-1, I-2	(14)
Bed and Breakfast Inn	R-1, R-2, R-3, R-4, C-1, C-2	(15)
Hotel or Motel	C-1, C-2	(16)

(1) *Junk yards.* In addition to and as an integral part of development, the following provisions shall apply:

- a. Junk yards shall be established and maintained in accordance with applicable state statutes.
- b. It is recognized by this chapter that the location in the open of such materials included in this chapter's definition of "junk yard" will cause the reduction of the value of adjoining property. To the end that the character of the district shall be maintained and property values conserved, an opaque fence or wall at least seven feet in height, and not less in height than the materials located on the lot on which a junk yard shall be operated, shall be located on said lot no closer to the lot lines than the yard requirements for buildings permitted in this district. All gates, doors and access ways through said fence or wall shall be of solid, unpierced material. In no event shall any materials included in this chapter's definition of "junk yard" be located on the lot on which a junk yard shall be operated in the area between the lines of said lot and the opaque fence or wall located on said lot. In addition to the foregoing requirements, the zoning board of appeals may require a greenbelt in accordance with those provisions.
- c. All traffic ingress or egress shall be on major streets, and there shall be not more than one entrance way to the lot on which a junk yard shall be operated from each public road on which said lot abuts.
- d. On the lot on which a junk yard shall be operated, all roads, driveways, parking lots, and loading and unloading areas within any yard shall be paved, or chemically treated so as to limit on adjoining lots and public roads the nuisance caused by windborne dust.

(2) *Gasoline service, convenience store, laundry and dry cleaning establishments.* Gasoline service, convenience store, laundry and dry cleaning establishments shall conform at least to the following regulations. Where the site development regulations for any district in which such use is located are more restrictive than the regulations contained herein, all gasoline service, convenience stores or similar uses shall conform to the more restrictive dimensional requirements.

- a. *Construction standards.* All vehicle service areas shall be constructed to conform to the following standards:
  - i. Suitable separation shall be made between the pedestrian sidewalk and vehicular parking or moving area with the use of appropriate bumper, wheel guards or traffic islands. Where the portion of the property used or vehicular traffic abuts a street, said portion shall be separated from the street line by a curb at least six inches high.
  - ii. The entire area used for vehicle service shall be paved, with any unpaved area landscaped and protected from vehicle use by a low barrier or curb.
  - iii. Hydraulic hoist, lubricating, greasing, automobile body repair and painting, washing, and repair equipment shall be entirely within a building.
  - iv. The maximum widths of all driveways at the sidewalk shall be no more than 30 feet.
  - v. Minimum angle of driveway intersection with the street from the curb line to lot line shall be no less than 60 degrees.

- vi. The minimum distance between curb cuts shall be no less than 40 feet.
  - b. *Lighting.* All lighting shall be accomplished in a manner such that no illumination source causes nuisance to adjacent properties.
- (3) *Churches, private schools or other nonprofit facilities.* Churches, private schools or other nonprofit facilities shall conform at least to the following regulations:
- a. Parking areas shall be screened from any adjacent residence through the installation of an opaque fence of at least six feet in height or a natural landscape screen of equal density and height.
  - b. Lighting shall be directed away from adjacent residences and clearly shown on a required site plan.
  - c. The approval may be conditioned on the use of such facilities and the hours of operation. Changes or alterations in the use of such facilities may require a rehearing on the permit and the assignment of additional conditions.
- (4) *Private recreational facilities.* Private recreational facilities including golf courses, athletic fields or similar uses that retain open space for active or passive recreation shall at least conform to the following regulations:
- a. Where abutting a residential zone or use, buildings or structures and parking areas shall be screened by natural plantings or fencing, or a combination of such unless located more than 50 feet from the residential property line or district boundary.
  - b. Lighting shall be directed away from adjacent residences.
- (5) *Planned unit developments.* Planned unit developments are allowed only within residential districts and shall at least conform to the provisions for special uses and the conditions for PUD approval under article VII.
- (6) *Shopping centers.* Shopping centers are allowed only within the C-1 District and shall at least comply with the following provisions:
- a. *Uses permitted.* Any use permitted in the C-1 and C-2 Districts, subject to the following:
    - i. Temporary exhibitions and special civic events, provided that they shall be conducted in spaces designed for such purposes, and that they shall not be operated for profit.
    - ii. Recreational facilities incidental to the principal operation of the center and operation of the center and of the nature normally out-of-doors, provided that there shall be no admission charge for such activities.
  - b. *Site development.*
    - i. Such development shall occupy a site of not less than five acres with a minimum street frontage of 1,000 feet.
    - ii. No building shall be located nearer to any property line of the center than a distance equal to twice the height of said building, provided that no building shall be located nearer to any street or highway right-of-way line than 50 feet.
  - c. *Screening and transition.* Where such development is located in or adjacent to a Residential District, or when located adjacent to a school, hospital, church or other public institution, open space or a landscaped strip of land not less than 100 feet in width shall be provided and maintained on those sides of the site with the listed uses. This strip shall serve as a transition between the shopping center and adjacent properties, and no part of which shall be utilized for any functions of the shopping center. Such landscape strip shall be occupied by plant materials and/or approved fences or masonry wall not exceeding six feet in height. The plans and specifications for the development shall include the proposed design of said transition strip.
  - d. *Lighting.* All lighting shall be accomplished in a manner such that no illumination source causes a nuisance to adjacent properties.

- e. *Signs.* All signs shall conform to the provisions of section 82-87.
  - f. *Vehicular approach.* Driveways and approaches shall be so designed and located as to create minimum interference with traffic on the surrounding public streets. No more than two driveways each not to exceed 30 feet in width at the property line shall be permitted on each street frontage of the property. Such access shall be provided from major streets and highways which are fully capable of accommodating the maximum traffic anticipated to be generated by the center without undue interference with through traffic on such streets or highways. Driveways shall be located as far from street intersections as practicable, but in no case less than 100 feet.
  - g. *Parking and circulation.*
    - i. There shall be provided no less than four square feet of parking and circulation space for every one square foot of leaseable floor area within the center. Specific standards for such uses are listed within section 82-87.
    - ii. Any individual parking space in the center shall be accessible by clearly demarcated pedestrian walks from the shopping area, which shall not intersect a vehicular way more than once.
    - iii. Automobile and truck service traffic shall be separate from one another to the fullest possible extent.
    - iv. On-site circulation facilities shall be designed so that there shall be no backing of traffic into public streets.
    - v. All areas accessible to vehicles shall be paved and maintained so as to provide a smooth, dustless and well-drained surface.
    - vi. Parking areas shall be lighted for those hours of darkness during which establishments within the center are open for business.
- (7) *Residential care facilities.* Residential care facilities include family care homes, group care homes, limited residential care facilities and full residential care facilities (See Definition). Beyond the requirements established for each type of facility by definition, the use shall at least comply with the following:
- a. Group care homes are established as special exception uses in the R-2, R-3 and R-4 Districts. Limited residential care facilities are established as a special exception use in the R-4 District and as a permitted use in the C-1 District, subject to these same regulations. Full residential care homes are established as a special exception use in the C-1 District.
  - b. The intent of this chapter is to regulate a wide range of such facilities, both licensed and unlicensed, through incorporation into those districts deemed most compatible based upon density of residents and the need for outside employment assistance. The following conditions shall apply for such uses:
    - i. Where abutting a residence, such use should establish screening where such site development varies from compatibility within the residential setting. This shall include parking areas, trash receptacles or other amenities expanded from the traditional residential use.
    - ii. Lighting of the site shall be contained on site or controlled in order to reduce or mitigate any negative impacts from adjacent properties.
  - c. Sign regulations shall be subject to the district in which the use is located.
  - d. The use shall be subject to any state or federal regulations, with failure to comply subject to revocation of the special use permit.
- (8) *Essential services and associated buildings.* Essential services and their associated buildings shall be allowed in all districts subject to approval of a special use permit and submission of a site plan in order for the city to

maintain an accurate record of such services in the community. No building shall be used for residential purposes. Approval may require a security fence, an opaque fence or landscape screening when deemed necessary to enhance compatibility with such use in a given zoning district.

- (9) *Agri-business*. Agri-business shall only be permitted as a special exception use in the I-1 Industrial District subject to the following:
- a. An Agri-Business shall be defined as and include buildings, structures, lots, parcels or parts thereof which provide services, goods, storage, transportation or other activities directly related to the production or distribution of agricultural commodities more consistent with an industrial use.
  - b. The application for a special exception use shall state specifically the scope of the intended use, identifying through a detailed sketch plan the location of access, storage and production facilities and relationship to agricultural operations.
- (10) *Home occupations*. Home occupations include customary occupations such as hairdressing, millinery, dressmaking, bookkeeping and accounting services, real estate and insurance sales, professional offices for not more than one physician, surgeon, dentist, attorney, architect, engineer, or similar professional practitioner provided that such home occupation shall satisfy the following conditions:
- a. That such home occupation is incidental to the residential use to the extent that no more than 20 percent of the usable floor area of the principal building, and 50 percent of the floor area of an accessory building shall be occupied by such occupation.
  - b. That no article or service is sold or offered for sale on the premises except those produced by such occupation.
  - c. That such occupation shall not require internal or external alterations or construction features or equipment not customarily located in residential areas.
  - d. That there is no more than one employee other than residents of the home.
- (11) *Temporary offices*. Temporary building or trailer offices shall be permitted in all districts provided the lot area is sufficient to meet setback requirements for both the temporary building as well as the principal building under construction. In addition, the following regulations shall apply:
- a. The permit shall be limited to a period of no more than one year, with reapplication required for an extension beyond that time period.
  - b. The building or office shall be connected to a public water and wastewater system unless the extension of such systems is occurring at the same time as the construction.
  - c. The applicant for a temporary building or office shall have received the necessary local approvals, including site plan review and approval, prior to placement of the temporary building on site.
- (12) *Telecommunications towers*. Telecommunications towers shall be permitted as a special exception use in the I-1 District only subject to the following:
- a. *Purpose*. Regulation of commercial wireless communication service towers is necessary to protect the public health, safety and welfare while meeting the communications needs of the public. The intent of this chapter is to minimize adverse visual effects of towers, avoid damage to adjacent properties while adequately serving the community.
  - b. *General standards*. All towers shall be subject to the following general standards for approval:
    - i. In order to contain falling ice or debris from tower failure on site, and to minimize conflict with adjacent properties, the base of a freestanding (lattice or monopole) or guy-wired (lattice) tower shall be set back



- 110% of the height of the tower from any property line or road right-of-way as measured from the tower base.
- ii. For leased sites, a legally described parcel shall be established which provides suitable location and size to meet the requirements of this chapter.
  - iii. The maximum tower height shall be 250 feet as measured from the ground elevation.
  - iv. The tower base shall be enclosed by a security fence, consisting of a six foot tall chain link fence topped with three strands of barbed wire or an eight foot tall chain link fence. All towers shall be equipped with an anticlimbing device.
  - v. A six-foot tall landscape screen is required to screen around the exterior perimeter of the fenced area.
- c. *Guy wires.* The use of guy wires is strictly prohibited unless required for safety purposes. Approval shall be based upon the wire anchors for guyed towers being set back 75 feet from all property lines, that they be located on the same parcel as the tower and that these provisions are subject to approval of the site plan.
- d. *Lighting.* Towers shall not be illuminated by artificial means and shall not display strobe lights unless specifically required by the Federal Aviation Administration or other federal or state authority for a particular tower. If lighting is required, a dual lighting system shall be employed to minimize the impact at night.
- e. *Signs.* The use of any portion of a tower for signs other than warning or equipment information is prohibited.
- f. *Application requirements.* Application must be made for a building permit, and the following information must be submitted:
- i. A site plan of the proposed tower location showing all existing and proposed features of the site. This shall identify all buildings which are on the subject property as well as any buildings and residences on all properties within 330 feet of the tower base. The site plan shall also identify the location of the maintenance buildings, which are to be located within the secured fence area, including the pads needed to support such facilities for any future carrier needs. The site plan shall also indicate the height of the proposed tower above grade, and any other improvements.
  - ii. Documentation of the purpose of the tower, the number and type of joint users to be served at this site, Federal Aviation Administration approval and an engineer's certification of structural and electrical safety. The city may request that any information that is submitted be certified by a licensed professional engineer.
  - iii. A description of the appearance and color of the tower, with the intent to camouflage the tower to an extent possible to reduce the visual impacts of the tower.
- g. *Location/separation requirements.* All commercial wireless telecommunications towers erected, constructed or located shall comply with the following requirements:
- i. A new commercial wireless telecommunications tower shall not be approved unless the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or similar building within the city. The applicant must provide information related to their investigation of the potential for collocation on all other towers (or alternative mounting structures) within the city and within a one-mile area surrounding the city. This provision may be waived should the applicant produce and justify data related to the tower's or building's structural inadequacy, negative impact from other communications devices or services, insufficient height or other verifiable reason.
  - ii. Any proposed commercial wireless telecommunications service tower shall be designed to accommodate both the applicant's equipment and that of at least two other users. Any developer of a tower site must have a firm commitment (lease agreement) from the property owner and from at least one carrier to

locate on the tower at the time of the application.

- h. *Abandonment or unused towers or portions of towers.* Abandoned or unused towers or portions of towers and associated facilities shall be removed within 12 months of the cessation of operations at the site unless a time extension is approved by the zoning board of appeals. A copy of the relevant documents (including the signed lease, deed or land contract restrictions) which requires the applicant to remove the tower and associated facilities upon cessation of the operations shall be submitted at the time of application. In the event that a tower is not removed within 12 months of the cessation of operations at a site, the tower and associated facilities shall be removed by the city and the costs of removal assessed against the real property. The city clerk shall be notified of any change in the status of the tower, including a change in ownership, terms of the lease or removal of a carrier collocating on that tower.
  - i. *Location.* Antennas or towers may be located on property owned, leased, or otherwise controlled by the city within any zoning district provided a license or lease authorizing such antenna or tower has been approved by the city.
- (13) *Adult entertainment uses.* Adult entertainment uses shall only be permitted as a special exception use in the I-1 Industrial District and subject to the following regulations:
- a. *Purpose.* Regulation of adult entertainment uses is directed at protection of the health, safety and welfare of residents through the establishment of conditions by which such use may be approved. The intent is to minimize the negative impacts of such use, including potential blight and possible nuisance activity associated with such adult uses. It is not the intent of this chapter to regulate the content of materials associated with the use, rather the separation of incompatible uses that may result in loss of property value.
  - b. *Uses deemed incompatible.* Adult entertainment uses are deemed to be incompatible with uses permitted within the residential and commercial districts and the site development regulations provide for increased setback and lot area in the I-1 District to further reduce such incompatibility.
  - c. *Uses defined.* Such uses defined are not intended to be an exclusive list of adult entertainment. Any such use required to be licensed or inspected shall be included within this definition of adult entertainment even if not specifically listed under this subsection:

Adult booth, arcade, motion picture or mini-motion picture theater or similar use that presents material which displays images emphasizing matter depicting or describing "Specified Sexual Activities" or "Specified Anatomical Areas" as defined. Such uses shall be within an enclosed building or enclosed room within the building and shall not be viewed or displayed immediately upon entering said building or room.

Adult book store, adult novelty store or adult video store or similar use which offers for rent or sale material which displays images emphasizing matter depicting or describing "Specified Sexual Activities" or "Specified Anatomical Areas" as defined. Such stores that limit the concentration of such material to an "adult only" section, encompassing less than 25 percent of the usable floor area and less than 25 percent of the gross receipts from sales or rentals, shall not be considered under this definition or regulated as "adult entertainment."

Adult cabaret, nightclub, theater or similar establishment which features live performances by dancers (topless, go-go or exotic as examples), strippers or similar entertainers, where the performers feature live display of "specified anatomical areas" or describe "specified sexual activities."

Adult motel or adult lodging establishment or similar use that provides materials for sale or rent, including in-room videos, which displays images emphasizing matter depicting or describing "specified sexual activities" or "specified anatomical areas". Such facilities shall clearly advertise the availability of such adult entertainment.

Adult personal service or physical culture business or similar uses including massage parlors, health spas, saunas or steam baths where the person providing the service is nude or partially nude as defined as having attire which reveals "specified anatomical areas."

Specified anatomical areas are areas of the body, less than completely or opaquely covered, including human genitals, the pubic region, buttock or female breast area below a point immediately above the top of the areola. This definition shall also include human male genitals in a discernibly turgid state even if completely and opaquely covered.

Specified sexual activities include human genitals in a state of sexual stimulation or arousal, acts of human masturbation, sexual intercourse, sodomy or fondling or other erotic touching of human genitals, the pubic region, buttock or female breast.

- d. *Conditions.* In order to reduce or mitigate the incompatibility of such uses with surrounding uses, the following conditions shall apply for adult entertainment:
- i. All such facilities shall meet any state licensing requirements, fire regulations or other state or local requirements for operation.
  - ii. All such facilities shall provide for separate male and female restrooms and such restrooms shall be free to the public.
  - iii. The entrance to such facilities shall be clearly posted "For Adults Only" and anyone entering the facility shall be asked for permanent identification to determine that no person under the age of 18 is allowed.
  - iv. Signage shall adhere to the sign regulations and no advertisement shall be visible from the exterior of the facility related to the display or description of materials defined as "specified sexual activities" or specified anatomical areas" or any language considered slang providing for the same description.
  - v. A site plan shall be submitted which meets the standards for site plan review, including landscaping and lighting that will decrease the incompatibility with surrounding uses. The site plan shall also indicate any existing uses, buildings or structures within 500 feet of the property.
  - vi. The site for such adult entertainment use shall not be located within 500 feet of any community facilities, including churches, schools or other public buildings.
  - vii. The site for such adult entertainment use shall not be located within 300 feet of any residence or from a residential zoning district.
  - viii. The site for such adult entertainment use shall not be located within 1,000 feet of any other adult entertainment use as defined in this chapter.
  - ix. Parking areas shall be well lit and no loitering or congregation of patrons outside of the facility shall be allowed by the proprietor of the business.
- e. *Exempt uses.* Any use that is licensed or certified for purposes of other professional service, including barbers or beauticians, massage or physical therapists, athletic trainers or other professions where bodily contact is anticipated as part of the service, shall be exempt from these provisions so long as the use does not extend to providing services similar to those identified under this section.

(14) *Lumber yards, contractor's establishments, etc.* Lumber yards, contractor's establishments, storage facilities or similar uses with outdoor storage of materials and equipment subject to the following regulations and conditions:

- a. The entire site perimeter shall be secured with a fence at least six feet in height. Where the site abuts a residential zone, there shall be screening through use of an opaque fence or a combination of landscaping and a chain link fence where the landscaping is placed around the perimeter of the site.

- b. Drive aisles and parking areas shall be paved and properly drained, with storm water managed on site. There shall be no outside storage permitted in the front yard.
- c. Adequate lighting shall be installed in a manner to provide for required security, with no stray illumination onto any adjoining properties. No use of storage facilities shall be allowed for retail purposes.

(15) *Bed and breakfast inn.* Bed and breakfast inn subject to the following regulations and conditions:

- a. There shall be a minimum of two parking spaces for the owner occupants, one space for each nonresident employee per shift and one space per guest room.
- b. There shall be a lighted entry for the residence and any guest room that is accessed directly from the exterior of the residence.
- c. There shall be no more than one sign advertising the Inn, with such sign no more than six square feet in area and attached to an exterior wall or, if a free standing sign, placed no closer than one-half the required yard setback.

(16) *Hotel or motel.* Hotel or motel subject to the following regulations and conditions:

- a. Where such use abuts a single-family or two-family residence, a greenbelt buffer shall be established that includes an opaque fence of at least six feet in height.
- b. In addition to the required one parking space per unit, there shall be one space for each employee per shift and at least two spaces adjacent to the (registration) entry identified for temporary parking.

(Ord. No. 227, § 5.137, 9-4-2001)

**State Law reference**— Special land uses, MCL 125.584a, 125.584c.

Secs. 82-94—82-108. - Reserved.

## ARTICLE V. - SCHEDULE OF SITE DEVELOPMENT

Sec. 82-109. - Notes to schedule.

- (a) Where the majority of frontage along one side of a street within 500 feet of a vacant lot has been developed with a defined setback, any building hereafter erected on said vacant lot shall not be setback less than the average front yard along that street.
- (b) On corner lots, two front yards are established, with the front yard setback determined by the average front yard along each street consistent with subsection (a) of this section.
- (c) Setbacks from streams and rivers shall be subject to the provisions in section 82-91, provided such provisions do not conflict with the standards established by the state department of environmental quality (MDEQ).

(Ord. No. 227, § 5.146, 9-4-2001)

Sec. 82-110. - Setbacks from right-of-way lines.

- (a) Setbacks are established from the property line, which is established as the right-of-way line when abutting a street. Where the legally described property line includes any portion of the street right-of-way, the right-of-way line shall serve as the property line for meeting the required setback.
- (b) Should the property abut a state trunk line, the setback shall be based upon a proposed right-of-way line should the state department of transportation (MDOT) approve plans for expanding the right-of-way.

(Ord. No. 227, § 5.147, 9-4-2001)

## Sec. 82-111. - Setbacks between buildings (residential only).

- (a) No buildings shall be constructed within ten feet of any existing building on the same lot or any adjoining lot.
- (b) Multiple-family dwellings shall be setback no less than 20 feet from any existing building on the same lot or any adjoining lot. Any access drive shall be considered the equivalent of a street for purposes of meeting setback requirements.

## SCHEDULE OF SITE DEVELOPMENT REGULATIONS

Zoning District	Minimum Lot Area	Minimum Lot Width	Maximum Lot Coverage	Minimum Floor Area	Yard Req. Setback	Maximum Height	Notes
[OS] Open Space	1 acre	132'	25%	_____	F=50' S=20' R=50'	35'	Parks, Schools and Playgrounds and other public facilities as permitted.
[R-1] Single-Family Residential	16,000 sq. ft.	100'	30%	1,200 sq.ft.	F=40' S=15' R=40'	35'	PUD not to exceed 2 units per acre Agricultural Use permitted subject to minimum 2 acre lot/200' lot width
[R-2] Single-Family Residential	12,000 sq. ft.	80'	35%	1,000 sq. ft.	F=30' S=10' R=30'	35'	PUD not to exceed 4 units per acre
[R-3] Two-Family Residential	8,000 sq. ft. 16,000 sq. ft. for two-family	66' 100'	50% 40%	1,000 sq.ft. 800 sq. ft.	F=30' S=10' R=30'	35'	PUD not to exceed 6 units per acre
[R-4] Multiple-Family Residential	8,000 sq. ft. 16,000 sq. ft. for two and multi-family	66' 100'(2) 132'(3+)	50%	800 sq. ft. 700 sq.ft. 600 sq. ft.	F=30' S=10' R=30'	50'	PUD not to exceed 8 units per acre Office as special exception use
[R-5] Housing Rehab. Overlay	*See District	*	*	Same as underlying District	*	*	50% of dwellings are either nonconforming structures or located on nonconforming lots
[R-6] Mobile Home Park	Min. Parcel 20 acres	**	**	**	**	**	**State Mobile Home Commission Rules
[C-1] General Commercial	30,000 sq. ft.	150'	40%	_____	F=40' S=10' R=30'	_____	
[C-2] Local Commercial	***	***	***		***	***	***Site Development Subject to Site Plan Review

[I-1] Restricted Industrial	1 acre	200'	50%		F=50' S=20' R=40'	35'	
[I-2] Manufacturing	1 acre	200'	50%		F=50' S=20' R=40'	35'	

(Ord. No. 227, § 5.148, 9-4-2001)

Sec. 82-112. - Accessory buildings.

Accessory buildings shall adhere to the requirements under section 82-89. The maximum height of any accessory building shall not exceed 15 feet.

(Ord. No. 227, § 5.149, 9-4-2001)

Secs. 82-113—82-127. - Reserved.

ARTICLE VI. - DESIGN STANDARDS

Sec. 82-128. - Purpose of article.

In addition to the general provisions and supplementary regulations within this ordinance, consideration must be given to aesthetics, ensuring that the design of the built environment is consistent and compatible with surrounding use while preserving natural features and protecting natural resources. The planning commission may establish a design review committee to make recommendations on creating a uniform approach to design considerations. This may be achieved through the regulation of use by district, the imposition of conditions on those "special exception uses" to improve compatibility and on the following design standards to be integrated into site plan review and approval.

(Ord. No. 227, art. 9, 9-4-2001)

Sec. 82-129. - Landscape regulations.

- (a) *Landscape plan.* Any applicant required to submit a site plan for review (pursuant to article VIII) and approval by the planning commission must incorporate into that plan, or submit as a separate attachment, a landscape plan.
- (b) *Natural open space.* The landscape plan shall identify the areas of the site to be preserved in natural open space. The plan shall identify the landscaping as perimeter or interior landscaping.
- (c) *Perimeter landscaping.* Perimeter landscaping shall include any fencing or screening required to separate uses, whether they be required between residential and commercial or industrial districts, or as part of the required conditions for approval of a special exception use. It shall also include any landscaping within 20 feet of the property line, including that along any public right-of-ways. For every 30 feet of frontage along a public road right-of-way, there shall be at least one tree planted or existing of at least six feet in height located in this perimeter area. Where such a requirement is not feasible due to lack of frontage or setback, landscaping shall be enhanced in other ways to meet this requirement.
- (d) *Interior landscaping.* Interior landscaping shall include any open space areas to be preserved or improved around

the buildings or within parking areas required for approval of that use. For every ten parking spaces required, there shall be at least 180 square feet of interior landscaping.

- (e) *Types of plantings.* The planning commission, or their design review committee, may recommend the type of plantings in order to achieve a uniform design or appearance consistent with the surrounding landscape. Where landscaping is not feasible due to parcel size or the nature of existing use, it may be possible to achieve some uniformity through the location of flower boxes, planters or similar landscape treatment.

(Ord. No. 227, § 5.170, 9-4-2001)

#### Sec. 82-130. - Lighting.

- (a) All site plans should identify the location, height and type of lighting to be utilized on the site. Such lighting shall be located and directed in a manner that it does not illuminate adjoining properties or create any hazard for pedestrian or vehicular movement.
- (b) The planning commission, or their design review committee, may recommend the type of lighting to be utilized in order to achieve a uniform lighting plan within a given district or to enhance any other design considerations.

(Ord. No. 227, § 5.171, 9-4-2001)

#### Sec. 82-131. - Signage.

- (a) In addition to meeting the requirements outlined in section 82-87, the required site plan shall include the location, height and type of signs to be utilized on the site. Signs shall be located in a manner that does not conflict with the visibility of other signs on adjoining parcels.
- (b) The planning commission, or their design review committee, may recommend the type of signage to be utilized in order to achieve a uniform sign plan for the district. They may recommend the use of banners, awnings or similar methods that can bring continuity to a given area.

(Ord. No. 227, § 5.172, 9-4-2001)

#### Sec. 82-132. - Facades.

The design review committee may establish both the theme and approach utilized to bring compatibility to the facades within a commercial district. Such improvements should be addressed in a design brochure presented to applicants prior to development of a site plan for review.

(Ord. No. 227, § 5.173, 9-4-2001)

#### Secs. 82-133—82-147. - Reserved.

### ARTICLE VII. - PLANNED UNIT DEVELOPMENTS

#### *Footnotes:*

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**State Law reference—** *Planned unit development, MCL 125.584b, 125.584c.*

#### Sec. 82-148. - Planned unit developments (PUD).

Planned unit developments shall be recognized as a special exception use.

(Ord. No. 227, § 5.175, 9-4-2001)

Sec. 82-149. - Purpose.

The purpose of these regulations is to permit greater flexibility and, consequently, more creative and imaginative design in the development of residential areas that is generally possible under conventional zoning regulations. It is further intended to promote more economical and efficient use of the land while providing a harmonious variety of housing choices, the integration of necessary commercial and community facilities and the preservation of open space for park and recreational use.

(Ord. No. 227, § 5.176, 9-4-2001)

Sec. 82-150. - General Requirements for planned unit developments.

Any application for a special exception permit must meet the following conditions to qualify for consideration as a planned unit development:

- (1) *Minimum area.* The minimum area required to qualify for a planned unit development special exception permit shall not be less than 20 contiguous acres of land.
- (2) *Ownership.* The tract of land for a project must be either in one ownership or the subject of an application filed jointly by the owners of all properties included, (the holder of a written option to purchase land or the holder of an executory land contract shall, for purposes of such application, be deemed to be an owner of such land).
- (3) *Location.* Planned unit developments shall be allowed only with the R-1, R-2, R-3 and R-4 Residential Districts.
- (4) *Utilities.* Public water, sanitary sewer and storm drainage facilities shall be provided as part of the site development. All electric and telephone transmission wires shall be placed underground.
- (5) *Approval.* Approval by the planning commission of a sketch plan and detailed site plan of all planned unit developments is required.

(Ord. No. 227, § 5.177, 9-4-2001)

Sec. 82-151. - Permitted uses.

- (a) No structure or part thereof, shall be erected, altered, or used, and no land shall be used except for one or more of the following:
  - (1) *Residential Uses.* The following housing types, excepting mobile homes, shall be deemed desirable in keeping with the objectives of this concept:
    - a. Single-family detached dwellings.
    - b. Two-family dwellings.
    - c. Apartments.
    - d. Townhouses.
    - e. Condominiums.
    - f. Other multifamily dwellings.
  - (2) *Commercial uses.* The following commercial uses shall be designed and intended to serve the convenience needs of the people residing in the planned unit:



- a. Food stores.
  - b. Bakeries (retail only).
  - c. Barber or beauty shops.
  - d. Banks and financial institutions.
  - e. Shoe sales and repair stores.
  - f. Florist and garden shops.
  - g. Hardware stores.
  - h. Variety stores.
  - i. Book and stationery stores.
  - j. Dry cleaning (pickup or coin operated only).
  - k. Wearing apparel shops.
  - l. Medical or professional offices.
  - m. Drug stores.
  - n. Post office.
- (3) *Accessory and associated uses.*
- a. Private garages.
  - b. Storage spaces.
  - c. Recreational play areas.
  - d. Churches.
  - e. Elementary and secondary schools.
- (4) *Public utility buildings and structures necessary.* Public utility buildings and structures necessary to the service of the community may be erected, subject to the general provisions of this chapter and the compatibility of design thereof to the surrounding neighborhood.
- (5) *Nonresidential uses.* Nonresidential uses permitted in the PUD shall only be permitted when the area is large enough to permit the development of a complete community or neighborhood having a range of dwelling types, necessary local shopping facilities and off-street parking compounds, parks, playgrounds or reservation of area therefor, and reservation for educational facilities wherever these are deemed necessary.
- (6) *Nonresidential uses of a religious, educational, commercial, or recreational character.* Nonresidential uses of a religious, educational, commercial, or recreational character as heretofore specifically described shall be permitted to the extent that they are to be designed or intended for the use of the residents of the PUD. The burden shall be on the land owner to show that the nonresidential uses of a commercial character are intended to serve principally the residents of the planned unit development. The nonresidential permitted uses shall be allowed only to the extent that the planning commission finds them to be designed to serve primarily the residents of the planned unit development; and compatibly and harmoniously incorporated into the unitary design of the PUD. Dwellings designed or intended to be used, in whole or in part, for nonresidential uses, shall be constructed according to the following schedule:
- a. If the PUD contains from one to 50 dwelling units, 80 percent must be physically constructed prior to any nonresidential use construction.
  - b. If the PUD contains 50 or more dwelling units, 70 percent of the said dwelling units shall be physically constructed prior to any nonresidential use construction.

- c. When the developer considers that he has constructed 80 percent of the dwelling units or 70 percent of the dwelling units above provided, then he shall notify the planning commission in writing thereof, inspection shall be made and at a meeting of the planning commission it shall be determined whether these provisions have been complied with.
- d. If it is so determined that the above provisions have been complied with, with the exception of utilities, services, streets and other necessary requirements, the planning commission may then require such bonds or guarantees for completion of utilities, services, streets and other necessary improvements to guarantee that the dwelling units shall be adequately serviced, the general health, safety and welfare safeguarded, and so that fire and police protection may be adequately provided for the PUD as thereby developed. Thereupon the developer may proceed with the completion of the project pursuant to the plan presented.

(Ord. No. 227, § 5.178, 9-4-2001)

Sec. 82-152. - Design requirements.

Within any planned unit development approved under this article, the requirements set forth below shall apply in lieu of regulations set forth in the district in which the development is located.

- (1) *Number of dwelling units permitted.* The maximum number of dwelling units permitted within the project shall be determined by dividing the net residential development area by the minimum residential lot area per dwelling unit required by the district in which the project is located. In the event the project lies in more than one zoning district, the number of dwelling units shall be computed for each district separately.
- (2) *Lot area requirements.* The minimum lot area for single-family dwellings shall not be reduced more than 20 percent below that required in the district in which the project is located. The lot area requirement for multiple-family dwellings shall not be reduced by more than ten percent of that permitted in the district in which the project is located.
- (3) *Setback and yards.*
  - a. *Front yards.* The minimum set back from a street line for a building or structure may be reduced by 15 feet for any cul-de-sac street and ten feet for any other street below that required in the district regulation in which the planned unit development is located.
  - b. *Rear yards.* The minimum rear yard requirements may be reduced to 25 feet in planned unit developments.
  - c. *Side yards.* The minimum side yard requirements may be reduced to five feet in planned unit developments.
- (4) *Minimum lot frontage and width.* The minimum lot frontage and width for any lot designated for a single-family dwelling may be reduced 20 percent below the requirements of the district in which the planned unit development is located.
- (5) *Screening.* A screening area shall be provided along the perimeter of property on which multiple-family dwellings and/or commercial buildings are erected.
- (6) *Amount of open space required.* Within every planned unit development there shall be planned and set aside permanently as part of the total development an amount of open space equal to not less than the aggregate accumulation of lot size reduction below the minimum lot area for the development as a whole. Before accepting the open space as meeting the requirements of this provision, the planning commission must find the land thus designated to be:
  - a. Sufficient in size, suitably located, with adequate access;
  - b. That evidence also is given that satisfactory arrangements will be made for the maintenance of such designated land to relieve the municipality of the future maintenance.

- (7) *Arrangement of open space.* All required open space within a planned unit development shall be arranged so as to access and benefit to the maximum number of lots and/or dwelling units. Separate tracts of open space shall have access from at least one point along a public street.

(Ord. No. 227, § 5.179, 9-4-2001)

Sec. 82-153. - Application procedure and approval process.

Whenever any planned unit development is proposed, before any building permit is granted, the developer shall apply for and secure approval of the special exception use in accordance with the following procedures and obtain approval of a detailed site plan from the planning commission.

(1) *Application for sketch plan approval.*

- a. In order to allow the planning commission and the developer to reach an understanding of basic design requirements prior to detailed site design investment, the developer shall submit a sketch plan of his proposal to the planning commission. The sketch plan shall be drawn to approximate scale and clearly show the following information:
  - i. Boundaries of the property.
  - ii. Location and height of all buildings.
  - iii. Interior roadway system, parking facilities and all existing rights-of-way and easements, whether public or private.
  - iv. Delineation of the various residential areas indicating for each such area its size and composition in terms of total number of dwelling units, approximate percentage allocation by dwelling unit type, plus a calculation of the net residential density.
  - v. The interior open space system.
  - vi. The overall storm water drainage system.
  - vii. If grades exceed 30 percent, or portions of the site have a moderate to high susceptibility to erosion, or a moderate to high susceptibility to flooding and/or ponding, an overlay outlining the above susceptible soil shall be provided.
  - viii. Principal ties to the neighborhood and community with respect to transportation, water supply and sewage disposal.
  - ix. General description of the provision of other community facilities, such as schools, recreational facilities, fire protection services, and cultural facilities, if any, and some indication of how these needs are proposed to be accommodated.
  - x. A location map showing uses and ownership of abutting lands.
- b. In addition, the following documentation shall accompany the sketch plan:
  - i. Evidence that the proposal is compatible with the objectives of the community's comprehensive plan.
  - ii. General statement as to how common open space is to be owned and maintained.
  - iii. The sketch plan shall show the intended total project. If the development is to be constructed in phases, a general indication of how the sequence of phases is to proceed shall be identified.
- c. The planning commission shall hold a public hearing or hearings on the application for planned unit development in accordance with the provision of the statutes of the state.
- d. Following the public hearing, the planning commission shall, within 60 days, approve or disapprove the

sketch plan and so notify the applicant of its decision.

- e. Approval of sketch plan shall not constitute approval of the detailed site plan, rather it shall be deemed an expression of approval of the layout as a guide to the preparation of the detailed plan.
- f. Request for changes in sketch plan. If certain elements of the sketch plan, as it has been approved by the planning commission should for any reason need to be changed, and the planning commission finds that the change is substantial, then the applicant shall resubmit this entire sketch plan, as amended, to the planning commission pursuant to the aforesaid procedures for the original application. If it is not substantial the planning commission may approve or disapprove same without further notice.

(2) *Application for detailed site plan approval.*

- a. After receiving approval from the planning commission on a sketch plan, the applicant may prepare his detailed site plan and submit it to the planning commission for approval. However, if more than six months have elapsed between the time of sketch plan approval the planning commission may require a resubmission of the sketch plan for further review and possible revision.
- b. The detailed site plan shall conform to the sketch plan that has received approval. It should incorporate any revisions or other features that may have been recommended by the planning commission at the preliminary review. All such compliances shall be clearly indicated by the applicant on the appropriate submission.
- c. The detailed site plan shall include the following information:
  - i. An area map showing the applicant's entire holding, that portion of the applicant's property under consideration, and all properties, subdivisions, streets, utilities, and easements within 300 feet of applicant's property.
  - ii. A topographic map showing contour intervals of not more than four feet of elevation shall be provided.
  - iii. A site plan showing location, proposed use, and height of all buildings, location of all parking areas, with access and egress drives thereto; location of outdoor storage, if any; location of all existing or proposed site improvements, including drains, culverts, retaining walls and fences, description of method of water supply and sewage disposal and location of such facilities; location and size of all signs; location and proposed development of screened areas; location and design of lighting facilities; and the amount of building area proposed for nonresidential uses, if any.
  - iv. A tracing overlay showing all soil types and their location, and those areas, if any, with moderate to high susceptibility to erosion. For areas with potential erosion problems, the overlay shall also include an outline and description of existing vegetation.
- d. Required standards for approval. The detailed site plan shall be made in accordance with a plan designed to and which the planning commission shall determine to be designed to:
  - i. Lessen congestion in the public streets by arrangement of vehicular traffic access and circulation to include intersections, road widths, channelization, traffic controls and pedestrian movement to facilitate same.
  - ii. Provide off street parking sufficient to satisfy the reasonable needs of the proposed PUD, to be compatible in appearance with the remainder of the PUD, and to have adequate screening to protect neighboring areas.
  - iii. Establish the location, size and entrances of buildings, walkways, and lighting so as to promote public health, safety and general welfare, affording adequate open space, light and air, safety of travel, freedom from traps and arrangement in such a way as to facilitate safe traverse walkways.

- iv. The various uses correlate with each other in a rational manner. Commercial uses shall be for the sole and exclusive use of the persons living in the PUD, or substantially for such use.
  - v. Plan location of trees, shrubs and other landscaping to constitute a visual and/or a noise deterring screen between adjacent uses and adjacent lands, and shall render the whole area as beautiful as possible in consideration of the uses thereof.
  - vi. Provide adequate open space used for playgrounds and recreation, to promote the public health, safety and general welfare of the community.
  - vii. Provide water supply, storm and sanitary sewer facilities sufficient to adequately furnish the PUD with water, storm water and sanitary waste disposal facilities. The utilities shall be arranged to furnish adequate utilities to the PUD.
  - viii. Arrange the structures, roadways and landscaping to prevent flooding, ponding and/or erosion.
  - ix. To comply in all respects with this chapter except as special exceptions are hereby granted.
- (3) *Action on detailed site plan.* The planning commission shall render its approval or disapproval in writing and so notify the applicant and the building inspector by serving the same either in person or by mailing the same, first class mail, full postage prepaid to the address of the applicant as indicated on the application or as may be changed in writing subsequent thereto by the applicant. Any notice to the building inspector shall be addressed to the city hall.
- a. Upon the finding by the commission that all of the standards as herein specified have been met, it shall recommend the project in writing and set out in writing any minor modifications to the provisions of this article, if any, and recommend approval of the same by delivering a completed file to the zoning board of appeals forthwith. It shall also, where it deems appropriate and necessary, recommend to the zoning board of appeals those conditions to be imposed upon a project, its operation or both that are needed to assure adherence to the above standards.
  - b. The zoning board of appeals, upon the receipt of the file and the written recommendation of the planning commission, shall thereupon meet and may then approve such project with modifications, incorporating with the approval such conditions as the board deems appropriate, the standards regulating said decision to be the standards set out in this article and the enabling statute of the state establishing the zoning boards of appeals.
  - c. The decision of the zoning board of appeals shall be in writing and shall set out in full the decision and the basis thereof.
  - d. Upon approval of the application by the zoning board of appeals, the building official shall issue a zoning permit in conformity with the application as approved. This permit shall specify with particularity the regulations, limitations and all standards of the planned unit development approved.
  - e. Upon receipt of the zoning permit, the applicant may then proceed with his project in conformity with said permit. No deviations from the regulations and conditions of the permit shall be allowed except those which shall be in conformity with the basic provisions of this article as they apply to the zoning district in which the project is located or insofar as they are in conformity with the regulations of the zoning district in which the project is located.
- (4) *Construction to commence within one year.* In any case where construction on the planned unit development has not commenced within one year from the date of approval, then the special exception use permit shall be null and void.

In any case where construction on the planned unit development has commenced, but is not proceeding with due diligence as determined by the building official of the city, then said building official shall notify the planning commission. A hearing shall thereupon be held as soon as reasonably possible by notice duly mailed to the applicant at the address upon his application or any subsequent address indicated by him in writing filed with the city clerk, at his mailing address, at which hearing the applicant will have the opportunity to be heard in person and/or by counsel. If the planning commission shall determine that the applicant has good cause for failing to proceed as provided herein, then an extension may be granted to allow applicant a reasonable time to complete the PUD. If the planning commission shall determine that the applicant did not have reasonable cause for such delay, then the planning commission may declare the permit null and void, and/or may take such other action as shall be reasonably necessary under the circumstances including the posting of bonds, orders to proceed with directions therefor.

- (5) *Certificate of occupancy.* No building shall be occupied for any use until a certificate of occupancy is issued by the building official, upon written order from the planning commission.
- (6) *Request for changes in detailed site plan.* If certain elements of the detailed site plan, as it has been approved by the planning commission should for any reason need to be changed, and the planning commission finds that the change is substantial then the applicant shall resubmit his entire detailed site plan, as amended, to the planning commission pursuant to the aforesaid procedures for the original application. If it is not substantial, the planning commission may approve or disapprove the same without further notice.

(Ord. No. 227, § 5.180, 9-4-2001)

#### Sec. 82-154. - Bond.

As a condition to granting any use, approval, or any other action permitted under this article, the planning commission may require that a bond be furnished of a nature and in an amount to ensure compliance with the provisions of this chapter of any nature. Such bonds shall be in a form and with companies approved by the planning commission of the city and the city attorney thereof.

(Ord. No. 227, § 5.181, 9-4-2001)

#### Sec. 82-155. - Deposit for costs.

The applicant for any planned unit development, shall deposit with the city that amount which from time to time shall be determined by the city council by resolution as an amount sufficient to reasonably compensate said city for the enforcement of this article, including costs of administration, publication and any other reasonable costs. This deposit shall not be refundable for any reason.

(Ord. No. 227, § 5.182, 9-4-2001)

#### Sec. 82-156. - Maintenance of landscaping.

All screening, trees, shrubs and landscaping as well as utilities shall be continuously maintained in good condition and in a way as to adequately serve the purposes for which they are required by this article.

(Ord. No. 227, § 5.183, 9-4-2001)

#### Secs. 82-157—82-171. - Reserved.

## ARTICLE VIII. - SITE PLAN REVIEW

*Footnotes:*

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**State Law reference**— *Site plans, MCL 125.584a, 125.584c.*

## Sec. 82-172. - Purpose.

The intent of this article is to provide for consultation and cooperation between the land developer and the planning commission in order that the developer may accomplish his objectives in the utilization of his land in accordance with the regulations of this zoning chapter and with minimum adverse effect on the use of adjacent streets and on existing and future land uses in the immediate area and vicinity.

(Ord. No. 227, § 5.191, 9-4-2001)

## Sec. 82-173. - Developments requiring site plan review.

Subject to section 82-180, the city building official shall not issue a building permit for the construction of the following buildings, structures or uses until a site plan has been reviewed and approved by the planning commission:

- (1) All multiple-family dwellings.
- (2) Mobile home parks.
- (3) Planned unit developments.
- (4) Office, commercial and industrial buildings.

(Ord. No. 227, § 5.192, 9-4-2001; Ord. No. 240, § 2, 8-18-2005; Ord. No. 0257, § I, 11-2-2009)

## Sec. 82-174. - Application procedure for new development.

A request for site plan review of new development shall be made by filing with the city clerk the following:

- (1) *Fee.* A review fee, the schedule of which shall be determined by the governing body, will be paid by the applicant to cover the cost of processing the site plan.
- (2) *Application.* Three copies of the application for site plan review shall be filled out completely and returned to the clerk's office.
- (3) *Site plan.* Three prints of the site plan shall be submitted to the clerk's office. Each print shall contain the following data:
  - a. It shall be of a scale not greater than one inch equals 20 feet nor smaller than one inch equals 200 feet and of such accuracy that the planning commission can readily interpret the plan.
  - b. It shall show an appropriate descriptive legend, north arrow, scale, etc.
  - c. A vicinity map shall be submitted showing the location of the site in relation to the surrounding street system.
  - d. It shall identify subject property by lot lines and location, including dimensions, angles and size, correlated with the legal description of said property.
  - e. It shall show the topography (at least two-foot contour intervals), natural features such as wood lots, streams, rivers, lakes, drains and similar features.

- f. It shall show existing manmade features on and within 100 feet of the site, such as buildings, structures, high te pipe lines, existing utilities, such as water and sewer line, etc., excavations, bridges, culverts, drains and easeme identify the existing uses and zoning of adjacent properties.
- g. It shall show the location, proposed finished floor and grade line elevations, size of proposed main and accessory buildings, their relation to one another and to any existing structures on the site, the height of all buildings and square footage of floor space. Site plans for multiple-family residential development shall include a density schedule showing the number of dwelling units per net acre, including a dwelling schedule showing the unit type and number of each unit type.
- h. It shall show the proposed streets, driveways, sidewalks and other vehicular and pedestrian circulation features within and adjacent to the site; also the location, size and number of parking spaces in the off-street parking areas and the identification of service lanes, and service parking and loading and unloading areas.
- i. It shall show the proposed location, use and size of open spaces and the location of any landscaping, screening, fences or walls on the site. Any proposed alterations to the topography and other natural features shall be indicated.
- j. Any other information deemed necessary by the planning commission.

(Ord. No. 227, § 5.193, 9-4-2001; Ord. No. 0257, § II, 11-2-2009)

Sec. 82-175. - Action on-site plan for new development.

- (1) The city clerk shall transmit the completed application to the chairman of the planning commission who shall place it on the agenda of the commission.
- (2) The planning commission shall notify the applicant in writing, either by personal service or by mailing at least five days before the date of the proposed hearing of the date, time and place that his application will be reviewed. Such notice shall state that the applicant may appear in person and/or by his attorney at said hearing. The applicant shall be given the opportunity to be heard in person or by his attorney or both.
- (3) The planning commission shall hold a hearing or hearings on the application for site plan.
- (4) Following the hearing, the planning commission shall, within 60 days, approve or disapprove the site plan and so notify the applicant of its decision.
- (5) Action on-site plan for new development. The planning commission shall render its approval or disapproval in writing and so notify the applicant and the building inspector by serving the same either in person or by mailing the same, first class mail, full postage prepaid, to the address of the applicant as indicated on the application or as may be changed in writing subsequent thereto by the applicant. Any notice to the building inspector shall be addressed to the city hall.

(Ord. No. 227, § 5.194, 9-4-2001; Ord. No. 0257, § III, 11-2-2009)

Sec. 82-176. - Application procedure for existing structures.

A request for site plan review of existing structures shall be made by filing with the city clerk the following:

- (1) *Application.* Three copies of the application for site plan review for existing structures shall be filled out completely and returned to the clerk's office, including:
- (2) *Fee.* A review fee, the schedule of which shall be determined by the governing body, will be paid by the applicant to cover the cost of processing the site plan for existing structures.
- (3) *[Statement.]* A statement of the intended use or nature of your proposed business use of existing structure.



- (4) *Site plan*. Three copies of a floor plan or footprint showing all existing structures on the property shall be submitted clerk's office. Each floor plan or footprint shall contain the following data:
- a. It shall be of a scale not greater than one inch equals 20 feet or smaller than one inch equals 200 feet and of such accuracy that the planning commission can readily interpret the plan.
  - b. It shall show an appropriate descriptive legend, north arrow, scale, etc.
  - c. A vicinity map shall be submitted showing the location of the site in relation to the surrounding street system.
  - d. It shall identify subject property by lot lines and location, including dimensions, angles and size, correlated with the legal description of said property.
  - e. It shall show existing manmade features on, and within 100 feet of, the site such as buildings and structures and shall identify the existing uses and zoning of adjacent properties.
  - f. It shall show streets, driveways, sidewalks and other vehicular and pedestrian circulation features within and adjacent to the site, as well as proposed occupancy load.
  - g. It shall show the proposed location, use and size of open spaces and the location of any landscaping, screening, fences or walls on the site. Any proposed alterations to the topography and other natural features shall be indicated.
  - h. Any other information deemed necessary by the planning commission.

(Ord. No. 0257, § IV, 11-2-2009)

Sec. 82-177. - Action on-site plan for existing structures.

The disposition of all site plans shall be the responsibility of the planning commission. The review procedure established by the city is as follows:

- (1) The city clerk shall transmit the completed application to the chairman of the planning commission. In the event that the application has been submitted with all information completely and clearly stated, the application may be granted administrative approval, with no formal planning commission review required. If necessary, review by the planning commission will include a hearing or hearings on the application.
- (2) The planning commission shall notify the applicant in writing either by personal service or by mailing at least five days before the date of the proposed hearing of the date, time and place that his application will be reviewed. Such notice shall state that the applicant may appear in person and/or by his attorney at said hearing. The applicant shall be given the opportunity to be heard in person or by his attorney, or both.
- (3) Following the hearing, if formal review by the planning commission is deemed necessary, the planning commission shall, within 60 days, approve or disapprove the site plan and so notify the applicant of its decision.
- (4) Action on-site plan. The planning commission shall render its approval or disapproval in writing and so notify the applicant and the building inspector by serving the same either in person or by mailing the same, first class mail, full postage prepaid, to the address of the applicant as indicated on the application or as may be changed in writing subsequent thereto by the applicant. Any notice to the building inspector shall be addressed to the city hall.

(Ord. No. 0257, § V, 11-2-2009)

Sec. 82-178. - Criteria of site plan review.

The site plan shall be approved by the planning commission upon finding that the site plan shall be made in accordance with a plan designed to and which the planning commission shall determine to be designed to:

- (1) Lessen congestion in the public streets by arrangement of vehicular traffic access and circulation to include intersections, road widths, channelization, traffic controls and pedestrian movement to facilitate same.
- (2) Provide parking sufficient to satisfy the reasonable needs of the proposed site plan, to be compatible in appearance with the remainder of the site plan, and to have adequate screening to protect neighboring areas.
- (3) Establish the location, size and entrances of buildings, walkways, and lighting to promote public health, safety and general welfare, affording adequate open space, light and air, safety of travel, freedom from traps and arrangement in such a way as to facilitate safe traverse walkways.
- (4) To correlate the various uses with each other in a rational manner, with commercial uses for the sole and exclusive use of the persons living in the site plan, or substantially for such use.
- (5) To locate the trees, shrubs and other landscaping to constitute a visual and/or a noise deterring screen between adjacent uses and adjacent lands, to render the whole area as beautiful as possible in consideration of the uses thereof.
- (6) To provide adequate open space used for playgrounds and recreation to promote the public health, safety and general welfare of the community.
- (7) To provide water supply, storm and sanitary sewer facilities sufficient to adequately furnish the site plan with water, storm water and sanitary waste disposal facilities. The utilities shall be arranged to furnish adequate utilities to the site plan.
- (8) Arrange the structures, roadways and landscaping to prevent flooding, ponding and/or erosion.

(Ord. No. 227, § 5.195, 9-4-2001; Ord. No. 0257, § VI, 11-2-2009)

#### Sec. 82-179. - Conformity to approved site plan.

After an applicant receives site plan approval, the applicant must develop the subject property in complete conformity with the approved plan except as may be modified by the planning commission and/or the building official as set forth hereinafter.

(Ord. No. 227, § 5.196, 9-4-2001; Ord. No. 237, § 4, 2-25-2005; Ord. No. 0257, § VII, 11-2-2009)

#### Sec. 82-180. - Request for changes in site plan.

If certain elements of the site plan, as it has been approved by the planning commission, should for any reason need to be changed, and the building official, in the building official's sole discretion, finds that the change is substantial, then the applicant shall resubmit the entire site plan, as amended, to the planning commission pursuant to the aforesaid procedures for the original application. If the building official, in the building official's sole discretion, finds that the change is not substantial, the building official may approve or disapprove same without further approval by the planning commission.

(Ord. No. 227, § 5.197, 9-4-2001; Ord. No. 237, § 5, 2-25-2005; Ord. No. 0257, § VIII, 11-2-2009)

#### Sec. 82-181. - Certificate of compliance.

No site shall be developed and no building shall be occupied on any site for any use and no use shall be made of any site, nor shall any building permit be issued until a certificate of compliance has been issued by the planning commission.

(Ord. No. 227, § 5.198, 9-4-2001; Ord. No. 0257, § IX, 11-2-2009)

## Sec. 82-182. - Bond.

As a condition to granting any use, approval, or any other action permitted under this article, the planning commission may require that a bond be furnished of a nature and in an amount to ensure compliance with the provisions of this chapter of any nature. Such bond shall be in a form and with companies approved by the planning commission of the city and the city attorney thereof.

(Ord. No. 227, § 5.199, 9-4-2001; Ord. No. 0257, § X, 11-2-2009)

## Sec. 82-183. - Deposit for costs.

The applicant for any site plan, shall deposit with the city that amount which from time to time shall be determined by the city council by resolution as an amount sufficient to reasonably compensate the city for the enforcement of this article, including costs of administration, publication and any other reasonable costs. This deposit shall not be refundable for any reason.

(Ord. No. 227, § 5.200, 9-4-2001; Ord. No. 0257, § XI, 11-2-2009)

## Sec. 82-184. - Maintenance of landscaping.

All screening, trees, shrubs and landscaping as well as utilities shall be continuously maintained in good condition and in a way as to adequately serve the purposes for which they are required by this chapter.

(Ord. No. 227, § 5.201, 9-4-2001; Ord. No. 0257, § XII, 11-2-2009)

## Secs. 82-185—82-197. - Reserved.

## ARTICLE IX. - MOBILE/MANUFACTURED HOMES

## Sec. 82-198. - Standards required for mobile home dwellings.

- (a) Mobile homes shall be firmly attached to a permanent masonry foundation constructed on the site in accordance with the city building code and shall have a wall of the same perimeter dimensions as the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings. Such dwelling shall, in addition thereto, be installed pursuant to the manufacturer's set up instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission.
- (b) Permanently attached steps or porch shall be constructed where elevation differential requires same.
- (c) All room or other area additions to a dwelling must be of equivalent quality in workmanship and materials to the principal structure, and must have a foundation as permanently attached to said foundation.
- (d) All dwellings shall comply with all pertinent building and fire codes and all provisions of this chapter as from time to time amended. All construction and all plumbing, electrical apparatus and insulation within and connected to said home shall be of a type and quality conforming to the "mobile home construction and safety standards" as promulgated by the United States Department of Housing and Urban Development, and as from time to time such standards may be amended or new standards adopted by appropriate government agencies. Additionally, all dwellings shall meet or exceed all applicable snow load and roof strength requirements.

- (e) The dwelling shall be connected to public water and sewer as provided by ordinance and statute, and electricity shall be provided.
- (f) There shall not be storage in crawl spaces. The owner shall provide adequate enclosed storage space for property not normally stored in a residence.
- (g) The foregoing standards shall not apply to a mobile home located within a mobile home park unless specifically otherwise required in this chapter or by state statute.

(Ord. No. 227, § 5.205, 9-4-2001)