

APPENDIX A - ZONING

ZONING ORDINANCE
CITY OF PARCHMENT,
KALAMAZOO COUNTY, MICHIGAN

TITLE

An ordinance to regulate the use of land, natural resources and structures; to regulate structures designed for trade, industry, residence or other specified uses; to regulate and limit the height, the area, the size and location of structures hereinafter to be erected or altered; to regulate and determine the area of yards, court, or other open spaces; to control congestion in the streets, to secure safety in case of fire, to prevent the overcrowding of land, to bring about the gradual conformity of the uses of land and buildings and for such purposes to divide the city into districts and zones, to establish appeal procedures; to provide for the administration and enforcement of the provisions of this ordinance and to prescribe penalties for the violation thereof.

PREAMBLE

Pursuant to the authority conferred by Public Act 207, PA 1921 as amended, of the state of Michigan and for the purpose of promoting and protecting the public health, safety, peace, comforts, convenience and general welfare of the inhabitants of the City of Parchment by protecting and conserving the character and social and economic stability of the residential, commercial, industrial, and other use areas, by securing the most appropriate use of land; preventing over-crowding; and facilitating adequate and economical provision of transportation, water, sewers, schools, recreation, and other public requirements; and by other means, all in accordance with a comprehensive plan.

NOW THEREFORE THE CITY OF PARCHMENT ORDAINS:

ARTICLE 1. - TITLE

Section 1.1. - Title.

This Ordinance shall be known and may be cited as the "City of Parchment Zoning Ordinance," and will be referred to herein as "this Ordinance."

ARTICLE 2. - CONSTRUCTION OF LANGUAGE AND DEFINITIONS

Section 2.1. - Construction of language.

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

1. The particular shall control the general.
2. In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
3. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.

4. Words used in the present tense shall include the future; and words used in the singular number shall include the plural and the singular, unless the context clearly indicates the contrary.
5. A "building" or "structure" includes any part thereof.
6. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."
7. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
8. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either...or," the conjunction shall be interpreted as follows:
 - a. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 - b. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - c. "Either...or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.
9. Terms not herein defined shall have the meaning customarily assigned to them.

Section 2.2. - Definitions.

Abutting: Having a common border with or being separated from such a common border by a right-of-way, alley, or easement.

Accessory building: A building or portion of a building subordinate to a main building on the same lot occupied by, or denoted exclusively to, an accessory use.

Accessory use, or accessory: A structure or use that: a) is clearly incidental to and customarily found in connection with a principal building or use; b) is subordinate to and serves a principal building or a principal use; c) is subordinate in area, extent or purpose to the principal building or principal use served; d) contributes to the comfort, convenience, or necessity of occupants, business or industry in the principal building or principal use served; and, e) is located on the same lot as the principal building or use served.

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

Adult entertainment uses: Any use of land, whether vacant or combined with structures or vehicles thereon by which said property is devoted to displaying or exhibiting material for entertainment, a significant portion of which includes matter or actions depicting, describing or presenting specified sexual activities or specified anatomical areas.

1. *Adult entertainment use* shall include, but not be limited to, the following:
 - a. An *adult motion picture theater* is an enclosed building with a capacity of 50 or more persons used for presenting material which has a significant portion of any motion picture or other display depicting or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.
 - b. An *adult mini-motion picture theater* is an enclosed building with a capacity for less than fifty (50) persons used for presenting material which has as a significant portion of any motion picture or other display depicting, describing or presenting "specified sexual activities" or "specified anatomical areas."

- c. An *adult motion picture arcade* is any place to which the public is permitted or invited wherein coin or slug controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five or fewer persons per machine at any one time, and where a significant portion of the images so displayed depict, describe or relate to "specified sexual activities" or "specified anatomical areas."
 - d. An *adult book store* is a use which has a display containing books, magazines, periodicals, slides, pictures, cassettes, or other printed or recorded material which has as a significant portion of its content or exhibit matter or actions depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" or an establishment with a (substantial) segment or section devoted to the sale or display of such material.
 - e. An *adult cabaret* is a nightclub, theater or other establishment which features live performances by topless and/or bottomless dancers, "go-go" dancers, exotic dancers, strippers, or similar entertainers, where a significant portion of such performances show, depict or describe "specified sexual activities" or "specified anatomical areas."
 - f. An *adult motel* is a motel wherein matter, actions or other displays are presented which contain a significant portion depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas."
 - g. An *adult massage parlor* is any place where for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatment or any other treatment or manipulation of the human body occurs as part of or in connection with "specified sexual activities" or where any person providing such treatment, manipulation or service related thereto exposes "specified anatomical areas."
 - h. An *adult model studio* is any place where, for any form of consideration or gratuity, figure models who display "specified anatomical areas" are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such considerations or gratuities, except that this provision shall not apply to any bona fide art school or similar education institution.
 - i. An *adult sexual encounter center* is any business, agency, or person who, for any form of consideration or gratuity, provides a place where three or more persons, not all members of the same family may congregate, assemble or associate for the purpose of engaging in "specified sexual activities" or exposing "specified anatomical areas."
2. *Significant portion:* As used in the above definitions, the phrase "significant portion" shall mean and include:
 - a. Any one or more portions of the display having continuous duration in excess of five minutes; and/or,
 - b. The aggregate of portions of the display having a duration equal to ten percent or more of the display.
 - c. The aggregate of portions of the collection of any materials or exhibits composing the display equal to ten percent or more of the display.
 3. *Display:* As used in the above definitions, the word "display" shall mean any single motion or still picture, presentation, dance or exhibition, live act, or collection of visual materials such as books, films, slides, periodicals, pictures, video cassettes or any other printed or recorded matter which is open to view or available to the general population whether for free or otherwise.
 4. *Specified sexual activities:*
 - a. Human genitals in a state of sexual stimulation or arousal;
 - b. Acts of human masturbation, sexual intercourse or sodomy;

c. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

5. *Specified anatomical areas:*

- a. Less than completely and opaquely covered: 1) human genitals, pubic region; 2) buttock; and, 3) female breast below a point immediately above the top of the areola; and,
- b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Adult foster care facility: A governmental or nongovernmental establishment subject to state licensing procedures as may be required having as its principal function the receiving of adults for foster care. It includes facilities and foster care family homes for adults who are aged, emotionally disturbed, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. Adult foster care facility does not include a nursing home, a home for the aged, an alcohol or a substance abuse rehabilitation center, a hospital for the mentally ill, or similar facilities.

Adult foster care family home: A private residence with the approved capacity to receive not more than six adults who shall be provided foster care for five or more days per week, and for two or more consecutive weeks. The adult foster care family home licensee shall be a member of the household and a full time occupant of the residence.

Adult foster care large group home: An adult foster care facility with the approved capacity to receive at least 13, but not more than 20 adults who shall be provided foster care.

Adult foster care small group home: An adult foster care facility with the approved capacity between seven and 12 adults who shall be provided foster care.

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

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

Apartments: A suite of rooms or a room in a multiple-family building arranged and intended for a place or residence of a single-family or a group of individuals living together as a single housekeeping unit.

Arcade: Arcade shall mean any place of business or establishment whose principal use shall be the housing of mechanical or electronic amusement devices. Mechanical amusement devices include any machine, which, upon the insertion of any coin, slug, token, plate or disc, or which, for a fee paid to the operator or owner, may be operated by the public generally for use as a game, entertainment or amusement, whether or not registering a score. It shall include such devices as marble machines, skillball, mechanical grab machines, television display devices or machines and all games, operations or transactions similar thereto whether operated principally by mechanical means or electrical means or a combination thereof, under whatever name they may be indicated or called.

Architectural features: Architectural features of a building or a structure shall include cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys, and decorative ornaments.

Automobile repair: The general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame, or fender straightening and repair; tire recapping; overall painting and undercoating of automobiles.

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

Bed and breakfast inn: A use which is subordinate to the principal use of a dwelling unit as a single-family dwelling unit and a use in which transient guests are provided a sleeping room and board in return for payment.

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

Boarding house: A dwelling where meals, or lodging and meals, are provided for compensation and where one or more rooms are occupied by persons by prearrangement for definite periods of not less than one month. A boarding house is to be distinguished from a hotel, motel, bed and breakfast establishment, or a convalescent, nursing, or group home.

Buffer area: An area, usually landscaped, intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.

Building: A structure erected on site, a mobile home or mobile structure, a premanufactured or precut structure, above or below ground, having a roof or walls and built for, or capable of, the shelter or enclosure of persons, animals, chattels, or property of any kind.

Building height: The vertical distance from grade to the top of parapet wall in the case of a flat roof, to the deck line for mansard roofs, to the mean height level between eaves and ridge for gable, hip, and gambrel roofs. The height of detached accessory structures shall be the distance from grade to the top of a parapet wall in the case of a flat roof, and to the peak of the roof for mansard, gable, hip, and gambrel roofs.

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

Building official (inspector): The city manager or other administrative official designated by the city manager with the responsibilities of administering and enforcing this Ordinance.

Business center: Any two or more businesses which:

1. Are located on a single parcel, or
2. Are under one common ownership or management and have a common arrangement for the maintenance of the grounds, or
3. Are connected by common walls, partitions, canopies, other structural members, or walkways to form a continuous building or group of buildings, or
4. Share a common parking area, or
5. Otherwise present the appearance of a single continuous business area.

Car wash: An area of land and/or structure with machine or hand-operated facilities used principally for the cleaning, washing, polishing, or waxing of motor vehicles.

Clinic: An establishment where human or animal patients who are not lodged overnight are admitted for examinations and treatment by a group of physicians, dentists, veterinarians, or similar professionals.

Club, private facilities: Any nonprofit facility established to provide recreational or social activities for the sale and exclusive use of its members, their families, and guests.

Cluster development: A development design technique that concentrates buildings in specific locations on a site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas.

Commercial equipment shall mean any self-propelled or towed unit that can travel on a public street but is not licensed. By way of example, commercial equipment shall include, but not be limited to, wheeled generators, wheeled wood chippers, front-end loaders, road graders, farm tractors and high lifts.

Commercial trailer shall mean any semi, cargo or other trailer used for the transportation of goods, wares, merchandise, tools, business-related equipment or being used to transport home furnishings irrespective of whether there are any identifying signs or letters on the trailer having a load capacity of more than 10,000 pounds.

Commercial vehicle shall mean any self-propelled vehicle designed to be used or actually used on a public street having a gross vehicle weight of more than 10,000 pounds. By way of example, commercial vehicles shall include, but not be limited to, package and product delivery trucks, dump trucks, garbage trucks, tow trucks, step vans, service trucks, semi tractors, panel trucks, cargo vans, tank trucks, beverage trucks, buses and school buses. Commercial Vehicle shall not include pick up trucks, fullsize passenger vans, or other vans used to transport 12 or fewer passengers, and shall not include recreational vehicles as defined in this section.

Communication tower: A tower, either freestanding or attached, permanently or temporarily, to a building or structure, containing one or more antennas for transmitting or receiving electronic communications including, but not limited to, radio, analog, digital, microwave, cellular, data and/or telephone transmissions.

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

Day care center: A school, kindergarten, or adult care facility wherein day care, or day care and education is provided.

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

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

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

Dwelling unit, manufactured: A dwelling unit which is substantially built, constructed, assembled, or finished off the premises upon which it is intended to be located.

Dwelling, mobile home: A detached residential dwelling unit with a body width greater than eight feet, of not less than 40 feet in length, and designed for transportation, after fabrication, on streets or highways, on its own wheels, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks, or other temporary or permanent foundations, connections to utilities, and the like. A mobile home shall not be considered a travel trailer, motor home, or any other type of recreational vehicle. In addition, mobile homes which do not conform to the standards for one-family dwellings, of this Ordinance, shall not be used for dwelling purposes within the city unless located within a mobile home park or a mobile home plat zoned for such uses, or unless used for temporary residence purposes as hereinafter provided.

Dwelling, multiple-family: A building containing three or more dwelling units designed for residential use and conforming in all other respects to the standards set forth for one-family dwellings.

Dwelling, one-family: A building designed exclusively for one family for residential use.

Dwelling unit, site built: A dwelling unit which is substantially built, constructed, assembled, and finished on the premises which are intended to serve as its final location. Site built dwelling units shall include dwelling units constructed of precut materials and panelized wall, roof and floor sections when such sections require substantial assembly and finishing on the premises which are intended to serve as its final location.

Dwelling, two-family: A building containing not more than two separate dwelling units designed for residential use and conforming in all other respects to the standards set forth for one-family dwellings.

Easement: A property right, such as a right-of-way, less than fee title, over, above, on, and/or under real property for the use by the easement owner.

Earth berm: A mound of earth planted with ground cover, grass, trees, or other landscaping material intended to minimize the view of parking areas and reduce noise and dust from adjacent uses and passersby.

Elderly housing: A building or group of buildings containing dwellings where the occupancy of the dwellings is restricted to persons 60 years of age or older, or couples where either spouse is 60 years of age or older. This does not include a foster care, home for the aged, or nursing home.

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

Essential services: A public utility or municipal department utilizing underground, surface or overhead gas, electrical, steam, fuel or water transmission or distribution systems, collection, communication, supply or disposal system, but not including buildings or communication towers.

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

Family/single-family:

1. One or more individuals living together in a one dwelling unit who are related by blood, marriage, or adoption; or
2. One or more individuals unrelated by blood, marriage, or adoption living together in a one dwelling unit in a nontransient domestic relationship as a single housekeeping unit; or
3. An adult foster care family home, as defined in this Ordinance:

"Family/single-family" specifically excludes clubs, fraternities, sororities, motels, hotels, boardinghouses, and adult foster care large group homes and adult foster care small group homes, as defined in this Ordinance.

Fence: Any permanent or seasonal partition, structure, or gate erected upon or near, but not limited to, the dividing line between adjoining property owners, for the purpose of separating, screening, enclosing or protecting property. Hedges, ornamental shrubs, trees and bushes shall be considered fences when placed in a manner or position to serve as such and to prevent passage across.

Floodplain (flood-prone area): Any land area susceptible to being inundated by water from an existing watercourse such as a stream, river, or drainage/ponding area.

Floor area, gross: 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 not include the basement floor area except when more than one-half of the basement height is above grade. "Floor area" shall include elevator shafts and stairwells at each floor, floor space used for mechanical equipment (except equipment, open or enclosed, located on the roof), attic space having headroom of seven feet, ten inches or more, interior balconies, and mezzanines. Any space devoted to off-street parking or loading shall not be included in "floor area."

Floor area, residential: For the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating two dwellings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.

Foster care: The provision of supervision, personal care, and protection in addition to room and board, for 24 hours per day, five or more days per week, and for two or more consecutive weeks of compensation.

Frontage: That portion of a lot which abuts a public right-of-way or private road.

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

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

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

Governmental agency: Any department, commission, independent agency, or instrumentality of the United States, of a state, county, incorporated or unincorporated municipality, authority, district, or governmental unit.

Grade: The ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building, measured at a distance four feet out from the edge of the building.

Greenbelt: A strip of land of definite width and location reserved for the planting of shrubs and/or trees to serve as an obscuring screen or buffer strip in carrying out the requirements of this Ordinance.

Health care facility (hospital): A facility or institution, whether public or private, principally engaged in providing services for health maintenance, diagnosis and treatment of human disease, pain, injury, deformity or physical condition allowing overnight stay, including, but not limited to, a general hospital, special hospital, mental hospital, public health center, diagnostic center, treatment center, rehabilitation center, extended care facility, tuberculosis hospital, chronic disease hospital, maternity hospital.

Historic district: An area containing buildings or places in which significant and notable historic events occurred or which has special public value because of notable architectural or other features relating to the cultural or artistic heritage of the community; these events or features having such significance to warrant conservation and preservation.

Home for the aged: A supervised personal care facility, other than a hotel, adult foster care facility, hospital, nursing home, or county medical care facility, that provides room, board, and supervised personal care to 21 or more unrelated, nontransient, individuals 60 years of age or older. Home for the aged includes a supervised personal care facility for 20 or

fewer individuals 60 years of age or older when the facility is operated in conjunction with and as a distinct part of a licensed nursing home.

Home occupation: An accessory use of a dwelling that constitutes either entirely or partly, the livelihood of a person living in the dwelling, said use shall be conducted entirely within the dwelling and carried on by the inhabitants therein and having no external effects.

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

Improved driveway, parking strip or apron shall mean a private drive of ingress and egress with a uniform surface of concrete, asphalt, crushed stone or gravel which leads from a curb cut to a garage, carport or accessory parking space. An improved driveway may include a surfaced turnabout area, a circular driveway or an accessory parking space and shall meet the following criteria:

- It does not exceed an average width of 24 feet from edge to edge.
- It does not occupy in excess of 50 percent of the yard in which it is located.

Junk yard: An area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled including, but not limited to: scrap iron and other metals, paper, rags, rubber tires, and bottles. A "junk yard" includes automobile wrecking yards and includes any open area of more than 200 square feet for storage, keeping, or abandonment of junk.

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

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

Lot: A measured portion of a parcel or tract of land, which is legally described and recorded.

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

Lot, corner: A lot abutting on and at the intersection of two or more streets.

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

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

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

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

1. *Front lot line:* In the case of an interior lot, is that line separating said lot from the streets. In the case of a corner lot, both lot lines abutting street frontage shall be considered front lot lines.
2. *Rear lot line:* That lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line 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. In the case of a corner lot, the rear lot line shall be the lot line opposite the

front lot line.

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

Lot of record: A lot which actually exists in a subdivision plat as shown on the records of the county register of deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded. Whenever an owner has combined two or more lots as contained on any recorded plat or described by metes and bounds into a single building site, said combination of lots shall be deemed to be a single lot of record for the purposes of this Ordinance.

Lot, through: Any interior lot having frontage on two more or less parallel streets as distinguished from a corner lot.

Lot, width: The horizontal straight line distance between the side lot lines, measured between the two points where the front setback line intersects the side lot lines or in the case of a corner lot, the side lot line and opposite lot line.

Lot, zoning: A single tract of land, which may include one or more lots of record, which conforms with this Ordinance with respect to area, size, dimensions and frontage in the district.

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

Major thoroughfare: An arterial street which is intended to serve as a large volume trafficway for both the immediate municipal area and the region beyond, and is designated as a major thoroughfare, parkway, freeway, expressway, or equivalent term on the major thoroughfare plan to identify those streets comprising the basic structure of the major thoroughfare plan.

Master plan: The Comprehensive Land Use Plan prepared and adopted by the city pursuant to law.

Mezzanine: An intermediate floor in any story occupying space not to exceed one-third of the floor area of such story.

Mini-warehouse (self-storage facility): A facility consisting of a building or a group of buildings in a controlled-access compound, where individual stalls or lockers are rented out to different tenants for the dead storage of customers' goods and wares.

Mobile home park: A parcel of land which has been planned and improved for the placement of mobile homes for residential use.

Motel: A series of attached, semi-detached, or detached rental units containing a bedroom, bathroom which provide for overnight lodging and are offered to the public for compensation and cater primarily to the public traveling by motor vehicle.

Motorized home: A self-propelled motor vehicle which provides some or all of the amenities of day-to-day living while used as a means of transportation for recreational or travel purposes.

Municipality: The City of Parchment, Kalamazoo County, Michigan.

Nonconforming building: A building or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto and that does not conform to the provisions of the Ordinance in the district in which it is located.

Nonconforming lot: Any lot, outlet, or other parcel of land which does not meet the land area or dimension requirements of this Ordinance.

Nonconforming use: A use which lawfully occupied a building or land at the effective date of this Ordinance, or amendments thereto, and that does not conform to the use regulations of the district in which it is located.

Normal grade level: Normal grade shall be construed to be the lower of: 1) the existing grade prior to construction; or 2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the fence. In cases in which the normal grade cannot reasonably be determined, the fence height shall be computed on the assumption that the elevation of the normal grade at the base of the fence is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zoning lot, whichever is lower.

Nuisance factors: An offensive, annoying, unpleasant or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as, but not limited to: 1) sound, 2) dust, 3) smoke, 4) odor, 5) glare, 6) fumes, 7) light, 8) vibration, 9) shock waves, 10) heat, 11) electronic or atomic radiation, 12) effluent.

Nursery, plant materials: A space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for retail sale on the premises including products used for gardening or landscaping.

Nursing home: A nursing care facility, including a county medical care facility, but excluding a hospital or a facility created by Act No. 152 of the Public Acts of 1985, as amended, being sections 36.1 to 36.12 of the Michigan Compiled Laws, which provides organized nursing care and medical treatment to seven or more unrelated individuals suffering or recovering from illness, injury, or infirmity.

Occupied: To be, or intended to be, arranged, designed, built, altered, converted to, rented or leased.

Off-street parking facility: A facility providing vehicular parking spaces, off the public right-of-way, with adequate drives and aisles for maneuvering, so as to provide access and exit for the parking of more than three vehicles.

Open air business use: An open air business use, as used herein, shall be deemed to include any business when said business is not conducted from a wholly enclosed building.

Open front store: A business establishment so developed that service to the patron may be extended beyond the walls of the structure, not requiring the patron to enter the structure. The term "open front store" shall not include automobile repair or gasoline service stations.

Overnight lodging facility (hotel/motel/motor inn): An establishment or building(s) providing a number of bedrooms, baths, etc., for the accommodation of travelers or other transient guests.

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

Personal motor vehicles shall mean the motor vehicles used by the owner and/or occupant of a property being used as residential and specifically excluding commercial vehicles, commercial trailers, commercial equipment or recreational equipment as defined herein.

Planned commercial or shopping center: A group of commercial establishments, connected or on single parcel or lot, planned, constructed, and managed as a total entity with customer and employee parking provided on-site, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements.

Porch: A projection on a building or structure containing a floor, which may be either totally enclosed or open.

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

Public building: A building that is owned by the public, is all or a part thereof designated for and open to use by members of the general public, and not including patios and appurtenances.

Public utility: A person, firm or corporation, municipal department, board or commission duly authorized to furnish under federal, state or municipal regulations to the public gas, steam, electricity, sewage disposal, communications, transportation or water but specifically excluding personal communication services (PCS) providers.

Recreational equipment unit shall mean no more than four items of recreational equipment parked or stored on a single trailer used to transport that equipment.

Recreational vehicle: A vehicle, other than an automobile, which moves one or more persons over the ground, air, water, ice, or snow, and which is either self-propelled or connects to a vehicle which is self-propelled, and is intended for use off the public road system, and/or for recreational use. Excluded are private automobiles and commercial trucks and trailers.

Recreational vehicles/equipment shall mean any piece or type of equipment including, but not limited to, recreational vehicles as defined herein, boat trailers, travel trailers, motor homes, pick up campers, utility trailers, trailers for hauling motor vehicles and motorized vehicles, trailers for hauling recreational equipment, specialty trailers used to transport recreational equipment, snowmobiles, personal watercraft, ATVs, motorcycles and specifically excluding any commercial vehicle and commercial trailer.

Restaurant:

1. *Standard restaurant:* A standard restaurant is any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design or principal method of operation includes the consumption of food on the premises.
2. *Carry-out restaurant:* A carry-out restaurant is any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design or method of operation encourages the consumption of food off-site or it may permit incidental consumption on the premises.
3. *Drive-in/drive-through restaurant:* Any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design, method of operation, includes one or both of the following characteristics:
 - a. Foods, frozen desserts, or beverages are served directly to the customer in a motor vehicle, either by a carhop, or by other means which eliminate the need for the customer to exit the motor vehicle.
 - b. The consumption of foods, frozen desserts, or beverages within a motor vehicle parked upon the premises, within the restaurant building, or at other facilities on the premises outside the restaurant building, is permitted.

Right-of-way: The right or privilege, acquired through accepted usage or contract, to pass over a designated portion of the property of another. A right-of-way may be either public or private and usually is occupied or intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer or other similar uses.

Room: For the purpose of determining lot area requirements and density in a multiple-family district, a room is a living room, dining room, great room, or the like, or a bedroom equal to at least 80 square feet in area. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, stairways, hallways, and storage. Plans presented showing

one, two, or three bedroom units and including a "den," "library," or other extra room shall count such extra room as a bedroom for the purpose of computing density.

Setback: The distance required to obtain minimum front, side, or rear yard open space provisions of this Ordinance.

Sign: See [section 15.2](#) of this Ordinance for definitions regarding signs.

Special condition use: Any use of land listed as a principal use permitted subject to special conditions which, due to its potential effect on adjacent lands, in particular, and the overall city in general, requires approval by the city commission according to the standards as provided in this Ordinance.

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

Story, half: An uppermost story lying under a sloping roof having an area of at least 200 square feet with a clear height of seven feet. For the purposes of this Ordinance, the usable floor area is only that area having at least five feet clear height between floor and ceiling.

Street: A public dedicated right-of-way, other than an alley.

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

Swimming pool: Any permanent or portable pool, used for swimming or bathing over 24 inches in depth, or with a surface area exceeding 160 square feet.

Temporary use or temporary building: A use or building permitted by the board of appeals to exist temporarily during a specified period of time or until a specific event occurs.

Trailer shall mean any trailer as set forth in MCL 257.59 and MCL 257.73, as amended from time-to-time.

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

Variance: Permission to depart from the literal requirements of this Ordinance.

Variance, nonuse: A departure, other than use or usage, from the provisions of the Zoning Ordinance relating to setbacks, side yards, frontage requirements, lot size, parking, signage, and other requirements of the applicable zoning district.

Variance, use: A variance granted for a use or structure that is not permitted in the applicable zoning district.

Wall, obscuring: A structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this Ordinance.

Wellhead protection: See [section 16.2](#) of this Ordinance for wellhead protection definitions.

Yards shall mean that portion of a lot between the outer most boundaries and the main building thereon, and as defined herein:

- *Front yard:* The yard abutting the street from which the property receives its address. By way of example, 100 Riverview Drive's front yard is that yard which abuts Riverview Drive. A front yard shall mean that open space as set forth hereinbefore extending the full width of the lot, the depth of which is the minimum horizontal distance

between the front lot line and the nearest point of the main building.

- *Rear yard:* An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. A rear yard shall be the yard opposite the front yard.
- *Side yard:* An open space between the main building and the side lot line extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building. A side yard shall be a yard between the front yard and the rear yard.

Zoning district: A zoning district is a portion of the city within which, on a uniform basis, certain uses of land and buildings are permitted and within which contain yard, open spaces, lot area, and other requirements are established by this Ordinance.

(Ord. No. 161, Arts. I, II, 6-16-97; Ord. No. 186, § I, 4-17-06)

ARTICLE 3. - ZONING DISTRICTS AND MAP

Section 3.1. - Districts established.

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

R- C	Recreation/Conservation District
R- A	One-Family Residential District
R- M	Multiple-Family Residential District
R- T	Residential Transitional District
C- 1	Central Business District
C- 2	Service/Business District
C- 3	General Business District

I- M	Industrial Manufacturing District
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Section 3.2. - District boundaries.

The boundaries of these districts are hereby established as shown on the Zoning Districts Map, City of Parchment Zoning Ordinance, which accompanies this Ordinance, and which map with all notations, references, and other information shown thereon shall be as much a part of this Ordinance as if fully described herein. [Said map is on file and available for inspection in the office of the city clerk.]

Section 3.3. - District boundaries interpreted.

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

1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys, shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following corporate limits shall be construed as following actual corporate limits.
4. Boundaries indicated as following railroad lines shall be construed to be the midway between the main tracks.
5. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerline of streams, rivers, canals, or other bodies of water shall be construed to follow such centerlines.
6. Boundaries indicated as parallel to or extensions of features indicated in subsections 1. through 5. above shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
7. Where physical or natural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by subsections 1. through 6. above, the board of appeals shall interpret the district boundaries.
8. Insofar as some or all of the various districts may be indicated on the zoning map by patterns which, for the sake of map clarity, do not cover public rights-of-way it is intended that such district boundaries do extend to the center of any public right-of-way.

Section 3.4. - Zoning of vacated areas.

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

Section 3.5. - Zoning of annexed areas.

Wherever any area is annexed to the City of Parchment, the following will apply:

1. Land that is annexed into the city shall be classified as being in the zoning district, as defined by this Ordinance, most appropriate to the City of Parchment. Such classification shall be recommended by the planning commission to the city commission, which shall approve same by the procedures used for amending ordinances of the city.

ARTICLE 4. - R-C RECREATION CONSERVATION DISTRICT

Section 4.1. - Intent.

The value to the public of certain open areas of the city is represented in their natural, undeveloped or unbuilt condition. It is recognized by this Ordinance that the principal use of certain open areas is and ought to be the development, management, and utilization of the natural resource base possessed by these areas. In order that this value be maintained and this use encouraged, this zoning district is designed to regulate the location of buildings and structures and the use of parcels and lots, in order to protect and enhance the natural resources, natural amenities, natural habitats of wildlife, watershed and reservoir areas, agricultural capabilities, public recreation areas, and the public health, safety and welfare. These regulation will reduce the hardship and financial burdens imposed upon the city by the destruction of resources, the improper and wasteful use of open land, wooded areas, and the periodic flooding and overflow of public waters.

Section 4.2. - Principal uses permitted.

The following buildings and structures, and uses of parcels, lots, buildings and structures are permitted in this district:

1. Public or private forest preserve, game refuge, golf course, park, playground, or other recreation purpose.
2. Public and private conservation areas and structures for the development, protection and conservation of open space, watersheds, water, soil, forest, and wildlife resources.
3. Public, parochial, and other private schools offering courses in general education, and not operated for profit.
4. Public, municipal office buildings such as a municipal hall or public safety facility, library, or museum.
5. The raising or growing of plants, trees, shrubs and nursery stock.
6. Transmission and distribution lines and structures, not including buildings or communication towers for essential services, when located within an existing public or utility right-of-way.
7. Publicly owned and operated parks, parkways, and recreation facilities.

(Ord. No. 161, Art. III, 6-16-97)

Section 4.3. - Principal uses permitted subject to special conditions.

The following special conditions uses shall be permitted, subject to the conditions hereinafter required for each use, subject to any and all reasonable conditions which may be imposed in accordance with section 4c.(2) of the City-Village Zoning Act, as may be amended, and further subject to the review and approval by the planning commission and city commission as specified in section 13.3, "Review and Approval of Conditional Uses," and section 13.1, "Review and Approval of Site Plan," of this Ordinance.

1. Essential services, provided that:
 - a. No storage of materials, equipment, vehicles, or supplies shall be located on the premises, and
 - b. No personnel shall be quartered or employed on the premises, and
 - c. The structure shall be designed, erected, and landscaped in such a manner as to conform to the character of the surrounding area and this district.
2. A lot may be used for general and specialized farming and agricultural activities including the raising or growing of crops and foodstuffs; provided that any lot that is kept vacant or as idle cropland shall be so treated as to prevent soil erosion by wind or water and so treated as to prevent excessive growth of obnoxious weeds and shrubs.

Section 4.4. - Area and size requirements.

See [article 17](#), Schedule of Regulations, limiting the height and size of buildings, the minimum size of lots permitted by land use, the maximum density permitted and providing minimum yard setback requirements.

ARTICLE 5. - R-A ONE-FAMILY RESIDENTIAL DISTRICT

Section 5.1. - Intent.

The R-A, One-Family Residential Districts are established as districts in which the principal use of land is for one-family dwellings. For the one-family residential districts, in promoting the general purpose of this Ordinance, the specific intent is:

1. To encourage the construction of, and the continued use of the land for one-family dwellings.
2. To prohibit business, commercial or industrial use of the land, and to prohibit any other use which would substantially interfere with development or continuation of one-family dwellings in the district.
3. To encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this Ordinance.
4. To discourage any land use which would generate traffic on minor or local streets other than normal traffic to serve the residences on those streets.
5. To discourage any use which, because of its character or size, would create requirements and costs for public services, such as fire and police protection, water supply and sewerage, substantially in excess of such requirements and costs if the district were developed solely for one-family dwellings.

Section 5.2. - Principal uses permitted.

in a one-family residential district, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance:

1. One-family detached dwellings, occupied by a single family, as defined in this Ordinance.
2. Publicly owned and operated parks, parkways and recreational facilities.
3. Cemeteries which lawfully occupied land at the time of adoption of this Ordinance.
4. Public, parochial and other private schools offering courses in general education and not operated for profit.
5. Home occupation in accordance with section 12.15.
6. Bed and breakfast operations in accordance with section 12.16.
7. Accessory buildings and uses, customarily incident to any of the above permitted uses, including those subject to section 5.6 hereinafter.

(Ord. No. 199, Art. III, 1-20-14)

Section 5.3. - Principal uses permitted subject to special conditions.

The following special condition uses shall be permitted, subject to the conditions hereinafter required for each use, subject to any and all reasonable conditions which may be imposed in accordance with section 4c.(2) of the City-Village Zoning Act, as may be amended, and further subject to the review and approval by the planning commission and city commission as specified in section 13.3, "Review and Approval of Conditional Uses," and section 13.1, "Review and Approval of Site Plan," of this Ordinance.

1. Two-family dwelling units.
2. Churches and other facilities normally incidental thereto subject to the following conditions:
 - a. The principal buildings on the site shall be set back from abutting properties zoned for residential use not less than 15 feet.
 - b. Buildings of greater than the maximum height allowed in article 17, Schedule of Regulations, may be allowed provided front, side, and rear yards are increased above the minimum required yards by one foot for each foot of building height that exceeds the maximum height allowed.
 - c. All access to the site shall be in accordance with section 12.17, "Access to a Major Thoroughfare."
3. Public utility buildings and uses (without storage yards) when operating requirements necessitate the locating of said building within the district in order to serve the immediate vicinity. Further, no building and/or structure shall be located in any required yard.
4. Day care centers including adult day care uses (not including dormitories) provided that for each person so cared for, there shall be provided and maintained a minimum of 150 square feet of open space. Such space shall have a total minimum area of not less than 5,000 square feet and shall be fenced and screened from any adjoining lot in any residential district.
5. Accessory buildings and uses customarily incident to any of the above permitted uses.

Section 5.4. - Required conditions.

For all nonresidential uses allowed in the residential districts, the setbacks shall equal the height of the main building, or the setbacks required in article 17, whichever is greater.

Section 5.5. - Area and size requirements.

See article 17, Schedule of Regulations, limiting the height and size of buildings, the minimum size of lot permitted by land use, and providing minimum yard setback requirements.

Sec. 5.6. - Keeping of chickens (hens).

The purpose of this section is to provide standards and requirements for the keeping of chickens. Roosters are not permitted. It is intended to enable residents to keep up to three chickens on a non-commercial basis while limiting and mitigating any potential adverse impacts on surrounding properties and neighborhood. The keeping of up to three chickens that are utilized exclusively by the person(s) occupying a one-family dwelling as a locally grown food source for the consumption of eggs or meat, is permitted as accessory to the residential use only if all of the following are satisfied:

- a. Chickens shall be kept only in the rear yard secured within a coop and attached pen during non-daylight hours. During daylight hours, chickens may be allowed to roam outside of the coop and pen, if supervised, and only within an area completely enclosed by a fence with a minimum height of four feet.
- b. The coop and pen shall be designed to provide safe and healthy living conditions for chickens while minimizing adverse impacts on other residents and the neighborhood. The coop and pen shall meet the following requirements:
 1. The coop and pen shall be set back a minimum of ten feet from all property lines of adjacent property and be located a minimum of 30 feet from the nearest wall of any dwelling on an adjacent property. For the purposes of this section, a dwelling includes an attached garage but does not include an unattached garage. Public streets and public easements shall not be considered adjacent property lines for purposes of this section.
 2. The coop and pen shall be a maximum of six feet in height and shall not exceed a total of 80 square feet.
 3. The use of corrugated metal/fiberglass, sheet metal, plastic tarps, scrap lumber or similar materials is prohibited. The coop and pen must be completely enclosed with a top and/or cover.
 4. The coop and pen may be movable only if the dimensional/setback restrictions contained in this section are satisfied.
- c. All feed and other items associated with the keeping of chickens that are likely to attract or to become infested with or infected by rats, mice or other rodents shall be protected so as to prevent rats, mice or other rodents from gaining access or coming into contact with them.
- d. The outdoor slaughter of chickens is prohibited.
- e. The accessory use shall comply with all provisions of the Parchment City Code of Ordinances pertaining to noise, odors, dust, fumes, sanitation and health or other comparable nuisances to ensure the public health, safety and welfare.
- f. No person shall keep chickens without first securing a permit from the city on a form provided and paying a permit fee as prescribed by the Parchment City Commission by resolution. The permit shall be issued by the city manager or his/her designee. Such permit may be revoked by the city manager or his/her designee if it is

determined that any provision of this section has been violated.

- g. Establishment of an accessory use and/or accessory building under this section shall not confer a vested right in the provisions contained herein or a right to continue such use. Further, a permit granted under this section is personal to the applicant occupying the dwelling and is not transferable.
- h. All licenses required by the State of Michigan and Kalamazoo County, as well as all other statutes, ordinances and codes, shall be maintained at all times while there are chickens on the premises.
- i. No permit shall be issued by the city manager or his/her designee without the written authorization from an owner of the property (if different from the applicant) consenting to the application on a form provided. Once authorization is obtained, it shall continue for as long as the applicant is in possession of the property.

(Ord. No. 199, Art. IV, 1-20-14)

ARTICLE 6. - R-T RESIDENTIAL TRANSITIONAL DISTRICTS

Section 6.1. - Intent.

The R-T, Residential Transition Districts are designed to afford a transition of use in existing housing areas by permitting conversion of existing structures between adjacent residential and commercial, office, thoroughfares or other uses which would affect residential character. The R-T District permits the continuation of single-family development; however, it is primarily intended to accommodate office and commercial uses through the adaptive reuse and conversion of residential structures. This district also recognizes the existence of older residential areas of the city where larger houses have been or can be converted from single-family and two-family residences to low-intensity commercial and office uses in order to extend the economic life of these structures and allow the owners to justify the expenditures for repairs and modernization.

Section 6.2. - Principal uses permitted.

In a residential office district, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance.

1. All principal uses in the one-family residential districts, permitted and as regulated under section 5.2. The standards of the Schedule of Regulations applicable to the R-1, One-Family Residential District, shall apply as minimum standards when one-family detached dwellings are erected.
2. Accessory buildings and uses customarily incident to any of the above permitted uses.

Section 6.3. - Principal uses permitted subject to special conditions.

The following special conditions uses shall be permitted, subject to the conditions hereinafter required for each use, subject to any and all reasonable conditions which may be imposed in accordance with section 4c.(2) of the City-Village Zoning Act, as may be amended, and further subject to the review and approval by the planning commission and city commission as specified in section 13.3, "Review and Approval of Conditional Uses," and section 13.1, "Review and Approval of Site Plan," of this Ordinance.

1. All special condition uses for the one-family residential districts, permitted and as regulated under section

5.3.

2. The following office and commercial uses if conducted entirely with an existing structure:
 - a. Office-type business related to executive, administrative, or professional occupations including, but not limited to, offices of a lawyer, accountant, insurance/real estate agent, architect, engineer, and similar occupations.
 - b. Clinics, except veterinary clinics having outdoor runs.
 - c. Medical, dental, and optical laboratories that provide testing services or provide medical or dental devices such as artificial limbs, teeth, eye glasses, etc.
 - d. Local municipal administration buildings, museums, and libraries.
 - e. Banks, credit unions, savings and loan associations, and similar uses, not offering drive-through facilities.
 - f. Business service establishments such as typing services, photocopying services, quick printing establishments, office supply stores, and similar establishments.
 - g. Other uses similar to the above uses.
 - h. Any retail business whose principal activity is the sale of merchandise in an enclosed building, such as, but not limited to, groceries, dairy products, baked goods or other foods, drugs, dry goods, clothing and notions or hardware.
 - i. Personal service establishments which perform services on the premises, such as, but not limited to, repair shops (watches, radio, television, shoe, computer, bicycle, etc.), tailor shops, beauty parlors or barber shops, and photographic studios.
 - j. Standard or carry out restaurants, but without drive through facilities.
 - k. Mortuary establishments, with the following conditions:
 - (1) Adequate assembly area shall be provided off-street for vehicles to be used in the funeral procession.
 - (2) Assembly area shall be in addition to required off-street parking areas.
 - (3) A caretakers residence may be provided within the main building of the mortuary establishment.
 - l. Clubs and fraternal organizations, with the following conditions:
 - (1) Such uses shall front upon and have direct access to a major thoroughfare.
 - (2) Only commercial uses ancillary to the club function shall be permitted.
 - (3) All parking shall be provided in the side or rear yard.
 - m. Accessory structures and uses customarily incident to the above permitted uses.

Section 6.4. - Required conditions.

All uses within the R-T District shall be subject to the following conditions:

1. No interior display shall be visible from the exterior of the building.
2. The outdoor storage of goods and materials shall be prohibited.
3. The warehousing or indoor storage of goods or materials, beyond that normally incidental to the above uses, shall be prohibited.
4. The residential character of the R-T District shall be maintained. Uses shall be within existing structures or within new structures designed to reflect the appearance, scale, and density of neighboring residential

properties.

Section 6.5. - Area and size requirements.

See [article 17](#), Schedule of Regulations, limiting the height and size of buildings, the minimum size of lot permitted by land use, the maximum density permitted and providing minimum yard setback requirements.

ARTICLE 7. - R-M MULTIPLE-FAMILY RESIDENTIAL DISTRICTS

Section 7.1. - Intent.

The R-M, Multiple-Family Residential District is designed to provide sites for multiple-family dwelling structures, and related uses, which will generally serve as a transitional land use between nonresidential districts and lower density one-family districts. The multiple-family district is further provided to serve the limited needs for the apartment type of unit in an otherwise medium density, one-family community.

Section 7.2. - Principal uses permitted.

In a multiple-family residential district, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance:

1. All uses as in the R-A, Single-Family Residential District permitted and as regulated under section 5.2.
2. Multiple-family dwellings.
3. Boardinghouses.
4. Accessory buildings and uses customarily incident to any of the above uses.

Section 7.3. - Principal uses permitted subject to special conditions.

The following special condition uses shall be permitted subject to the conditions hereinafter required for each use, subject to any and all reasonable conditions which may be imposed in accordance with section 4c.(2) of the City-Village Zoning Act, as may be amended, and further subject to the review and approval by the planning commission and city commission as specified in section 13.3, "Review and Approval of Conditional Uses," and section 13.1, "Review and Approval of Site Plan," of this Ordinance.

1. All special condition uses in the one-family residential district, permitted and as regulated under section 5.3.
2. General hospitals, with no maximum height restrictions, when the following conditions are met:
 - a. All such hospitals shall be developed only on sites consisting of at three acres in area.
 - b. All access to the site shall be in accordance with [section 12.17](#).
 - c. The minimum distance of any main or accessory building from bounding lot lines or streets shall be at least 50 feet for front, rear, and side yards for all two-story structures. For each story above two, the minimum yard distance shall be increased by at least 20 feet.
 - d. Ambulance and delivery areas shall be obscured from all residential view with an obscuring wall or fence six feet in height.

3. Convalescent or nursing homes when the following conditions are met:
 - a. The building shall not exceed a building height of two stories.
 - b. The minimum lot size shall be three acres.
 - c. No building shall be closer than 40 feet to any property line.
 - d. All access to the site shall be in accordance with section 12.17.
 - e. There shall be provided on the site, not less than 1,500 square feet of open space for each bed in the home. The 1,500 square feet of land area shall provide for landscape setting, off-street parking, service drives, loading space, yard requirement and accessory uses, but shall not include the area covered by main or accessory buildings.
4. Housing for the elderly when the following conditions are met:
 - a. All housing for senior citizens shall be constructed on parcels of at least three acres and may provide for the following:
 - (1) Cottage type one-story dwellings and/or apartment type dwelling units.
 - (2) Common service containing, but not limited to, central dining rooms, recreational rooms, central lounge, and workshops.
 - b. Minimum dwelling unit size shall be 350 square feet per unit (not including kitchen and sanitary facilities).
 - c. Total coverage of all buildings (including dwelling units and related service buildings) shall not exceed 25 percent of the total site not including any dedicated public right-of-way.
 - d. Buildings of greater height than the maximum height allowed in article 17, Schedule of Regulations, may be allowed provided front, side, and rear yards are increased above the minimum required yards by one foot for each foot of building height that exceeds the maximum height allowed.
5. Home for the aged (congregate care facility) or adult foster care facility for more than six adults when the following conditions are met:
 - a. Minimum lot size shall be three acres.
 - b. All access to the site shall be in accordance with section 12.17, "Access to a Major Thoroughfare."
 - c. No structure shall be located closer than 40 feet to any property line.
 - d. The site shall be so developed as to create a land to building ratio on the lot or parcel whereby for each one bed in the facility there shall be provided not less than 1,500 square feet of open space. The 1,500 square feet of land area per bed shall provide for landscaped setbacks, off-street parking, service drives, loading space, yard requirements, and space required for accessory uses. The 1,500 square feet requirement is over and above the building coverage area.
6. Accessory buildings and uses customarily incident to any of the above permitted uses.

Section 7.4. - Required conditions.

1. The maximum horizontal length of any one building shall be 180 feet measured along any front, side, rear, or other exterior elevation.
2. Within any yard setback or area between buildings, an area equivalent to 70 percent of any required yard or any required minimum area between buildings must be landscaped and developed as usable open space or recreation area available to the residents of the development, and further, said areas shall be kept free of all

vehicular uses.

3. On sites which are four acres or larger in size, the open land area shall include a landscaped greenbelt of a minimum ten-foot width, located and continually maintained, along any property boundary adjoining a residential district or fronting on a public road right-of-way.

Section 7.5. - Area and size requirements.

See article 17, Schedule of Regulations, limiting the height and size of buildings, the minimum size of lot permitted by land use, maximum density permitted and providing minimum yard setback requirements.

ARTICLE 8. - C-1 CENTRAL BUSINESS DISTRICT

Section 8.1. - Intent.

The C-1, Central Business District is designed to cater to the needs of the local and regional consumer population. It is generally characterized by an integrated cluster of establishments serviced by a common parking area, and generating large volumes of pedestrian traffic and ancillary vehicular trips.

Section 8.2. - Principal uses permitted.

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

1. Office-type business related to executive, administrative, or professional occupations including, but not limited to, offices of a lawyer, accountant, insurance/real estate agent, architect, engineer, and similar occupation.
2. Clinics, except veterinary clinics having outdoor runs.
3. Medical, dental, and optical laboratories that provide testing services or provide medical or dental devices such as artificial limbs, teeth, eye glasses, etc.
4. Banks, credit unions, savings and loan associations, and similar uses, not offering drive-through facilities.
5. Business service establishments such as typing services, photocopying services; quick-printing establishments, office supply stores, and similar establishments.
6. Other uses similar to the above uses.
7. Accessory structures and uses customarily incident to the above permitted uses.
8. Any retail business whose principal activity is the sale of merchandise in an enclosed building, such as, but not limited to: groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, clothing and notions or hardware.
9. Personal service establishments which perform services on the premises, such as, but not limited to: repair shops (watches, radio, television, shoe and etc.), tailor shops, beauty parlors or barber shops, photographic studios, and self-service laundries and dry-cleaners.
10. Dry cleaning establishments, or pickup stations, dealing directly with the consumer. Central dry cleaning plants serving more than one retail outlet shall be prohibited.
11. Standard or carry-out restaurants.

12. Theaters, assembly halls, concert halls or similar places of assembly when conducted completely within enclosed buildings.
13. Post office buildings.
14. New and used car salerooms, showrooms, or offices which do not provide outdoor sales space and/or service and repair activities.
15. Health and athletic clubs.
16. Discount, department, or variety stores.
17. Any service establishment of an office, showroom or workshop nature of an electrician, decorator, dressmaker, tailor, baker, painter, upholsterer or an establishment doing radio or home appliance repair, photographic reproduction, and similar service establishments that require a retail adjunct.
18. Local municipal administration buildings, museums, and libraries.
19. Other uses similar to the above uses.
20. Accessory structures and uses customarily incident to the above permitted uses.

Section 8.3. - Principal uses permitted subject to special conditions.

The following special condition uses shall be permitted subject to the conditions hereinafter required for each use, subject to any and all reasonable conditions which may be imposed in accordance with section 4c.(2) of the City-Village Zoning Act, as may be amended, and further subject to the review and approval by the planning commission and city commission as specified in section 13.3, "Review and Approval of Conditional Uses," and section 13.1, "Review and Approval of Site Plan," of this Ordinance.

1. Residential units when the following conditions are met:
 - a. The dwelling unit(s) shall be provided on any floor other than a floor where grade level access is provided.
 - b. The minimum floor area per unit shall equal 500 square feet for a one bedroom unit, 700 square feet for a two bedroom unit, 900 square feet for a three-bedroom unit, and 1,100 square feet for units containing four bedrooms.
 - c. Off-street parking shall be provided in the ratio of two parking spaces for each residential unit provided.

Section 8.4. - Required conditions.

Outdoor storage of commodities shall be expressly prohibited.

Section 8.5. - Area and size requirements.

See article 17, Schedule of Regulations, limiting the height and size of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.

ARTICLE 9. - C-2 SERVICE COMMERCIAL DISTRICT

Section 9.1. - Intent.

The C-2, Service Commercial District is designed to provide sites for more diversified business types which would often be incompatible with the pedestrian movement in the central business district and which are oriented to serving the needs of "passerby" traffic and locations for planned shopping centers. Many of the business types permitted also generate greater volumes of traffic and activities which must be specially considered to minimize adverse effects on adjacent properties.

Section 9.2. - Principal uses permitted.

In a service commercial district, no building or land shall be used and no building shall be erected except for one or more of the following uses unless otherwise provided in this Ordinance:

1. All uses in the C-1, Central Business District permitted and as regulated under section 8.2.
2. Private clubs, fraternal organizations, and lodge halls.
3. Overnight lodging facility, subject to the following.
 - a. Access shall be provided so as not to conflict with the adjacent business uses or adversely affect traffic flow on a major thoroughfare.
 - b. Each unit shall contain not less than 250 square feet of floor area.
 - c. No guest shall establish permanent residence at a motel for more than 30 consecutive days within any calendar year.
4. Bowling alley, billiard hall, indoor archery range, indoor tennis courts, indoor skating rink, or similar forms of indoor commercial recreation when located at least 100 feet from any front, rear or side yard of any residential lot in an adjacent residential district.

Arcades as defined and permitted by all municipal regulations shall only be permitted in this district as accessory use to any of the above permitted in this item 4. Any such use shall only be accessible and directly supervised from within the building and shall not in any manner constitute a principal use of the premises.
5. Plant material nursery and other open air business uses.
6. Automotive service facilities providing: tire (but not recapping), battery, muffler, rustproofing/undercoating, auto glass, reupholstering, wheel balancing, shock absorbers, wheel alignments, and minor motor tune-ups only, when developed in accordance with the following:
 - a. There shall be no outside display of any parts and/or products.
 - b. Any repair and/or replacement activity shall be conducted within a totally enclosed building.
 - c. All new, used, and/or discarded parts shall be stored within a completely enclosed building approved by the building department.
 - d. Any such activity shall be located not less than 25 feet from a property line.
 - e. There shall be no outside parking and/or storage or any partially dismantled or inoperative vehicles.
 - f. In operations such as automobile reconditioning, but not necessarily limited to, such activities there shall be no releasing of toxic gases, liquids, or materials in any form into the atmosphere, the water or sewer systems of the City of Parchment or on, or into the earth and further, no adverse affects shall be created by any activity on adjacent property or development.
7. Bank, credit unions, savings and loan associations, and similar uses including those offering drive-through

facilities.

8. Veterinary hospitals and clinics having boarding facilities.
9. Other uses similar to the above uses.
10. Accessory structures and uses customarily incident to the above permitted uses.

Section 9.3. - Principal uses permitted subject to special conditions.

The following special condition uses shall be permitted subject to the conditions hereinafter required for each use, subject to any and all reasonable conditions which may be imposed in accordance with section 4c.(2) of the City-Village Zoning Act, as may be amended, and further subject to the review and approval by the planning commission and city commission as specified in section 13.3, "Review and Approval of Conditional Uses," and section 13.1, "Review and Approval of Site Plan," of this Ordinance.

1. Vehicle dealers with outdoor sales space and/or repair facilities for the sale of new or secondhand automobiles, house trailers, recreational vehicles, or rental trailers and/or automobiles, all subject to the following:
 - a. The lot or area shall be provided with a permanent, durable and dustless surface, and shall be graded and drained as to dispose of all surface water accumulated within the area.
 - b. Access to the outdoor sales area shall be at least 60 feet from the intersection of any two streets.
 - c. Any servicing of vehicles including major motor repair and refinishing shall be subject to the following requirements:
 - (1) Any such activities shall be clearly incidental to the sale of said vehicles and shall occur within a completely enclosed building.
 - (2) Partially dismantled and/or damaged vehicles shall be stored within an enclosed building.
 - (3) New, used and/or discarded parts and supplies shall be stored within a completely enclosed building.
 - (4) Any such activity shall be located not less than 50 feet from any property line.
 - (5) There shall be no external evidence, beyond the building, by way of dust, odor, or noise of such activities.
 - d. All lighting shall be shielded from adjacent residential districts.
2. Business in the character of a open front store or, a fast food or drive-in restaurant subject to following conditions:
 - a. A setback of at least 60 feet from the right-of-way line of any existing or proposed street must be maintained.
 - b. Access points shall be located at least 60 feet from the intersection of any two streets.
 - c. All lighting shall be shielded from adjacent residential districts.
 - d. A six-foot-high completely obscuring wall shall be provided when abutting or adjacent districts are zoned for R-A, R-T, R-M, or C-1 districts. The height of the wall shall be measured from the surface of the ground. Said wall shall further meet the requirements of section 12.22.
3. Gasoline service station for the sale of gasoline, oil and minor accessories only, and where no repair work is done, other than incidental service as provided for elsewhere in this article, but not including vehicle body repair, painting, tire recapping, engine rebuilding, auto dismantling, and such other activities whose external

effects could adversely extend beyond the property line, subject to the following conditions:

- a. The curb cuts for access to a service station shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be no less than 25 feet from a street intersection (measured from the road right-of-way) or from adjacent residential districts.
 - b. The minimum lot area shall be 15,000 square feet, and so arranged that ample space is available for motor vehicles which are required to wait. Gasoline service stations which are intended solely for the sale of gasoline, oil and minor accessories and have no facilities for repair or servicing of automobiles (including lubricating facilities) may be permitted on lots of 10,000 square feet, subject to all other provisions herein required.
 - c. The view of all restroom doors shall be shielded from adjacent streets and residential districts.
 - d. Tow trucks (wreckers) and vehicles under repair shall not be permitted in the front yard.
 - e. The parking of vehicles on site shall be limited to those which may be serviced within a 24-hour period.
 - f. A ten-foot landscaped greenbelt shall be provided along all street frontages.
4. Adult entertainment use subject to the following conditions:
- a. No adult entertainment use shall be located within 1,000 feet of any other adult entertainment use nor within 600 feet of any of the following uses:
 - (1) All Class "C" establishments licensed by the Michigan Liquor Control Commission.
 - (2) Pool or billiard halls.
 - (3) Coin-operated amusement centers.
 - (4) Teenage discos or dance halls.
 - (5) Ice or roller skating rinks.
 - (6) Pawn shops.
 - (7) Indoor or drive-in movie theaters.
 - (8) Any public park.
 - (9) Any church.
 - (10) Any public or private school having a curriculum including kindergarten or any one or more of the grades 1 through 12.

Such distance shall be measured along the centerline of the street or streets or address between two fixed points on the centerlines determined by projecting straight lines at right angles from the part of the above listed uses nearest to the contemplated location of the structure containing the adult entertainment use, and from the contemplated location of the structure containing the adult entertainment use nearest to a use listed above.
 - b. No adult entertainment use shall be located within 500 feet of any area zoned residential. Such required distances shall be measured by a straight line between a point on the boundary line of a zoned residential area nearest to the contemplated structure or contemplated location of the structure containing the adult entertainment use to a point on the contemplated structure or contemplated location of the structure containing the adult entertainment use nearest to the boundary lines of a zoned residential area.
 - c. All adult entertainment uses shall be contained in a freestanding building. Enclosed malls, commercial

strip stores, common wall structures, and multi-uses within the same structure do not constitute a freestanding building.

- d. No adult use shall be conducted in any manner that permits the observation of any material depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" from any public way or from any property not regulated as an adult entertainment use. This provision shall apply to any display, decoration, sign, show window or other opening.
5. Accessory buildings and uses customarily incident to any of the above permitted uses.

Section 9.4. - Area and size requirements.

See article 17, Schedule of Regulations, limiting the height and size of buildings, the minimum size of the lot by permitted land use, and providing minimum yard setback requirements.

ARTICLE 10. - C-3 GENERAL BUSINESS DISTRICT

Section 10.1. - Intent.

The C-3, General Business District is established to provide an aesthetically attractive working environment exclusively for, and conducive to, the development and protection of large commercial, offices, and specialized retail uses.

The provisions of this article have been developed to coordinate these developments with the intent to:

1. Establish and maintain high aesthetic standards;
2. Preserve the district's visual character by assuring improvements are properly related to their sites and to surrounding developments;
3. Encourage originality, flexibility, and innovation in site planning and development, including architecture, landscaping, and graphic design; and,
4. Encourage development that is compatible with and complementary to nearby residential and commercial areas.

Section 10.2. - Principal uses permitted.

In the general business district, no building or land shall be used and no building shall be hereafter erected, reconstructed, altered, or enlarged, except for one or more of the following uses:

1. Corporate headquarters, regional headquarters, and general administrative offices used primarily for conducting the affairs of a business, profession, service, industry, or government.
2. Retail and commercial uses allowed as permitted principal uses in the C-2, General Commercial District of this Ordinance, as regulated by section 9.2.
3. General hospitals, medical clinics, and/or optical facilities that provide testing services or provide medical or dental devices such as artificial limbs, teeth, eyeglasses, etc.
4. Theaters, auditoriums, concert halls, and similar places of assembly when conducted within a completely enclosed building.

5. Business and technical schools.
6. Public utilities, telephone exchange buildings, electric transformer stations and substations and gas regulator stations (but not including service or storage yards) when operating requirements necessitate the location of such facilities within the district and specifically excluding communication towers.
7. Health and athletic clubs.
8. Common open space, including pedestrian plazas and courts.
9. Any other use which is determined by the planning commission to be of the same general character as, and compatible with, the above permitted uses.

(Ord. No. 161, Art. IV, 6-16-97)

Section 10.3. - Accessory uses.

The following shall be allowed as accessory uses in the general business district:

1. Uses and structures customarily accessory and incidental to a permitted use.
2. Temporary buildings for uses incidental to construction work which buildings shall be removed upon completion or abandonment of the construction work.
3. Day-care facilities.
4. Indoor and outdoor recreational facilities, such as swimming pools, saunas, game and craft rooms, tennis courts, and exercise studios, which are provided in association with a permitted use.
5. Parking and loading structures and areas provided in conjunction with a permitted use.

Section 10.4. - Area and size requirements.

See [article 17](#), Schedule of Regulations, limiting the height and size of buildings, the minimum size of the lot by permitted land use, and providing minimum yard setback requirements.

ARTICLE 11. - I-M INDUSTRIAL MANUFACTURING DISTRICT

Section 11.1. - Intent.

The I-M, Industrial Manufacturing District is designed so as to primarily accommodate wholesale activities, warehouses, and industrial operations whose external, physical effects are restricted to the area of the district and in no manner affect in a detrimental way any of the surrounding districts.

The general goals of this use district include, among others, the following specific purposes:

1. To provide sufficient space, in appropriate locations, to meet the needs of the municipality's expected future economy for additional manufacturing and related uses.
2. To protect abutting residential districts by separating them from manufacturing activities, and by prohibiting the use of such industrial areas for new residential development.
3. To promote manufacturing development which is free from danger of fire, explosions, toxic and noxious matter, radiation, and other hazards, and from offensive noise, vibration, smoke, odor and other

objectionable influences.

4. To protect the most desirable use of land in accordance with a well considered plan. To protect the character and established pattern of adjacent development, and in each area to conserve the value of land and buildings and other structures, and to protect the municipality's tax revenue.

Section 11.2. - Principal uses permitted.

In a industrial manufacturing district, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance:

1. Any use charged with the principal function of basic research, design and pilot or experimental product development when conducted within a completely enclosed building.
2. Any of the following uses when the manufacturing, compounding, or processing is conducted wholly within a completely enclosed building.
 - a. Warehousing and wholesale establishments and trucking facilities.
 - b. The manufacture, compounding, processing, packaging or treatment of such products as, but not limited to, bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery, tool, die, gauge and machine shops.
 - c. The manufacture, compounding, assembling or treatment of articles of merchandise from previously prepared materials: bone, canvas, cellophane, cloth, cork, elastomers, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, rubber, precious or semi-precious metals or stones, sheet metal, shell textiles, tobacco, wax, wire, wood, and yarns.
 - d. The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas.
 - e. Manufacture of musical instruments, toys, novelties and meal or rubber stamps, or other molded rubber products.
 - f. Manufacture or assembly of electrical appliances, electronic instruments and devices, radio and phonographs.
 - g. Laboratories—experimental, film, or testing.
 - h. Manufacturing and repair of electric or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves, and the like.
 - i. Central dry cleaning plants or laundries provided that such plants shall not deal directly with consumer at retail.
 - j. All public utilities, including buildings, necessary structures, storage yards, and other related uses.
3. Warehouse, storage, and transfer and electric and gas service buildings and yards. Public utility buildings, telephone exchange buildings, electrical transformer stations and substations, and gas regulator stations.
4. Storage facilities for building materials, sand, gravel, stone, lumber, storage of contractor's equipment and supplies.
5. Municipal uses such as water treatment plants, and reservoirs, sewage treatment plants, and all other similar municipal buildings and uses, including outdoor storage.
6. Kennels.

7. Greenhouses.
8. Trade or industrial schools.
9. Retail uses which have an industrial character in terms of either their outdoor storage requirements or activities (such as, but not limited to, lumber yard, building materials outlet, upholsterer, cabinet maker).
10. Recycling centers.
11. Auto engine and body repair, and undercoating shops when located in a completely enclosed building.
12. Other uses similar to the above uses.
13. Accessory buildings and uses customarily incident to any of the above permitted uses.

Section 11.3. - Principal uses permitted subject to special conditions.

The following special condition uses shall be permitted subject to the conditions hereinafter required for each use, subject to any and all reasonable conditions which may be imposed in accordance with section 4c.(2) of the City-Village Zoning Act, as may be amended, and further subject to the review and approval by the planning commission and city commission as specified in section 13.3, "Review and Approval of Conditional Uses," and section 13.1, "Review and Approval of Site Plan," of this Ordinance.

1. Mini-warehouses (self-storage facilities) subject to the following conditions:
 - a. The minimum size of the site devoted to such use shall not be less than three acres.
 - b. Building setbacks shall be as follows: Front yard not less than 20 feet; side and rear yard not less than ten feet.
 - c. Building separation between self-storage buildings on the same site shall be 15 feet, as measured from side-to-side or front to rear, or equal to the building height, whichever is greater.
 - d. The total lot coverage of all structures shall be limited to 50 percent of the total lot area.
 - e. A sight-proof barrier shall be provided around the perimeter of the development. Said barrier shall be located at the setback line and may consist of either the solid facades of the storage structures or a fence. If a fence is provided, it shall be a minimum of six feet in height and shall be constructed of brick, stone, masonry units, or wood products which are determined by the building official to be durable and weather resistant.
 - f. A ten-foot landscaped greenbelt shall be provided between the property line and required barrier along all street frontages. A five-foot landscaped greenbelt shall be provided between the property line and barrier where the site abuts any residential district. All materials shall be planted in conformance with section 12.20.
 - g. Parking shall be provided in the ratio of one space for each 2,000 square feet of gross building area. At a minimum, two parking spaces must be assigned to, and located conveniently to, each individual storage building. In addition, two spaces for the resident manager, and one additional space for each additional employee shall be provided adjacent to the rental office.
 - h. Internal driveway aisles shall be a minimum of 24 feet in width.
 - i. All off-street parking areas and driveways shall be hard-surfaced and drained in accordance with section 12.8.
 - j. All ingress and egress from this site shall be directly onto a collector or major thoroughfare as identified

on the City Future Land Use Plan.

- k. Building height shall not exceed one story 15 feet except that a caretaker or resident manager's unit may be allowed a building height of two stories 25 feet.
 - l. No single storage building shall exceed 5,000 square feet.
 - m. All storage on the property shall be kept within an enclosed building.
 - n. The use of the premises shall be limited to storage only and shall not be used for any auction, or sales, or storage and transfer business; for the servicing, repair, or fabrication of any vehicle, boat, trailer, appliance, or similar item; or for the operation of power tools, compressors, kilns, or similar equipment; except, that limited sales to tenants of products and supplies incidental to the principal use, such as packing materials, identification labels, rope, locks, tape, etc., shall be permitted on the site devoted to this use. The storage of combustible or flammable liquids, combustible fibers or explosive materials, as defined in the fire protection code, or toxic materials are expressly prohibited.
2. Communication towers subject to the following conditions:
- a. They shall be located centrally on a continuous parcel of not less than 1.0 times the height of the tower measured from the base of said tower to all points on each property line.
 - b. A barrier, not exceeding eight feet in height shall be installed along the perimeter of the development. Said barriers shall be located at the setback line and consist of either an ornamental masonry wall or fence constructed of materials which are determined by the building inspector to be durable and weather resistant.
 - c. A ten-foot landscaped greenbelt shall be provided between the property line and required barrier along all street frontages. A five-foot landscaped greenbelt shall be provided between the property line and barrier where the site abuts any residential district. All materials shall be planted in conformance with section 12.20.
 - d. A minimum of two parking spaces must be provided on site and interior to the perimeter barrier. The parking area shall be provided with a permanent durable and dustless surface and shall be so graded and drained so as to dispose of all surface water accumulated within said parking area.
 - e. All towers shall be developed on a site consisting of at least two acres in area.
 - f. The tower shall be located no closer than 100 feet to any abutting residential district or public street, as measured from the base of the tower.
 - g. All towers constructed shall not be altered in terms of physical improvements or method of operation except, however, that modification may occur upon submittal and approval of an amended application for special condition use approval.
 - h. The maximum height of any communication tower, including antennas, shall be no greater than 45 feet above the ground as measured from the base of the tower.
3. Adult entertainment use subject to the following conditions:
- a. No adult entertainment use shall be located within 1,000 feet of any other adult entertainment use nor within 500 feet of any of the following uses:
 - (1) All Class "C" establishments licensed by the Michigan Liquor Control Commission.
 - (2) Pool or billiard halls.
 - (3) Coin-operated amusement centers.

- (4) Teenage discos or dance halls.
- (5) Ice or roller skating rinks.
- (6) Pawn shops.
- (7) Indoor or drive-in movie theaters.
- (8) Any public park.
- (9) Any church.
- (10) Any public or private school having a curriculum including kindergarten or any one or more of the grades 1 through 12.

Such distance shall be measured along the centerline of the street or streets or address between two fixed points on the centerlines determined by projecting straight lines at right angles from the part of the above listed uses nearest to the contemplated location of the structure containing the adult entertainment use, and from the contemplated location of the structure containing the adult entertainment use nearest to a use listed above.

- b. No adult entertainment use shall be located within 500 feet of any area zoned residential. Such required distances shall be measured by a straight line between a point on the boundary line of a zoned residential area nearest to the contemplated structure or contemplated location of the structure containing the adult entertainment use to a point on the contemplated structure or contemplated location of the structure containing the adult entertainment use nearest to the boundary lines of a zoned residential area.
 - c. All adult entertainment uses shall be contained in a freestanding building. Enclosed malls, commercial strip stores, common wall structures, and multi-uses within the same structure do not constitute a freestanding building.
 - d. No adult use shall be conducted in any manner that permits the observation of any material depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" from any public way or from any property not regulated as an adult entertainment use. This provision shall apply to any display, decoration, sign, show window or other opening.
4. Accessory buildings and uses customarily incident to any of the above permitted uses.

(Ord. No. 161, Art. V, 6-16-97)

Section 11.4. - Required conditions.

1. Open storage facilities for materials or equipment used in manufacturing, compounding or processing shall be totally obscured by a wall on those sides abutting R-A, R-T, R-M, C-1, C-2, and C-3 Districts, and on any front yard abutting a public thoroughfare except as otherwise provided in section 12.22. In I-M Districts, the extent of such a wall may be determined by the planning commission on the basis of usage. Such a wall shall not be less than four feet six inches (4'6") in height and may, depending upon land usage, be required to be eight feet in height, and shall be subject further to the requirements of section 12.22, Screening Walls. The height shall be determined in the same manner as the wall height is above set forth.
2. All activities and uses within the district shall conform to the following performance standards.
 - a. *Smoke*. A person or industry shall not discharge into the atmosphere from any single source of emission

whatsoever any air contaminant that exceeds existing federal and/or state standards and statutes regulating such emissions.

- b. *Open fires.* A person or industry shall not burn any combustible refuse in any open outdoor fire within the district.
- c. *Noxious gases.* No noxious or malodorous gases shall be allowed to escape into the atmosphere in concentrations which are offensive, which produces a public nuisance or hazard on any adjoining lot or property, or which could be detrimental to human, plant, or animal life.
- d. *Air contaminants.* A person or industry shall not discharge from any source whatsoever such quantities of air contaminants or other material that exceed existing federal and/or state standards and statutes regulating such air discharges.
- e. *Glare and heat.* Any operation or activity producing glare shall be so conducted that direct and indirect illumination from the source of light shall not cause illumination in excess of one-half of one foot candle when measured at any adjoining residence or business district boundary line. Flickering or intense source of light shall be so controlled as not to cause a nuisance across any lot lines.
If heat is a result of an industrial operation, it shall be so insulated as to not raise the temperature at any property line at any time.
- f. *Noise.* No activity shall emit noise in excess of the standards specified in section 12.26.
- g. *Vibration.* Vibrations from industrial operations and vehicular traffic in this district must be controlled to the extent that they cannot be felt past any property line.
- h. *Radio transmission.* For electronic equipment required in an industrial operation, the equipment shall be so shielded that its operation will not interfere with radio, television, or other electronic equipment.
- i. *Storage of flammable materials.* Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire suppression equipment and such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved.
- j. *Radioactive materials.* No activity shall emit dangerous radioactivity at any point, or unreasonable electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.
- k. *Water pollution.* Pollution of water shall be subject to such requirements and regulations as are established by the City of Parchment, the Michigan State Department of Health, the Michigan Department of Natural Resources, and the U.S. Environmental Protection Agency. All discharges into public sewers shall be in accordance with the Sewer Use Ordinance of the City of Parchment, Ordinance Number 95 [chapter 58, article II], and all other applicable local, state, and federal regulations.

Section 11.5. - Area and size requirements.

See article 17, Schedule of Regulations, limiting the height and size of buildings, the minimum size of lot by permitted land use and providing minimum yard setback requirements.

ARTICLE 12. - GENERAL PROVISIONS

Section 12.1. - Conflicting regulations.

Whenever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such law or ordinance shall govern.

Section 12.2. - Building regulations.

1. *Scope.* No building or structure, or part thereof, shall hereafter be erected, constructed, used, reconstructed, altered or maintained, and no lot or land, or part thereof, shall hereafter be used or maintained and no new use made of any building, structure or land, or part thereof, except in conformity with the provisions of this Ordinance.
2. *Unlawful building.* In case any building, or part thereof, is used, erected, occupied or altered contrary to law or the provisions of this Ordinance, such building shall be deemed an unlawful structure and a nuisance and may be required to be vacated, torn down or abated by any legal means, and shall not be used or occupied until it has been made to conform to the provisions of this Ordinance. Public expenditures toward abating such nuisance shall become a lien upon the land.
3. *Temporary building.* No temporary building shall be erected unless a valid building permit exists for a permanent building or a new use of land on the same site. Any temporary building shall be removed from the site within 30 days of issuance of a certificate of occupancy. The approval of a temporary building may not exceed one year; however, the city commission, acting as the zoning board of appeals, may grant multiple extensions up to three months each for good cause shown, when the approval is due to expire.
4. *Building occupancy.* No basement shall be used or occupied as a dwelling unit at any time, nor shall a dwelling be erected in a nonresidential district, except for the living quarters of a watchman, caretaker, or resident manager.
5. *Frontage on a public street.* No building shall be erected on a lot unless said lot fronts upon a street or road that has been dedicated to the public. Multifamily developments, or commercial, office, or industrial centers need not front each such structure within the development upon publicly dedicated streets or roads, provided that adequate interior vehicular circulation and access can be assured in a site plan submitted for approval to the city.
6. *One lot, one building.* In all districts, only one principal building shall be placed on a single lot of record, except as provided by section 7.2.

Section 12.3. - Building appearance, structure completion, and personal construction authority.

1. *Residential zones.* In residential zones, after 25 percent of the lots and frontage on the side of the street on any block where the proposed improvement is contemplated have been improved by the erection on the residences thereon, if one-half or more of the residences built in any such block are of a certain type and style, the remainder of the residences built in any such block and to be constructed, altered, relocated, or repaired in such block shall be of a substantially similar type and style so that new or altered buildings will be in harmony with the character of the neighborhood. Nothing herein shall prevent the upgrading of any residential block by installing an exterior finish having fire or weather resistance which is greater than the minimum herein required or by constructing in such block a residence having floor area greater than the average area of residences in such block; provided, however, such type and style shall be such as not to impair or destroy property values in the block.

2. *Nonresidential zones.* In any case where a building or accessory building in a nonresidential district is erected or placed within 200 feet of the front lot line of any parcel of land fronting upon any public street, the front walls of said building or accessory building within said distance of 200 feet shall be constructed of stone, face brick or other ornamental material approved by the planning commission consistent with neighboring property, and no building so situated shall be constructed of tarred paper, tin, corrugated iron, or any form of pressed board or felt or similar material within the distance herein specified, nor shall any occupant of such premises be permitted to place open stock, scrap, or junk piles within 200 feet unless the same shall be obscured from view from the street by the existence of a building, solid wall, earth or evergreen screen sufficient to properly obscure the same from view from the street.
3. *Building completion period.* All structures shall be completed within one year of the issue date of the building permit for such structure, unless an extension for not more than one additional year is granted for good cause by the building official. When a part of the building is ready for occupancy, a temporary occupancy permit may be issued, provided that the premises complies with health and fire standards required under this Ordinance, or any other ordinance, regulation, or statute.
4. *Personal construction authority.* Nothing in this Ordinance shall be construed as prohibiting an owner, tenant, occupant, or land contract vendee from doing his or her own building, altering, plumbing, electrical installations, etc., provided the minimum requirements of the Electrical and Plumbing Codes of the State of Michigan, and the applicable County Health Department regulations are complied with.

Section 12.4. - Nonconforming lots, nonconforming uses of land, nonconforming structures, and nonconforming uses of structures and premises.

1. *Intent.* It is the intent of this Ordinance to permit existing, legal nonconforming lots, structures, or uses to continue until they are removed but not to encourage their survival.

It is recognized that there exists within the districts established by this Ordinance and subsequent amendments, lots, structures, and use of land and structures which were lawful before this Ordinance was passed or amended which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments.

Such uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after passage of this Ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in a permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

2. *Nonconforming lots.* In any single-family district, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record

which is under separate and distinct ownership from adjacent lots at the effective date of adoption or amendment of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; provided, that yard dimensions and other requirements not involving area or width or both, of the lot shall conform to the regulations for the district in which such lot is located. Yard requirement variances may be obtained through approval of the zoning board of appeals.

3. *Nonconforming uses of land.* Where, at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is made no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:
 - a. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.
 - b. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.
 - c. If such nonconforming use of land ceases for any reason for a period of more than six months, any subsequent use of such land shall conform to the regulations specified by this Ordinance for this district in which such land is located.
4. *Nonconforming structures.* Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
 - a. No such structure may be enlarged or altered in a way which increases its nonconformity. For example, existing residences on lots of a width less than required herein may add a rear porch provided that other requirements relative to yard space and land coverage are met.
 - b. Should such structure be destroyed by any means to an extent of more than 50 percent of its replacement cost, exclusive of the foundation at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
 - c. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for this district in which it is located after it is removed.
5. *Nonconforming uses of structures and land.* If a lawful use of a structure, or of structure and land in combination exists at the effective date of adoption or amendment of this Ordinance, that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:
 - a. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
 - b. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
 - c. If no structural alterations are made, any nonconforming use of a structure, or structure and land in combination, may be changed to another nonconforming use of the same or more restricted classification provided that the zoning board of appeals, either by general rule or by making findings in the specific case,

shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the zoning board of appeals may require conditions and safeguards in accord with the purpose and intent of this Ordinance. Where a nonconforming use of a structure, land, or structure and land in combination is hereafter changed to a more conforming use, it shall not thereafter be changed to a less conforming use.

- d. Any structure or structure and land in combination in or on which a nonconforming use is superseded by a permitted use shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
 - e. When a nonconforming use of structure, or structure and premises in combination, is discontinued or ceases to exist for six consecutive months or 18 months during any three-year period, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located. Structures occupied by seasonal uses (one season out of each year) shall be excepted from this provision.
 - f. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.
6. *Repairs and maintenance.* On any building devoted in whole or in part to any nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding 50 percent of the assessed value of the building provided that the cubic content of the building as it existed at the time of passage or amendment of this Ordinance shall not be increased.

Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

7. *Conditional use interpretation.* Any conditional use as provided for in this Ordinance shall not be deemed a nonconforming use, but shall, without further action, be deemed a conforming use in such district.
8. *Change of tenancy or ownership.* There may be a change of tenancy, ownership, or management of any existing nonconforming uses of land, structures and premises provided there is no change in the nature or character of such nonconforming uses.
9. *Acquisition.* The city commission may acquire, by purchase, condemnation, or otherwise, private property or an interest in private property for the removal of nonconforming uses. The cost and expense, or a portion thereof, of acquiring the private property may be paid from general funds or assessed to a special district in accordance with the applicable statutory provisions relating to the creation and operation of special assessment districts for public improvements in cities. The elimination of the nonconforming uses and structures in a zoning district is declared to be for a public purpose and for a public use. The city commission may institute and prosecute proceedings for condemnation of nonconforming uses and structures under the power of eminent domain in accordance with Act 149 of the Public Acts of 1911, as amended, being sections 213.21 to 213.41 of the Michigan Compiled Laws or other applicable statute.

Section 12.5. - Adaptive reuse projects.

1. *Intent.* Typically, various land use activities are provided for in one or more zoning districts. The criteria for such allocations is based upon similarities in the nature of uses and their relationship to other such uses and adjoining development. Zoning districts are also established to coordinate with and provide for the effectuation of the

city's long-range development plan.

The city does, however, possess various existing specialized structures which have become functionally obsolete for their original purpose and whose redevelopment or conversion in conformance with the city comprehensive development plan would be unnecessarily burdensome. It is therefore, the intent of this section to set forth the basic qualifying criteria, project classification, development standards, and submittal requirements necessary to provide for the adaptive reuse of eligible properties within the city to support the local economic and employment base without adversely affecting the public health, safety, and welfare of the city as a whole.

2. *Qualifying criteria:*

- a. The city commission shall approve the adaptive reuse of nonresidential buildings and uses. In qualifying a site for adaptive reuse, the city commission shall find the following conditions to exist:
 - (1) The subject site is zoned in compliance with the city's comprehensive development plan;
 - (2) The use can no longer be reasonably continued for its existing purpose by reason of market conditions or operational constraints (i.e., limited site size, floor area deficiencies, parking or loading area, etc.)
 - (3) Site redevelopment in accordance with local development codes would be unnecessarily burdensome by reason of ordinance compliance (restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot) or cost; and
 - (4) The subject site has frontage on, or direct access to, an improved major or secondary thoroughfare.
- b. The city commission may not grant adaptive reuse status to any property whose principal structures are found to be destroyed by any means to the extent of more than 50 percent of its replacement cost. Any subsequent use of such land shall conform to the regulations of the zoning district in which it is located.

3. *Data required:*

- a. Application for adaptive reuse project as provided under the provisions of this Ordinance shall be made to the city clerk by filing an application form; submitting required data, exhibits, and information; and depositing the required fee as established by resolution of the city commission, and as may be amended from time-to-time. No portion of such fee shall be reimbursable to the applicant.
- b. An application shall contain the following:
 - (1) Applicant's name, address, and telephone number.
 - (2) Address and tax description number of the subject parcel.
 - (3) A signed statement that the applicant is the owner of the subject parcel, or is acting as the owner's representative.
 - (4) A certified survey drawing of the subject parcel.
 - (5) Supporting statements, evidence, data, information and exhibits which address those qualifying criteria for assessing special condition use permit applications outlined in subsection 2., above.

4. *Public hearing requirements:*

- a. Upon receipt of an application for an adaptive reuse project, the planning commission shall hold a public hearing, one notice of which shall be published not less than five nor more than 15 days prior to the public hearing date in a newspaper of general circulation in the city and sent by first class mail to the owners of the

property for which an adaptive reuse project is being considered, to the owners of record of all real property and to the occupants of all structures located within 300 feet of the boundaries of the property in question.

The notice shall:

- (1) Describe the nature of the adaptive reuse request.
- (2) Adequately describe the property in question.
- (3) State the date, time, and place of the public hearing.
- (4) Indicate when and where written comments concerning the request will be received.

5. *Project classification:*

- a. Upon holding a public hearing, the planning commission shall determine whether the qualifying criteria have been met as set forth in paragraph 2. above.

The planning commission shall within 30 days of making such determination forward to the city commission its finding and recommendation.

- b. The city commission, upon receipt of the finding, may table action for purposes of further study or gaining additional information; deny the application for adaptive reuse upon finding that the criteria have not been met, or approve the application for adaptive reuse upon finding that the qualifying criteria have been met.
- c. If the applicant for adaptive reuse is approved, the city commission shall designate the applicant's property as either a Class I or Class II site.
 - (1) Class I sites permit the conversion of institutional or business uses in residential zones. Properties may be redeveloped/converted to offices, multifamily developments, care facilities and similar uses deemed no more objectionable than the forementioned uses.
 - (2) Class II sites permit the conversion of industrial uses in residential or commercial zones. Properties may be redeveloped/converted to any Class I purpose, business uses, as well as less intensive industrial development in areas zoned for business.

6. *Development standards:*

- a. In areas meeting the above criteria, development standards may be modified by the planning commission upon finding adequate evidence that the proposed use:
 - (1) Will be compatibly designed, constructed, and maintained with the existing and intended character of the vicinity;
 - (2) Will not be hazardous or disturbing to existing or future neighboring uses;
 - (3) Will be served adequately by essential public services and facilities or the agencies responsible for the establishment of the proposed use shall be able to adequately provide for such services; and,
 - (4) Will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive smoke, fumes, glare, noise, vibration, or odor.
- b. The planning commission may require such additional safeguards as deemed necessary for the protection of the general welfare and for insuring individual property rights and for insuring that the intent and objectives of this Ordinance will be observed.

7. *Site plan requirements:*

- a. Site plan approval shall be required in accordance with section 13.1 of this Ordinance and all applicable

ordinances.

- (1) The planning commission may, at its discretion, concurrently review the site plan at the time of its review of qualifying criteria.

Section 12.6. - Accessory buildings and structures.

Accessory buildings or structures, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

1. Where the accessory building is structurally attached to a main building it shall be subject to, and must conform to, all regulations of this Ordinance applicable to the main building.
2. Accessory buildings and structures shall not be erected in any side yard nor in any front yard.
3. An accessory building shall not occupy more than 25 percent of a required rear yard.
4. No detached accessory building shall be located closer than ten feet to any main building nor shall any accessory building or structure be located closer than three feet to any side or rear lot line.
5. *Height of accessory buildings:*
 - a. Detached accessory buildings and structures in residential districts.
 - (1) A detached accessory building or structure shall not exceed one story or 15 feet in height.
 - (2) The vertical exterior surface of a building, not forming part of the roof, shall not exceed a height of nine feet, measured from grade to the top plate of the wall.
 - b. Detached accessory buildings and structures in nonresidential districts.
 - (1) Detached accessory buildings or structures in all nonresidential districts may be constructed to equal the permitted maximum building height in said districts, subject to Board of Zoning Appeals review and approval, if the building or structure exceeds one story or 15 feet in height.
6. When an accessory building is located on a corner lot, the lot line of which is substantially a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard setback required on the lot to the rear of such corner lot.
7. When an accessory building in excess of 150 square feet in any residence, business, or office district is intended for other than the storage of private motor vehicles, the accessory use shall be subject to the approval of the zoning board of appeals.
8. Household animal enclosures, dog runs, central air conditioning units, heat pumps, and other mechanical system components that could or are likely to produce noise, odors, and other nuisances, shall not be located adjacent to an adjoining property owner's sleeping area where windows and/or doors on the adjacent property would be exposed to the nuisance.

Section 12.7. - Off-street parking requirements.

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

1. Off-street parking spaces may be located within a rear yard or within a nonrequired side yard unless

otherwise provided in this Ordinance. Off-street parking, except in one-family residential districts, shall not be permitted within a front yard nor within a required side yard setback unless otherwise provided in this Ordinance. In one-family residential districts parking is allowed in the front yard but only on a designated and clearly delineated driveway, and shall not be on lawn or landscaped area.

2. Off-street parking shall be on the same lot of the building it is intended to serve, except as may be otherwise provided for by this Ordinance.
3. Required residential off-street parking spaces shall consist of a parking strip, parking bay, driveways, garage, or combination thereof and shall be located on the premises they are intended to serve, and also subject to the provisions of section 12.6, Accessory Buildings and Structures, for garages.
4. Minimum required off-street parking spaces shall not be replaced by any other use unless and until equal parking facilities are provided elsewhere.
5. Off-street parking existing at the effective date of this Ordinance, in connection with the operation of an existing building or use, shall not be reduced to an amount less than hereinafter required for a similar new building or new use.
6. Two or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.
7. In the instance of dual function of off-street parking spaces where operating hours of buildings do not overlap, the board of zoning appeals may grant an exception.
8. The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited.
9. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accordance with a use which the planning commission considers is similar in type.
10. When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half shall be disregarded and fractions over one-half shall require one parking space.
11. For the purpose of computing the number of parking spaces required, the definition of usable floor area shall govern, and be defined as 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, hallways, or for utilities or sanitary facilities, shall be excluded from this computation. Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.
12. The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

	Use	Number of Minimum Parking Spaces per Unit of Measure
a.	RESIDENTIAL	

	(1)	Single- or Two-Family unit	Two per dwelling unit
	(2)	Multiple-Family Dwelling	Two per dwelling unit plus 0.25 parking spaces per unit for visitor parking.
	(3)	Housing for the Elderly	One space per efficiency dwelling unit (no separate bedroom), 1.25 spaces per each one bedroom unit, and 1.5 spaces per two or more bedroom units.
	(4)	Mobile Home Park	Two for each mobile home site and one for each employee of the mobile home park.
b.	INSTITUTIONAL		
	(1)	Churches or Temples	One for each three seats or six feet of pews in the main unit of worship.
	(2)	Hospitals	One for each one bed.
	(3)	Convalescent or Nursing Homes	One for each four beds.
	(4)	Elementary and Junior High Schools	One for each teacher, employee, or administrator, in addition to the requirements of auditorium.
	(5)	Senior High Schools	One for each one teacher, employee, or administrator and one for each ten students, in addition to the requirements of the auditorium.
	(6)	Private Clubs or Lodge Halls	One for each three persons allowed within the maximum occupancy load as established by local, county, or state fire, building, or health codes.
	(7)	Private golf clubs, Swimming Pool Clubs, Tennis Clubs, or Other Similar Uses	One for each two member families or individuals and one for each employee in addition to the requirements for each accessory use such as a restaurant or bar.

	(8)	Golf Courses Open to General Public, Except Miniature or "Par 3" Courses	Six for each one golf hole and one for each employee, in addition to the requirements for each accessory use, such as a restaurant or bar.
	(9)	Fraternity or Sorority	One for each five permitted active members or one for each two beds, whichever is greater.
	(10)	Stadium, Sports Arena, or Similar Place of Outdoor Assembly	One for each three seats or six feet of benches.
	(11)	Theaters and Auditoriums	One for each three seats plus one for each two employees.
	(12)	Nursery School, Day Nurseries or Child Care Centers	One for each employee and one for each seven students in attendance at any particular time.
	(13)	Library	One for each 2.5 persons allowed within the maximum occupancy load as established by local, county, or state fire, building or health codes, and one for each employee in the largest working shift.
c.	BUSINESS AND COMMERCIAL		

(1)	Planned Commercial or Shopping Center	Four per 1,000 square feet of gross floor area for planned commercial or shopping centers having between 10,000 and 50,000 square feet of gross floor area. Planned commercial or shopping centers containing more than 50,000 square feet of gross floor area shall provide five per 1,000 square feet of gross floor area. When a restaurant, lounge, or other establishment whose primary business offers prepared food for sale or consumption on the premises, or carry-out, and is part of a planned commercial or shopping center, the parking for such use shall be computed separately, based on the need for a free standing use of this nature, and the resulting increase shall be added to the other uses in the center.
(2)	Auto Wash (Automatic)	One for each one employee. In addition, reserve parking spaces equal in number to five times the maximum capacity of the auto wash. Maximum capacity of the auto wash shall mean the greatest number of automobiles possible undergoing some phase of washing at the same time, which shall be determined by dividing the length in feet of each wash line by 20.
(3)	Auto Wash (Self-Service or Coin-Operated)	Five reserve parking spaces for each washing stall.
(4)	Beauty Parlor or Barber Shop	Three spaces for each of the first two beauty or barber chairs, and one and one-half spaces for each additional chair.
(5)	Bowling Alleys	Five for each one bowling lane in addition to the requirements for each accessory use, such as a restaurant or bar.

(6)	Dance Halls, Roller Skating Rinks, Exhibition Halls, and Assembly Halls without Fixed Seats	One for each two persons allowed within the maximum occupancy load as established by local, county, or state fire, building, or health codes.
(7)	Standard Restaurant	One for each three persons allowed within the maximum occupancy load as established by local, county, or state fire, building or health codes, plus one for each two employees.
(8)	Furniture and Appliance, Household Equipment, Repair Shops, Showroom of a Plumber, Decorator Electrician, or Similar Trade, Shoe Repair, and Other Similar Uses	One for each eight hundred (800) square feet of usable floor area. (For that floor area used in processing, one additional space shall be provided for each two persons employed therein.)
(9)	Gasoline Service Stations	Two for each lubrication stall, rack, or pit; one for each gasoline pump; and one for each 150 square feet of usable floor space devoted to retail sales.
(10)	Laundromats and Coin-Operated Dry Cleaners	One for each two washing and dry-cleaning machines.
(11)	Miniature or "Par-3" Golf Courses	Three for each one hole plus one for each one employee.
(12)	Mortuary Establishments	One for each 50 square feet of usable floor space.
(13)	Motel, Hotel, or Other Commercial Lodging Establishments	One for each one occupancy unit plus one for each employee.
(14)	Motor Vehicle Sales and Service Establishments	One for each 200 square feet of usable floor space of sales room and one for each one auto service stall in the service room.
(15)	Retail Stores Except as Otherwise Specified Herein	One for each 150 square feet of usable floor space.

	(16)	Establishments Offering Carry-out Service, Being Establishments Primarily Serving Customers over a Counter or Through a Window, i.e., Food Carry-out, Dry Cleaner Pickup, Meat Markets, Bakeries, Shoe Repair, Etc.	One parking space for each employee in the largest working shift and one parking space for each 30 square feet of usable floor area devoted to customer assembly and/or waiting area. Parking needs for areas devoted to the consumption of food on the premises shall be computed separately for such seating areas.
	(17)	Pool or Billiard Parlors, Card Rooms Arcades or Other Similar Establishments	One for each three persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes.
	(18)	Drive-In/Through Restaurant	One parking space for each employee in the largest working shift; one for each two seats provided; and one for each 30 square feet of usable floor area devoted to customer waiting area.
	(19)	Mini-Warehouse Facility	One parking space for each 2,000 square feet of gross building area. At a minimum, two parking spaces must be assigned to, and located conveniently to, each individual storage building. In addition, two spaces for the resident manager, and one additional space for each additional employee shall be provided adjacent to the rental office.
d.	OFFICES		
	(1)	Banks	One for each 100 square feet of usable floor space.
	(2)	Business Offices or Professional Offices Except as Indicated in the Following Item (3)	One for each 200 square feet of usable floor space.

	(3)	Professional Offices of Doctors, Dentists or Similar Professionals	One for each 50 square feet of usable floor area in waiting rooms, and one for each examining room, dental chair or similar use area.
e.	INDUSTRIAL		
	(1)	Industrial or Research Establishments, and Related Accessory Offices	Three plus one for every one employee in the largest working shift or three plus one for every 550 square feet of usable floor area whichever is greater.
	(2)	Warehouses and Wholesale Establishments and Related Accessory Offices	Three plus one for every one employee in the largest working shift, or three plus one for every 1,700 square feet of usable floor space, whichever is greater. Space on site shall also be provided for all construction workers during periods of plant construction.

13. Each parking lot that services a building entrance, except single and two-family residential or temporary structures, shall have a number of level parking spaces for the physically handicapped as set forth in the following table, and identified by above grade signs as reserved for physically handicapped persons.

Total Spaces in Parking Lot	Required Number of Accessible Spaces
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7

301 to 400	8
401 to 500	9
501 to 1,000	2% of total
over 1,000	20 plus 1 for each 100 over 1,000

Parking spaces for the physically handicapped shall be a minimum of 12 feet wide and must meet all other applicable requirements as to size as set forth in the building code.

Section 12.8. - Off-street parking space layout, standards, construction, and maintenance.

Whenever the off-street parking requirements in section 12.7 above require the building of an off-street parking facility, such off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations.

1. No parking lot shall be constructed unless and until a permit therefore is issued by the building official. Applications for a permit shall be submitted to the building department in such form as may be determined by the building official and shall be accompanied with two sets of site plans for the development and construction of the parking lot showing that the provisions of this section will be fully complied with.
In all districts, the entire parking area, including parking spaces, maneuvering lanes required under this section, and driveways, shall be provided with bituminous concrete or concrete surfacing in accordance with specifications approved by the city manager. Off-street paving areas shall be drained so as to dispose of all surface water accumulated in the paving area in such a way as to preclude drainage of water onto adjacent property or toward buildings.
2. Plans for the layout of off-street parking facilities shall be in accordance with the following minimum requirements:

OFF-STREET PARKING LAYOUT REQUIREMENTS

Parking Pattern	Maneuvering Lane Width		Parking Stall Width	Parking Stall Depth (90° Measure)	Total Depth of One Tier of Spaces Plus Maneuvering Lane	Total Depth of Two Tiers of Spaces Plus Maneuvering Lane
	(2-Way Movement)	(1-Way Movement)				
0° (parallel)						

parking	24'	12'	8.0'	22'	20'	40'
45°	23'	12'	9.5'	13'	25'	49'
60°	24'	16'	9.5'	16'	32'	56'
90°	25'	N/A	9.5'	18'	43'	61'

3. All maneuvering lane widths shall permit one-way traffic movement, except that the 90° pattern shall permit two-way movement.
4. All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.
5. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles. Ingress and egress to a parking lot lying in an area zoned for other than single-family residential use shall not be across land zoned for single-family residential use.
6. Each entrance and exit to and from any off-street parking lot located in an area zoned for other than single-family residential use shall be at least 25 feet distant from adjacent property located in any single-family residential district.
7. A wall shall be provided on all sides of the off-street parking area abutting or adjacent to a residential district. The obscuring wall shall not be less than four feet six inches (4'6") in height measured from the surface of the parking area.

All land between the required obscuring wall and the front property line or street right-of-way line shall be kept free from refuse and debris and shall be landscaped with deciduous shrubs, evergreen material and ornamental trees. The ground area shall be planted and kept in lawn. All such landscaping and planting shall be maintained in a healthy, growing condition, neat and orderly in appearance.

The planning commission, upon application by the property owner of the off-street parking area, may waive or modify the wall requirement by approving either an earth berm or evergreen screen in its place. The planning commission may also waive the wall requirement if in specific cases where cause can be shown that no good purpose would be served by compliance with the requirements of this section.

8. All lighting used to illuminate any off-street parking area shall be so installed as to be confined within and directed onto the parking area only.
9. In all cases where a wall extends to an alley which is a means of ingress and egress to an off-street parking area, it shall be permissible to end the wall not more than ten feet from such alley line in order to permit a wider means of access to the parking area.
10. Parking aisles shall not exceed 300 feet without a break in circulation.
11. Except for those serving single- and two-family dwellings, all parking lots shall be provided with wheel stops or bumper guards so located that no part of parked vehicles will extend beyond the property line or into required landscaped areas or pedestrianways.

12. No parking lot shall have more than one attendant shelter building. All shelter buildings shall conform to setback requirements for structures in the district in which it is located.

Section 12.9. - Parking lot landscaping.

Off-street parking areas shall be landscaped as follows:

1. In off-street parking areas containing 20 or more parking spaces, an area equal to at least five percent of the total parking area shall be used for interior landscaping. Whenever possible, parking lot landscaping shall be arranged to improve the safety of pedestrian and vehicular traffic, guide traffic movement, and improve the appearance of the parking area, through the even distribution of the landscape effort across the total off-street parking area, rather than to concentrate all effort in one location.
2. Parking lot landscaping shall be not less than five feet in any single dimension and not less than 150 square feet in any single island area. Not more than two landscaped units of 150 square feet may be combined in plans designed to meet the minimum requirements.
3. The landscape plan shall designate the sizes, quantities, and types of plant material to be used in parking lot landscaping.
4. Required landscaping elsewhere on the parcel shall not be counted in meeting the parking lot landscaping requirements.
5. A minimum of one deciduous tree shall be planted in each landscaped area.

Section 12.10. - Off-site parking facilities.

Required parking for a development may be located off-site under certain circumstances. Requests for off-site parking must meet the following requirements:

1. *Residential uses.* Parking facilities accessory to dwelling units shall be located on the same zoning lot as the use served. Spaces accessory to uses other than dwellings (such as churches) may be located on a lot adjacent to or directly across a street or alley from the lot occupied by the use served; but in no case at a distance in excess of 300 feet from such zoning lot.
2. *Nonresidential uses.* Parking facilities accessory to nonresidential uses may be located on other than the same zoning lot as the use served (off-site). All required parking spaces shall be within 500 feet of such zoning lot. No parking spaces accessory to a use in a business or industrial district shall be located in a residential district, unless authorized by the planning commission.
3. *Agreement required.* A written agreement shall be drawn to the satisfaction of the city attorney and executed by all parties concerned assuring the continued availability of the off-site parking facilities for the use they are intended to serve.

Section 12.11. - Special parking districts, payment in lieu of providing required parking.

The provisions and requirements as set forth in sections 12.7 and 12.10, above shall apply to all areas within the city except as modified by this section. The city recognizes that special provisions should be considered for the downtown area including the reduction of required parking spaces due to the availability of public parking. To this end:

1. Portions of the City of Parchment shall be contained within areas described as special parking districts as

established by the city commission with recommendation from the planning commission.

2. The boundaries of areas classified as special parking districts are hereby established as shown on the Zoning Map [on file in the office of the city clerk]. Where uncertainty exists with respect to the boundaries of the special parking districts as shown on the Zoning Districts Map [on file in the office of the city clerk] the rules as set forth in section 3.3 shall apply.
3. The number of off-street parking spaces and the size of loading and unloading areas required for any new use, expanded or intensified use of property located within, or partially within a special parking district shall be determined as set forth in sections 12.7 and 12.12 except as herein provided for:
 - a. *Off-street parking.* The determination of parking needs within a special parking district shall be based upon the standards specified below. For those uses not specified an adjustment may be made by the city commission, following planning commission recommendation, when it is found that a reduction from the standards set forth in section 12.7 would not adversely affect the retail, office and ancillary service facilities forming the commercial nucleus of these older core business areas. In this latter regard primary consideration shall be given to uses which are generally the object of special purpose trips and thereby have little or no interrelation with those business activities in the core business areas. The following standards reflect the gross floor area(s) actively used in day-to-day operations and shall exclude only vacant space and storage areas.
 - (1) *Retail stores except as otherwise specified.* One for each 350 square feet of gross floor area.
 - (2) *Furniture and appliance stores.* One for each 1,800 square feet of gross floor area.
 - (3) *Business and professional offices except as otherwise specified.* One for each 500 square feet of gross floor area.
 - (4) *Medical and dental offices.* One for each 175 square feet of gross floor area.
 - (5) *Banks (excluding drive-in stations).* One for each 250 square feet of gross floor area.
 - (6) *Establishments offering food, beverages, or refreshments for sale and consumption on the premises.* One for each 100 square feet of gross floor area.
 - (7) *Apartments.* One for each dwelling unit plus one-quarter for each bedroom.
 - b. *Off-street loading.* The planning commission shall have the right to modify or waive the requirement for off-street loading areas as specified in section 12.12. Any such modification or waiver shall be based upon a review of a site plan and/or the surrounding area and a determination that there is satisfactory loading space serving the building or that the provision of such loading space is physically and/or functionally impractical to provide.
4. The owner or owners of the said new or expanded use may make application to the city clerk for the option of paying a dollar amount established by resolution of the city commission per required parking space and loading and unloading space in lieu of providing said required spaces as per the provisions and requirements set forth in sections 12.7 and 12.12, of this Ordinance. These monies would be paid in to the special parking district fund established by the city commission specifically for the purpose of constructing and improving off-street parking areas to serve uses located within the special parking districts. The timing of parking spaces provided and their location shall be at the sole discretion of the city commission.
5. The amount paid into the parking fund described above shall not apply against any present or future special assessments levied by the city for parking improvements.

6. This exception may only be granted by the city commission. Granting of the exception shall be based upon evidence presented by the property owner or owners showing that the reasonable ability to provide any or all of the required parking spaces and/or loading and unloading areas as required in sections 12.7 and 12.12, does not exist.
7. A property owner or owners granted the exception of contributing to the parking fund will not receive an occupancy permit until said monies have been paid into said fund in full.
8. The provisions of this section also apply to any change in use of property located within a special parking district that would require parking spaces in excess of those required for the previous use.

Section 12.12. - Off-street loading and unloading.

On the same premises with every building, structure, or part thereof, involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot, adequate space for standing, loading, and unloading in order to avoid undue interference with public use of dedicated rights-of-way. Such space shall be provided as follows:

	Total Floor Area of the Building	Off-Street Loading Space Requirements
Office Use	0—10,000 square feet	One usable loading space 10' × 25' in area
	10,001—50,000 square feet	One usable loading space 10' × 50' in area
	Over 50,000	Two usable loading spaces 10' × 50' in area
Commercial and Industrial Uses	0—1,400 square feet	One usable loading space 10' × 25' in area
	1,401—20,000 square feet	One usable loading space 10' × 50' in area
	20,001—50,000 square feet	Two usable loading spaces, each 10' × 50' in area
	Over 50,000 square feet	Three usable loading spaces plus one space for each 50,000 square feet in excess of 50,000 square feet each 10' × 50' in area

1. All loading spaces shall be in addition to the off-street parking area access drive, and maneuvering lane requirements.
2. Off-street loading space shall have a clearance of 14 feet in height.

3. Off-street loading space may be completely enclosed within a building, or may occupy a portion of the site outside a building, provided that where any portion of a loading space is open to public view, said space shall be screened in accordance with section 12.22, Screening Walls.
4. All loading and unloading in the industrial district shall be provided off-street in the rear yard or interior side yard, and shall in no instance be permitted in a front yard. In those instances where exterior side yards have a common relationship with an industrial district across a public thoroughfare, loading and unloading may take place in said exterior side yard when the setback is equal to at least 50 feet.

Section 12.13. - Open parking and storage in all districts except where permitted.

1. *Intent.* The regulations set forth in this section are intended to prevent the storage or accumulation of unusable, inoperable, or unsightly motor vehicles, machinery, or building materials that could be hazardous to the safety of children, encourage the propagation of rats or rodents, or detract from the orderly appearance of the city.
2. *General requirements:*
 - a. *Motor vehicle parking and storage.* No motor vehicle shall be kept, parked or stored in any district zoned for residential use, unless the vehicle is in operating condition and properly licensed or is kept inside a building.
 - b. *Machinery and building materials storage.* Unusable or inoperable machinery, equipment, or machines and/or equipment parts of machines or equipment not intended for use upon the premises, or old and/or used building materials shall not be kept or stored outside of a building. However, the temporary storage of building materials intended to be used to improve the premises may be stored outside if piled off the ground so as not to become a suitable environment for rats or rodents. The temporary storage of building materials to be used for the purpose of new construction shall also be permitted. In no case shall usable or unusable machinery, building materials, or other items be stored on a permanent basis in a truck trailer or other type of trailer, with or without its wheels.
 - c. *Restrictions on parking on non-residential property.* No motor vehicle, commercial vehicle, trailer or recreational equipment shall be parked or permitted to stand on non-residential property except where the owner or operator of the motor vehicle, commercial vehicle, trailer or recreational equipment owns or leases the premises and the motor vehicle, commercial vehicle or trailer is regularly used in the operation of the business being operated on the premises.

(Ord. No. 185, § II, 11-22-05)

Section 12.14. - Parking and storage on residential property.

1. Parking of personal motor vehicles on property being used as residential outside a building is permitted only in the front yard or in the rear yard that abuts a public street provided that such motor vehicles may only be parked on an improved driveway, parking strip or apron and not on a lawn or other area of a yard.
2. On property being used as residential, there shall be no parking or storage of commercial vehicles, commercial trailers or recreational equipment outside a garage or wholly enclosed building within the front yard for more than 96 hours within any 30-day period. Such commercial vehicles, commercial trailers, commercial equipment or recreational equipment may only be parked on an improved driveway, parking strip or apron and not on a lawn or other area of a front yard.
3. A combination of not more than any two of the following items may be kept or stored for an indefinite period of

time in the rear yard of a single- or two-family lot:

- Recreational vehicles;
- Campers, travel trailers, fifth wheel trailers, motor homes;
- Boats, boat trailers and/or boat recreational units;
- Snowmobiles, snowmobile trailers and/or snowmobile recreational units;
- ATVs, ATV trailers and/or ATV recreational units;
- Personal watercraft, personal watercraft trailers and/or personal watercraft units;
- Motorcycles, motorcycle trailers and/or motorcycle recreational units;
- Utility trailers, commercial or personal;
- Specialty trailers;
- Motor vehicles (autos, SUVs, pickup trucks, etc., not in daily use).

Provided:

- Such vehicles are properly licensed for use within the State of Michigan.
 - Such vehicles are in operable condition.
 - Such vehicles shall not exceed 8 feet 6 inches in width, 12 feet 6 inches in height and 30 feet in length.
 - Such vehicles shall be subject to a three-foot set back from all side and rear lot lines.
4. On lots where the side or rear yard front a public street, items permitted to be kept or stored under subsection 12.14(3) shall comply with the requirements of subsection 12.14(3) and shall also be shielded from public view by solid or semi-solid fencing, evergreen shrubbery, a natural hedge or a combination thereof. The length and width of the shielding materials shall equal or exceed the length and width of the stored items and shall be in conformance with sections 12.22 and 12.23 of this ordinance.
 5. Parking or storage of commercial vehicles, commercial trailers or commercial equipment in the rear or side yard is prohibited.
 6. Open storage of partially disassembled motor vehicles, trailers, recreational equipment or component parts thereof is prohibited.
 7. A recreational vehicle, travel trailer, motor home or camper parked or stored on a residential lot shall not be connected to sanitary facilities and shall not be used for living, lodging or housing purposes.
 8. For the purposes of this section, a bus shall be considered a commercial vehicle except for school buses when parked or stored at a school and church buses owned and leased by churches which are parked in a church parking lot.
 9. A commercial vehicle used by a provider of residential services may be parked at the serviced residence as necessary during the period of time that the services are being provided and will be specifically excluded from the provisions of this ordinance affecting commercial vehicles.

Section 12.15. - Home occupations, garage sales, and yard sales.

Home occupations, garage sales and yard sales are permitted, subject to the following requirements:

1. A home occupation shall be conducted entirely within a residential building.
2. Only persons residing on the premises shall be engaged in the home occupation, except where a home occupation involving other persons is authorized by the planning commission as a special use.
3. The use of a dwelling for a home occupation shall be secondary and incidental to its use for residential purposes.
4. Not more than 25 percent of the dwelling unit, exclusive of unfinished attics, attached garages, breezeways, and enclosed or unenclosed porches, shall be used for purposes of the home occupation.
5. There shall be no change in the outside appearance of the structure or premises, or other visible evidence of the conduct of such home occupation.
6. The outdoor storage of goods and materials shall be prohibited. No interior display shall be visible from the exterior of a dwelling unit used for purposes of a home occupation.
7. No more than one home occupation per dwelling unit shall be permitted.
8. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be provided by an off-street area, located other than in a required front yard.
9. All electrical motors and equipment used in the conduct of the home occupation shall be shielded so as not to cause radio or television interference for adjoining properties. Any mechanical equipment shall be not substantially different from that normally used for household purposes and hobbies.
10. Garage and yard sales shall only offer privately-owned articles and shall not include merchandise purchased for or a commission paid for resale. (Such sales are commercial "flea markets.")
11. A single dwelling unit shall not have more than two sales per year and each sale shall not be more than three days in length.
12. A dwelling unit shall have not more than one sign advertizing the home occupation or garage or yard sale. A sign advertizing a home occupation shall not exceed one square foot and shall be attached to the building. A garage sale or yard sale may be advertized by means of a temporary sign not exceeding four square feet; said sign shall not be erected more than 24 hours in advance of the sale and must be removed at the conclusion of the sale. All signs on public property shall comply with the provisions of section 42-1 of the City Code of the City of Parchment.

Section 12.16. - Bed and breakfast operations.

Any dwelling unit used for bed and breakfast operation shall comply with the following requirements:

1. Not more than 25 percent of the total floor area shall be used for bed and breakfast sleeping rooms.
2. There shall be no separate cooking facilities used for the bed and breakfast stay.
3. Occupancy by guests shall be restricted from one to seven days.
4. One additional parking space shall be provided for each guest room, on-site; further, said parking shall not be permitted within a required front yard.

Section 12.17. - Access to a major thoroughfare or collector street.

For uses making reference to this section, vehicular access shall be provided only to an existing or planned major thoroughfare, freeway service drive, or collector street. Provided, however, that access driveways may be permitted to other than a major thoroughfare, freeway service drive, or collector street where such access is provided to a street where the property directly across the street between the driveway and the major thoroughfare, freeway service drive, or collector street is zoned for multiple-family use or any nonresidential uses, is developed with permanent uses other than single-family residences or is an area which, in the opinion of the planning commission, will be used for other than single-family purposes in the future. This exception shall apply only if the planning commission finds that there are special circumstances which indicate that there will be a substantial improvement in traffic safety by reducing the number of driveways to a thoroughfare.

Section 12.18. - Residential entranceway.

In all residential districts, so called entranceway structures including, but not limited to, walls, columns, and gates marking entrances to single-family subdivisions or multiple housing projects may be permitted and may be located in a required yard, except as provided in sections 12.22 and 12.23; provided, that such entranceway structures shall comply to all codes of the municipality and shall be approved by the building official and a permit issued.

Section 12.19. - Corner clearance.

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

Section 12.20. - Landscaping.

1. *Intent.* Landscaping, greenbelts, and screening are necessary for the protection and enhancement of the environment and for the continued vitality of all land uses in the city. Landscaping and greenbelts are capable of enhancing the visual environment, preserving natural features, improving property values, and alleviating the impact of noise, traffic, and visual disruption related to intensive uses. The purpose of this section is to set minimum standards for the protection and enhancement of the environment through requirements for the design and use of landscaping, greenbelts, and screening.
2. *Scope of application.* The requirements set forth in this section shall apply to all uses, lots, sites, and parcels which are developed or expanded following the effective date of this Ordinance. No site plan shall be approved unless said site plan shows landscaping consistent with the provisions of this section. Furthermore, where landscaping is required, a building permit shall not be issued until the required landscape plan is submitted and approved, and a certificate of occupancy shall not be issued unless provisions set forth in this section have been met or a performance bond has been posted in accordance with the provisions set forth in section 13.7.

In cases where the use of an existing building changes or an existing building is changed or otherwise altered or reoccupied, all of the standards set forth herein shall be met.

The requirements of this section are minimum requirements, and nothing herein shall preclude a developer and the city from agreeing to more extensive landscaping.

3. *Landscaping design standards.* Except as otherwise specified in the general requirements for each zoning district, all landscaping shall conform to the following standards:

- a. *General landscaping.* All portions of the lot or parcel area not covered by buildings, paving, or other impervious surfaces, shall be landscaped with vegetative ground cover and other ornamental materials as required below, except where specific landscape elements, such as a greenbelt, berm, or screening are required:
 - (1) All portions of the landscaped area shall be planted with grass, ground cover, shrubbery, or other suitable plant material, except that paved patios, terraces, sidewalks and similar site features may be incorporated with planning commission approval.
 - (2) A mixture of evergreen and deciduous trees shall be planted at the rate of one tree for each 1,000 square feet or portion thereof of landscaped open-space area.
 - (3) Required trees and shrubs may be planted at uniform intervals, at random, or in groupings.
 - (4) On sites which are two acres or larger in size, the landscaped area shall include a greenbelt of a minimum ten-foot width, located and continually maintained along a public right-of-way.
 - (5) In consideration of the overall design and impact of the landscape plan, the planning commission may reduce or waive the requirements outlined herein for general landscaping, or for landscaping in greenbelt areas, on berms, or as part of a screen, provided that any such adjustment is in keeping with the intent of the Ordinance, and more specifically, with the intent of section 12.3.
 - (6) The total landscaped area shall be the basis for determining the required number of trees or shrubs, irrespective of the portion which is devoted to patios, terraces, sidewalks, or other site features.
- b. *Greenbelt buffer.* Where required, greenbelts and greenbelt buffers shall conform to the following standards:
 - (1) A required greenbelt or greenbelt buffer may be interrupted only to provide for roads or driveways for vehicular access.
 - (2) Grass, ground cover, or other suitable live plant material shall be planted over the entire greenbelt area, except that paving may be used in areas of intensive pedestrian circulation.
 - (3) A minimum of one deciduous tree or evergreen tree shall be planted for each 30 lineal feet or portion thereof of required greenbelt length. Required trees shall be at least five feet tall and may be planted at uniform intervals, at random, or in groupings.
 - (4) For each 50 linear feet or portion thereof of required greenbelt length, at least one ornamental spring flowering tree at least five feet in height shall be installed and maintained.
 - (5) Two 18-inch high or wide shrubs shall be required for each 15 linear feet of greenbelt area. Required shrubs may be planted at uniform intervals, at random, or in groupings.
 - (6) For the purpose of determining required plant material, required greenbelt area length shall be measured along the exterior periphery of the greenbelt area inclusive of all driveways.
- c. *Berms.* Where required, earth berms or landscaped berms shall conform to the following standards:
 - (1) The berm shall be at least three feet above the grade elevation, and shall be constructed with slopes no steeper than one foot vertical for each three feet horizontal. For the purposes of this provision, grade elevation shall be the ground elevation at the property line adjacent to the proposed berm.

- (2) The berm area shall be planted with grass or other suitable ground cover to ensure that it withstands wind and retains its height and shape.
 - (3) A minimum of one deciduous or evergreen tree shall be planted for each 30 linear feet or portion of required berm.
 - (4) Eight shrubs per tree may be planted as substitute for trees (see item (3) above).
 - (5) Required trees and shrubs may be planted at uniform intervals, at random, or in groupings.
 - (6) For the purpose of determining required plant material, required berm length shall be measured along the exterior periphery of the berm.
- d. *Evergreen screening.* Where required, evergreen screening shall consist of closely-spaced plantings which form a visual barrier that is at least eight feet above ground level within five years of planting.
- e. *Landscaping of rights-of-way and other adjacent public open-space areas.* Public rights-of-way and other public open-space areas adjacent to required landscaped areas and greenbelts shall be planted with grass or other suitable ground cover and maintained by the owner of the adjacent property as if they were part of required landscaped areas and greenbelts.
- f. *Regulations pertaining to landscaping areas used for sight distance.* When a driveway intersects a public right-of-way or when the subject property abuts the intersection of public rights-of-way, all landscaping within the corner triangular areas described below shall permit unobstructed cross-visibility. Shrubs located in the triangular area shall not be permitted to grow to a height of more than two feet above the pavement grade at the edge of the pavement. Portions of required berms located within sight distance triangular areas shall also not exceed a height of two feet above the pavement grade at the edge of the pavement. Trees may be maintained in this area provided that all branches are trimmed to maintain a clear vision for a vertical height of eight feet above the roadway surface. Landscaping, except grass or ground cover, shall not be located closer than three feet from the edge of a driveway.

The triangular areas referred to above are:

- (1) The area formed at the corner intersection of a public right-of-way and a driveway, two sides of the triangle area being ten feet in length measured along the right-of-way line and driveway line and the third side being a line connecting these two sides.
 - (2) The area formed at a corner intersection of two public rights-of-way lines, the two sides of the triangular area being 25 feet in length measured along the abutting public rights-of-way lines and the third side being a line connecting these two sides.
- g. *Maintenance of landscaping.* All required landscape areas shall be planted and maintained with living plant materials. All landscaping which is located more than 50 feet from a building site shall have an irrigation (water sprinkler) system installed to assist in maintaining plant materials in a healthy condition. Failure to maintain required landscaped areas, including the removal and replacement of dead or diseased plant materials, shall constitute a violation of this Ordinance.

Section 12.21. - Plant materials.

Whenever in this Ordinance planting is required, it shall be planted within six months from the date of completion of the building or improvement, and shall thereafter be reasonably maintained with permanent plant materials. Plastic and other nonorganic, nonliving plant materials shall be prohibited from use and shall not be in compliance with the spirit and intent

of this Ordinance.

1. *Plant material spacing:*
 - a. Plant materials shall not be placed closer than four feet from the fence line or property line except that shrubs may be planted no closer than two feet from the fence or property line.
 - b. Where plant materials are planted in two or more rows, plantings shall be staggered in rows.
 - c. Evergreen trees shall be planted not more than 30 feet on centers.
 - d. Narrow evergreens shall be planted not more than three feet on centers.
 - e. Deciduous trees shall be planted not more than 30 feet on centers.
 - f. Tree-like shrubs shall be planted not more than ten feet on centers.
 - g. Large deciduous shrubs shall be planted not more than four feet on centers.
2. *Suggested plant materials; minimum size:*
 - a. Evergreen trees; six feet in height:
 - (1) Hemlock.
 - (2) Fir.
 - (3) Pine.
 - (4) Spruce.
 - (5) Douglas-Fir.
 - b. Narrow evergreens; four feet in height:
 - (1) >Column Honoki Cypress.
 - (2) Blue Columnar Chinese Juniper.
 - (3) Pyramidal Red-Cedar.
 - (4) Irish Yew.
 - (5) Douglas Arborvitae.
 - (6) Columnar Giant Arborvitae.
 - c. Tree-like shrubs; six feet in height:
 - (1) Flowering Crab.
 - (2) Russian Olive.
 - (3) Mountain Ash.
 - (4) Dogwood.
 - (5) Redbud.
 - (6) Rose of Sharon.
 - (7) Hornbeam.
 - (8) Hawthorn.
 - (9) Magnolia.
 - d. Large deciduous shrubs; four feet in height:
 - (1) Honeysuckle.
 - (2) Viburnum.

- (3) Mock-Orange.
 - (4) Forsythia.
 - (5) Lilac.
 - (6) Cotoneaster.
 - (7) Hazelnut.
 - (8) Euonymus.
 - (9) Privet.
 - (10) Buckthorn.
 - (11) Sumac.
- e. Deciduous trees; two- to three-inch caliper:
- (1) Oaks.
 - (2) Hard Maple.
 - (3) Hackberry.
 - (4) Birch.
 - (5) Planetree (Sycamore).
 - (6) Ginkgo (male).
 - (7) Beech.
 - (8) Sweet-Gum.
 - (9) Honeylocust.
 - (10) Hop Hornbeam.
 - (11) Linden.
3. *Trees not permitted:*
- a. Box Elder.
 - b. Soft Maples (Red-Silver).
 - c. Slippery Elms.
 - d. Poplars.
 - e. Willows.
 - f. Horse Chestnut (nut-bearing).
 - g. Tree of Heaven.
 - h. Catalpa.
 - i. Ginkgo (female).
4. *Existing plant materials:* In instances where healthy plant material exists on a site prior to its development, the building official may adjust the application of the above standards to allow credit for such plant material if such an adjustment is in keeping with, and will preserve, the intent of this section.

All existing plant materials must first be inspected by the building official to determine the health and desirability of such materials. In the event plant materials are to be saved, prior approval must be obtained from the building official before any delimiting, root pruning, or other work is done.

If such existing plant material is labeled "To Be Saved" on site plans, protective techniques, such as (but not limited to) fencing placed at the dripline around the perimeter of the plant material, shall be installed. No vehicle or other construction equipment shall be parked or stored within the dripline of any plant material intended to be saved.

In the event that healthy trees labeled "To Be Saved" on the approved site plan are destroyed or damaged, as determined by the Building Official, the owner, developer or contractor shall replace said trees with trees of comparable type.

Section 12.22. - Screening walls.

1. For the use districts and uses listed below, there shall be provided and maintained on those sides abutting or adjacent to a single or two-family residential district, an obscuring wall. The height of the wall shall be measured from the surface of the parking area or land on the nonresidential side of the wall:

	Use	Minimum Height Requirements
a.	Off-street parking area	4'6" high wall (see also section 12.9)
b.	RM (with 17 or more units), C-1, C-2, C-3, and R-T districts	4'6" high wall
c.	Districts	4'6" high wall
d.	Storage areas and loading and unloading zones	4'6" to 8'0" high wall or fence (see also sections 12.12 and 12.13)
e.	Trash receptacles	6'0" high wall (see also section 12.24)
f.	Utility buildings, stations, and substations	6'0" high wall or fence

2. In the case of the variable wall height requirement in subsection d. above, the extent of obscuring wall shall be determined by the planning commission on the basis of land usage, provided further that no wall or fence shall be less than the above required minimum, nor greater than the above required maximum height.
3. Required walls shall be located on the lot line except where underground utilities interfere and except in instances where this Ordinance requires conformance with yard setback lines. Upon review of the site plan, the planning commission may approve an alternate location for the wall, or may modify the wall requirement by approving either an earth berm or evergreen screen in its place. The planning commission may also waive the wall requirement if in specific cases where cause can be shown that no good purpose would be served by the screening requirement.
4. Required walls shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this Ordinance and except such openings as may be approved by the planning commission. All walls herein

required shall be constructed of materials approved by the building official to be durable, weather resistant, and easily maintained.

5. The requirement for an obscuring wall between off-street parking areas, outdoor storage areas, and any abutting residential district shall not be required when such areas are located more than 200 feet distant from abutting residential district(s).

Section 12.23. - Fences.

1. *Scope.* The installation, erection, and/or maintenance of a fence is hereby prohibited except in strict compliance with this Ordinance. A permit to be issued by the city clerk shall be obtained prior to installation or erection of any fence within the corporate limits of the City of Parchment. Application shall be made upon a form provided by the building department and shall require such information as may be required by the city clerk. All applications for a fence permit shall be accompanied by a filing fee as may be established by city commission resolution.
2. *Calculation of fence height.* The height of the fence shall be computed as the distance from the base of the fence at normal grade to the top of the highest component of the fence.
3. *Design requirements:*
 - a. *Residential fences.* All fences in residential zones or used for residential purposes shall be of an ornamental type. Fences in front yards of residential areas shall be constructed of decorative materials and not be constructed of wire, chain link, chicken wire, or other type wire. Height of fences shall not exceed 30 inches in front yards, six feet in side yards, and six feet in rear yards.
 - b. *Business, office, or commercial fences.* All fences in areas zoned or used for business, office, or commercial purposes shall be of an ornamental type, and shall not be more than six feet, in height above grade level.
 - c. *Industrial fences.* All fences in areas zoned or used for industrial purposes shall not exceed 12 feet in height above grade level.
 - d. *Fences separating single- or two-family residential property from multiple-family residential property.* Areas zoned or used for multiple family residential purposes, with five to 16 total number of units, which abut single- or two-family property, shall have erected upon said adjoining property line, a fence or an ornamental type, to be six feet in height above grade level.
 - e. *Fences for parks, schools, public buildings, etc.* The height and type of fences enclosing municipal parks, public and parochial school grounds, public building and church grounds or land used for playgrounds, parks, picnic groves, golf courses, golf driving ranges or similar facilities for outdoor exercise and recreation shall require the approval of the city commission after receiving the recommendation of the building department.
 - f. *Fences required for swimming pools and ponds.* For the protection of the general public, any swimming pool, reflector pool, fish pond, lily pond, or artificially constructed body of water which contains 18 inches or more of water in depth at any point shall be enclosed by a fence not less than four feet in height above grade level. The gate(s) shall be of a self-closing and latching type, with the latch on the inside of the gate not readily accessible for children to open. Gates shall be capable of being securely locked when the pool is not in use for extended periods; provided, however, that if the entire premises is enclosed with a fence of not less than four feet in height above grade level, this provision may be waived by the building department.
4. *Material specifications:*
 - a. Fences shall be constructed of wood, metal, or masonry, and other acceptable materials, excluding plastic,

interwoven or weaved designs. Only new material shall be used which has been manufactured and/or treated in a manner to prevent rust and corrosion, and/or rot and decay. All posts shall be sunk in the soil to a depth of at least three feet. The decorative side of the fence of a one-sided fence shall face the abutting property.

b. No person shall erect or cause to be erected a fence which is:

- (1) Made with or upon which is fixed barbed wire; or
- (2) Has any protective spike, nail, or sharp pointed object; or
- (3) Charged with electric current;

Provided, however, that a fence in an industrial area may be erected with barbed wire on arms or brackets extending inward over such property upon application and approval by city commission.

5. *Location:*

- a. All fences must be located at least one foot from the property line in side and rear yards unless the adjoining property owner(s) consents in writing prior to construction that the fence may be placed while on the property line. Such written consent shall be filed with the application for a fence permit.
- b. In no case shall a fence in a side or front yard be an visual obstruction to vehicular traffic, and shall be in accordance with section 12.19, entitled "Corner Clearance," of this Ordinance.

6. *Maintenance of nuisance.* Fences must be maintained in a neat and safe condition, so as not to endanger life or property. Any fence which, through lack of repair, type of construction or otherwise, endangers life or property is hereby deemed a nuisance. The building department shall notify the owner, agent, or person in control of the property on which such fence is located of the existence of such nuisance and specify the required repairs or modifications to be made to render the fence safe or require that the unsafe fence or any portion thereof to be removed and shall provide a time limiting such repairs, modification, or removal.

7. *Existing fences:*

- a. Fences presently in existence shall not be enlarged, rebuilt, or reconstructed without first having obtained a permit therefor from the building department. Such fences, when repaired or replaced, shall conform with all provisions of this Ordinance.
- b. Any newly rezoned property shall comply with all fence requirements for the newly zoned district.
- c. Areas zoned or used for multiple-family residential purposes, with 17 or more total number of units shall comply with section 13.2 upon a change in the nature of the property rights in the individual units, such as, rental apartments to condominiums, cooperatives, or townhouses to rentals or condominiums, or any similar type of change.

(Ord. No. 159, 8-19-96; Ord. No. 168, Arts. I, II, 3-1-99)

Section 12.24. - Screening of trash storage areas.

1. In all areas except one-family residential districts, for each lot or use there shall be provided an outdoor trash storage area. Any such area shall be limited to normal refuse which is collected on a regular basis and shall be maintained in a neat, orderly and sanitary condition. The requirement for such a trash storage area may be waived by the planning commission upon a finding that it is unnecessary due to the nature of the use, or owing to provisions for indoor trash storage.
2. In no instance shall any such refuse be visible above the required screening.

3. A screening wall, fence, or hedge in accordance with section 12.21 of this Ordinance of six feet in height shall enclose three sides of the storage area. Bollards and/or other protective devices shall be installed at the opening and to the rear of any storage area to prevent damage to the screening walls. The surface under any such storage area shall be constructed of concrete which complies with local building requirements.
4. Any such storage area shall be located in a rear yard and/or be so located and arranged as to minimize its visibility from adjacent streets and uses. The planning commission may require an obscuring gate when the visibility of such a storage area, from a public street or adjacent use, is deemed to render an adverse influence. In no instance shall any such area be located in a front yard.
5. All trash storage areas and/or enclosures shall be located a minimum of ten feet from any building or structure.

Section 12.25. - Exterior lighting.

1. All outdoor lighting in all use districts other than residential shall be shielded so the surface of the source of the light shall not be visible from all adjacent residential districts, adjacent residences, and public rights-of-way.
2. Illumination guidelines shall be in accordance with the following standards:
 - a. *Street illumination.* Standards for the illumination for streets and other public rights-of-way within the city shall be in conformance with standards as specified by the city manager. Illumination levels shall be so established as to provide proper protection for the health and safety of pedestrians and vehicular traffic.
 - b. *Parking illumination:*

Level of Activity	Vehicular Use Area Only		General Parking and Pedestrian Safety	
	Lux	Footcandles	Lux	Footcandles
Low activity	5	0.5	2	0.2
Medium activity	11	1.0	6	0.6
High activity	22	2.0	10	0.9

High activity. Examples include major-league athletic events, major cultural or civic events, regional shopping centers, and fast food facilities.

Medium activity. Examples include community shopping centers, office parks, hospital parking areas, transportation parking (airports, etc.), cultural, civic or recreational events, and residential complex parking.

Low activity. Examples include neighborhood shopping, industrial employee parking, educational facility parking, and church parking.

3. All illumination shall not be of a flashing, moving, or intermittent type other than used in connection with a sign for the conveyance of noncommercial information which requires periodic change, such as time, temperature, or

stock average.

4. All illumination shall be constant in intensity and color at all times when in use.

Section 12.26. - Noise.

1. No operation or activity shall be carried out in any district which causes or creates measurable noise levels exceeding the maximum sound pressure levels prescribed below, as measured on or beyond the boundary lines of the parcel on which the use is situated.

MAXIMUM PERMITTED SOUND PRESSURE LEVELS IN DECIBELS

Octave Band (Cycles per Second) (H2)	PR-1	
	Day	Night
00 to 74	76	70
75 to 149	70	<u>62</u>
150 to 299	64	56
300 to 599	57	49
600 to 1,199	51	44
1,200 to 2,399	45	39
2,400 to 4,799	<u>38</u>	33
4,800 and above	36	31

MAXIMUM PERMITTED SOUND PRESSURE LEVELS IN DECIBELS
(POST 1960 PREFERRED FREQUENCIES)

Center Frequency (Cycles per Second) (H2)	PR-1	
	Day	Night
31.5	77	72
63	73	68

125	67	<u>62</u>
250	<u>62</u>	57
500	55	50
1,000	51	<u>46</u>
2,000	44	39
4,000	37	32
8,000	33	28

2. Sounds of very short duration, which cannot be measured accurately with the sound level meter, shall be measured by an impact noise analyzer; and the measurements so obtained may be permitted to exceed the maximum levels provided in the tables shown by no more than ten decibels. For purposes of this Ordinance, impact noises shall be considered to be noises generated by sources that do not operate more than one minute in any one-hour period.
3. Where street traffic noises directly adjacent to the boundary line exceed these maximum permitted levels, the intensity levels permitted may then exceed those levels specified in the tables but may not exceed the level of the subject adjacent street traffic noise.
4. Sounds of an intermittent nature, or characterized by high frequencies, which the building official deems to be objectionable to adjacent land uses, shall be controlled so as not to generate a nuisance to adjacent land uses, even if the decibel measurement does not exceed that specified in those tables.
5. Noise resulting from temporary construction activity that occurs between 7:00 a.m. and 7:00 p.m. shall be exempt from the requirements of this section.

Section 12.27. - Satellite dish antenna.

1. A ground-mounted satellite antenna shall be located only in the rear yard and shall be subject to the accessory structures setback requirements of the zoning district in which it is located, as measured at the property line to the nearest edge of the dish.
2. Not more than one satellite antenna shall be allowed on any single residential lot of record.
3. Any satellite dish antenna shall be installed and maintained with a screen that shall not interfere with the reception but will obscure the view from adjacent lots or streets.
4. No satellite dish antenna shall exceed 12 feet in diameter.
5. A roof-mount location may be considered as an alternative to a ground mount for nonresidential structures. The maximum height of a roof mounted satellite antenna shall be not greater than 15 feet, including its base, nor shall the building and antenna exceed the maximum height permitted for a structure in its respective zoning

district.

6. The satellite antenna and structural support shall be of noncombustible and corrosive resistant material.
7. All satellite antennas shall be grounded as required by the applicable building codes to alleviate electrical potential differences between exposed "dead" metal parts of the antenna and the premises A.C. electrical system.
8. Each satellite antenna shall be designed to withstand a wind force of 75 mph without the use of any supporting guide wires.
9. Wiring between a satellite dish and the receiver shall be placed at least 18 inches beneath the surface of the ground with a cable approved for direct burial.
10. Any driving motor shall be limited to 100v maximum power design and be encased in protective guards. Any motor with operating voltage of more than 50v A.C. nominal shall comply with article 430 of the National Electrical Code, as may be amended.
11. A satellite antenna shall be permanently mounted. A satellite antenna may only be on wheels or temporarily installed when used to demonstrate and/or test the feasibility of use for no more than two weeks.
12. No satellite dish antenna permanently mounted shall be used, nor contain a commercial or residential advertisement, except signs indicating the manufacturer, sales or servicing agent, the total of which shall not exceed 20 square inches.

Section 12.28. - Private swimming pools.

1. Reserved.
2. For permanent above or below ground swimming pools, and for portable pools with a diameter exceeding 12 feet or an area exceeding 100 square feet, a building permit must be obtained for its alteration, erection, and construction. Before a permit is issued, an application shall be approved by the enforcing official (building official or authorized representative). An application is not required for a wading pool. An application for a permit should provide the following information: name of the owner, plot plan specifying dimensions, site location of the pool, as well as nearby fences, buildings, gates, septic tanks, tile fields, public utilities, and easements. The application for a below ground pool must include plans and specifications to scale of the pool walls, slope, bottom, walkway, diving boards, type and rating of auxiliary equipment, piping, and valve layout.
3. A private swimming pool shall be located only in the rear yard.
4. Rear and side lot line setbacks shall not be less than ten feet between the pool outside wall and the side or rear property line, and not less than ten feet between pool wall and any building on the lot.
5. With regard to overhead electrical, cable television, or telephone wires, a distance of not less than ten feet horizontally from the waters edge shall be enforced. Under no circumstances shall wire of any kind cross over the water surface.
6. No yard containing a swimming pool or wading pool shall be constructed or maintained unless such swimming pool is entirely enclosed by a building, wall, and/or fence. All fences shall be in accordance with subsection 12.23.3.f., entitled "Fences Required for Swimming Pools and Ponds," of this Ordinance.

Section 12.29. - Personal communication service (PCS) antennas co-located on buildings or structures.

1. A PCS antenna shall be permitted to be located on a building or structure subject to the conditions hereinafter

required, subject to any and all reasonable conditions which may be imposed in accordance with section 4(c)(2) of the City-Village Zoning Act, as may be amended, and further subject to the review and approval by the Planning Commission and city commission as specified in section 13.3, "Review and Approval of Conditional Uses", and section 13.1, "Review and Approval of Site Plan" of this Ordinance:

- (a) A PCS tower may not be co-located on a building or structure being used for residential or housing purposes.
- (b) A PCS antenna may not reach higher than ten feet, the tallest point of the building or structure on which the antenna is co-located.
- (c) The owner of the building or structure and the owner and operator of the PCS antenna shall, as a condition of approval by the city, enter into a written lease for a period of not less than five years establishing responsibilities and obligations for maintenance, insurance and compliance with laws satisfactory to the city commission.

(Ord. No. 169, Art. I, 4-5-99)

Section 12.30. - Planned unit development.

1. *Purpose.* The purpose of this section is to permit greater flexibility and, consequently, more creative and imaginative design in the development of residential areas through the use of planned unit development legislation, as authorized by Section 503 of the Michigan Zoning Enabling Act (Public Acts 2006, No. 110) for the purpose of:
 - Promoting a more economical and efficient use of the land;
 - Providing for a harmonious variety of housing choices with the integration of commercial and community facilities and recreational opportunities;
 - Facilitating the provision of safe and efficient streets and site access in conformance with access management objectives;
 - Promoting the conservation of natural features and encouraging an efficient, aesthetic and desirable use of open space consistent with the city's character;
 - Ensuring compatibility of design and use between neighboring properties.

These regulations are intended to result in land use development consistent with zoning ordinance standards, yet allowing for modifications from the general standards.

2. *Scope.* A planned unit development containing permitted uses shall be recognized as a principal use permitted subject to special conditions (conditional uses) and controlled by the requirements therefor. Such developments shall be permitted as a conditional use in the R-C, R-A, R-T, C-1, C-2 and C-3 zoning classifications.
3. *Planned unit development provisions.*
 - A. The minimum size of a planned unit development shall be 20 acres of contiguous land.
 - B. Planned unit developments are restricted to one or more of the following uses regardless of the zoning classification in which the development is located:
 1. One-family, two-family, and multiple-family dwellings, including uses and buildings accessory thereto.
 2. Non-residential uses of an educational, cultural, recreational, office or commercial character, including uses and buildings accessory thereto, which uses are an integral part of a residential development

logically oriented to and coordinated with the planned unit development.

- C. The overall density of residential uses within a planned unit development shall be determined by dividing the planned unit development residential area by the minimum residential parcel, lot, or building site area per dwelling unit required by the zoning classification in which the development is located.

In the event the development lies in more than one zoning classification, the number of dwelling units shall be computed for each zoning classification separately.

The total density of all phases developed prior to completion of the project shall not exceed eight units per acre.

- D. Non-residential uses permitted by subsection 3(B)(2), including access roads and parking associated with such non-residential uses, shall not exceed 20 percent of the planned unit development.

Non-residential areas or a building devoted primarily to a non-residential use shall not be built or established prior to the completion of construction of 60 percent of the dwelling units within the planned unit development.

- E. Except for minimum parcel, lot or building site area, frontage and width requirements, all zoning ordinance requirements for the underlying zoning classification shall apply, unless specifically waived or modified by the planning commission.

The minimum parcel, lot or building site area, frontage and width shall not be reduced more than ten percent below that required in the zoning classification in which the development is located.

- F. To encourage flexibility and creativity consistent with the objectives of the planned unit development concept, the planning commission may grant specific deviations from the dimensional requirements set forth in the zoning ordinance. Any dimensional deviation shall be approved through a finding by the planning commission that the deviation meets the purpose of a planned unit development set forth in subsection 1 of this section. Dimensional deviations are not subject to variance approval by the zoning board of appeals.
- G. Within every planned unit development, there shall be designated an amount of open space not less than five percent of the planned development and subject to the following standards:
1. Any significant/sensitive environmental resources (e.g., steep slopes, wetlands, woodlands, etc.) shall be included within the designated open space.
 2. Designated open space shall be set aside as common land and retained in an essentially undeveloped or unimproved state to serve the following purposes:
 - a. Conservation of land and its resources.
 - b. Ecological protection.
 - c. Provide for parkland, passive recreation or non-passive recreation, which preserves natural features.
 - d. Protect historic and/or scenic features.
 - e. Shaping and guiding the planned unit development.
 - f. Enhancement of values and safety.
 3. Designated open space shall be easily accessible to residents of the planned unit development, including visual and pedestrian linkages and proximity to such open spaces.
 4. Structures or buildings which are accessory to the designated open space may be erected in accord with the approved site plan. These accessory structures or buildings shall not exceed, in the aggregate, one percent of the designated open space area.

5. Designated open space shall be under common ownership or control, such that there is a single entity having proprietary responsibility. Sufficient documentation of ownership or control in the form of agreements, contracts, covenants and/or deed restrictions shall be provided.

6. Designated open space shall be set aside through an irrevocable conveyance approved by the planning commission, such as:

- Recorded deed restrictions.
- Covenants that run perpetually with the land.
- A conservation easement.
- Land trusts.

Such conveyance shall assure that the open space is protected from development, except as approved by the planning commission. Such conveyance shall also:

- Indicate the proposed allowable use(s) of the designated open space;
- Require that the designated open space be maintained by parties who have an ownership interest in the open space;
- Provide standards for scheduled maintenance of the open space;
- Provide for maintenance to be undertaken by the city in the event that the dedicated open space is inadequately maintained, or is determined by the city to be a public nuisance, with the assessment of costs upon the open space ownership.

7. Open space area(s) shall be taxed/assessed to each owner of a parcel/lot/building site within the planned unit development; each dwelling unit within a planned unit development shall be taxed/assessed for its pro rata share of the value of the open space area(s).

H. The proposed planned unit development shall be under common ownership or control while being constructed, such that there is a single entity having proprietary responsibility for the full completion of the project. Sufficient documentation of ownership or control, that indicates the proposed development will be completed in its entirety, shall be submitted with the application for approval.

4. *Design standards.*

A. *Access:* Direct access for a planned unit development onto a public road shall be designed in compliance with the City of Parchment access standards as may be adopted and amended from time-to-time.

B. *Interior street system:* The planned unit development shall be serviced by an interior street system. No use within the planned unit development shall front or gain direct access from an off-site road network.

All two-way interior streets within a planned unit development shall have a paved driving surface with a minimum width of 24 feet, exclusive of parking area. All one-way interior streets within a planned unit development shall have a paved driving surface with a minimum width of 15 feet, exclusive of parking area.

When an interior street will serve as a connecting link between different land ownerships or different public roads, either currently or within the future, it shall be constructed in accordance with the public road specifications of the Kalamazoo County Road Commission and be located upon a right-of-way of not less than 66 feet in width.

- C. *Utilities:* Public water, sanitary sewer and storm drainage facilities shall be provided as part of the development.

All utilities, including telephone, electric and cable television, shall be placed underground.

- D. *Stormwater management:* The design of stormwater management systems and drainage facilities shall be designed in coordination with the groundwater protection strategies of the city.
- E. *Lighting:* Street lighting and all other exterior lighting shall be designed in compliance with the lighting objectives and standards set forth in section 12.25.
- F. *Landscaping:* Landscaping shall be provided in accordance with section 12.20.
- G. *Natural features:* The development shall be designed to promote the preservation of natural features.
- H. *Sidewalks:* Sidewalks shall be constructed according to city standards as referenced in section 42-75 of the Parchment City Code of Ordinances.
- I. *Curb and gutter:* Curb and gutter shall be constructed to city standards as referenced in section 42-96 of the Parchment City Code of Ordinances.
- J. *Screening, set-backs, height of building, accessory structures, exterior lighting:* Where required by the planning commission in its sole discretion, which discretion shall not be unreasonably exercised or withheld, shall be provided in accordance with the Parchment City Code of Ordinances, as may be amended from time-to-time including, but not limited to, appendix A, zoning ordinance.
5. *Review criteria.* In considering an application for approval of a planned unit development, the planning commission shall make its determination on the basis of the conditional use criteria set forth in section 13.3, the site plan review criteria set forth in section 13.1, the site plan review criteria for condominiums set forth in section 13.21, if applicable, as well as the following standards and criteria:
- A. The overall design and land uses proposed in connection with a planned unit development shall be consistent with the intent of the planned unit development concept and the specific design standards set forth herein.
- B. The proposed planned unit development shall be serviced by the necessary public facilities to ensure the public health, safety and welfare of the residents and users of the development.
- C. The proposed planned unit development shall be designed to minimize the impact of traffic generated by the development on the surrounding land uses and road network.
- D. The proposed planned unit development shall be designed so as to be in character with surrounding conditions as they relate to the bulk and location of structures, pedestrian and vehicular circulation, landscaping and amenities.
- E. The proposed planned unit development shall be designed and constructed so as to preserve the integrity of the existing on- and off-site sensitive and natural environments, including wetlands, woodlands, hillsides, water bodies and groundwater resources.
- F. The designated open space shall be of functional value as it relates to opportunities for wildlife habitat, woodland preservation, agricultural use, recreation, visual impact and access.
- G. The proposed planned unit development shall comply with all applicable federal, state and local regulations.
6. *Application procedure/approval process.*
- A. *Application requirements.* The application for approval of a planned unit development shall be made according to the procedures for conditional uses set forth in section 13.3 and the application guidelines for

planned unit developments set forth in this section.

- B. *Effect of approval.* After a site plan has been approved and construction of any part thereof commenced, no other type of development will be permitted on the site without further approval thereof by the planning commission after proceedings conducted as in the original application. This limitation shall apply to successive owners.
- C. *Conformity to approved plan.* Property which is the subject of approval for a planned unit development must be developed in strict compliance with the approved conditional use permit and site plan and any amendments thereto which have received planning commission approval. If construction and development does not conform with same, the approval thereof shall be forthwith revoked by the city by written notice of such revocation posted upon the premises involved and mailed to the developer at his last known address. Upon revocation of such approval, all further construction activities shall cease upon the site other than for the purpose of correcting the violation.
- D. *Amendment to approved plan.* A proposed amendment or modification to a previously approved site plan shall be submitted to the planning commission for review in the same manner as the original application was submitted and reviewed.
- E. *Project phasing.* When proposed construction is to be phased, the project shall be designed in a manner that allows each phase to fully function on its own regarding services, utilities, circulation, facilities and open space. Each phase shall contain the necessary components to ensure protection of natural resources and the health, safety and welfare of the users of the planned unit development and residents of the surrounding area.

Each phase of the project shall be commenced within one year of the schedule set forth on the approved plan. If construction of any phase is not commenced within the approved time period, approval of the site plan shall become null and void.

- F. *Performance guarantee.* The planning commission may require that a performance guarantee, acceptable to the city, be deposited with the city to ensure completion of the site in accordance with the approved plans.
- G. *Recording of action.* No building permit shall be issued for the development and no construction activity commenced within the planned unit development until an affidavit containing the full legal description of the planned unit development, specifying the date of final planning commission approval, and declaring that all improvements will be carried out in accordance with the approved planned unit development unless an amendment approved the city is recorded with the register of deeds for Kalamazoo County.

In addition, all required public dedications for streets, utility easements or other public facilities, and deed restrictions shall be duly filed with the city and recorded with the register of deeds for the county.

- H. *Revocation.* In any case where construction has not commenced within one year of final planning commission approval, all approvals shall be null and void. The applicant may apply for an extension, not to exceed one year. A maximum of two one-year extensions may be allowed.

7. *Application guidelines.*

- A. *Approval process:* The following approval process shall apply to a planned unit development application:
 1. *Optional pre-application review(s):* Informal pre-application review(s) is encouraged and may be scheduled with the planning department at which the project concept may be reviewed by the applicant,

city staff and city consultants.

2. *Conceptual plan review:* A planned unit development shall undergo a mandatory conceptual plan review by the planning commission. The review is intended to provide an indication of the issues and concerns that must be resolved prior to review of the site plan by the planning commission. Conceptual plan approval shall not constitute an approval of a detailed site plan but shall be deemed an expression of approval of the layout as a guide to the preparation of the site plan. A request for modification to the approved conceptual plan shall be submitted to the planning commission for review in the same manner as the original conceptual plan was submitted and reviewed.
3. *Conditional use permit/site plan review:* Following conceptual plan review, a planned unit development shall undergo a final review by the planning commission. The detailed site plan shall conform to the approved conceptual plan and incorporate any revisions or recommendations made by the planning commission at the conceptual plan review. If a detailed site plan is not submitted for review within six months of conceptual plan approval, the planning commission may require a resubmission of the conceptual plan for further review and possible revision. Site plan review shall be subject to all appropriate sections of the zoning ordinance.

The planning commission shall hold a public hearing on the planned unit development application in accordance with the conditional use provisions set forth in section 13.3.

- B. *Optional pre-application review(s) requirements:* The applicant shall present the following information on the proposed planned unit development for a pre-application review with the city planning department and applicable city consultants:
 1. Sketch plan of the proposed layout;
 2. An accurate legal description of the development site;
 3. The names and addresses of all current owners of the development site;
 4. The total acreage;
 5. The number of acres to be developed by use;
 6. The total number of acres of open space;
 7. The number of acres to be preserved as open space;
 8. The number and type of residential units;
 9. The details of the non-residential land use;
 10. The details of the pedestrian and vehicular circulation system; and
 11. The location and dimensions of known natural features.
- C. *Conceptual plan review requirements:* Engineering details of conceptual plans are not required to be developed beyond a level of detail required to determine the feasibility of the proposed layout. The conceptual plan, drawn to a reasonable scale, shall provide the following information:
 1. Boundaries of the planned unit development;
 2. A general location map showing the existing zoning designations, uses and ownerships of the planned unit development and all land within one-quarter mile;
 3. The topography of the site and its relationship to adjoining land;
 4. The location of existing streets adjacent to the planned unit development with an indication of how they

will connect with the proposed circulation system for the proposed development;

5. The pedestrian and vehicular circulation system and related parking facilities proposed within the planned unit development;
6. Delineation of proposed residential and non-residential areas indicating for each such area its size, number and composition of buildings, dwelling unit density, building envelopes, building location and height and orientation of units;
7. The interior open space system and park/recreation areas;
8. Proposed landscaping, including greenbelts, berms and/or screening;
9. The overall storm water drainage system;;
10. The public facilities to serve the planned unit development, such as sewage disposal, water supply, refuse disposal, etc.

In addition, the following documentation shall accompany the conceptual plan:

1. The name, address and telephone number of:
 - a. All persons with an ownership interest in the land on which the planned unit development will be located together with a description of the nature of each entity's interest.
 - b. All engineers, attorneys, architects or registered land surveyors associated with the planned unit development.
 - c. The developer or proprietor of the planned unit development.
 - d. Any person(s) authorized to represent the owner in the review process.
 2. An accurate legal description of the planned unit development, including appropriate tax identification numbers.
 3. The total acreage of the planned unit development.
 4. The number and type of units to be developed.
 5. A general statement as to how common open space and park/recreation areas are to be owned and maintained.
 6. If the development is to be constructed in phases, a general indication of how the sequence of phases is to proceed.
 7. A narrative describing how the planned unit development is supported by the city's master land use plan, the capacity and availability of necessary public facilities to the development, and the impact the development will have on adjoining properties.
- D. *Site plan review requirements:* In addition to information required by section 13.1 and, if applicable, section 13.2, the following information shall be included on, or attached to, all site plans:
1. An update of the approved conceptual plan pursuant to the informational requirements set forth in subsection 7(C) of this section;
 2. Easements, deed restrictions and other documents pertaining to the open space system and park/recreation areas;
 3. If condominium ownership is proposed, all documentation required by the condominium regulations of the city;

4. Engineering plans presented in sufficient detail to indicate compliance with the engineering standards adopted including the cross sections of proposed streets, drive aisles, paved areas and on-site drainage, including retention detention areas.

(Ord. No. 188, § I, 12-4-06)

ARTICLE 13. - REVIEW AND APPROVAL PROCEDURES

Section 13.1. - Review and approval of site plans.

1. *Application.* Prior to the establishment of a new use, change of use, addition to an existing use, or the erection of any building in a zoning district, subject to the conditions listed below, a site plan shall be submitted and approved, approved with conditions, or disapproved by the planning commission in accordance with the Ordinance requirements of this article .
 - a. Site plan reviews are required for all permitted principal uses and structures in all zoning districts (except for the single-family detached dwellings and their accessory uses) and all conditional approval uses in all zoning districts.
 - b. When the proposed new construction or remodeling constitutes an addition to an existing building, or use, site plan review procedures may be modified, at the discretion of the building official, to provide for an administrative review by the building official in lieu of a more formal review by the planning commission. The building official may conduct an administrative review provided both of the following are true:
 - (1) No variances to the Ordinance are required.
 - (2) The proposed new construction would not increase the total square footage of the building greater than 25 percent or 1,000 square feet, whichever is less.
 - c. For those cases requiring site plan review solely as a result of building reoccupancy, site plan review procedures may be modified, at the discretion of the building official, to provide for an administrative review by the building official in lieu of a more formal review by the planning commission. The building official may conduct an administrative review provided all of the following are true:
 - (1) Such use is conducted within a completely enclosed building.
 - (2) Reoccupancy does not create additional parking demands, beyond 25 percent of that which exists.
 - (3) Reoccupancy does not substantially alter the character of the site.
 - d. Every site plan submitted for review shall be in accordance with the requirements of this Ordinance. Administrative review procedures are not intended to modify any ordinance, regulation or development standard.
2. *Copies required.* Every site plan submitted to the planning commission shall be in accordance with the requirements of this Ordinance. Twenty complete copies of all site plans shall be filed with the city clerk who shall place the request on the next planning commission agenda.
3. *Information required.* The following information shall be included on the site plan:
 - a. A scale of not less than 1" equals 50' if the subject property is less than three acres and 1" equals 100' if three acres or more.
 - b. Date, north point and scale.

- c. The dimensions of all lot and property lines, showing the relationship of the subject property to abutting properties and buildings within 100 feet.
- d. Legal description of parcel.
- e. Existing and proposed topography with contours at two-foot intervals, (based on U.S.G.S. datum), extending a minimum of 100 feet beyond site boundaries.
- f. An inventory of existing vegetation on the site and an indication of any alterations.
- g. The location and nature of any streams, drains, swamps, marshes, and/or unstable soils.
- h. An indication of basic drainage patterns, existing and proposed, and including any structures, retention basins and fencing which are proposed. The applicant shall contact the municipality and municipal engineer to determine the adequacy of utility and storm water proposals, slope and sod erosion requirements to determine if any such requirements will adversely affect the site plan.
- i. A schedule of parking needs. Separate drawings may be submitted to indicate usable floor areas, etc., for computation of parking needs.
- j. A detailed planting plan and schedule of plant materials and sizes.
- k. Cross-section drawings of any walls, berms, etc.
 - l. The location and width of all existing and proposed sidewalks on or bordering the subject site. Where the subject site borders a public right-of-way, a concrete sidewalk five feet in width shall be provided within the public right-of-way one foot from the subjects site's property line. If a sidewalk in good condition exists within the public right-of-way, the above requirement may be waived by the building official.
- m. The location of all existing and proposed structures of the subject property and all existing structures within 100 feet of the subject property. The setbacks to all existing and proposed structures to be retained or constructed on the site shall be indicated; this includes buildings, signs, trash storage areas, walls, fences, berms, parking areas, etc. The height of all proposed structures shall also be indicated.
- n. The location of all existing and proposed drives and parking areas.
- o. The location and right-of-way widths of all abutting streets and alleys.
- p. The names, addresses, and telephone numbers of the architect, planner, designer, engineer or person responsible for the preparation of the site plan.
- q. The names, addresses and telephone numbers, of the developers.
- r. In addition to the above information, the applicant shall submit a supplementary explanation as to the specific type(s) of activities proposed. Such information shall include, but not be limited to:
 - (1) Estimated number of employees, resident shoppers, etc.
 - (2) Hours of operation.
 - (3) Any changes anticipated in terms of dust, odor, smoke, fumes, noise, lights, etc.
 - (4) Modifications to vegetative cover, drainage patterns, earth work, problem areas.
 - (5) Any ancillary improvements that the applicant proposes to remedy or prevent problems created by the development.
 - (6) Estimated costs of proposed landscaping berms, walls, acceleration-deceleration lanes, or bypass lanes or any other required site improvement not covered in the building permit cost estimates shall be provided.

4. *Content of site plan file.* The site plan(s), all supplementary data, together with minutes of any meeting and/or hearing related to the proposed site plan shall become part of the official site plan file.
5. *Standards for approval.* In the process of reviewing the site plan, the planning commission shall consider:
 - a. Specific development requirements set forth in the Zoning Ordinance.
 - b. The location and design of driveways providing vehicular ingress to and egress from the site, in relation to streets giving access to the site, and in relation to pedestrian traffic.
 - c. The traffic circulation features within the site and location of automobile parking areas; and may make such requirements with respect to any matters as will assure:
 - (1) Safety and convenience of both vehicular and pedestrian traffic, both within the site and in relation to access streets.
 - (2) Satisfactory and harmonious relationships between the development on the site and the existing and prospective development of contiguous land and adjacent neighborhoods.
 - (3) Accessibility afforded to emergency vehicles.
 - d. The arrangement of use areas on the site in relation to functional, efficient and compatible arrangements within the site and also to adjacent uses.
 - e. The planning commission may further require landscaping, fences, and walls in pursuance of these objectives and same shall be provided and maintained as a condition of the establishment and the continued maintenance of any use to which they are appurtenant.
 - f. In those instances wherein the planning commission finds that an excessive number of ingress and/or egress points may occur with relation to major or secondary thoroughfares, thereby diminishing the carrying capacity of the thoroughfare, the planning commission may require marginal access drives. For a narrow frontage, which will require a single outlet, the planning commission may require that money be placed in escrow with the City of Parchment so as to provide for a marginal service drive equal in length to the frontage of the property involved. Occupancy permits shall not be issued until the improvement is physically provided, or monies have been deposited with the clerk.
 - g. The cost estimates, as required in this section shall be reviewed by the appropriate municipal official (i.e., building official, engineer or planner) for their compliance with current cost estimates. These reviews and recommendations shall be forwarded to the planning commission for inclusion in any approved site plan.
 - h. The planning commission may waive site plan information for topography, vegetation, problem soils, landscaping, employment data environmental considerations, etc., when such concerns are obviously not pertinent to the proposed development.
 - i. The planning commission, or building official as part of administrative review procedures, shall seek the input from local public safety officials as part of the site plan review process, prior to approving, disapproving, or approving with conditions, the site plan.
6. *Planning commission actions.* The planning commission, upon reviewing a site plan, shall take one of the following actions:
 - a. *Approval.* If the site plan meets all the Zoning Ordinance and related development requirements and standards, the planning commission shall record such approval and the chairman shall sign three copies of the site plan filing one in the official site plan file, forwarding one to the building official, and returning one to the applicant.

- b. *Disapproval.* If the site plan does not meet Zoning Ordinance and related development requirements and stand planning commission shall record the reasons for denial. The applicant may subsequently refile a corrected site the same procedures followed for the initial submission.
 - c. *Conditional approval.* If minor corrections to the site are necessary, which can be clearly noted, then the planning commission shall so note such conditions and the chairman shall sign three site plans as conditionally approved and stating the necessary conditions. One copy shall be retained in the official site plan file, one forwarded to the building official, and one returned to the applicant.
 - d. *Table.* If the site plan is found to be in violation of the requirements or incomplete with respect to necessary information, the planning commission may table action on the site plan until ordinance compliance is shown or required additional information is provided.
7. *Performance guarantees.* To ensure compliance with the Zoning Ordinance and any condition imposed thereunder, the planning commission may require that a cash certified check, irrevocable bank letter of credit, or surety bond acceptable to the city covering the estimated cost of improvements associated with a project for which site plan approval is sought, be deposited with the city to ensure faithful completion of the improvements and also be subject to the following:
- a. The performance guarantee shall be deposited prior to the issuance of a temporary certificate of occupancy. The city shall establish procedures whereby a rebate of any cash deposits in reasonable proportion to the ratio of work completed on the required improvements will be made as work progresses. Any partial release of funds shall be less than ten percent which shall be retained by the municipality until all work has been completed and subsequently inspected and approved by the building official. This does not relieve the applicant from satisfying all applicable maintenance warranties and/or guarantees necessary to ensure the proper functioning of said public improvements.
 - b. This section shall not be applicable to improvements for which a cash deposit, certified check, irrevocable bank letter of credit, or surety bond has been deposited pursuant to Act 288 of the Public Acts of 1967, as amended (the state Subdivision Control Act).
 - c. As used in this section, "improvements" mean those features and actions associated with a project which are considered necessary by the body or official granting zoning approval, to protect natural resources, or the health, safety, and welfare of the residents of the city and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening, landscaping, and surface drainage. Improvements do not include the entire project which is the subject of zoning approval.
8. *Period of completion.* An approved site plan shall remain valid for a period of one year from the date of approval. In the event all improvements are not installed, then any such remaining improvements shall be completed no later than July 1 of the following construction season except that the planning commission may, at its discretion, upon application by the owner and for cause shown, provide for up to two successive twelve-month extensions.

Section 13.2. - Review and approval of condominium developments.

The following regulations shall apply to all condominium developments within the City of Parchment.

- 1. *Initial information.* Concurrently with notice required to be given the City of Parchment pursuant to section 71 of Public Act 59 of 1978, as amended (the Condominium Act), a person, firm or corporation intending to develop a condominium development shall provide the following information:
 - a. The name, address, and telephone number of:

- (1) All persons, firms or corporations with an ownership interest in the land on which the condominium development is located together with a description of the nature of each entity's interest (for example, fee owner, option contract vendee).
 - (2) All engineers, attorneys, architects or registered land surveyors associated with the project.
 - (3) The developer or proprietor of the condominium development.
 - b. The legal description of the land on which the condominium development will be developed together with appropriate tax identification numbers.
 - c. The acreage content of the land on which the condominium development will be developed.
 - d. The purpose of the development (for example, residential, commercial, industrial, etc.).
 - e. Approximate number of condominium units to be developed on the subject parcel.
 - f. Whether or not a community water system is contemplated.
 - g. Whether or not a community sewer system is contemplated.
2. *Information to be kept current.* The information shall be furnished to the building official and shall be kept updated until such time as a certificate of occupancy has been issued pursuant to section 19.5 of this Ordinance.
 3. *Site plans for new projects.* Prior to recording of the master deed required by section 72 of Public Act 59 of 1978, as amended, the condominium development shall undergo site plan review and approval pursuant to section 13.1 of this Ordinance. In addition, the city shall require appropriate engineering plans and inspections prior to the issuance of any certifications of occupancy.
 4. *Site plans for expandable or convertible projects.* Prior to expansion or conversion of a condominium development to additional land, the new phase of the project shall undergo site plan review and approval pursuant to section 13.1 of this Ordinance.
 5. *Master deed, restrictive covenants and "as built" survey to be furnished.* The condominium development developer or proprietor shall furnish the building official with the following: One copy of recorded master deed, one copy of all restrictive covenants and two copies of an "as built survey." The "as built survey" shall be reviewed by the city engineer for compliance with local ordinances. Fees for this review shall be established by resolution of the city commission.
 6. *Monuments required.* All condominium developments which consist in whole or in part of condominium units which are building sites shall be marked with monuments as provided in this subsection.
 - a. All monuments used shall be made of solid iron or steel bars at least one-half inches in diameter and 36 inches long and completely encased in concrete at least four inches in diameter.
 - b. Monuments shall be located in the ground at all angles in the boundaries of the condominium development; at the intersection lines of streets and at the intersection of the lines of streets with the boundaries of the condominium development and at the intersection of alleys with the boundaries of the condominium development; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature and angle points in the side lines of streets and alleys and at all angles of an intermediate traverse line. It is not intended nor required that monuments be placed within sides of all interior roadways and so located as to provide access to all general common areas. Upon review of the site plan, the planning commission may approve alternative locations for the walkways or may waive the walkway requirement if it would not serve the purpose of providing adequate pedestrian circulation.

7. *Utilities:*

- a. An adequate storm drainage system including necessary storm sewers, catch basins, manholes, culverts, bridges, and other appurtenances shall be required in all developments.
 - b. A public sanitary sewer system shall be required.
 - c. A public water supply system shall be required.
 - d. The proprietor shall make arrangements for all lines for telephone, electric, television, and other similar services distributed by wire or cable to be placed underground entirely throughout the development area, and such conduits or cables shall be placed within private easements provided to such service companies by the developer or within dedicated public ways, provided only that overhead lines may be permitted upon written recommendation of the city engineer and the approval of the planning commission at the time of site plan approval where it is determined that overhead lines will not constitute a detriment to the health, safety, general welfare, design, and character of the development. All such facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. All such facilities shall be constructed in accordance with standards of construction approved by the Michigan Public Service Commission. All drainage and underground utility installations which traverse privately held property shall be protected by easements granted by the proprietor.
8. *Final documents to be provided.* After submittal of the condominium plan and by-laws as part of the master deed, the proprietor shall furnish to the city a copy of the site plan on a mylar sheet of at least 13 × 16 inches with an image not to exceed 10½ × 14 inches.

Section 13.3. - Review and approval of conditional uses.

1. *Application:*

- a. The uses identified as special condition uses are recognized as possessing characteristics of such unique and special nature (relative to location, design, size, public utilities needs, and other similar characteristics) as necessitating individual standards and conditions in order to safeguard the general health, safety and welfare of the community.
- b. The city commission, as provided herein, shall have the authority to approve conditional use permits, subject to such conditions of design, operation, and appropriate and reasonable safeguards as the city may require for any special condition use included in the various provisions of this Zoning Ordinance.

2. *Data required:*

- a. Application for any conditional use permit as provided under the provisions of this Ordinance shall be made to the building official by filing an official special condition use permit application form; submitting required data, exhibits, and information; and depositing the required fee as established by resolution of the city commission, and as may be amended from time-to-time. No portion of such fee shall be reimbursable to the applicant.
- b. An application for a conditional use permit shall contain the following:
 - (1) Applicant's name, address and telephone number.
 - (2) Address and tax description number of the subject parcel.
 - (3) A signed statement that the applicant is the owner of the subject parcel, or is acting as the owner's representative.

- (4) A certified survey drawing of the subject parcel.
 - (5) A complete site plan containing all of the applicable data outlined in section 13.1, Review and Approval of Site Plans.
 - (6) Supporting statements, evidence, data, information and exhibits which address those standards and requirements for assessing special condition use permit applications outlined in subsection 4., below.
3. *Public hearing requirements.* Upon receipt of an application for a use requiring conditional approval, the planning commission shall hold a public hearing, one notice of which shall be published not less than five nor more than 15 days prior to the public hearing date in a newspaper of general circulation in the city and sent by first class mail to the owners of the property for which special condition approval is being considered, to the owners of record of all real property and to the occupants of all structures located within 300 feet of the boundaries of the property in question. The notice shall:
- a. Describe the nature of the special condition use request.
 - b. Adequately describe the property in question.
 - c. State the date, time, and place of the public hearing.
 - d. Indicate when and where written comments concerning the request will be received.
4. *Standards for approval:*
- a. The planning commission shall review the particular circumstances and facts applicable to each proposed special condition use in terms of the following standards and requirements and shall make a determination as to whether the use proposed to be developed on the subject parcel meets the following standards and requirements:
 - (1) Will be harmonious with and in accordance with the general objective of the Future Land Use Plan.
 - (2) Will be designed, constructed, operated, maintained, in harmony with existing and intended character of the general vicinity and so that such use will not change the essential character of that area.
 - (3) Will not be hazardous or detrimental to existing or future neighboring uses.
 - (4) Will represent a substantial improvement to property in the immediate vicinity and general benefit to the community as a whole.
 - (5) Will be served adequately by essential public services and facilities, such as highways, streets, drainage structures, police and fire protection and refuse disposal; or persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately for such services.
 - (6) Will not create excessive additional requirements at public cost for public facilities and services, and will not be detrimental to the economic welfare of the community.
 - (7) Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive smoke, fumes, glare, noise, vibration or odors.
 - (8) Will be consistent with the intent and purposes of this Ordinance.
 - b. If the facts regarding the special condition use being reviewed do not establish by a preponderance of the evidence that the standards and requirements set forth in this Zoning Ordinance will be met by the proposed use, the planning commission shall not recommend special condition approval to the city commission.

In recommending approval of a special condition use permit to the city commission, the planning commission shall recommend imposition of such reasonable conditions of use as it deems necessary to protect the best interests of the city and the general vicinity, to achieve the objectives of this Ordinance and to assure that the general public health, safety, and welfare will not be infringed upon.

The planning commission may recommend denial, approval or approval with conditions, on a request for special condition use approval. The recommendation on a special condition use shall be incorporated in a statement containing the conclusions relative to the special condition use under consideration which specifies the basis for the decision and any conditions recommended.

- c. Upon holding a public hearing and review of the special condition use request, the planning commission shall within 30 days forward to the city commission its finding and recommendation. The finding shall include a record of those conditions which are recommended to be imposed. The city commission, upon receipt of the finding and recommendation, may deny, approve, or approve with conditions, any request for a special condition use approval. Any decision on such a request shall state the findings of fact and specify the conclusions drawn therefrom and any conditions imposed thereon. Any conditions imposed shall remain unchanged except upon the mutual consent of a majority of the city commission and the landowner, and the city commission shall maintain a record of all conditions that are changed. All records of proceedings hereunder shall be kept and made available to the public.
- d. The conditional use review and site plan review may occur concurrently at the discretion of the planning commission.

ARTICLE 14. - GENERAL EXCEPTIONS

Section 14.1. - Area, height, and use exceptions.

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

Section 14.2. - Essential services.

Essential services serving the City of Parchment shall be permitted as authorized and regulated by law and other ordinances of the municipality. Overhead or underground lines and necessary poles and towers to be erected to service primarily those areas beyond the municipality shall receive the review and approval, after a public hearing, of the city commission acting in the capacity of appeal board. Such review shall consider abutting property and uses as they relate to easements, rights-of-way, overhead lines, poles and towers and further, shall consider injurious effects on property abutting or adjacent thereto and on the orderly appearance of the City of Parchment.

Section 14.3. - Voting place.

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

Section 14.4. - Height limit.

The height limitations of this Ordinance shall not apply to farm buildings, chimneys, church spires, flag poles, public monuments or television antennae for personal use; provided, however, that the city commission may specify a height limit for any such structure when such structure requires authorization as a conditional use.

Section 14.5. - Lot area.

Any lot existing and of record on the effective date of this Ordinance may be used for any principal use permitted in the district which such lot is located, other than conditional uses for which special lot area requirements are specified in this Ordinance, whether or not such lot complies with the lot area and width requirements of this Ordinance. Such use may be made provided that all requirements other than lot area and width prescribed in this Ordinance are complied with and provided that not more than one dwelling unit shall occupy any lot except in conformance with the provisions of this Ordinance for required lot area for each dwelling unit. (See also section 12.4, Nonconforming Lots.)

Section 14.6. - Yard regulations.

When yard regulations cannot reasonably be complied with, or where their application cannot be determined on lots of peculiar shape, topography or due to architectural or site arrangement, such regulations may be modified as determined by the city commission, acting as appeal board.

Section 14.7. - Porches.

An open, unenclosed, and uncovered porch or paved terrace may project into a front yard for a distance not exceeding ten feet, but this shall not be interpreted to include or permit fixed canopies.

Section 14.8. - Projections into yards.

Architectural features, not including vertical projections, may extend or project into a required side yard not more than three inches for each one foot of width of such side yard; and may extend or project into a required front yard or rear yard not more than three feet.

Section 14.9. - Access through yards.

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

Section 14.10. - Canopies and awnings.

Canopies and awnings offering partial protection from the weather, but not fully enclosed, and which extend into a public right-of-way or required yard, may be considered for approval subject to the following conditions:

1. Canopies and awnings extending into a public right-of-way are subject to the following requirements:
 - a. Such approval shall only be granted by the city commission following planning commission recommendation.

- b. Any such structure shall not extend closer than 24 inches to any vehicular parking space or moving vehicle l;
 - c. Any such structure shall not conflict with necessary sight distances for proper vehicular and pedestrian movements.
 - d. Any such structure shall not conflict with any existing or proposed: landscape features, traffic control device, adjacent properties and signs and pedestrian movements.
 - e. The height, location, materials, construction and signage involved in any such structure shall specifically be subject to review and approval by the city commission.
 - f. The structure shall be maintained in such a manner as to continue its original appearance and provide proper safety to the persons and property it may affect.
 - g. The City of Parchment, its officials, employees and any of its representatives shall be guaranteed full protection against any liability or damages resulting from the construction and existence of any such structure. The nature of such protection and its continuous effect shall be subject to city commission determination.
2. Canopies and awnings extending into a required yard are subject to the following requirements:
- a. Such approval shall only be granted by the planning commission.
 - b. Any such structure shall not extend closer than the height of the structure to any property line adjacent to a residential district.
 - c. Any such structure shall not conflict with necessary sight distances for proper vehicular and pedestrian movements.
 - d. Any such structure shall not conflict with any existing or potential development on adjacent property.
 - e. The height, location, materials, construction and signage involved in any such structure shall specifically be subject to review and approval.
 - f. The structure shall be maintained in such a manner as to continue its original appearance and provide proper safety to the persons and property it may affect.

Section 14.11. - Decks.

A deck which is associated with a residential structure shall maintain a distance of at least 15 feet from the rear lot line and shall not occupy any required side yard or front yard area, and shall be subject to the following restrictions:

- a. The portion of a deck which occupies the required rear yard shall not be above the elevation of the first floor of the residence;
- b. No more than 25 percent of any deck shall be covered with structures such as a gazebo or a screened porch and such structures shall be nonhabitable; provided, that the portion of a deck which occupies the required rear yard shall not contain any such covered structures;
- c. The portion of a deck which occupies the required rear yard shall not be converted into any enclosed habitable space.
- d. A deck shall be subject to lot coverage limitations.

ARTICLE 15. - SIGNS

Section 15.1. - Intent.

The City of Parchment finds that signs and other visual outdoor advertising tends to promote commerce and can impact the health, safety, and/or general welfare of the residents of the city, and that the preservation of the existing character of the community requires regulation of signs and of other visual outdoor advertising.

The city finds that failure to regulate the size, location, and construction of signs and other outdoor advertising may have an adverse effect upon the promotion of business and commerce in the city, may lead to poor identification of businesses, may have an adverse effect upon the existing aesthetic character of the city, and may cause deterioration of business and residential areas of the community.

Therefore, the purpose of this section and the subsections thereunder is to permit such signs and visual outdoor advertising as will not, by reason of their size, location, or manner of display, endanger public health and/or safety; confuse or mislead traffic; or obstruct vision necessary for traffic and pedestrian safety; and further, to regulate signs and other visual outdoor advertising in such a way as to prevent the placement of signs, and such other visual outdoor advertising in a manner that will conceal or obscure other signs and other visual outdoor advertising on adjacent businesses; to keep the number of signs and sign messages at a minimum level reasonably necessary to identify a business and its products; to keep signs within a reasonable scale with respect to the buildings to which they relate; and further, to prevent off-premise signs from conflicting with business, residential and public land uses, and to prohibit signs and other visual outdoor advertising which will have an adverse effect upon the existing aesthetic character of not only the zoning district in which they are located, but also upon the overall existing aesthetic character of the city.

Section 15.2. - Definitions.

As used in this chapter:

Abandoned sign means a sign which advertises a business, lessor, owner, product, or activity no longer conducted or available.

Accessory use means a use incidental to the principal use of a building.

Animated sign means any sign that uses movement or change of lighting to depict action or create a special effect or scene.

Area identification sign means a sign to identify a common area containing a group of structures, or a single structure on a minimum site of two acres, such as a residential subdivision, apartment complex, industrial park, or shopping area, located at the entrance of the area, and consisting of a fence or wall or archway with letters or symbols affixed thereto.

Awning sign means any sign painted or applied to the surface of an awning or canopy.

Banner means a sign intended to be hung either with or without a frame, possessing characters, letters, illustrations, or ornamentations applied to paper, plastic, or fabric of any kind excluding flags, emblems, and insignia or political, professional, religious, education, or corporate organizations providing that such flags, emblems and insignia are displayed for noncommercial purposes.

Beacon means any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.

Billboard means a display sign that contains a message unrelated to or not advertising a business transacted or goods sold or produced on the premises on which the sign is located.

Broken sign means a sign composed of individual letters fastened to a building surface.

Building marker means any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

Bulletin board/announcement sign means a sign related to a public school, parochial school, private school, public park or recreation facility, church or other religious institution, which identifies activities or events to take place involving the patrons of such specific use.

Canopy sign means any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

Changeable copy sign/reader board means a sign or portion thereof with characters, numbers, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight times per day shall be considered an animated sign and not a changeable copy sign for purposes of this Ordinance. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign for purposes of this Ordinance.

Decorative display means a temporary display designated for the entertainment or cultural enrichment of the public and having no direct or indirect sales or advertising content.

Directional sign means a sign of a noncommercial nature which directs the reader to the location of public or educational institutions, or to the location of historical structures or areas, or to the location of public parks or buildings.

Display sign means a structure or device that is arranged, intended, designed or used as an advertisement, announcement or direction.

Erect means to build, construct, attach, hang, place, suspend or affix.

Flag means any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of government, political subdivisions, or other entity.

Flashing sign means an illuminated sign on which artificial or reflected light is not maintained stationary and constant in intensity and color at all times when in use.

Freestanding sign/ground sign means a sign which is attached to or a part of a completely self-supporting structure. The supporting structure shall be set firmly in or below the ground surface and shall not be attached to any building or any other structure whether portable or stationary.

Height means the height of a sign which shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of 1) existing grade prior to construction; or, 2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zoning lot, whichever is lower.

Identification sign means a sign stating the name or description of the use of the premises on which the sign is located.

Incidental sign means a sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as "no parking," "entrance," "loading only," "telephone," and other similar directives.

Illuminated sign means any sign which has characters, numbers, letters, figures, designs or outline illuminated by electric lights or luminous tubes as a part of the sign proper.

Incombustible material means any material that will not ignite at or below a temperature of 1,200 degrees Fahrenheit and will not continue to burn or glow at that temperature.

Marquee sign means a display sign attached to or hung from a marquee, canopy or other structure projecting from and supported by the building and extending beyond the building wall, building line or street lot line.

Marquee means any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

Monument sign means a sign, not more than six feet high as measured from the ground, attached to a permanent foundation and not attached or dependent for support from any building, pole, posts, or similar up-rights.

Noncombustible material means material that meets the following criteria for at least three of four specimen materials or as otherwise defined by the current BOCA Code:

1. The recorded temperature of the surface and interior thermocouple shall not at any time during the test rise more than 54 degrees Fahrenheit (30 degrees Celsius) above the furnace temperature at the beginning of the test.
2. There shall not be flaming from the specimen after the first 30 seconds.
3. If the weight loss of the specimen during testing exceeds 50 percent, the recorded temperature of the surface and interior thermocouple shall not at any time during the test rise above the furnace air temperature at the beginning of the test, and there shall not be flaming of the specimen.

Nonaccessory sign means a sign which is not accessory to the main or principal use of the premises.

Nonconforming sign means any sign that does not conform to the requirements of this Ordinance.

Painted wall sign means a sign that is painted on the wall of a building.

Pennant means any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

Portable sign means any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; sign converted to A- or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

Projecting sign means a display sign which is affixed to any building or structure other than a marquee, any part of which sign extends beyond the building wall and the horizontal surface of which sign is not parallel to the building wall.

Public right-of-way means that area of land on which a public road is built, and that land owned by governmental bodies on which traffic ways for both pedestrians and vehicles are provided.

Real estate sign means a sign placed upon a property advertising that particular property for sale, rent, or lease.

Residential sign means any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms with all requirements of the Zoning Ordinance.

Residential development sign means a sign placed on the premises of a subdivision, or other real estate development site, to identify a proposed start of development, the participants of such development (such as owner, contractor, architect, leasing agent, etc.), and relative date of availability.

Roof sign means a display sign which is erected, constructed and maintained above a portion of the roof or exterior wall of a building or structure or which is attached to an exterior wall at a height in excess of three feet above the horizontal plane of the roof abutting such wall.

Shopping center means a group of three or more stores, offices or shops selling merchandise or services and served by a common off-street automobile parking area which is located on private property. All stores, offices or shops served by one parking area shall be considered one shopping center.

Sign means any name, announcement, identification, insignia, description, display or illustration which is affixed to, painted or represented, directly or indirectly, upon a building, structure, parcel or lot and which directs attention to an object, product, place, activity, person, institution, organization, or business. This shall be deemed to be a single sign whenever the proximity, design, content or continuity reasonably suggests a single unit, notwithstanding any physical separation between parts. "Sign" includes any banner, bulb or other lighting device, figures, emblems, streamer, pennant, balloon, propeller, picture, flag (other than the official flag of any nation or state) and any similar device of any kind, whether bearing lettering or not. Any of the above which is not placed out of doors, when placed near inside the surface of a window in such a way as to be in view of the general public and used or intended to be used to attract attention or convey information to motorists and pedestrians, shall also be considered as a sign.

Streamers means strips or ribbons of lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, designed to move in the wind.

Structural trim means the molding, battens, cappings, nailing strips, latticing and platforms that are attached to the sign structure.

Surface means that part of a sign upon, against or through which the message is displayed or illustrated.

Suspended sign means a sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

Swinging sign means a sign which is designed or constructed to move or pivot as a result of wind pressure for the purpose of attracting attention.

Temporary sign means a display sign, banner or other advertising device constructed of cloth, canvas, fabric, plastic or other light temporary material, with or without a structural frame, or any other sign intended for a limited period of display, but not including decorative displays for holidays or public demonstrations. Any sign that is used only temporarily and is not permanently mounted.

Total surface area of sign means the sum total of all exterior surfaces of a sign computed in square feet. The area shall be determined using the largest sign area or silhouette visible at any one time from any one point including all displays and background. This area does not include the main supporting sign structure, or supporting framework, bracing or decorative

fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself. In the case of a broken sign, the total surface area shall be measured by multiplying the height of the individual letters or combination of letters by the distance between the outer edges of the two furthestmost letters.

Wall sign means a display sign that is attached directly to a building wall, the horizontal surface of which sign is parallel to the building wall.

Window sign means signs painted on, or affixed to glass surfaces of windows or doors and pertaining to and identifying only the lawful business conducted therein.

Section 15.3. - Exempt signs.

The following shall be deemed to be excluded from the definition of "sign" as it applies to this Ordinance.

- a. Any single sign with an area of one square foot or less limited to one per premises.
- b. Historic signs designating sites recognized by the state historical commission or local governmental body or agency.
- c. Signs of a duly constituted governmental body, including traffic or similar regulatory devices, legal devices, or warnings at railroad crossings.
- d. Building markers, memorial tablets, or similar signs.
- e. Signs required to be maintained by law or governmental order, rule or regulation; provided, that they do not exceed 48 square feet.
- f. Signs directing traffic on private property, but bearing no advertising matter, with a total surface area not to exceed six square feet per sign.
- g. Signs displayed for the direction or convenience of the public, including signs which identify restrooms, location of public telephones, public entrances, freight entrances, or the like, with a total surface area not to exceed six square feet per sign on any lot or parcel.
- h. Gasoline price signs. In no instance shall the total sign area for gasoline price signs exceed 12 square feet.
- i. At gasoline stations, corporate identification signs of less than ten square feet each, not to exceed two per canopy, attached directly to a canopy providing coverage to pump islands.
- j. Signs painted on, or affixed to, glass surfaces of windows or doors and identifying only the lawful business conducted therein provided such window signs shall not occupy more than 50 percent of the glass surface area of a window or door.
- k. Wall murals and similar graphics containing no direct advertisement, subject to the design review guidelines of [article 13](#) and further subject to the review and approval of the planning commission.

Section 15.4. - Prohibited signs.

It shall be unlawful for any person to erect, maintain, relocate or keep any sign as defined in this section.

- a. A sign which copies or imitates or in any way approximates an official highway sign or carries the words "stop," "look," or "danger;" or any word phrase, symbol or character in such a manner as to interfere with, mislead, or confuse traffic; any sign which obscures a sign displayed by a public authority for the purpose of

- giving traffic instruction or direction or other public information; or any sign that is erected in such a manner as to interfere with obstruct the view of, or be confused with an authorized traffic sign, signal or device.
- b. A sign which displays flashing or intermittent lights or lights of changing degrees or intensity unless each interval in the cycle is five seconds or more and the sign does not constitute a traffic hazard.
 - c. A sign which obstructs any window or door opening used as a means of egress or prevents free passage from one part of a roof to any other part thereof. A sign which interferes with an opening required for legal ventilation.
 - d. A sign or illumination that causes any direct glare into or upon any building other than the building to which the sign may be accessory.
 - e. Swinging signs.
 - f. Except as may otherwise be provided in this section, no sign or any portion thereof shall be permitted which moves or assumes any motion constituting a nonstationary condition.
 - g. Abandoned signs.
 - h. Signs which are of a size, location, content, coloring, or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or street sign or signal which obstruct the view in any direction at a street or road intersection.
 - i. Signs which contain statements, words, or pictures of an obscene, indecent, pornographic or immoral character.
 - j. Signs which emit audible sound, odor, or visible matter.
 - k. Exterior string lights used in connection with a commercial premise, other than holiday decoration.
 - l. Signs placed or painted on any tree or rock.
 - m. Signs placed on any utility pole, light pole, telephone pole, stop sign, traffic sign, etc., except for utility identification or similar purpose.
 - n. Vehicles or trailers used as signs.

Section 15.5. - Sign surface area.

Unless otherwise provided in this article, the total surface area devoted to all signs on all sides on any lot shall not exceed the limitations set forth in this section, and all signs except temporary signs, shall be included in this calculation.

- a. Unless otherwise provided in this article, the maximum sign surface area permitted on any lot in any one family or multifamily residential district is two square feet.
- b. Subject to the other provisions of this article, the maximum sign surface area permitted on any lot in a nonresidential district shall be determined as follows:
 - 1. There may be not more than three square feet for each linear foot of building frontage, except that a minimum of 50 square feet of signage shall be permitted for all businesses.
 - 2. There may be up to 0.25 square feet of additional sign surface area per linear foot of lot street frontage in excess of 200 feet.
- c. The sign surface area of any sign located on a wall of a structure may not exceed 50 percent of the total surface area of the wall on which the sign is located.

Section 15.6. - General requirements for signs in commercial and industrial districts.

All signs permitted in those areas designated as commercial and industrial districts, including the Residential-Transitional (R-T) shall meet the following general requirements:

- a. *Sign message.* No sign shall be constructed or maintained which does not advertise a business transacted or goods sold or produced on the premises on which the sign is located. Any sign erected prior to the adoption of this section and complying with the provisions of this Ordinance prior to the adoption of this section may continue to be maintained for not more than two years so long as it continues to comply with all other provisions of this Ordinance.
- b. *Wind pressure, dead load, and construction requirements.* Wind pressure and dead load and construction requirements shall be as specified in the State Construction Code being M.C.L.A. § 125.1501 et seq. All signs shall otherwise be constructed in conformance with the requirements and specifications of the BOCA Code as adopted by the City of Parchment, where not in conflict with this Ordinance.
- c. *Number, date, and voltage to be on sign.* Every sign hereafter erected shall have placed in a conspicuous place thereon, in letters not less than one-half inch in height, the date of erection, the permit number and the voltage of any electrical apparatus used in connection therewith.
- d. *Illumination permitted.* Reflectors, lights and other forms of illumination shall be permitted on all signs. No sign shall be illuminated in such a manner as to interfere with, mislead or confuse traffic. No rotating illuminated beacon shall be permitted. The use of string electric light bulbs which illuminate products which are stored outdoors for sale is prohibited. In no case shall any sign illumination exceed a level of 0.08 foot-candles, and a luminary brightness of 2,400 foot-lamberts (glare measurement), when measured from the nearest or adjacent residentially zoned property.
- e. *Obstruction to doors, windows and fire escapes.* No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape. No sign of any kind shall be attached to a standpipe or fire escape.
- f. *Signs not to constitute a traffic hazard.* No ground sign shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision or at any location where, by reason of its position, shape or color, it may interfere with, obstruct the view of, or be confused with, an authorized traffic sign, signal or device, or make use of the words "stop," "look," "danger" or any phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic. At street intersections, no signs, other than municipal traffic control signs, shall be located within ten feet of the ground surface in the triangle formed by the property lines paralleling the streets and extending for a distance of 25 feet each way from the intersection of the right-of-way lines at the corner lot. No sign, signal, marking, device or blinking, oscillating or rotating light shall be erected adjacent to any public right-of-way so as to create a traffic hazard.
- g. *Face of sign to be smooth.* No nails, tacks or wires shall be permitted to protrude from the front of any sign. This shall not exclude, however, the use of block letters, electrical reflectors or other devices which may extend over the top and in front of the advertising structure.
- h. *Obscene matter prohibited.* No person shall display upon any sign or other advertising structure any obscene, indecent or immoral matter.
- i. *Removal of certain signs.* Any sign now or hereafter existing which, at the time of construction, advertised a business being conducted or a product being sold or produced on the premises on which the sign is located,

but no longer does so, shall be taken down and removed or completely renovated by the owner, agent or person having the beneficial use of the building, structure or premises upon which such sign is found within 30 days after written notice to remove such sign from the city manager and/or his designee.

- j. *Signs in public right-of-way.* No sign in these districts shall be erected or placed in a public right-of-way or be allowed to project into a public right-of-way. The owner of a sign which has been removed from a right-of-way because of a violation of this subsection shall pay the a sum as established by resolution by the city commission plus removal costs. If a sign is not claimed within 30 days, it shall be destroyed.
- k. *Flashing or moving signs.* No sign or any part thereof shall move, nor shall the illumination of any sign or any part of such illumination be anything other than a steady, continuously burning bulb or light. The flashing or turning on and off of sign illumination of any bulb or component part thereof is prohibited. Further, no person shall on premises owned, managed, rented, or controlled by themselves, permit, use, or allow to be used a strobe light(s), or similar blinking or flashing lights (except Christmas type decorations between November 15 and January 5) within 100 feet of any road, street or highway used by the public.

Section 15.7. - Special requirements for signs in commercial and industrial districts.

All signs permitted in those areas designated as Industrial (I-M) and General Business (C-3) Districts, shall meet the following special requirements:

a. *Ground signs:*

1. *Materials required.* All ground signs shall be constructed of durable materials designed to withstand normal weather conditions for the area. Wooden signs shall be constructed of cedar, marine grade plywood, pressure-treated wood, or other wood that is treated and otherwise designed to resist rot and water damage and which is acceptable to the city manager or his designee. All wooden signs shall be painted with an exterior grade of paint. Plywood signs shall further have a minimum thickness of three-fourths of an inch and shall include ornamental trim to enhance the appearance and weather resistant properties of the sign.
2. *Letters, etc.* All letters, figures, characters or representations in cut-out or irregular form, maintained in conjunction with, attached to or superimposed upon, any sign, shall be safely and securely built or attached to the sign structure.
3. *Height and area limitations; location.* No person shall erect any ground sign the height of which is greater than 20 feet above the level of the street upon which the sign faces, or above the adjoining ground level, if such ground level is above the street level. No ground sign shall have a single surface area exceeding 50 square feet for a single face sign or 100 square feet for signs of two or more faces.

In no case may freestanding ground signs exceed 75 square feet in surface area if the lot on which the sign is located has less than 200 feet of lot frontage on the street toward which that sign is primarily oriented, and 100 square feet on lots with 200 or more but less than 400 feet of lot frontage.

Ground signs shall be placed on the same parcel of property as the building or use to which they are accessory.

4. *Projection.* A ground sign may not extend into a public right-of-way.
5. *Anchorage and support.* All ground signs shall be securely built, constructed and erected upon posts and standards sunk at least three feet below the material surface of the ground and embedded in concrete.

Such supports shall be so constructed as to meet the requirements of subsection 15.6.b.

6. *Number of signs.* Not more than one ground sign shall be erected accessory to any single building, structure or shopping center regardless of the number of separate parties, tenants or uses contained therein. However, when any single building, structure or shopping center is located on a parcel of land that adjoins three or more streets, or has 200 feet of property adjoining on one street, it may have two ground signs. In no instance may the sign(s) surface area exceed the total square footage allowed for such sign(s).
 7. *[Monument signs.]* Monument signs may be substituted for an equal number of ground signs. In such cases, monument signs may be increased in area by 20 percent.
- b. *Wall signs:*
1. *Surface material.* Wall signs which have an area exceeding 40 square feet shall be constructed of metal or other approved noncombustible material except for nailing rails. Wall signs which have an area less than 40 square feet may be constructed of other durable materials designed to withstand normal weather conditions for the area. Wooden signs shall be constructed of cedar, marine grade plywood, pressure-treated wood, or other wood that is treated and otherwise designed to resist rot and water damage and which is acceptable to the city manager or his designee. All wooden signs shall be painted with an exterior grade of paint. Plywood signs shall further have a minimum thickness of three-fourths of an inch and shall include ornamental trim to enhance the appearance and weather resistant properties of the sign.
 2. *Limitation on placement.* No wall sign shall cover wholly or partially any wall opening or project beyond the ends or top of the wall to which it is attached.
 3. *Projection and height.* No wall sign shall have a greater thickness than 18 inches measured from the wall to which it is attached to the outer surface. No wall sign shall be attached to a wall at a height which would interfere with pedestrian or vehicular traffic.
 4. *Area limitations.* The total surface area of any wall sign placed on the front of a building shall not exceed three square feet for each linear foot of building frontage. A wall sign placed on other than the front of a building shall not exceed a total surface area of 100 square feet.
 5. *Supports and attachment.* All wall signs shall be safely and securely attached to the building by means of metal anchors, bolts or expansion screws. In no case shall any wall sign be secured with wire, strips of wood or nails.
 6. *Aesthetic requirements.* Painted wall signs shall further be subject to the design review guidelines of [section 15.14](#).
- c. *Roof signs.* Roof signs, except as described in paragraphs c.1. to 4. hereof, are prohibited, and no roof sign shall be permitted if a marquee sign exists on the same building.
1. *Limitation on placement.* A roof sign parallel with the front wall of the building on which it is erected is permitted.
 2. *Area and height limitations.* The total surface area of a roof sign placed on the front of a building shall not exceed three square feet for each linear foot of building frontage. A roof sign shall not exceed three feet in height. In no event shall a roof sign extend above the peak of the roof of the building to which it is affixed.
 3. *Materials required.* Every roof sign, including the upright supports and braces thereof, shall be

constructed entirely of noncombustible materials. However, combustible structural trim may be used thereon.

4. *Bracing, anchorage, and supports.* Every roof sign shall be thoroughly secured to the building by iron, steel, aluminum, or other metal anchors, bolts, supports, rods, or braces.
- d. *Projecting signs.* Projecting signs shall meet the following requirements:
1. *Construction.* Every part of a projecting sign shall be constructed of incombustible material.
 2. *Movable parts to be secured.* Any moving part of a projecting sign, such as the cover of a service opening, shall be securely fastened by chains or hinges.
 3. *Area limitations.* No projecting sign shall be larger than 15 square feet.
 4. *Thickness limitation.* The distance measured between the principal faces of any projecting sign shall not exceed 18 inches.
 5. *Projecting over public property.* No projecting sign shall project beyond the property line or into a public right-of-way.
 6. *Bracing, anchorage, and supports.* Projecting signs of a greater total surface area than ten square feet or 50 pounds in weight shall not be attached to or supported by frame buildings or the wooden framework of a building. All projecting signs shall be thoroughly secured to the building by iron, steel, aluminum, or other metal anchors, bolts, supports, rods, or braces.
 7. *Height limitation.* No projecting sign shall exceed a height greater than ten feet above the roof line of the building to which it is attached.
 8. *Distance from other signs.* No projecting sign shall be erected within 20 feet of any other projecting sign. This provision, however, shall not deny any place of business at least one projecting sign, so long as any such proposed sign is in compliance with all other provisions of this Ordinance.
- e. *Marquee signs.* Marquee signs shall meet the following requirements:
1. *Materials required.* Every marquee sign, including the upright supports and braces thereof, shall be constructed entirely of incombustible material.
 2. *Bracing, anchorage, and supports.* Every marquee sign shall be thoroughly secured to the building by iron, steel, aluminum, or other metal anchors, bolts, supports, rods, or braces.
 3. *Advertising.* Advertising on marquee signs encroaching more than three feet over a public right-of-way shall be restricted to the listing of the firm name and street number, and no advertising shall be permitted thereon, except that theaters may announce changes of programs on marquee signs.
 4. *Prohibited with roof sign.* No marquee sign shall be permitted if a roof sign exists on the same building.
- f. *Monument signs.* No monument sign shall exceed a height of six feet as measured from the surface of the ground.
- g. *Changeable copy signs.* Unless otherwise specified by this Ordinance, any sign herein may use manual or automatic changeable copy.
- h. *Temporary signs.* The following regulations shall be applicable to all temporary signs placed or situated at any place other than inside a building, as defined in the Uniform Building Code. Notwithstanding these provisions, a temporary sign required to advertise a business during times of construction of public

improvements shall be permitted provided not more than one sign per use is erected, the location is approved by the building department prior to its placement, and the sign is consistent with the intent of this section.

1. *Permits required.* Permits are required to erect any yard sale sign or temporary sign in excess of four square feet; provided, however, that signs advertising the rental, sale or lease of the property upon which they are located may be erected without a permit. Not more than one temporary sign shall be permitted per each display period as provided herein. Signs advertising such rental, sale or lease shall not have a surface area greater than 32 square feet, nor shall there be more than two signs on any one lot. Any sign surface attached to any other sign surface and separated by a distance greater than six inches at any point shall be considered two signs.
2. *Display period.* Cloth or canvas signs, pennants, and banners shall be erected for a period not-to-exceed three weeks for each display period permitted. A maximum of three display periods shall be permitted per year for a total of nine weeks of display per year. All other temporary signs may be displayed for not more than two months in any calendar year.

Inflatable signs, portable signs, and other special event signs shall be erected for a period not to exceed 15 days in any six-month period.
3. *Projection into right-of-way.* No temporary sign shall be strung across any public right-of-way nor shall a temporary sign project beyond the property line except by specific approval of the board of zoning appeals.
4. *Area and height.* No temporary sign shall have a single face greater than 24 feet in area or have a greater total surface area than 48 square feet or be a greater height than ten feet above the ground. However, the lower edge of such sign shall be of a height not less than 18 inches above the surrounding ground level for industrial and business districts.
5. *Materials required.* Temporary signs shall be constructed of durable materials designed to withstand normal weather conditions for the area. Wooden signs shall be constructed of cedar, marine grade plywood, pressure-treated wood, or other wood that is treated and otherwise designed to resist rot and water damage and which is acceptable to the city manager or his designee. All wooden signs shall be painted with an exterior grade of paint. Plywood signs shall further have a minimum thickness of three-fourths of an inch and shall include ornamental trim to enhance the appearance and weather resistant properties of the sign.
6. *Removal.* Temporary signs shall be removed promptly at the end of the display period provided for in paragraph h.2. hereof.
7. *Unsafe signs.* Any temporary sign found by the city manager to be in an unsafe condition must be removed or repaired by the owner within three days after his or her receipt of notice to do so from the department.
8. *Yard sale signs.* No person shall attach in any way posters, notices or advertisements to utility poles, meter posts, or trees in or along any street right-of-way within the city; and no person shall put up any notice upon any building, wall or fence or other property of another person without having first obtained the consent of the owner of such property. A temporary sign of not more than four square feet may be used to advertise a garage or yard sale. Said sign shall not be erected more than 24 hours in advance of the sale and must be removed at the conclusion of the sale.

- i. *Window signs.* Window signs shall not exceed 50 percent of the total window surface area.
- j. *Fence signs:*
 - 1. *Surface material.* Surface materials shall be the same as required for wall signs provided in subsection b., herein.
 - 2. *Limitation on placement.* No sign shall project beyond the ends or top of the fence to which it is attached. The maximum height of a fence on which a sign is affixed shall not exceed six feet.
 - 3. *Area limitations.* Area limitations shall be the same as required for wall signs provided in subsection b., herein.
 - 4. *Supports and attachment.* Supports and attachments shall be the same as required for wall signs provided in subsection b., herein.
 - 5. *Aesthetic requirements.* Signs attached to fences shall be subject to the design review guidelines of section 15.14.
- k. *Temporary signs advertising the rental, sale or lease of the property upon which they are located.* "For Sale" and "For Rent" signs shall not have a surface area greater than 32 square feet, nor shall there be more than two signs on any one lot. Any sign surface attached to any other sign surface and separated by a distance greater than six inches at any point shall be rendered two signs. Said signs shall be either wall or freestanding signs, and shall not be illuminated.

Section 15.8. - Billboards.

Billboards are not permitted in the city.

Section 15.9. - Special requirements for signs in Residential-Transitional (R-T), Central Business (C-1), and Service Business (C-2) Districts.

All signs permitted in Residential-Transitional (R-T), Central Business (C-1), and Service Business (C-2) Districts shall also meet the following special requirements:

- a. *Ground signs:*
 - 1. *Materials required.* All ground signs shall be constructed of durable materials designed to withstand normal weather conditions for the area. Wooden signs shall be constructed of cedar, marine grade plywood, pressure-treated wood, or other wood that is treated and otherwise designed to resist rot and water damage and which is acceptable to the city manager or his designee. All wooden signs shall be painted with an exterior grade of paint. Plywood signs shall further have a minimum thickness of three-fourths of an inch and shall include ornamental trim to enhance the appearance and weather resistant properties of the sign.
 - 2. *Letters, etc.* All letters, figures, characters or representations in cut-out or irregular form, maintained in conjunction with, attached to or superimposed upon, any sign, shall be safely and securely built or attached to the sign structure.
 - 3. *Height and area limitations; location.* No person shall erect any ground sign the height of which is greater than 12 feet above the level of the street upon which the sign faces, or above the adjoining ground level, if such ground level is above the street level. No ground sign shall have a single surface area exceeding 32 square feet for a single face sign or 64 square feet for signs of two or more faces.

Ground signs shall be placed on the same parcel of property as the building or use to which they are accessory.

4. *Projection.* A ground sign may not extend into a public right-of-way.
 5. *Anchorage and support.* All ground signs shall be securely built, constructed and erected upon posts and standards sunk at least three feet below the material surface of the ground and embedded in concrete. Such supports shall be so constructed as to meet the requirements of section 15.6.b.
 6. *Number of signs.* Not more than one ground sign shall be erected accessory to any single building, structure or shopping center regardless of the number of separate parties, tenants or uses contained therein.
 7. *[Monument signs.]* Monument signs may be substituted for an equal number of ground signs.
- b. *Wall signs:*
1. *Surface material.* Wall signs which have an area exceeding 40 square feet shall be constructed of metal or other approved noncombustible material except for nailing rails. Wall signs which have an area less than 40 square feet may be constructed of other durable materials designed to withstand normal weather conditions for the area. Wooden signs shall be constructed of cedar, marine grade plywood, pressure-treated wood, or other wood that is treated and otherwise designed to resist rot and water damage and which is acceptable to the city manager or his designee. All wooden signs shall be painted with an exterior grade of paint. Plywood signs shall further have a minimum thickness of three-fourths of an inch and shall include ornamental trim to enhance the appearance and weather resistant properties of the sign.
 2. *Limitation on placement.* No wall sign shall cover wholly or partially any wall opening or project beyond the ends or top of the wall to which it is attached.
 3. *Projection and height.* No wall sign shall have a greater thickness than 18 inches measured from the wall to which it is attached to the outer surface. No wall sign shall be attached to a wall at a height which would interfere with pedestrian or vehicular traffic.
 4. *Area limitations.* The total surface area of any wall sign placed on the front of a building shall not exceed one square foot for each linear foot of building frontage. A wall sign placed on other than the front of a building shall not exceed a total surface area of 50 square feet.
 5. *Supports and attachment.* All wall signs shall be safely and securely attached to the building by means of metal anchors, bolts or expansion screws. In no case shall any wall sign be secured with wire, strips of wood or nails.
 6. *Aesthetic requirements.* Painted wall signs shall further be subject to the design review guidelines of section 15.14.
- c. *Roof signs.* Roof signs, except as described in paragraphs c.1. to 4. hereof, are prohibited, and no roof sign shall be permitted if a marquee sign exists on the same building.
1. *Limitation on placement.* A roof sign parallel with the front wall of the building on which it is erected is permitted.
 2. *Area and height limitations.* The total surface area of a roof sign placed on the front of a building shall not exceed one square foot for each linear foot of building frontage. A roof sign shall not exceed three feet in height. In no event shall a roof sign extend above the peak of the roof of the building to which it is affixed.

3. *Materials required.* Every roof sign, including the upright supports and braces thereof, shall be constructed of noncombustible materials. However, combustible structural trim may be used thereon.
 4. *Bracing, anchorage, and supports.* Every roof sign shall be thoroughly secured to the building by iron, steel, aluminum, or other metal anchors, bolts, supports, rods, or braces.
- d. *Projecting signs.* Projecting signs shall meet the following requirements:
1. *Construction.* Every part of a projecting sign shall be constructed of incombustible material.
 2. *Movable parts to be secured.* Any moving part of a projecting sign, such as the cover of a service opening, shall be securely fastened by chains or hinges.
 3. *Area limitations.* No projecting sign shall be larger than 15 square feet.
 4. *Thickness limitation.* The distance measured between the principal faces of any projecting sign shall not exceed 18 inches.
 5. *Projecting over public property.* No projecting sign shall project beyond the property line or into a public right-of-way.
 6. *Bracing, anchorage, and supports.* Projecting signs of a greater total surface area than ten square feet or 50 pounds in weight shall not be attached to or supported by frame buildings or the wooden framework of a building. All projecting signs shall be thoroughly secured to the building by iron, steel, aluminum, or other metal anchors, bolts, supports, rods, or braces.
 7. *Height limitation.* No projecting sign shall exceed a height greater than the roof line of the building to which it is attached.
 8. *Distance from other signs.* No projecting sign shall be erected within 20 feet of any other projecting sign. This provision, however, shall not deny any place of business at least one projecting sign, so long as any such proposed sign is in compliance with all other provisions of this Ordinance.
- e. *Marquee signs.* Marquee signs shall meet the following requirements:
1. *Materials required.* Every marquee sign, including the upright supports and braces thereof, shall be constructed entirely of incombustible material.
 2. *Bracing, anchorage, and supports.* Every marquee sign shall be thoroughly secured to the building by iron, steel, aluminum, or other metal anchors, bolts, supports, rods, or braces.
 3. *Advertising.* Advertising on marquee signs is restricted to the listing of the firm name and street number, and no advertising shall be permitted thereon, except that theaters may announce changes of programs on marquee signs.
 4. *Prohibited with roof sign.* No marquee sign shall be permitted if a roof sign exists on the same building.
- f. *Monument signs.* No monument sign shall exceed a height of six feet as measured from the surface of the ground.
- g. *Changeable copy signs.* Unless otherwise specified by this Ordinance, any sign herein may use manual or automatic changeable copy.
- h. *Temporary signs.* The following regulations shall be applicable to all temporary signs placed or situated at any place other than inside a building. Notwithstanding these provisions, a temporary sign required to advertise a business during times of construction of public improvements shall be permitted provided not more than one sign per use is erected, the location is approved by the building department prior to its placement, and the sign is consistent with the intent of this section.

1. *Permits required.* Permits are required to erect any yard sale sign or temporary sign in excess of four square feet, however, that signs advertising the rental, sale or lease of the property upon which they are located shall be erected without a permit. Not more than one temporary sign shall be permitted per each display period as provided herein. Signs advertising such rental, sale or lease shall not have a surface area greater than 20 square feet, shall not be more than two signs on any one lot. Any sign surface attached to any other sign surface and separated by a distance greater than six inches at any point shall be considered two signs.
2. *Display period.* Cloth or canvas signs, pennants, and banners shall be erected for a period not to exceed three weeks for each display period permitted. A maximum of three display periods shall be permitted per year for a total of nine weeks of display per year. All other temporary signs may be displayed for not more than two months in any calendar year.

Inflatable signs, portable signs, and other special events signs shall be erected for a period not to exceed 15 days in any six-month period.
3. *Projection into right-of-way.* No temporary sign shall be strung across any public right-of-way nor shall a temporary sign project beyond the property line except by specific approval of the board of zoning appeals.
4. *Area and height.* No temporary sign shall have a single face greater than 20 feet in area or have a greater total surface area than 40 square feet or be a greater height than six feet above the ground.
5. *Materials required.* Temporary signs shall be constructed of durable materials designed to withstand normal weather conditions for the area. Wooden signs shall be constructed of cedar, marine grade plywood, pressure-treated wood, or other wood that is treated and otherwise designed to resist rot and water damage and which is acceptable to the city manager or his designee. All wooden signs shall be painted with an exterior grade of paint. Plywood signs shall further have a minimum thickness of three-fourths of an inch and shall include ornamental trim to enhance the appearance and weather resistant properties of the sign.
6. *Removal.* Temporary signs shall be removed promptly at the end of the display period provided for in paragraph h.2. hereof.
7. *Unsafe signs.* Any temporary sign found by the city manager to be in an unsafe condition must be removed or repaired by the owner within three days after his or her receipt of notice to do so from the department.
8. *Yard sale/garage sale signs.* No person shall attach in any way posters, notices or advertisements to utility poles, meter posts, or trees in or along any street right-of-way within the city; and that no person shall put up any notice upon any building, wall or fence or other property of another person without having first obtained the consent of the owner of such property. A temporary sign of not more than four square feet may be used to advertise a garage or yard sale. Said sign shall not be erected more than 24 hours in advance of the sale and must be removed at the conclusion of the sale.
 - i. *Window signs.* Window signs shall not exceed 25 percent of the total window surface area.
 - j. *Fence signs:*
 1. *Surface material.* Fence signs which have an area exceeding 20 square feet shall be constructed of metal or other approved noncombustible material except for nailing rails. Wall signs which have an area less than 20 square feet may be constructed of other durable materials designed to withstand normal weather conditions for the area. Wooden signs shall be constructed of cedar, marine grade plywood,

pressure-treated wood, or other wood that is treated and otherwise designed to resist rot and water damage, and which is acceptable to the city manager or his designee. All wooden signs shall be painted with an exterior grade of paint. Plywood signs shall further have a minimum thickness of three-fourths of an inch and shall include ornamental trim to enhance the appearance and weather resistant properties of the sign.

2. *Limitation on placement.* No sign shall project beyond the ends or top of the fence to which it is attached. The maximum height of a fence on which a sign is affixed shall not exceed six feet.
 3. *Area limitations.* The total surface area of any fence sign shall not exceed one square foot for each linear foot of building frontage, with a maximum of 50 square feet.
 4. *Supports and attachment.* All fence signs shall be safely and securely attached to the fence by means of metal anchors, bolts or expansion screws. In no case shall any wall sign be secured with wire, strips of wood or nails.
 5. *Aesthetic requirements.* Signs attached to fences shall be subject to the design review guidelines of section 15.14.
- k. *Temporary signs advertising the rental, sale or lease of the property upon which they are located.* "For Sale" and "For Rent" signs shall not have a surface area greater than 20 square feet, nor shall there be more than two signs on any one lot. Any sign surface attached to any other sign surface and separated by a distance greater than six inches at any point shall be rendered two signs. Said signs shall be either wall or freestanding signs, and shall not be illuminated.

Section 15.10. - Signs in residential districts.

All signs permitted in residential districts, except for Residential-Transitional (R-T), shall meet the following requirements:

- a. *Illumination.* Permanent signs in these districts may be illuminated by a steady continuous burning bulb or light of incombustible material.
- b. *Location in public right-of-way.* No sign in these districts shall be erected or placed in a public right-of-way.
- c. *Banners and pennants.* No cloth pennants, banners, or advertising devices of a similar nature shall be erected in these districts.
- d. *Temporary signs advertising the rental, sale or lease of the property upon which they are located.* "For Sale" and "For Rent" signs shall not have a surface area greater than six square feet, nor shall there be more than two signs on any one lot. Any sign surface attached to any other sign surface and separated by a distance greater than six inches at any point shall be rendered two signs.
- e. *Signs advertising the lots and/or buildings erected in any one subdivision.* It shall be permissible for a licensed real estate broker or licensed builder to erect one sign not exceeding a total surface area of 32 square feet, the lower edge of which shall not be less than three feet above the surrounding ground level, to advertise the lots and/or buildings erected in any one subdivision; provided, that such licensed real estate broker or licensed builder owns, has listed for sale or has the owner's permission to sell a minimum of ten lots in the subdivision. No such sign shall be erected or maintained within 100 feet of any occupied residence unless the written consent of the owner and occupant of such residence is first obtained. Permission for more than one sign shall be by approval of the board of zoning appeals.
- f. *Signs advertising buildings under construction.* Signs advertising buildings under construction may be

erected for the period of construction and shall not exceed a face area of 32 square feet. Such signs shall be erected on the building or lot where such construction is being carried on and shall advertise only the architect, contractor, subcontractor, building or materials and equipment used.

- g. *Churches and schools.* Churches, colleges, schools and buildings housing governmental functions and utilities of the city, county, or state or any subdivision thereof, are permitted to erect a sign not exceeding 32 square feet in area or an overall height of eight feet. Such signs, when of a permanent nature, shall be constructed of incombustible material and shall meet all the requirements as stated in section 15.6.
- h. *Multifamily residential units.* Any person owning or operating a multifamily residential unit may erect a sign bearing the name of the residential unit, such sign not exceeding 32 square feet in area and not exceeding an overall height of eight feet above the ground level, which sign shall be made of incombustible material, and shall contain no advertising or information other than the name of the residential unit. No more than one such sign may be erected for each multifamily residential unit.
- i. *Permanent subdivision sign.* Permanent subdivision signs may be placed at all major entrances, and shall conform with the following standards:
 - 1. No more than two signs per entrance.
 - 2. Display surface shall not exceed 32 square feet per entrance.
 - 3. Signs shall not be illuminated.
 - 4. Signs shall be placed in an easement authorized for signage, not on public right-of-way.
- j. *Conformity required.* No signs, other than those described in subsections c. through h. hereof, shall be erected or maintained in any residential district.

Section 15.11. - Decorative displays.

Nothing contained in this chapter shall be deemed to prohibit the placement or construction of any decorative display by the city or civic organization upon approval by city commission. Such displays shall be only in commemoration of a national holiday or some other civic purpose of general public interest.

Section 15.12. - Political signs.

No political campaign sign announcing, advertising, or supporting the candidacy of a person running for public office, or an issue to be voted upon at an election, or other information pertinent thereto, shall be erected or displayed except by permission of the owner or occupant of the property. Such sign shall not be displayed prior to 90 days before nor more than ten days after the election for which the sign is an announcement, advertisement, or statement of support. Signs allowed under this section shall be of a maximum size of six square feet per side.

Section 15.13. - Signs in public right-of-way.

Except as otherwise specifically provided in this chapter to the contrary, no sign shall be constructed or placed in any public right-of-way. No sign shall be allowed to project into a public right-of-way. Signs in violation of this section shall be removed by the city and held for a period of 30 days. If a sign is not claimed within 30 days, it shall be destroyed.

Section 15.14. - Design review guidelines.

Signs have a significant impact upon the visual character and appeal of the city's commercial districts and can contribute to visual blight and economic decline if the appearance of signs is visually unappealing. Signs shall be subject to the following design standards:

- a. The appearance, color, texture, and materials being used will preserve property values in the immediate vicinity, and will not adversely affect any property values.
- b. The appearance of the sign will not detract from the general harmony of, and will be compatible with, the structures, and other developments already existing in the immediate vicinity.
- c. The appearance of the sign will not be garish or otherwise offensive to the sense of sight to passersby.

Section 15.15. - Maintenance of signs.

- a. All signs, streamers, pennants, and banners, and all components thereof, including without limitation supports, braces, and anchors, shall be kept in state of good repair. With respect to freestanding signs, components (supporting structures, backs, etc.) not bearing a message shall be constructed of materials that blend with the natural environment or shall be painted a neutral color to blend with the natural environment.
 1. The city manager or his designee is authorized to cause any sign to be removed similarly and without notice, at the expense of the owner, agent, or person having the beneficial interest in the building or premises on which such sign is located, whenever he/she determines that such sign is an immediate peril to persons or property.
 2. If the city manager or his designee shall find that any sign is insecure, eligible, fading, or in a state of disrepair, he/she shall give written notice to the owner, agent, or person having the beneficial interest in the building or the premises on which such sign is located. Correction of the condition which caused the city manager or his designee to give such notice shall be effected within 30 days after receipt of the notice. If such condition is not corrected after the conclusion of such 30-day period, the city manager or his designee is hereby authorized to cause the sign to be removed forthwith at the expense of the owner, agent, or person having the beneficial interest in the building or premises on which such sign is located.
- b. If the message portion of a sign is removed, leaving only the supporting "shell" of a sign, the owner of the property where the sign is located, or other person having control over such sign shall, within six months of the removal of the message portion of the sign either replace the entire message portion of the sign or remove the remaining components of the sign within six months. The owner of a commercial establishment that is no longer in business shall remove the message portion of the sign within 30 days of discontinuing business operations. This subsection shall not be construed to alter the effect of section 15.16 which prohibits the replacement of a nonconforming sign. Nor shall this subsection be construed to prevent the changing of the message of a sign.

Section 15.16. - Removal of nonconforming signs.

Signs existing on the date of enactment of this chapter and not conforming to its provisions, but which were erected and constructed in compliance with previous ordinance provisions, may be continued in use for a period of two years, and shall thereafter be brought into compliance with this chapter or removed. Temporary signs regulated by subsection 15.7.h. and existence on the date of enactment of this chapter shall be removed within three months from the date of enactment.

Subject to the remaining restrictions of this section, nonconforming signs that were otherwise lawful on the effective date of this article, may be continued.

- a. No person may engage in any activity that causes an increase in the extent of nonconformity of a nonconforming sign. Without limiting the generality of the foregoing, no nonconforming sign may be enlarged or altered in such manner as to aggravate the nonconforming condition, nor may illumination be added to any nonconforming sign.
- b. A nonconforming sign may not be moved or replaced except to bring the sign into complete conformity with this article.
- c. If a nonconforming sign is destroyed, it may not thereafter be repaired, reconstructed, or replaced except in conformity with all the provisions of this chapter, and the remnants of the former sign structure shall be cleared from the land. For purposes of this section, a nonconforming sign is "destroyed" if damaged to an extent that the cost of repairing the sign to its former stature or replacing it with an equivalent sign equals or exceeds the value of the sign so damaged.
- d. The message of a nonconforming sign may be changed so long as this does not create any new nonconformities (for example, by creating an off-premises sign under circumstances where such a sign would not be allowed).
- e. Subject to the other provisions of this section, nonconforming signs may be repaired and renovated so long as the cost of such work does not exceed within any 12-month period 50 percent of the value of such sign.
- f. If a nonconforming sign other than a billboard advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted, that sign shall be considered abandoned and shall be removed within 30 days after such abandonment by the sign owner, owner of the property where the sign is located, or other party having control over such sign.
- g. A nonconforming sign shall be brought into conforming status when there is a change of use of the property, or change in property ownership.

Section 15.17. - Erection, etc., of signs; permit required; exceptions.

1. No person or company shall erect, repair, alter, relocate or maintain a sign in the city without first obtaining a permit therefor from the building department, with the exception of the following:
 - a. Professional nameplates not exceeding one square foot in area;
 - b. The changing of advertising material or copy on a properly licensed sign and the maintenance or repair thereof;
 - c. Bulletin boards not over 20 square feet in area for public, charitable or religious institutions when the same are located on the premises of such institutions; provided, however, that if such signs are electrically illuminated, an electrical permit must be obtained;
 - d. Occupational signs denoting only the name and profession of an occupant in a commercial, public or institutional building and not exceeding two square feet in area;
 - e. Memorial signs or tablets, names of buildings and the date of erection when cut into any masonry surface or when constructed of bronze or aluminum; and,
 - f. Traffic or other municipal signs, legal notices, railroad crossing signs, "danger" and such temporary emergency or nonadvertising signs as may be approved by the city manager or his designee.
2. Except as otherwise provided in subsections 1.a. through f. above, all permanent signs shall be designed and installed in a workmanlike manner, utilizing standards commonly recognized and accepted by the sign industry. All signs, including temporary signs, shall be painted and lettered in accordance with commonly accepted sign

manufacturing standards and practices, utilizing stencils, and templates as necessary to ensure a neat and aesthetically appealing appearance.

Section 15.18. - Permit application.

Applications for permits required by sections 15.6 through 15.16 shall be made upon blanks provided by the city and shall contain or have attached thereto the following information:

- a. The name, address, and telephone number of the applicant;
- b. The location of the building, structure or lot to which or upon which the sign or other advertising structure is to be attached or erected;
- c. The position of the sign or other advertising structure in relation to nearby buildings or structures;
- d. Two blueprints or ink drawings of the plans and specifications and the method of construction and attachment to the building or in the ground, including construction materials and color;
- e. A copy of the stress sheets and calculations showing that the structure is designed for dead load and wind pressure in any direction in the amount required by this and all other laws and ordinances of the city, provided that where the city manager or his designee deems it advisable, he or she may require the approval of the structural design by a registered engineer;
- f. The name of the person erecting the structure;
- g. The written consent of the owner where the sign is to be erected on vacant land;
- h. The signature of the electrical inspector, certifying his or her approval of the permit, in all cases where wiring is to be used in connection with the structure, inasmuch as compliance with the electrical code, in such cases, is mandatory; and,
- i. Such other information as the city manager or his designee shall require to show full compliance with this chapter and all other provisions of this Ordinance.

Section 15.19. - Permit issuance; appeals.

It shall be the duty of the city manager or his designee, upon the filing of an application for a permit required by section 15.16, to examine the plans and specifications and other data and the premises upon which it is proposed to erect the sign or other advertising structure, and if it appears that the proposed structure is in compliance with all requirements of this Ordinance, he or she shall then issue the permit. Any person filing an application for a permit who feels that he or she has been aggrieved by the decision of the city manager or his designee may appeal such decision to the board of zoning appeals.

Section 15.20. - Fees.

- a. *Permits.* Every applicant, before being granted a permit under this chapter, shall pay a fee for each sign as set forth by the city commission. If any sign is erected prior to receiving a permit for the same, the fee for such sign shall be double that indicated in the schedule.
- b. *Inspections.* On a periodic basis the city manager or his designee shall inspect each sign or other advertising structure regulated by this chapter for the purpose of ascertaining whether the same is secure or insecure and whether it is in need of removal, repair, or painting. The permit shall remain valid for as long as the sign remains

in compliance with the provisions of this Ordinance. When a sign is found to be in violation, the city manager or his designee shall then request the owner of the sign to take action to bring the sign into compliance with the provisions of this ordinance or to remove the same within a period of two weeks.

Section 15.21. - Permit revocation and expiration.

All rights and privileges acquired by any person under the provisions of this chapter are mere licenses and may be revoked upon the violation of any of the conditions contained in this chapter. If the work authorized under a permit has not been completed within six months after the date of issuance, the permit shall become null and void.

ARTICLE 16. - WELLHEAD PROTECTION OVERLAY ZONE (W-P)

Section 16.1. - Intent.

The Wellhead Protection Overlay District is designed to safeguard the public health safety and welfare of citizens and institutions that are customers of the Parchment Water System by regulating the land use and the storage, handling, use and/or production of regulated substances within the wellhead capture zone described as the land area adjacent to and upgradient from existing and proposed municipal water well fields. The intent of this designation is to protect the community's potable water supply against contamination.

Section 16.2. - Definitions.

For purposes of this section, the following definitions apply:

Aquifer means a glacial formation, group of glacial formations or part of a glacial formation that contains enough saturated permeable material to yield significant quantities of water.

Direct recharge area means a that portion of a drainage basin in which water infiltrating vertically from the surface will intercept the water table.

Groundwater gradient means the slope (gradient) of the groundwater surface thereby defining the direction of groundwater movement.

Potable water means water that is satisfactory for drinking, culinary and domestic purpose, meeting current drinking water standards.

Recharge pond/lagoon means a natural or man-made recharge area or pond designed and maintained to recharge stormwater, cooling water and/or treated water to the groundwater and a rate greater than that occurring naturally. (For certain discharges a Michigan Department of Natural Resources permit is required.)

Regulated substances means substances to be regulated are chemicals and mixtures of chemicals which are health hazards. Regulated substances include:

1. Those lists of substances as defined and listed by the Michigan Occupational Safety and Health Administration, as regulated under Title III of the Superfund Amendments and Reauthorization Act (SARA) and as currently reported on MIOSHA material safety data sheets.
2. Petroleum and nonsolid petroleum derivatives (except non-PCB dielectric fluids).

Ten-year capture area means the area around and upgradient from the public water supply well fields delineated by the ten-year travel time contour capture zone boundary.

Travel time contour means a locus of points from which water takes an equal amount of time to reach a given destination such as a well or well field.

Underground storage tank means any one or combination of tanks (including underground pipes connected thereto) which is used to contain an accumulation of regulated substances and the volume of which (including the underground piping connected thereto) is ten percent or more beneath the surface of the ground. Flow through process tanks are excluded from the definition of underground storage tank.

Underlying zone means the present zoning classification as it exists under the overlay zone.

Well field means a tract of land that contains a number of wells for supplying water.

Wellhead protection zone means that area as outlined on the overlay zoning map as determined to be the well field capture zone by computation and in consideration of natural surface runoff boundaries.

Zone of influence means a zone delineated by iso-travel time contours around well fields. The zone is calculated, based on the rate of movement of groundwater in the vicinity of wells with an allowance for the dispersion of a pollutant entering into and moving with the groundwater.

Section 16.3. - Principal uses permitted.

The permitted uses in the Wellhead Protection Overlay Zone shall include all those permitted uses as allowed in the underlying zoning district, except for the following:

1. The processing or compounding of chemicals or drugs or bulk storage thereof.
2. Foundries.
3. Heavy equipment repair.

Section 16.4. - Principal uses permitted subject to special conditions.

The following special condition uses shall be permitted, subject to the conditions hereinafter required for each use, subject to any and all reasonable conditions which may be imposed in accordance with subsection 4.c.(2) of the City-Village Zoning Act, as may be amended, and further subject to the review and approval by the planning commission and city commission as specified in section 13.3, "Review and Approval of Conditional Uses," and section 13.1, "Review and Approval of Site Plan," of this Ordinance.

1. The permitted uses subject to special conditions in the Wellhead Protection Overlay Zone shall include all those permitted uses subject to special conditions as allowed in the underlying zoning district, except for the following:
 - a. Sanitary landfills of any kind whether type I, II, or III as defined by P.A. 641 of 1978 or P.A. 64 of 1979, or any regulations enacted thereunder and pursuant thereto.
 - b. The mining or excavation, extraction, or processing of sand, gravel and limestone.
 - c. Gasoline service stations.
 - d. Bus or truck terminals.

- e. Junk or material salvage yards.
- f. Automobile and truck body shops.
- g. Redi-Mix concrete or asphalt plants.
- h. Metal processing plants and/or electroplating plants.
- i. Paint and coating manufacturing.

Section 16.5. - Groundwater protection standards.

1. Use of regulated substances in conjunction with the permitted and conditional uses in this zone shall be limited to:
 - a. The aggregate of regulated substances in use may not exceed 20 gallons or 160 pounds at any time.
 - b. The total use of regulated substances may not exceed 50 gallons or 400 pounds in any 12-month period.
2. A limited exclusion from the provisions of permitted uses, section 16.4 of this article, is hereby authorized for nonroutine maintenance or repair of property in the Wellhead Protection Overlay Zone, provided the uses are limited as follows:
 - a. The aggregate of regulated substances is use may not exceed 50 gallons or 400 pounds at any time.
 - b. The total use of regulated substances may not exceed 100 gallons or 800 pounds in any 12-month period.
3. A limited exclusion from the provisions of permitted uses, section 16.4 of this article, is hereby authorized for regulated substances which are cleaning agents; provided, however, such cleaning agents are packaged for personal or household use or are present in the same form and concentration as a product packaged for use by the general public, and provided the aggregate inventory of such cleaning agents shall not exceed 100 gallons or 800 pounds at any time. In no case shall regulated substances claimed under the exclusion include hydrocarbon or halogenated hydrocarbon solvents.
4. A limited exclusion from the provisions of permitted uses, section 16.4 of this zone, is hereby authorized for medical and research laboratory uses in the Wellhead Protection Overlay Zone; provided, however, regulated substances shall be stored, handled or used in containers not to exceed five gallons or 40 pounds of each substance and the aggregate inventory of regulated substances shall not exceed 250 gallons or 2,000 pounds.
5. Storage of fuel and lubricants for vehicle operations and fuel for building and/or processing heating in conjunction with permitted and conditional uses in this zone shall be in aboveground tanks.
6. Notwithstanding other provisions of this chapter, nonconforming uses in this zone presently utilizing underground storage tanks for fuel and lubricants for vehicle operations and fuel for building and/or processing heating shall be permitted to replace existing tanks with those constructed as per the specifications of P.A. 423 of 1984 and all regulations enacted pursuant thereto and not exceeding the capacity of existing tanks. Replacement of underground tanks for regulated substances other than the above-noted fuels and lubricants is not permitted.

Section 16.6. - Site plan information requirements.

All buildings and structures constructed or remodeled requiring a building permit and site plan approval as set forth in section 13.1 of this Ordinance which are within the Wellhead Protection Overlay Zone shall also comply with the following additional site plan requirements.

In addition to the information required by section 13.1, an application for site plan review shall submit the following information:

1. A copy of the MIOSHA Material Safety Data Sheet or "Hazardous Reporting Form for Site Plan Review."
2. Location of existing and proposed facilities and structures, above and below ground, including but not limited to the following:
 - a. Public and private groundwater supply wells on site and on adjacent properties.
 - b. Septic systems and other wastewater treatment systems.
 - c. All interior and exterior areas to be used for the storage, use, loading/unloading, recycling or disposal of hazardous substances.
 - d. Location of all underground and aboveground storage tanks for such uses as fuel storage, waste oil, chemical storage, hazardous waste storage, collection of contaminated stormwater or wash water, and all similar uses.
 - e. Location of interior and exterior drains, dry wells, catch basins, retention/detention areas, stormwater/retention ponds, sumps and other facilities designed to collect, store or transport stormwater or wastewater, The point of discharge for all drains and pipes shall be identified on the site plan.
3. Location of existing wetlands, waterbodies, watercourses and floodplains.
4. Soil characteristics of the site, at least to the detail provided by the U.S. Soil Conservation Service.
5. Delineation of areas on the site which are known to be contaminated, together with a report on the status of site cleanup.

Section 16.7. - Site plan review standards.

In addition to the criteria set forth in section 13.1, in reviewing a site plan and approving, disapproving or modifying same, the planning commission shall be governed by the following standards:

1. *Groundwater protection standards:*
 - a. The project and related improvements shall be designed to protect the natural environment, including wetlands, waterbodies, watercourses, floodplains, groundwater and soils.
 - b. Stormwater management and drainage facilities shall be designed to retain the natural retention and storage capacity of any wetland, waterbody or watercourse and shall not increase flooding or the possibility of polluting surface or groundwater, on site or off site.
 - c. General purpose floor drains shall be connected to a public sewer system, an on site holding tank or a system authorized through a State of Michigan groundwater discharge permit.
 - d. Chemical loading and unloading areas should not have drains which discharge into the storm sewer piping or collection system unless equipped with an appropriate sump pump which can be shut down in the case of a spill. Further, chemical loading and unloading areas should be designed to contain or direct spillage in such a manner as to prevent potential discharge to the ground or groundwaters, stormwater piping or recharge ponds or lagoons.
 - e. Sites at which hazardous substances are loaded and unloaded, stored, used or generated shall be designed to prevent spills and discharges to the air, surface of the ground, wetlands, waterbodies,

watercourses or groundwater.

- f. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances shall be met. No discharges to groundwater, including direct and indirect discharges, shall be allowed without required permits and approvals.
2. *Aboveground storage and use areas for hazardous substances and polluting materials:*
 - a. Secondary containment of hazardous substances shall be provided. Secondary containment shall be sufficient to store 110 percent of the stored substance for the maximum anticipated period of time necessary for the recovery of any released substance.
 - b. Secondary containment structures such as buildings, storage rooms, sheds and pole barns shall not have floor drains which outlet to nearby drains, soils, wetlands, waterbodies, watercourses or groundwater. Where allowed, the secondary containment provided in subsection 2.a. above, shall apply.
 - c. Outdoor storage of hazardous substance shall be prohibited except in product-tight containers which are protected from weather, leakage, accidental damage and vandalism.
 - d. Areas and facilities for loading and unloading of hazardous substances, as well as areas where such materials are handled and use, shall be designed and constructed to prevent discharge or runoff to nearby drains, soils, wetlands, waterbodies, watercourses or groundwater.
 - e. All storage of fuel and lubricants or vehicle operation and fuel for building and/or processing in conjunction with permitted and conditional uses for same shall be above ground.
 3. *Underground storage tanks:*
 - a. Existing underground storage tanks or replacements allowed under subsection 16.5 6. shall be registered with the State Police Fire Marshal Division and in accordance with the requirements of the U.S. Environmental Protection Agency.
 - b. Installation, operation, maintenance, closure and removal of underground storage tanks shall be in accordance with the requirements of the State Police Fire Marshal Division. Leak detection, corrosion protection, spill prevention and overfill protection requirements shall be met. Records of monthly monitoring or inventory control must be retained and available for review by city and other applicable government officials.
 - c. Out-of-service abandoned underground tanks shall be emptied and removed from the ground in accordance with the requirements of the State Police Fire Marshal Division and the Michigan Department of Natural Resources.
 4. *Sites with contaminated soils and/or groundwater:*
 - a. Site plans shall take into consideration the location and extent of any contaminated soils and/or groundwater on the site and the need to protect the public health and the environment.
 - b. Development shall not be allowed on or near contaminated areas of a site unless information from the Michigan Department of Natural Resources is available indication that cleanup will proceed in a timely fashion.

Section 17.1. - Schedule limiting height, size, density, and area by zoning district.

The following regulations regarding lot sizes, yards, setbacks, building heights, and densities apply within the zoning districts as indicated, including the regulations contained in section 17.2, Notes to Schedule of Regulations. No building shall be erected, nor shall an existing building be altered, enlarged or rebuilt, nor shall any open spaces surrounding any building be encroached upon or reduced in any manner, except in conformity with the regulations hereby established for the district in which such building is located. No portion of lot used in complying with the provisions of this Ordinance for yards, courts, lot area occupancy, in connection with an existing or projected building or structure, shall again be used to qualify or justify any other building or structure existing or intended to exist at the same time.

Zoning District	Min. Size Per Zoning Lot (a)		Max. Building Height		Max. Building Lot Coverage (%)	Min. Yard Setback Requirements Per Zoning Lot in Ft. (b)(c)(d)(e)(k)			Min. Liveable Floor Area In Square Feet (e) (f)	Max. Gross Density in Units Per Acre
	Area in square feet	Width in Ft.	In Stories	In Feet		Front (g)(h)	Each Side	Rear		
R-C, Recreation Conservation District (t)	1 ac	150	1	15	30	25	25	50		
R-A, Single-Family Residential (i)	8,500	66	2.5	30	35	25	7.5	40	1,200	5.12
R-T, Residential Transitional District	8,500	66	2.5	30	35	25	7.5	40	1,200	5.12
R-M, Residential Multiple-Family (m)(n)	7,000 (j)	70	3	40	40	25	15 (l)	30		10

C-1, Central Business District			2	25	(o)		(r)	30 (q)		
C-2, Service Business District			1	20	(o)	25 (p)	15 (r)	30 (q)		
C-3, General Business District			3 above ground	40	(o)	25 (p)	15 (r)	30 (q)		
I-M, Industrial Manufacturing District	1 ac	150	1	30	(o)	25 (p)	25 (r)	50(q) (s)		

(Ord. No. 179, § 1, 2-4-02)

Section 17.2. - Notes to schedule of regulations.

- (a) See section 17.3, Lot Size Averaging, for flexibility allowances.
- (b) Minimum front yard setback is measured from the edge of the abutting right-of-way, based upon information and standards set forth by the City of Parchment.
- (c) For all nonresidential uses allowed in residential districts, the setbacks shall equal the height of the main building, or the setbacks required in articles 5 and 7, or the Schedule of Regulations, whichever is greater.
- (d) All side yards abutting upon a public street shall be considered as a front yard for setback purposes, except as may otherwise be required by this Ordinance.
- (e) The minimum floor area per dwelling unit shall not include area of basements, breezeways, porches or attached garages.
- (f) The minimum livable floor area per multiple-family unit shall be in accordance with the following schedule:

Unit Type	Minimum Floor Area Required (Square Feet)
-----------	--

Efficiency	350
One Bedroom	600
Two Bedroom	800
Three or More Bedrooms	1,000

- (g) In all residential districts, the required front yard setback shall not be used for off-street parking, loading, or unloading, and shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping, plant materials, vehicle access drives, or as otherwise specified by this Ordinance.
- (h) Where the average setback of the buildings existing at the time of adoption of this Ordinance within 150 feet on either side of the lot on which a building is proposed is less than 25 feet, that average distance may be used as a minimum setback.
- (i) For two-family dwellings in the single-family district, the following standards shall apply:

Minimum Size per Zoning Lot	Area	10,000 square feet
	Width	100 feet
Maximum Building Height	Stories	2.5
	Feet	25
Maximum Lot Coverage	30 percent	
Minimum Yard Setbacks	Side	15 feet
	Rear	40 feet
	Front	25 feet

- (j) On a corner lot, the minimum lot area in the multifamily district shall be 8,000 square feet.
- (k) The distance between any two structures within a multiple-family residential development shall not be less than 30 feet.
- (l) In the multifamily district, the minimum side yards for multiple-family developments shall be equal to 15 feet or one-half the height of the structure, whichever is greater.
- (m) Within any yard setback or area between buildings, an area equivalent to 70 percent of any required yard or any

required minimum area between buildings must be landscaped and developed as usable open space or recreation area available to the residents of the development, and further, said areas shall be kept free of all vehicular uses.

- (n) In the district, front, side, or rear yards need not refer to spacing between buildings for the planned development of two or more buildings on the same parcel. In such cases, the minimum distance between any two buildings shall be regulated according to the length and height of such buildings and in no instance be less than 35 feet.

The formula for regulating the required minimum distance between two buildings is as follows:

$$S = LA + LB + [2 (HA + HB)] / 6$$

where:

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

- (o) The maximum percentage of coverage shall be determined by the use and provisions of required off-street parking, loading and unloading, and required yards.
- (p) Off-street parking shall be permitted to occupy a portion of the required front yard provided that there shall be maintained a minimum unobstructed landscaped setback of ten feet between the nearest point of the off-street parking area, exclusive of access driveways, and the front lot line.
- (q) Loading space shall be provided in the rear yard in accordance with section 12.12.
- (r) Off-street parking shall be permitted in a required side yard setback when said side yard abuts a nonresidential

district.

- (s) All storage shall be in the rear yard and shall be completely screened with an obscuring wall or fence, not less than six feet high, or with a chain link type fence and a greenbelt planting so as to obscure all view from any adjacent residential or business district or from a public street.
- (t) In the Recreation/Conservation District, the requirements for minimum lot size, maximum building height, and maximum lot coverage shall not apply to educational and municipal buildings.

Section 17.3. - Lot size averaging.

Lot size averaging may be permitted by the planning commission, upon application from the proprietor, if it determines that it will provide a better relationship of lots to the topography, vegetation or other natural or man-made features. Lot size averaging is the allowance for a change in lot area and width in a development, but with the average lot area meeting the minimum area as required in section 17.1 for that particular one-family residential district.

In the case where lot size averaging is permitted, the following conditions shall be met:

1. The number of lots shall not exceed the number allowed for the zoning district in which the development is located.
2. Reduction of lot area or width below the minimum required for the zoning district shall not be permitted for more than one-third of the total number of lots in the development.
3. No lot shall have an area or width more than ten percent below that area or width required in the Schedule of Regulations.
4. All computations showing lot area and the average resulting through this technique shall be indicated on the print of the preliminary plat.
5. The submittal shall be reviewed and approved in accordance with terms, conditions, and standards of PA 288 of 1967, as amended (the state Subdivision Control Act) and the city's local subdivision regulation ordinance.

ARTICLE 18. - APPEAL PROCEDURES

Section 18.1. - Intent.

An appeals procedure is herein established in order that the objectives of this Ordinance may be fully and equitably achieved, that a means shall be provided for competent interpretation of this Ordinance, that adequate but controlled flexibility be provided in the application of this Ordinance, that the health, safety, and welfare of the public is secured, and that justice be done.

Section 18.2. - Membership.

There is hereby established a zoning board of appeals, which shall perform its duties and exercise its powers as provided in section 5 of Act 207 of the Public Acts of 1921, as amended, and in such a way that the objectives of this chapter shall be observed, public safety secured and substantial justice done. The city commission may appoint a board of zoning appeals consisting of five members, each to be appointed for a term of three years. Appointment of the first members shall be for terms of one, two, and three years, respectively, so as nearly as possible to provide for the appointment of an equal number of members each year. After the initial appointment, each member shall hold the office for the full three-year term.

(Ord. No. 168, 3-1-99)

Section 18.3. - Meetings.

1. All meetings of the board of appeals shall be held at the call of the chairman and at such times as such board may determine.
2. All hearings conducted shall be open to the public. The board of appeals shall keep minutes of its proceedings showing the vote of each member in question, or if absent, or failing to vote, indicating such fact and shall also keep records of its hearings and other official actions in the office of the city clerk and shall be a public record.
3. The board of appeals shall not conduct business unless a majority of the members are present. The concurring vote of a majority of the full membership of board of appeals shall be necessary to reverse an order, requirement, decision, or determination of an administrative official or body, or to decide in favor of the applicant a matter upon which they are required to pass under an ordinance, or to effect a variation in an ordinance.
4. The board of appeals shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony, and the production of books, papers, files, and other evidence pertinent to the matters before it.

Section 18.4. - Appeal and notice requirements.

1. An appeal may be taken to the zoning board of appeals by any person, firm or corporation, or by any officer, department, board, or bureau affected by a decision of the building official. Such appeal shall be taken within such time as shall be prescribed by the zoning board of appeals by general rule, by filing with the building official, a notice of appeal, specifying the grounds thereof. The building official shall forthwith transmit to the zoning board of appeals, all of the papers constituting the record upon which the action appealed from was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the building official certifies to the zoning board of appeals, after notice of appeal has been filed with him, that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case, the proceedings shall not be stayed, otherwise than by a restraining order which may be granted by a court of record.
2. The zoning board of appeals shall select a reasonable time and place for the hearing of the appeal and give due notice of the appeal to the parties, and to whom real property within 300 feet of the premises in question is assessed, and to the occupants of single- and two-family dwellings within 300 feet, the notice to be delivered personally, or by mail, addressed to the respective owners and tenants at the address given in the last assessment role. The zoning board of appeals shall decide the appeal within a reasonable time. If the tenants name is unknown, the term "occupant" may be used. Public notice of the time, date, and place of the hearing shall also be given in the manner required by Act 267 of the Public Acts of 1976, and by insertion in a newspaper of general circulation in the city 15 days prior to said hearing date. Such notice shall contain the address, if available, and the location of the property for which the ruling of the zoning board of appeals is sought, as well as a brief description of the nature of the appeal. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney.
3. No appeal shall be taken to the zoning board of appeals from a decision of the planning commission in connection with an approved site plan unless such appeal has first been reviewed by the planning commission

and a recommendation on the variance is provided by the planning commission.

Section 18.5. - Jurisdiction.

The zoning board of appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision of determination as in its opinion ought to be made in the premises, and to that end shall have all the powers of the officer from whom the appeal was taken and may issue or direct the issuance of a permit. Where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this Ordinance, the zoning board of appeals shall have the power in passing upon appeals to vary or modify any of its rules, regulations or provisions so that the spirit of this Ordinance shall be observed, public safety secured, and substantial justice done. Nothing herein contained shall be construed to give or grant to the zoning board of appeals the authority to make changes in the Zoning Ordinance or the Zoning Map acting under the authority of appeal board. The power and authority to rezone is reserved to the city commission in the manner provided by section 4 of P.A. 207 of 1921, as amended.

Section 18.6. - Powers and duties.

The zoning board of appeals shall have the following specified powers and duties:

1. *Administrative review.* To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision, or refusal made by the building official or any other administrative official in carrying out, or enforcing, any provisions of this Ordinance.
2. *Interpretation.* To hear and decide in accordance with the provisions of this Ordinance:
 - a. Appeals for the interpretation of the provisions of the Ordinance.
 - b. Requests to determine the precise location of the boundary lines between the zoning districts as they are displayed on the Zoning Map, when there is dissatisfaction with the decision on such subject.
3. *Variances.* The zoning board of appeals shall have the power to authorize, upon appeal, specific variances from such dimensional requirements as lot area and width regulations, building height and square foot regulations, yard width and depth regulations, such requirements as off-street parking and loading space, and sign regulations, and other similar requirements as specified in the Ordinance. To obtain a variance, the applicant must show that a "practical difficulty" exists. In determining if a practical difficulty exists, the zoning board of appeals shall consider whether the following conditions exist:
 - a. That strict compliance with area, setbacks, frontage, height, bulk, or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render the conformity unnecessarily burdensome;
 - b. That a variance would do substantial justice to the applicant, as well as to other property owners in the district;
 - c. That the plight of the owner is due to the unique circumstances of the property;
 - d. That the problem is in no way self-created.
4. *Approval of temporary uses.* The zoning board of appeals shall have the power to grant permits authorizing temporary land uses for:
 - a. Seasonal sales of produce, firewood or Christmas trees, and similar uses; under the following conditions:
 - (1) *Zoning districts where permitted.* Temporary uses shall be restricted to nonresidential zoning districts.

(2) *Application and submittal requirement.* The application for a temporary use permit shall be accompanied by specifications including a plot plan, in triplicate, drawn to scale, showing the following:

- (i) The shape, location, and dimensions of the lot, including the shape, size, and location of all buildings or other structures already on the lot, off-street parking layout, and the location of any designated fire lanes.
- (ii) The materials to be utilized in and the shape, size, and location of all buildings and structures to be erected or moved onto the lot, including all tents, tables, stands, or display racks.
- (iii) The anticipated automobile traffic flow to and from the lot and any adjacent thoroughfares, loss of off-street parking spaces, if any, as well as the anticipated flow of pedestrian traffic upon lot sidewalks.

(3) *Time limitations:*

- (i) A temporary use permit for the sale of Christmas trees, seasonal items such as flowers and similar uses shall by its terms be effective for no longer than 30 days. No more than one temporary use permit for the sale of Christmas trees shall be issued for any given location within a single calendar year.
- (ii) A temporary use permit for a vegetable, fruit or produce stand or for the sale of firewood or similar use shall, by its terms, be effective for no longer than three months. No more than one temporary use permit for such uses shall be issued for any given location within a single calendar year.

b. Permit uses which do not require the erection of any capital improvement of a structural nature, not otherwise permitted in any district (such as art fairs, carnivals, and civic festival events), not to exceed 12 months.

In classifying uses as not requiring capital improvement, the zoning board of appeals shall determine that they are either demountable structures related to the permitted use of land; recreation developments, such as, but not limited to: golf driving range and outdoor archery courts; or structures which do not require foundations, heating systems, or sanitary connections.

c. The granting of the temporary use shall be granted in writing, stipulating all conditions as to time, nature of development permitted and arrangements for removing the use at the termination of said temporary permit.

d. No temporary use permit shall be granted without first giving notice to owners of adjacent property of the time and place of a public hearing to be held as further provided for in this Ordinance. Further, the zoning board of appeals shall seek the review and recommendation of the planning commission prior to the taking of any action.

5. *Essential services.* The zoning board of appeals shall review and approve, after a public hearing, the location of overhead or underground and necessary poles and towers to be erected to service primarily those areas beyond the municipality.

6. *Standards for approval for temporary uses and essential services.* A temporary use permit shall only be granted if the zoning board of appeals determines that the proposed use, including the erection of any temporary building or structure, will:

- a. Provide adequate light and ventilation between buildings and structures.

- b. Provide adequate automobile and pedestrian traffic flow and provide adequate off-street parking.
- c. Provide adequate lot access for fire protection purposes.
- d. Not adversely affect the stability and integrity of the zoning plan prescribed by this Ordinance or otherwise interfere with the protection of public health, safety, and general welfare.
- e. Not be incompatible with or otherwise adversely affect the physical character of the community and, in particular, the surrounding area with a distance of 1,000 feet.
- f. When the proposed temporary use is to be conducted on an otherwise vacant or unused lot, the use shall comply with all applicable zoning regulations for the district in which the temporary special use is to be located, including all requirements pertaining to lot size, height, setback, open space ratio, maximum percentage of covered lot area, and off-street parking.

Section 18.7. - Prohibited variances.

A use variance shall not be permitted, except as described under section 18.6.4, Approval of Temporary Uses.

Section 18.8. - Attachment of conditions.

The zoning board of appeals may impose conditions upon an affirmative decision. The conditions may include, conditions necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall do all the following:

1. Be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well being of those who will use the land use or activity under consideration, residents, and landowners immediately adjacent to the proposed land use, or activity, and the community as a whole.
2. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
3. Be necessary to meet the intent and purpose of the zoning regulations; be related to the standards established in the Ordinance for the land use or activity under consideration and be necessary to ensure compliance with those standards.
4. The conditions imposed with shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the approving authority and the landowner. The approving authority shall maintain a record of changes granted in conditions.

Section 18.9. - Fees.

The city commission may from time-to-time prescribe and amend by resolution a reasonable schedule of fees to be charged to applicants for appeal proceedings. At the time an application is filed, said fee shall be paid to the city clerk.

Section 18.10. - Rehearing.

1. The decision of the zoning board of appeals shall be final. However, a person having an interest affected by the Zoning Ordinance may appeal to circuit court.

2. The zoning board of appeals is without general authority to reconsider a matter it has decided and from reversing its previous decision unless the facts and circumstances which actuated the decision have so changed as to vitiate or materially affect the reason which produced and supported it, and no vested rights have intervened.

ARTICLE 19. - ADMINISTRATION AND ENFORCEMENT

Section 19.1. - Enforcement.

The provisions of this Ordinance shall be administered and enforced by the building official or by such deputies of his department as the building official may delegate to enforce the provisions of this Ordinance.

Section 19.2. - Duties of building official.

The building official shall have the power to grant zoning compliance and occupancy permits, to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance. It shall be unlawful for the building official to approve any plans or issue any permits or certificates of occupancy for any excavation or construction until he has inspected such plans in detail and found them to conform with this Ordinance.

The building official shall record all nonconforming uses existing at the effective date of this Ordinance for the purpose of carrying out the provisions of section 12.4.

Under no circumstances is the building official permitted to make changes to this Ordinance nor to vary the terms of this Ordinance in carrying out his duties as building official.

The building official shall not refuse to issue a permit when conditions imposed by this Ordinance are complied with by the applicant despite violations of contracts, such as covenants or private agreements which may occur upon the granting of said permit.

Section 19.3. - Plot plan.

The building official shall require that all applications for building permits shall be accompanied by plans and specifications including a plot plan, in triplicate, drawn to scale, showing the following:

1. The actual shape, location, and dimensions of the lot.
2. The shape, size, and location of all buildings or other structures to be erected, altered, or moved and of any building or other structures already on the lot.
3. The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
4. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance are being observed.

Section 19.4. - Permits.

The following shall apply in the issuance of any permit:

1. *Permits not to be issued.* No building permit shall be issued for the erection, alteration or use of any building or structure or part thereof, or for the use of any land, which is not in accordance with all provisions of this

Ordinance.

2. *Permits for new use of land.* No land heretofore vacant shall hereafter be used or an existing use of land be hereafter changed to a use of a different class or type unless a certificate of occupancy is first obtained for the new or different use.
3. *Permits for new use of buildings.* No building or structure, or part thereof, shall be changed to or occupied by a use of a different class or type unless a certificate of occupancy is first obtained for the new or different use.
4. *Permits required.* No building or structure, or part thereof, shall be hereafter erected, altered, moved, or repaired unless a building permit shall have been first issued for such work. The terms "altered" and "repaired" shall include any changes in structural parts, stairways, type of construction, type, class or kind of occupancy, light or ventilation, means of egress and ingress, or other changes affecting or regulated by the City of Parchment Building Code, Housing Law, or this Ordinance, except for minor repairs or changes not involving any of the aforesaid features.

Section 19.5. - Certificates.

No land, building, or part thereof, shall be occupied by or for any use unless and until a certificate of occupancy shall have been issued for such use. The following shall apply in the issuance of any certificate:

1. *Certificate not to be issued.* No certificates of occupancy shall be issued for any buildings, structure or part thereof, or for the use of any land, which is not in accordance with all the provisions of this Ordinance.
2. *Certificates required.* No building or structure, or parts thereof, which is hereafter erected, or altered, shall be occupied or used or the same caused to be done, unless and until a certificate of occupancy shall have been issued for such building or structure.
3. *Certificates including zoning.* Certificates of occupancy as required by the city building code for new buildings or structures, or parts thereof, or for alterations to or changes of use of existing buildings or structures, shall also constitute certificates of occupancy as required by this Ordinance.
4. *Record of certificates.* A record of all certificates issued shall be kept on file in the office of the building official, and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved.
5. *Certificates for dwelling accessory buildings.* Buildings or structures accessory to dwellings shall not require separate certificates of occupancy but may be included in the certificate of occupancy for the dwelling when shown on the plot plan and when completed at the same time as such dwellings.
6. *Application for certificates.* Application for certificates of occupancy shall be made in writing to the building official on forms furnished by that department, and such certificates shall be issued within ten days after receipt of such application if it is found that the building or structure, or part thereof, or the use of land is in accordance with the provisions of this Ordinance. If such certificate is refused for cause, the applicant therefore shall be notified of such refusal and cause thereof, within the aforesaid ten-day period.

Section 19.6. - Final inspection.

The holder of every building permit for the construction, erection, alteration, repair, or moving of any building structure or part thereof, shall notify the building official immediately upon the completion of the work authorized by such permit, for a final inspection.

Section 19.7. - Fees.

Fees for inspection and the issuance of permits or certificates or copies thereof required or issued under the provisions of this Ordinance may be collected by the building inspector in advance of issuance. The amount of such fees shall be established by resolution of the city commission and shall cover the cost of inspection and supervision resulting from enforcement of this Ordinance.

ARTICLE 20. - AMENDING THE ORDINANCE

All amendments to the Zoning Ordinance must be reviewed by the city planning commission. Amendments may take the form of the city commission proposal, staff initiated recommendations or citizen petitions, for either zoning text or zoning district boundary changes. In any event, the planning commission shall hold a public hearing as provided in Public Act 207 of 1921 as amended. After the public hearing has been closed, the planning commission shall submit a report and recommendations to the city commission on the proposed change.

Whenever the planning commission holds a public hearing to consider a proposed change in the zoning district boundaries, a written notice of such time and place for a public hearing shall be mailed to the owners, at the address given in the last assessment rolls, of all lots or parcels of land lying within 300 feet of the boundaries or within lots in every direction of the area proposed to be rezoned, whichever is the greater area. Notices of public hearing shall also be sent to each public utility company and each railroad owning or operating within the districts or zones affected. Such notices shall be delivered personally or by first class mail, at least 15 days prior to the date of the hearing.

Citizen petitions for zoning ordinance amendments shall be submitted to the city clerk on standard forms provided at least 15 days prior to the next regularly scheduled planning commission meeting. At the next regularly scheduled meeting, the planning commission shall set a date for a public hearing to receive public comment. The standard forms shall be completed in the manner prescribed and such documents, as required by the Ordinance, shall be filed with the clerk. A fee schedule, as provided by resolution of the city commission, shall be levied against each petition to cover the cost of administering the application process and for advertising public hearings and other incidental costs relative to said petition. The city clerk shall transmit the application to the planning commission.

A petition for rezoning, once denied by city commission, shall not be resubmitted for recommendation or action within one year from date of denial.

If the city commission does not take any action to resolve a petition for rezoning after public hearing within six months beginning with the initial day of filing, said petition shall be determined to have been denied.

Upon presentation of a protest petition, an amendment to a Zoning Ordinance, which is the object of the petition, shall be passed only by a two-thirds vote of the legislative body unless a larger vote, but not to exceed three-fourths vote, is required by Ordinance or Charter. The protest petition shall be presented to a legislative body before final legislative action on the amendment, and shall be signed by one of the following:

- a. The owners of at least 20 percent of the area of land included in the proposed change.
- b. The owners of at least 20 percent of the area of land included with an area extending outward 100 feet from

any point on the boundary of land included in the proposed change.

ARTICLE 21. - REPEAL OF PRIOR ORDINANCE

The Zoning Ordinance adopted by the City of Parchment, known as Ordinance No. 6 and all amendments thereto, are hereby repealed. The repeal of the above ordinance and its amendments does not affect or impair any act done, offense committed or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted or inflicted.

ARTICLE 22. - INTERPRETATION

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

ARTICLE 23. - VESTED RIGHT

Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety, and welfare.

ARTICLE 24. - ENFORCEMENT, PENALTIES AND OTHER REMEDIES

Section 24.1. - Violations.

Any person, firm or corporation violating any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than \$500.00 and the costs of prosecution or, in default of the payment thereof, shall be punished by imprisonment in the county jail for a period not to exceed 90 days for each offense, or by both such fine and imprisonment in the discretion of the court, together with the cost of such prosecution.

Section 24.2. - Public nuisance per se.

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

Section 24.3. - Fines; imprisonment.

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

Section 24.4. - Each day a separate offense.

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

Section 24.5. - Rights and remedies are cumulative.

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

ARTICLE 25. - SEVERANCE CLAUSE

Section[s] of this Ordinance shall be deemed to be severable and should any section, paragraph, or provision hereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance as a whole or any part so declared to be unconstitutional or invalid.