

Chapter 7

ZONING

[HISTORY: Adopted by the City Commission of the City of Lapeer 8-20-1973; amended 5-19-1986; 7-18-2011 (Ch. 7 of the 1978 General Ordinances). Subsequent amendments noted where applicable.]

ARTICLE I
Short Title

§ 7-1.01. Short title.

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

§ 7-1.02. Purpose.

The purpose of this chapter is to regulate the use of land and structures to meet the needs of the City's residents for places of residence, recreation, industry, trade, service, and other uses of land, to ensure that use of the land is situated in appropriate locations and relationships, to facilitate orderly development which is harmonious with the surrounding area and preserves community character, to limit the inappropriate overcrowding of land and congestion of population, transportation systems, and other public facilities, to facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility requirements, and to promote public health, safety, and welfare.

§ 7-1.03. Enabling authority.

This chapter is enacted in accordance with the authority granted cities under the Michigan Zoning Enabling Act, P.A. 110 of 2006 (MCL § 125.3101 et seq.), as amended.

§ 7-1.04. Conflicting regulations.

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

§ 7-1.05. Interpretation.

The provisions of this chapter shall be considered as minimum standards and requirements within each respective zoning district and shall not preclude the establishment of higher or more restrictive standards, or requirements for the authorization of and conditional use permit where such higher or more restrictive standards or requirements are found necessary by the City Planning Commission to attain the intent of this chapter. Should any provision or section of this chapter be held invalid or unconstitutional, such ruling shall not affect the validity of remaining portions of the chapter.

§ 7-1.06. Vested right.

Nothing in this chapter shall be interpreted or construed to provide any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein, other than noted in Article XXI. Such uses, structures, and activities are hereby declared to be subject to subsequent amendment, change or

modification as may be necessary for the preservation or protection of public health, safety and welfare.

ARTICLE II
Districts

§ 7-2.01. Districts established.

For the purpose of this chapter, the City of Lapeer is hereby divided into the following districts:

A. Residential districts.

- R-1 Single-Family Residential District
- R-2 Single-Family Residential District
- R-3 Single-Family Residential District
- RM-1 Multiple-Family Residential District
- RM-2 Multiple-Family Residential District
- MHP Manufactured Home Park District

B. Nonresidential districts.

- OS-1 Office Service District
- B-1 Neighborhood Business District
- B-2 General Business District
- B-3 Regional Business District
- CBD-1 Central Business District
- CBD-2 Central Business District
- I-1 Industrial District
- I-2 Planned Industrial District
- P-1 Vehicular Parking District

C. Overlay and mixed-use districts.

- MU Mixed-Use Overlay District
- M-24 M-24 Overlay District
- PUD Planned Unit Development District

§ 7-2.02. District boundaries; changes in boundaries.

The boundaries of these districts are hereby established as shown on the Zoning Map, City of Lapeer Zoning Ordinance, which accompanies this chapter, and which map, with all notations, references and other information shown thereon, shall be as much a part of this chapter as if fully described herein.¹

A. Zoning district amendments.

- (1) The following property, formerly zoned R-2 Single-Family Residential

1. Editor's Note: The most recent Zoning Map is available in the City offices.

District, is hereby rezoned to B-2 General Business District: **[Amended 9-13-2012]**

- (a) 947 Baldwin Road; Tax I.D. #L20-95-505-040-00.
- (2) The following property, formerly zoned Planned Unit Development (PUD) based on a conceptual plan for "The Lapeer Commons" by CHMP Architects dated 7-1-2009, is hereby rezoned to Planned Unit Development (PUD) based on a revised conceptual plan for "The Lapeer Commons" by CHMP Architects with a revision date of 8-3-2012: **[Amended 10-11-2012]**
 - (a) 1048 S. Lapeer Road; Tax I.D. # L21-39-831-019-00.
 - (b) This rezoning is based on substantial compliance with the aforementioned revised conceptual plan, and supersedes previous rezoning of the property to PUD based on previous conceptual plans. This rezoning is further based on completion of the site plan process for the various phases of the development within three years from the date of final rezoning approval by the City Commission as per Article XII.
- (3) The following property, formerly zoned One-Family Residential (R-3), is hereby rezoned to Planned Unit Development (PUD) based on a conceptual plan and accompanying project summary letter by Davis Land Surveying and Engineering, P.C. prepared for Grand Legacy Homes, Inc. dated 3-12-2013: **[Amended 5-30-2013]**
 - (a) L22-00-404-040-00 and L22-01-700-040-00.
 - (b) This rezoning is based on substantial compliance with the aforementioned conceptual plan and letter, and is further contingent upon the following:
 - [1] Waiving the development standard for a common party wall of an attached single-family dwelling unit not to exceed 50% of its area in common with an abutting dwelling wall;
 - [2] That the infrastructure be constructed in its entirety and the project be developed in a non-phased manner; and
 - [3] A thirty-five-foot building height limit on the structures.
- (4) The following property, formerly zoned One-Family Residential (R-1), is hereby rezoned to Planned Unit Development (PUD) based on a revised conceptual plan by Wilson Road Group, Inc., titled "Lapeer Area Investment PUD," with a revision date of 3-10-2013: **[Amended 6-13-2013]**
 - (a) L20-66-400-040-00, L20-66-300-004-00, and L20-66-200-040-00.
 - (b) This rezoning is based on substantial compliance with the aforementioned revised conceptual plan, and is further based on completion of the site plan process for the various phases of the development within three years from the date of final rezoning approval by the City Commission as per Article XII, and is contingent upon the

following:

- [1] A twenty-five-foot height limitation be placed on all proposed structures;
 - [2] Commercial uses on the site be restricted to uses permitted in the B-1 Neighborhood Business zoning district; and
 - [3] All demolition be completed prior to any new construction beginning on the site.
- (5) The following property, formerly zoned I-1 Industrial District, is hereby rezoned to B-2 General Business District: **[Amended 7-31-2014]**
- (a) 1250 Imlay City Road; Tax I.D. #L21-36-509-040-00.
- (6) The following property, formerly zoned R-2 Single-Family Residential, is hereby rezoned to B-2 General Business District: **[Amended 2-12-2015]**
- (a) 1177 S. Main Street; Tax I.D. #L21-16-550-015-00.
- (7) The following property, formerly zoned R-2 and R-3 Single-Family Residential, is hereby rezoned to B-2 General Business based on a conditional rezoning of the following parcels located on the south side of DeMille Boulevard and the north side of Turrill Road from R-2 and R-3 to B-2 General Business: **[Added 12-7-2015]**
- (a) 252.68 +/- acres on the south side of DeMille Boulevard, east of Farmer's Creek, consisting of:
 - [1] L20-93-502-050-00 zoned R-2, 3 +/- acres east of Farmer's Creek.
 - [2] L20-95-701-040-00 zoned R-2, 20.26 acres.
 - [3] L20-95-704-040-00 zoned R-2, 31.3 acres.
 - [4] L20-95-700-040-00 zoned R-2, 55 +/- acres east of Farmer's Creek.
 - [5] L20-95-705-040-00 zoned R-3, 71.33 acres.
 - [6] L20-83-358-050-00 zoned R-2, 46.5 +/- acres east of Farmer's Creek.
 - [7] L20-83-357-040-00 zoned R-2, 25.29 acres.
 - (b) And 192.59 acres on the north side of Turrill Road, east of Cliff Drive, consisting of:
 - [1] L20-98-008-003-00 zoned R-2, 111.52 acres.
 - [2] L20-98-008-006-00 zoned R-2 and R-3, 50.78 acres.
 - [3] L20-98-008-005-00 zoned R-2, 30.29 acres.
 - (c) The condition being that the use of the property as zoned would be limited to the use classification of "Publicly owned buildings; public

utility buildings; telephone exchange buildings; electric transformer stations and substations; gas regulator stations with service yards, but without storage yards; water and sewage pumping stations."

- (8) The following property, formerly zoned R-2 Single-Family Residential, is hereby rezoned to B-2 General Business based on a conditional rezoning of the following parcel located on the north side of DeMille Boulevard and west of Farmer's Creek from R-2 Single Family Residential to B-2 General Business: **[Added 3-21-2016]**
 - (a) L20-93-502-040-00 zoned R-2, 11+/- acres west of Farmer's Creek.
 - (b) The condition being that the use of the property as zoned would be limited to the use classification of "Publicly owned buildings; public utility buildings; telephone exchange buildings; electrical transformer stations and substations; gas regulator stations with service yards, but without storage yards; water and sewage pumping stations."
- (9) The following property, formerly zoned R-2 Single-Family Residential, is hereby rezoned to B-2 General Business: **[Added 11-21-2016]**
 - (a) 885 Baldwin Road; Tax I.D. #L21-60-100-040-00.
- (10) The following properties, formerly zoned R-2 Single-Family Residential, are hereby rezoned to B-2 General Business: **[Added 3-6-2017]**
 - (a) 1061 S. Main Street; Tax I.D. #21-16-550-005-00; Sec 8 T7N R10E Churchill Farms Subdivision Lot 5;
 - (b) 1073 S. Main Street; Tax I.D. #L21-16-550-006-00; Sec 8 T7N R10E Churchill Farms Subdivision Lot 6; and
 - (c) 1073 Cliff Drive; Tax I.D. #L21-16-550-027-00; Sec 8 T7N R10E Churchill Farms Subdivision Lot 27.
- (11) The following properties, formerly zoned OS-1 Office Service, are hereby rezoned to B-2 General Business: **[Added 11-20-2017]**
 - (a) 239 S. Main Street; Tax I.D. #21-54-501-040-00; City of Lapeer plat of Whitesville Lot 31 and S 47 feet of Lot 33 (L=1 P=73 Sec 5, 17N-R10E) also including that portion of the vacated alley, contiguous to the easterly property lines.
 - (b) 239 S. Main Street; Tax I.D. #L21-53-301-040-00; City of Lapeer plat of Whitesville Lots 38, 40, 42, 44, 46 and that part lot 48 lying south of RR R/W; also W 1/2 VAC Oak Street adjacent thereto, also including that portion of the vacated alley, contiguous to the westerly property lines (L=1 P=73 Sec 5, T7N-R10E).
- (12) The following property, formerly zoned B-2 General Business, is hereby rezoned to I-1 Industrial: **[Added 1-16-2018]**
 - (a) East 1/4 corner of Section 4, T7N, R10E, City of Lapeer, Lapeer County, Michigan, and being more particularly described as commencing at the

center of Sec 4, TH N89°14'30" E 1,326.16 feet; TH S01°56'04" E 518.80 feet to POB; TH continuing S01°56'04" W 291.15 feet; TH S60°55'19" E 322.06 feet; TH S01°56'04" E 208.86 feet to the north ROW line of Genesee Street; TH S60°55'19" E 177.94 feet; N01°56'04" W 600.00 feet; TH N71°44'27" W 456.59 feet to POB containing 4.087 acres NET PROPOSED (4.332 gross) Parcel ID#L20-83-462-020 proposed.

- (13) The following parcels formerly zoned B-2 General Business are hereby rezoned to I-1 Industrial: **[Added 6-4-2018]**
- (a) Portions of Parcel #L20-83-454-040-00 (1333 Imlay City Road) and Parcel #L20-83-454-050-00 (adjacent vacant 6.16 acre parcel herein together described as Parcel A-1 per survey) both of which are currently zoned B-2 General Business and are proposed to be reconfigured resulting in Parcel #L20-83-454-060-00 (1.51 acre Parcel A-2 per survey) to be zoned B-2 General Business and Parcel #L20-83-454-065-00 (4.65 acre Parcel B-2 per survey) to be zoned I-1 Industrial.
- (14) The following parcel formerly zoned I-1 Industrial is hereby rezoned to B-2 General Business: **[Added 7-16-2018]**
- (a) Parcel #L21-36-503-040-00 (552 Imlay City Road); City of Lapeer Rood's Paved-Way Plat (L=1 P=76 Sec 4, T7N-R10E) Lot 3 44-12-560-003-00.
- (15) The following parcel formerly zoned R-2 Single-Family Residential/OS-1 Office Service is hereby rezoned to RM-1 Multiple-Family Residential: **[Added 7-16-2018]**
- (a) Parcel #L20-94-902-040-00; City of Lapeer T7N, R10E, SEC 7, COM N88°48'27"W 520.58 FT (previously recorded as N88°50'00"W 520.96) & N28°56'40"E 281.16 FT & N88°52'51"W 267 FT (previously recorded as N88°53'00"W 267.00) FRM E 1/4 COR, Sec 7, to the POB; TH N0°06'38"W 740.89 FT; TH N88°55'50"W (previously recorded as N88°55'54"W) 673.98 FT; TH S0°06'38"E (previously recorded as S00°05'24" E) 740.31 FT; TH S88°52'51 E 673.99 FT TO POB 11.46 A+/-.
- (16) The following properties formerly zoned R-2 Single-Family Residential is hereby rezoned to B-2 General Business: **[Added 11-19-2018]**
- (a) Parcel # L21-16-550-012-00; City of Lapeer Sec 8 T7N R10E Churchill Farms Subdivision Lot 12; and
 - (b) Parcel #L21-16-550-021-00; City of Lapeer Sec 8 T7N R10E Churchill Farms Subdivision Lot 21. Annexed from Township in 8/2018.
- (17) The following properties formerly zoned R-2 Single-Family Residential is hereby rezoned to OS-1 Office Service: **[Added 1-22-2019]**
- (a) 1211 Barry Drive - Parcel #L21-30-014-040-00; City of Lapeer Knollwood #1 Lot 4, Block B (L=1 P=93 Sec 32, T8N-R10E).

- (b) 1217 Barry Drive - Parcel #L21-30-016-040-00; City of Lapeer Knollwood # 1 Lot 5, BLK B "ACT 135 OF 1976" (L=1 P=93 Sec 32, T8N-R10E).
 - (c) 1225 Barry Drive - Parcel #L21-30-017-040-00; City of Lapeer R Knollwood # 1 Lot 6, Block B (L=1 P=93 Sec 32, T8N-R10E).
- (18) The following property formerly zoned R-2 Single-Family Residential is hereby rezoned to B-2 General Business: **[Added 6-3-2019]**
- (a) Parcel #L20-94-600-030-00; City of Lapeer T7N, R10E, SEC 6 W 350.09 FT OF S 350.09 OF SE 1/4 EX RD R/W.
- (19) The following property formerly zoned R-2 Single-Family Residential is hereby rezoned to B-2 General Business: **[Added 9-3-2019]**
- (a) Parcel #L21-33-305-040-00; City of Lapeer Rich's Addition (L=5 P=1/2 SEC 8, T7N-R10E) Outlot 1 EX BEG AT THE NE COR OF Outlot 1, TH S14*42'39"W 100 FT ALG W'LY LN OF W ST; TH N89*53'18"W 135.42; TH N01*34'32"W 92 FT; TH N88*25'28"E 163.40 FT TO P.O.B.
- (20) The following property formerly zoned B-2 General Business is hereby rezoned to I-1 Industrial: **[Added 9-3-2019]**
- (a) Parcel #L20-83-321-040-00; City of Lapeer T79, R9E, Part OF SEC 1, Part OF E 1/2 OF SE 1/4 OF SEC 1 LYNG SLY OF Davison Rd. EX COM INT OF N-S 1/4 AND Davison Rd C/L TH SW'LY ALNG SD C/L 720 FT; TH S 28*31'E E TO N-S 1/4 LN; TH N'LY ALNG N-S 1/4 TO POB, 44-08-001-009-00 24.57 A.
- (21) The following property formerly zoned R-2 Single-Family Residential is hereby rezoned to B-2 General Business: **[Added 10-21-2019]**
- (a) Parcel #L21-16-550-008-00 addressed as 1101 South Main Street; SEC 8 T7N R10E Churchill Farms Subdivision Lot 8.
- (22) The following property formerly zoned B-2 General Business is hereby rezoned to I-1 Industrial: **[Amended 12-16-2019]**
- (a) Parcel #L21-29-952-040-00 addressed as 1356 Imlay City Road; City of Lapeer Kingsbury's Plat Lot 2 & E 20 FT OF LOT 1 (L=1 P=90 SEC 4, T7N-R10E) 44-12-360-002-00.
- (23) The following properties formerly zoned R-2 Single-Family Residential is hereby rezoned to B-2 General Business: **[Added 12-16-2019]**
- (a) Parcel #L20-98-704-040-00 addressed as 891 Baldwin Road; City of Lapeer T7N, R10E, SEC 8 BEG NW COR OF LOT 2 OF Wittstock Manor, TH S70*E ALG N LN OF LOT 2 of Wittstock Manor 160.2 FT; TH N14*30'E PAR C/L OF M-24 75 FT; TH N70*W 145.4 FT; TH S25*45'W 75 FT ALG E LN Baldwin Rd TO POB 12-31-2017 combine with L21-60-201-040-00 into L20-98-704-050-00; and

- (b) Parcel #L20-98-704-050-00 addressed as 891 Baldwin Road; City of Lapeer T7N, R10E, SEC 8 BEG NW COR OF LOT 2 OF Wittstock Manor, TH S70°E ALG N LN OF LOT 2 of Wittstock Manor 160.2 FT; TH N14°30'E PAR C/L OF M-24 75 FT; TH N70°W 145.4 FT; TH S25°45'W 75 FT ALG E LN Baldwin Rd TO POB also including the N 17 FT OF LOT 2, Whittstock Manor L2 PG 38 12-31-2017 combined from L20-98-704-040-00 & L21-60-201-040-00.
- (24) The following property formerly zoned B-2 General Business is hereby rezoned to RM-1 Multiple-Family Residential: **[Added 3-16-2020]**

- (a) Parcel #L20-18-404-040-00, addressed as 24 and 30 East Park Street.

CITY OF LAPEER LAPEER VILLAGE PLAT COM SE COR INT PARK & SAGINAW STS, TH N60°04'07"E 63.66 FT ALG S LN OF PARK ST FOR POB, TH CONT 101.38 FT TO N BNK FLINT RIVER; TH S14°48'46"E ALG SD RIVER 103.58 FT; TH S60°04'07"W 59.54 FT; TH N30°30"W 43.31 FT; TH S59°50'37"W 15.13 FT; TH N29°34'W 56.75 FT TO BEG, SUBJ TO 15 FT WD EASE DESC AS BEG NW COR PARCEL TH S29°34'E 56.75 FT TO POE SD EASE 0.19 A PART OF LOTS 147, 148, 149 & PART OF LOT 11, BLK 17 (L=1 P=73 SEC 5, T7N-R10E).

- (25) The following described property formerly zoned R-2 Single-Family Residential is hereby conditionally rezoned to RM-2 Multiple-Family Residential with the following Conditions 1 through 9: **[Added 3-16-2020]**
- (a) A portion of Parcel #L20-98-031-032-20 located on Woodbridge Park Avenue and legally described as:

PART OF THE EAST 1/2 OF SECTION 31, T.08N., R.10E., CITY OF LAPEER, LAPEER COUNTY, MICHIGAN, DESCRIBED AS:

BEGINNING AT A POINT, ON A LINE BETWEEN THE CITY OF LAPEER AND THE TOWNSHIP OF MAYFIELD, BEING DISTANT S00°35'59"E 164.05 FEET ALONG THE EAST LINE OF SAID SECTION 31, AND S89°26'11"W 922.59 FEET ALONG SAID LINE BETWEEN THE CITY OF LAPEER AND THE TOWNSHIP OF MAYFIELD FROM THE EAST 1/4 CORNER OF SAID SECTION 31; THENCE S01°09'03"E 0.24 FEET; THENCE 205.05 FEET ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 253.50 FEET, A DELTA ANGLE OF 46°20'44" AND A CHORD BEARING S24°19'25"E 199.51 FEET; THENCE 179.19 FEET ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 206.50 FEET, A DELTA ANGLE OF 49°43'02" AND A CHORD BEARING S22°38'16"E 173.62 FEET; THENCE S02°13'08"W 36.54 FEET; THENCE N87°46'45"W 66.96 FEET; THENCE S46°16'08"W 65.81 FEET; THENCE S88°50'57"W 442.38 FEET TO THE EAST LINE OF "WESTBROOKE NO. 2" SUBDIVISION, AS RECORDED IN LIBER 6, PAGES 44-45, LAPEER COUNTY RECORDS; THENCE ALONG SAID EAST LINE, N01°09'03"W 225.77 FEET; THENCE N89°47'06"E 3.50 FEET; THENCE N01°09'03"W 80.00 FEET;

THENCE S89°47'06"W 3.50 FEET TO THE SAID EAST LINE OF "WESTBROOKE NO. 2" SUBDIVISION; THENCE ALONG SAID EAST LINE, N01°09'03"W 120.79 FEET TO THE SAID LINE BETWEEN CITY OF LAPEER AND THE TOWNSHIP OF MAYFIELD; THENCE ALONG SAID LINE, N89°26'11"E 417.75 FEET TO THE POINT BEGINNING. CONTAINING 4.78 ACRES OF LAND AND SUBJECT TO ANY EASEMENTS, RESTRICTIONS AND RIGHTS OF WAY OF RECORD.

- [1] Applicant to construct a variable height of four feet to six feet high undulating berm having an average width of 20 feet between the proposed parking lot and the west property line. The berm will be planted to provide a vegetated buffer between the proposed use and the single-family homes to the west. The current ordinance would require a four-foot-high berm. The site will be designed to construct the required berm as close to the proposed parking lot wherever possible in an effort to maximize saving existing healthy trees over 2.5 inches' caliper or six feet in height evergreen trees along the westerly property line.
- [2] Applicant increase the opacity of the landscaping between the proposed building and neighbors to the west by installing landscape plantings at a rate of one canopy tree, one evergreen tree, and four shrubs per 20 linear feet of buffer. The current ordinance would require the same plantings per 30 linear feet of buffer.
- [3] Applicant to increase the tree sizes for the westerly buffer zone to the following: canopy tree — 2.5 inches' caliper; evergreen tree — eight feet to 10 feet in height.
- [4] Upon successful rezoning of the subject property, the applicant will apply for site plan approval and any Zoning Board of Appeals requests (if necessary) within six months of the date of City Commission rezoning approval. If the applicant does not apply for site plan approval and/or ZBA request within six months of the date of City Commission rezoning approval, then the zoning classification of the subject property will revert back to the current zoning classification.
- [5] Within six months of the applicant's receipt of final site plan approval and all necessary permits as required for construction, the applicant shall commence construction on the first phase of the development as indicated on the attached plan. If the applicant does not commence construction of Phase 1 of the development within six months of receipt of final site plan approval and all necessary permits, then the zoning classification of the subject property will revert back to the current zoning classification.
- [6] The site will generally be developed in a manner as shown on the plans submitted.
- [7] The building height will not exceed 40 feet to the midpoint of the

roof, as defined in the City ordinance.

[8] The subject property will be split as part of the site plan approval process.

[9] The westerly property line will include a minimum four feet to six feet undulating berm and maximized in height in areas that do not impact the existing tree line along the west property line as approved by the City Planning Commission.

(26) The following described property known as Parcel #L21-40-400-040-00 addressed as 550 South Saginaw Street formerly zoned RM-1 Multiple-Family Residential is hereby rezoned to OS-1 Office Service: **[Added 9-21-2020]**

(a) CITY OF LAPEER, TURRILL ADD ELM ST, T7N, R10E SEC 5, PART OF LOT 2 & UNMBRD LOT LY E OF LOT 2, AND PART OF SE 1/4 SEC 5, DESC BEG N0*01'E 294.5 FT FRM SE SEC COR, TH N89*29'W 140 FT; TH S04*31'W 60.15FT; TH S23*47'15"W 251.1 FT; TH N88*35'45"W 413.84 FT ALG S SC L TO E L RR R/W; TH N38*47'35"E 1053.27 FT; TH S0*01'W ALG E SEC L 542.6 FT TO POB; EX S 33 FT THEREOF, SUBJ TO EAS OF REC (L=40 P=331 SEC 5, T7N-R9E).

(27) The following described property known as Parcel #L20-84-901-040-00 located on a portion of the property addressed as 155 South Saginaw Street formerly zoned R-1 Single-Family Residential is hereby rezoned to I-1 Industrial: **[Added 9-21-2020]**

(a) CITY OF LAPEER I T-7-N, R10E, SEC 4 BEG N0*01'E 1254.80 FT & S89*59'E 153 FT FRM SW COR OF SEC; TH N0*01'E 578.05 FT; TH S89*59'E 419.24 FT TO C/L OF HUNTERS CRK; TH S30*55'E 25.45 FT AND S29*41'13"W 458.23 FT & S35*11'39"W 193.38 FT; TH N 89*59' W 94.08 FT TO P.O.B.

(28) The following described property known as Parcel #L20-83-462-040-10, a vacant parcel located on the north side of Imlay City Road, formerly zoned B-2 General Business is hereby rezoned to I-1 Industrial: **[Added 10-19-2020]**

(a) CITY OF LAPEER, SEC 4 T7N R10E COM N89*14'30"W 1326.16 FT & S01*56'04"E 518.8 FT FRM E 1/4 PST, TH S01*56'04"W 208.86 FT TO GENESEE ST C/L; TH S60*55'19"E 322.06 FT ALG C/L; TH N01*56'04"W 208.86 FT; TH N71*44'27"W 322.06 FT TO POB 1.32 NET ACRE. 44-12-004-043-00 SPLIT 3/2018 FROM L20-83-462-040-00.

(29) The following described properties formerly zoned B-2 General Business are hereby rezoned to I-1 Industrial: **[Added 7-6-2021]**

(a) 35 S. Court Street – Parcel #L21-24-400-040-00 CITY OF LAPEER JENNING'S ADDITION LOT 12 & LOT 13, BLOCK 1 (L=9 P=598 SEC 5, T7N-R9E).

(b) 130 Howard Street – Parcel #L-21-24-600-040-00 CITY OF LAPEER

JENNING'S ADDITION LOT 14 BLOCK 1 (L=9 P=598 SEC 5, T7N-R9E).

- (c) Vacant Parcel #21-24-700-040-00 CITY OF LAPEER JENNING'S ADDITION LOT 15 BLOCK 1 (L=9 P=598 SEC 5, T7N-R9E).
- (30) The following described properties formerly zoned B-2 General Business are hereby rezoned to I-1 Industrial: **[Added 9-7-2021]**
- (a) 1330 Imlay City Road – Parcel #L21-29-950-040-00.
 - (b) CITY OF LAPEER W 80 FT OF LOT 1, KINGSBURY'S PLAT (L=1 P=90 SEC 4, T7N-R10E) & PART OF SEC 4, T7N, R10E, COM S LN HWY-21 AT PT S01*53'45"E 418.3 FT & S65*27'30"E 255.94 FT FROM CEN OF SEC, TH SE'LY ALG CRV OF HWY 106.13 FT; TH S60*52'45"E 43.69 FT; TH S29*07'15"W 138.33 FT TO N LN GTRR R/W; TH NW'LY ALG RR R/W 146.22 FT; TH N27*32'45"E 141 FT TO BEG. 0.477 A 44-12-360-001-00.
- (31) The following described property formerly zoned R-2 Single-Family Residential is hereby rezoned to B-2 General Business: **[Added 9-20-2021]**
- (a) 1109 S. Main Street – Parcel #L21-16-550-009-00. SEC 8 T7N R10E CHURCHILL FARMS SUBDIVISION LOT 9.
- (32) The following described property formerly zoned R-3 Single-Family Residential is hereby rezoned to B-2 General Business: **[Added 10-4-2021]**
- (a) 1040 S. Lapeer Road – Parcel #L21-39-831-032-00. SEC 7 T7N R10E SUPERVISOR'S PLAT #4 RECORDED IN PLAT LIBER 1, PAGE 91, LOT 32 EX COM N 28 DEG 03' 30" E 196 FT FROM SW CORNER THEREOF TH S 30" W 196 FT, TH S 87 DEG E 300 FT, TH N 2 DEG 18' E TO A PT WHICH IS S 87 DEG E OF BEG, TH N 87 DEG W TO BEG, ALSO EX COM AT NE COR OF SAID LOT, TH WLY ALG N LOT LN 295.14 FT, TH SLY PARALLEL WITH E LOT LINE 300 FT, TH ELY TO A PT ON E LOT LINE 325 FT SLY OF NE COR OF LOT 32, TH NLY ON LOT LINE 325 FEET TO BEG.

§ 7-2.03. District boundaries interpreted.

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

- A. Boundaries indicated as approximately following the center lines of streets, highways, or alleys, shall be construed to follow such center lines.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following City limits shall be construed as following City limits.
- D. Boundaries indicated as following railroad lines shall be construed to be the

midway between the main tracks.

- E. Boundaries indicated as following 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 center line of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such center lines.
- F. Boundaries indicated as parallel to or extensions of features indicated in Subsections A through E above shall be so construed.
- G. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- H. 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 A through G above, the Zoning Board of Appeals (ZBA) shall interpret the district boundaries.
- I. 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.

§ 7-2.04. Overlay zoning districts.

An overlay zone is a zoning district that exists in conjunction with, or "on top of" conventional zoning districts. It may cross the conventional or "underlying" zoning districts, or may be located within a single district. The overlay zone imposes a set of requirements in addition to those laid out by the underlying zoning regulation and may modify the underlying district's requirements. The purpose of an overlay zoning district is to address special features or conditions that may pertain to several districts or a subset of one district.

§ 7-2.05. Zoning of annexed areas.

Whenever any area is annexed to the City of Lapeer, one of the following conditions will apply:

- A. Land that is zoned previous to annexation shall be classified as being in whichever district of this chapter most closely conforms with the zoning that existed prior to annexation, such classification to be recommended by the Planning Commission to the City Commission and the Commission shall approve same by resolution.
- B. Land not zoned prior to annexation shall be automatically classified as an R-3 District until a Zoning Map for said area has been adopted by the City Commission. The Planning Commission shall recommend the appropriate zoning district(s) for such area within three months after the matter is referred to it by the City Commission.

§ 7-2.06. Zoning of vacated areas.

Whenever any street, alley or other public way, is vacated, the 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.

§ 7-2.07. District requirements.

All buildings and uses in any district shall be subject to the provisions of Article XIV, General Provisions.

§ 7-2.08. Similar use.

The Planning Department shall have the authority to determine that a use, not otherwise specifically defined, is clearly similar to another use allowed in a district and is permitted in the district. Where there is uncertainty, an application for a similar use determination shall be submitted to the Zoning Board of Appeals.

**ARTICLE III
Single-Family Residential Districts**

§ 7-3.01. Intent.

The R-1 through R-3 Single-Family Residential Districts are intended to provide sites for single-family detached dwellings and residentially related uses that serve the residents in the district. These districts provide a range of housing opportunities from larger suburban lots to more compact urban neighborhoods. These districts are intended to create walkable neighborhoods that are integrated into the character of the City. It is also the intent of these districts to protect natural areas and include recreational open space within neighborhoods and throughout the City. Further, it is the intent of the Single-Family Residential Districts to eliminate multiple-family residential uses in these districts.

§ 7-3.02. Schedule of uses.

Buildings or land shall be not used and buildings shall not be erected except for one or more of the following specified uses, unless otherwise provided for in this chapter. Land and/or buildings in the districts indicated at the top of Table 7.03.1 may be used for the purposes denoted by the following abbreviations:

Key:

Permitted Use (P): Land and/or buildings in this district may be used for the purposes listed by right.

Special Land Use (SLU): Uses which may be permitted by obtaining special land use approval when all applicable requirements in Article XIII, Use Requirements, and the standards of § 7-19.04, Review standards, are met.

Additional Requirements: Indicates requirements or conditions applicable to the use.

Table 7.03.1: Single-Family Residential Districts Schedule of Uses		
Use	R-1 to R-3	Additional Requirements
Residential Uses		
Home occupation	P	§ 7-13.01C
Single-family detached dwellings	P	§ 7-13.01B
Animal and Agricultural Uses		
Farms	P	§ 7-13.02B
Public and Institutional Uses		
Cemeteries	SLU	§ 7-13.03A
Colleges, universities and other such institutions of higher learning, public and private, offering courses in general, technical or religious education and not operated for profit	SLU	§ 7-13.03B

Table 7.03.1: Single-Family Residential Districts Schedule of Uses		
Use	R-1 to R-3	Additional Requirements
Places of public assembly and places of worship, including other facilities normally incidental thereto, with a seating capacity of less than 500 people or parking for less than 250 vehicles	SLU	§ 7-13.03C
Private noncommercial recreational areas or community centers [Amended 5-17-2012]	SLU	§ 7-13.07F
Public, parochial and other private elementary schools offering courses in general education and not operated for profit	P	—
Public, parochial and private intermediate or secondary schools offering courses in general education, not operated for profit	SLU	
Publicly owned and operated libraries, parks, parkways and recreational facilities	P	—
Uses and buildings of the municipality (without storage yards)	SLU	
Utility and public service 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	SLU	
Entertainment and Recreation Uses		
Golf courses, which may or may not be operated for profit	SLU	§ 7-13.07D
Health and Human Care and Uses		
Adult foster care family home (6 or fewer adults)	P	—
Adult foster care small group home (1 to 12 adults)	SLU	—

Table 7.03.1: Single-Family Residential Districts Schedule of Uses		
Use	R-1 to R-3	Additional Requirements
Child-care center, nursery schools and day nurseries	SLU	§ 7-13.09A
Child care institution	SLU	
Family day-care home (6 or fewer children less than 24 hours per day)	SLU	—
Group day-care home (7 to 12 children less than 24 hours per day)	SLU	—
Foster family home (4 or fewer children 24 hours per day)	P	—
Foster family group home (5 to 6 children 24 hours per day)	P	—
Accessory and Similar Uses		
Accessory building and uses, customarily incident to any of the above permitted uses	P	—
Garage sales	P	§ 7-13.10A
Other uses similar to the above uses	SLU	§ 7-13.11
Private pools shall be permitted as an accessory use within the rear yard only	P	—
Wireless telecommunication antenna	SLU	§ 7-13.10D
Other temporary uses	P/SLU	§ 7-13.10C

§ 7-3.03. Area, height, and placement requirements.

All lots and buildings shall meet the following dimensional requirements:

Single-Family Residential Districts: Schedule of Area, Height and Placement Requirements									
(Table 7.03.2) ⁵									
Zoning District ^{1,5}	Minimum Lot ¹⁰		Maximum Building Height ³ (feet)	Maximum Lot Coverage	Minimum Setbacks ^{6,7} (feet)				Minimum Floor Area Per Dwelling Unit
	Area ⁴ (square feet)	Width ² (feet)			Front ⁸	Side Yards ⁹		Rear	
			Least 1	Total 2					
R-1	6,000	50	25	30%	25	4	12	35	850
R-2	8,400	70	25	30%	25	5	15	35	1,000
R-3	12,000	90	35	30%	30	10	25	40	1,000

Footnotes to Schedule of Area, Height, and Placement Requirements

- ¹ Recreational area. All residential developments containing more than six dwelling units shall provide a recreational area of at least 1,500 square feet for each residential unit. The location of the area shall be approved by the City Commission, based upon a recommendation by the Planning Commission.
- ² Depth-to-width ratio. All lots created after the adoption date of this chapter shall have a lot depth not more than four times its width, as measured at the front lot line.
- ³ Building height. Exceptions to building height shall be as provided for in § 7-14.03A, Height limit.
- ⁴ Averaged lot size. The intent of this section is to permit the subdivider or developer to vary lot sizes and lot widths so as to average the minimum size of lot per unit as required in Table 7.03.2 for each Single-Family Residential District. If this option is selected, the following conditions shall be met:
 - a. In meeting the average minimum lot size, the subdivision shall be so designed that lot areas and widths shall not be reduced by more than 10% below that area or width required and shall not create an attendant increase in the number of lots.
 - b. Each final plat submitted as part of a preliminary plat shall average the minimum required for the district in which it is located.
 - c. All computations showing lot area and the average resulting through this technique shall be indicated on the print of the preliminary plat.
- ⁵ Flexibility. See § 7-3.04, Subdivision Open Space Plan, and § 7-3.05, Single-family clustering option, regarding flexibility allowances.
- ⁶ Nonresidential setbacks. For all uses permitted other than single-family residential, the setback shall equal the height of the main building, unless otherwise specified in Article XIII, Use Requirements. A setback and screening buffer as listed in Table 7.15.1 is required when a rear or side lot line is adjacent to different zoning district or use.
- ⁷ Natural features setback. All structures shall be set back at least 25 feet from all natural features such as drains, regulated wetlands, natural ponds, lakes and streams.
- ⁸ Front yard reduction. The required front yard setback may be reduced to an average of the existing front yard setbacks of residences immediately adjacent on the same street. If no adjacent residences exist, then the front yard setback may be reduced to an average of the nearest two residences on the same street.

- 9 Rear yards abutting a side yard. In the case of a rear yard abutting a side yard, the side yard setback abutting a street shall not be less than the minimum front yard setback of the district in which located and all regulations applicable to a front yard shall apply. On corner lots where a lot width of 60 feet or less exists, the side yard may be reduced to the front setback of the home to the rear of such corner lot.

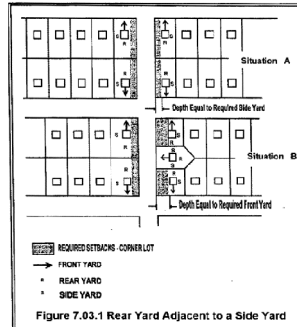


Figure 7.03.1, Rear Yard Adjacent to Side Yard

- 10 No sanitary sewer. New lots in areas without sanitary sewer must be a minimum of one acre.

§ 7-3.04. Subdivision Open Space Plan.

A. The intent of the Subdivision Open Space Plan is to promote the following objectives:

- (1) Provide a more desirable living environment by preserving the natural character of open fields, stands of trees, brooks, hills and similar natural assets.
- (2) Encourage developers to use a more creative approach in the development of residential areas.
- (3) Encourage a more efficient, aesthetic and desirable use of open area while recognizing a reduction in development costs and allowing the developer to bypass natural obstacles on the site.
- (4) Encourage the provision of open space within reasonable distance to all lot development of the subdivision and to further encourage the development of recreational facilities.

B. Modification to the standards outlined in Table 7.03.2 may be made in the R-2 and R-3 Single-Family Residential Districts when the following conditions are met:

- (1) The lot area in R-2 Single-Family Residential Districts, which are served by a public sanitary sewer system, may be reduced up to 20%. In the R-2 District, this reduction may be accomplished in part by reducing lot widths up to five feet. In the R-3 Districts, this reduction may be accomplished in part by reducing lot widths up to 10 feet. These lot area reductions shall be permitted, provided that the dwelling unit gross density shall be no greater than if the land area to be subdivided were developed in the minimum square foot lot areas as required for each Single-Family District under Table 7.03.2. All calculations shall be predicated upon the Single-Family Districts having the following gross densities (including roads):

- (a) R-2 = 3.9 dwelling units per acre.
 - (b) R-3 = 3.4 dwelling units per acre.
 - (2) Rear yards may be reduced to 30 feet when such lots border on land dedicated for park, recreation and/or open space purposes, provided that the width of said dedicated land shall not be less than 100 feet measured at the point at which it abuts the rear yard of the adjacent lot.
 - (3) Under the provisions of Subsection B(1) above of this section, for each square foot of land gained within a residential subdivision through the reduction of lot size below the minimum requirements as outlined in Table 7.03.2, at least equal amounts of land shall be dedicated to the common use of the lot owners of the subdivision in a manner approved by the municipality.
 - (4) The area to be dedicated for subdivision open space purposes shall in no instance be less than three acres and shall be in a location and shape approved by the Planning Commission.
 - (5) The land area necessary to meet the minimum requirements of this section shall not include bodies of water, swamps or land with excessive grades making it unsuitable for recreation. All land dedicated shall be so graded and developed as to have natural drainage. The entire area may, however, be located in a floodplain.
 - (6) This plan, for reduced lot sizes, shall be permitted only if it is mutually agreeable to the legislative body and the subdivider or developer.
 - (7) This plan for reduced lot sizes shall be started within 12 months after having received approval of the final plat and must be completed in a reasonable time. Failure to start within this period shall void all previous approval.
 - (8) Under this subdivision open space approach, the proprietor shall dedicate sufficient park area for the common use of the lot owners so that each final plat is within maximum density requirements; provided, however, that any entire park within a single block shall be dedicated as a whole.
- C. The application for approval of Subdivision Open Space Plan shall contain the following in addition to the information required by Chapter 6, Land Division:
- (1) A complete description of the land proposed to be dedicated to the City or to the common use of lot owners (herein called "open land"), including the following, at a minimum:
 - (a) Legal description of open land.
 - (b) Topographical survey of open land.
 - (c) Type of soil in open land.
 - (d) Description of natural features on open land (stands of trees or other vegetation, streams or other bodies of water, etc).
 - (e) Other relevant factors.

- (2) The proposed plan of development of the open land shall be contained in the application and shall include the following, at a minimum:
 - (a) The proposed manner in which the title to land and facilities is to be held by the owners of land in the subdivision.
 - (b) The proposed manner of collection of maintenance costs, financing costs or assessments so that nonpayment will constitute a lien on the property, thus avoiding municipal responsibility in the future.
 - (c) The proposed manner of regulating the use of the common facilities and areas so as to eliminate possible nuisances to the property owners and cause for enforcement by the City.
 - (d) The proposed method of notifying the City when any change is contemplated in plans that would affect the original specifications approved by the City.
 - (e) The proposed method of setting up assessments to cover contingencies, insurance against casualty and liability and payment of taxes relating to these properties.
 - (f) The proposed use of open land and the proposed improvements which are to be constructed by the proprietor.
 - (3) The application shall contain a statement of the benefits to be realized by the residents of the proposed subdivision and the City by approval of the proposed Subdivision Open Space Plan with particular reference to the objectives stated in this chapter.
- D. Subdivision Open Space Plans shall follow the review and approval procedures for subdivisions, including all public hearing requirements, as set forth in Chapter 6, Land Division.
- (1) If the Planning Commission is satisfied that the proposed Subdivision Open Space Plan is in compliance with this chapter and should be approved, it shall recommend such approval to the City Commission with the conditions upon which such approval should be based. Thereafter, the City Commission shall take action upon such application in accordance with the procedures for subdivisions set forth in Chapter 6, Land Division.
 - (2) If the Planning Commission is not satisfied that the proposed Subdivision Open Space Plan is in compliance with this chapter or finds that the approval of said Subdivision Open Space Plan will be detrimental to existing development in the general area and should not be approved, it shall communicate such disapproval to the City Commission with the reasons therefor. The proprietor shall be entitled to a hearing upon said proposal before the City Commission upon written request filed with the Clerk.
 - (3) If the City Commission gives approval to the proposed Subdivision Open Space Plan, it shall instruct its attorney to prepare a contract setting forth the conditions on which such approval is based, which contract, after approval by the City Commission, shall be entered into between the City and the proprietor

prior to the approval of a preliminary plat.

§ 7-3.05. Single-family clustering option.

A. Intent.

- (1) The intent of this section is to permit the development of single-family residential patterns which, through design innovation, will provide for an alternative means for development of single-family areas. To accomplish this, modifications to the single-family residential standards, as outlined in Table 7.03.2, shall be permitted in the R-2 and R-3 Districts.
- (2) In R-2 and R-3 Single-Family Residential Districts, the requirements of Table 7.03.2 may be waived and the attaching of single-family dwelling units may be permitted, subject to the standards of this section.

B. Conditions for qualification.

- (1) The Planning Commission may approve of the clustering or attaching of dwelling units on parcels of land under single ownership and control which, in the opinion of the Planning Commission, have characteristics which would make sound physical development under the normal subdivision approach impractical because of parcel size, shape or dimension or because the site is located in a transitional use area or the site has natural characteristics which are worth preserving or which make platting difficult. In approving an area for cluster development, the Planning Commission shall find at least one of the following conditions to exist:
 - (a) The parcel to be developed has frontage on a major or secondary thoroughfare and is generally parallel to said thoroughfare and is of shallow depth as measured from the thoroughfare.
 - (b) The parcel has frontage on a major or secondary thoroughfare and is of a narrow width, as measured along the thoroughfare, which makes platting difficult.
 - (c) The parcel is shaped in such a way that the angles formed by its boundaries make a subdivision difficult to achieve and the parcel has frontage on a major or secondary thoroughfare.
 - (d) A substantial portion of the parcel's perimeter is bordered by a major thoroughfare which would result in a substantial proportion of the lots of the development abutting the major thoroughfare.
 - (e) A substantial portion of the parcel's perimeter is bordered by land that is located in other than an R Single-Family Residential District or is developed for a use other than single-family detached homes.
 - (f) The parcel contains a floodplain or poor soil conditions which result in a substantial portion of the total area of the parcel being unbuildable.
 - (g) The parcel contains natural land forms which are so arranged that the change of elevation within the site includes slopes in excess of 10%

between these elevations. These elevation changes and slopes shall appear as the typical feature of the site rather than the exceptional or infrequent features of the site. The topography is such that achieving road grades of less than that permitted by the City could be impossible unless the site were mass graded. The providing of single-family clusters will, in the opinion of the Planning Commission, allow a greater preservation of the natural setting.

- (h) The parcel contains natural assets which would be preserved through the use of cluster development. Such assets may include natural stands of large trees, land which serves as a natural habitat for wildlife, unusual topographic features or other natural assets which should be preserved.
 - (2) In order to qualify a parcel for development under Subsection B(1)(f), (g) or (h) above, the Planning Commission shall determine that the parcel has these characteristics and the request shall be supported by written and/or graphic documentation, prepared by a landscape architect, engineer, professional community planner, registered architect or environmental design professional. Such documentation shall include the following as appropriate: soil test borings, floodplain map, topographic map of maximum two-foot contour interval, inventory of natural assets.
 - (3) This option shall not apply to those parcels of land which have been split for the specific purpose of coming within the requirements of this cluster option section.
- C. Permitted densities. In a cluster development, the gross densities permitted may be increased to the following maximums (including streets):
- (1) For those areas qualifying under Subsection B(1)(a) through (e): six dwelling units per acre.
 - (2) For those areas qualifying under Subsection B(1)(f), (g) or (h): five dwelling units per acre.
 - (3) Water areas within the parcel may be included in the computation of density, provided that land adjacent to the water is substantially developed as open space.
 - (4) In those instances where a parcel qualifies under both Subsection C(1) and (2) above, the densities permitted under Subsection C(1) may be permitted by the Planning Commission, provided that the Commission finds that such density is reasonable in that it does not preclude the application of Subsection D(5) and does not result in the destruction or total removal of such natural assets as enumerated under Subsection B(1)(f), (g) or (h) above.
- D. Development standards and requirements. In areas meeting the criteria of Subsection B(1) above, the minimum yard setbacks, heights and minimum lot sizes per unit as required by Table 7.03.2, may be waived and the attaching of dwelling units may be accomplished, subject to the following:
- (1) The attaching of single-family dwelling units, one to another, may be

permitted when said homes are attached by means of one of the following:

- (a) Through a common party wall which does not have over 50% of its area in common with an abutting dwelling wall.
 - (b) By means of an architectural wall detail which does not form interior room space.
 - (c) Through a common party wall in only the garage portion of adjacent structures.
 - (d) No other common party wall relationship is permitted and the number of units attached in this manner shall not exceed four.
- (2) Yard requirements shall be provided as follows:
- (a) Spacing between groups of attached dwelling units or between groups of four unattached units shall be equal to at least 20 feet in an R-3 District, and 15 feet in an R-2 District, measured between the nearest points of adjacent buildings.
 - (b) Building setbacks from local streets shall be determined after consideration of potential vehicular traffic volume, site design and pedestrian safety. It is intended that setbacks for each dwelling shall be such that one car length space will be available between the garage or required off-street parking spaces and the street pavement. In determining the setbacks from local streets, the Planning Commission may use the following guidelines:
 - [1] Garages or required off-street parking spaces shall not be located less than 20 feet from the right-of-way of a public street unless such street (or portion thereof) is serving as access to not more than 16 residential units.
 - [2] Where streets are private or the Planning Commission does not require the twenty-foot setback from a public right-of-way, garages or required off-street parking spaces shall not be located less than 20 feet from the pavement edge of the street or the shoulder of a street.
 - (c) That side of a cluster adjacent to an arterial or collector street shall not be nearer to said street than 25 feet, except that in those areas where topography meets the topographic conditions set forth in § 7-3.05B(1)(g) above on lands immediately adjacent to said streets having slopes in excess of 10%, the front yard may be reduced by five feet, but in no instance shall a structure be closer to the road right-of-way line than 1/2 the front yard setback for the district in which it is located.
 - (d) Any side of a cluster adjacent to a private road shall not be nearer to said road than 10 feet.
- (3) In computing the height of any individual dwelling unit in a cluster on a slope in excess of 10% and when the unit is constructed on posts, the first 10 feet of height in the posts shall not be computed. Application of the definition of

"building height" shall apply over and above the 10 feet of post height.

- (4) The area in open space (including subdivision recreation areas and water) accomplished through the use of one-family cluster shall represent at least 20% of the horizontal development area of a one-family cluster development.
- (5) In order to provide an orderly transition of density, where the parcel proposed for use as a cluster development abuts a one-family residential district, the Planning Commission shall determine that the abutting one-family district is effectively buffered by means of one of the following within the cluster development:
 - (a) Single-family lots subject to the standards of Table 7.03.2.
 - (b) Detached buildings with setbacks as required by Table 7.03.2 for the applicable residential district.
 - (c) Open or recreation space.
 - (d) Changes in topography which provide an effective buffer.
 - (e) A major or secondary thoroughfare.
 - (f) Some other similar means of providing a transition as provided for in § 7-15.02F.

E. Procedures.

- (1) In making application for approval under this section, the applicant shall file a sworn statement that the parcel has not been split for the purpose of coming within the requirements of this option, and shall further file a sworn statement indicating the date of acquisition of the parcel by the present owner.
- (2) Qualification for cluster development.
 - (a) Application to the Planning Commission for qualification of a parcel for cluster development shall include documentation substantiating one or more of the characteristics outlined in Subsection B, Conditions for qualification.
 - (b) The Planning Commission shall make a preliminary determination as to whether or not a parcel qualifies for the cluster option under one of the provisions of Subsection B(1) above, based upon the documentation submitted.
 - (c) Preliminary determination by the Planning Commission that a parcel qualifies for cluster development does not assure approval of the site plan and, therefore, does not approve the cluster option. It does, however, give an initial indication as to whether or not a petitioner should proceed to prepare a site plan.
- (3) Site plan and cluster approval.
 - (a) The Planning Commission shall hold a public hearing on the site plan

after an initial review of a preliminary plan which shall not require a public hearing.

- (b) In submitting a proposed layout under this section, the sponsor of the development shall include, along with the site plan, typical building elevations and floor plans, topography drawn at two-foot contour intervals, all computations relative to acreage and density, a preliminary grading plan, and any other details which will assist in reviewing the proposed plan.
- (c) For those parcels which qualified under the provisions of Subsection B(1)(f), (g) or (h), one copy of the site plan superimposed on a recent aerial photograph of at least one-inch-equals-200-foot scale, shall be submitted for review to show the relationship of the site plan to existing natural features and to adjacent developments.
- (d) Site plans submitted under this option shall be accompanied by information as required in § 7-3.04C Subdivision Open Space Plan, provided, however, that:
 - [1] Submission of an open space plan and cost estimates with the preliminary site plan shall be at the option of the sponsor.
 - [2] The open space plan and cost estimate shall be submitted prior to final review or the public hearing.
- (e) The Planning Commission shall give notice of the public hearing in accordance with § 7-21.07, Public hearings.
- (f) If the Planning Commission is satisfied that the proposal meets the letter and spirit of the Zoning Ordinance and should be approved, it shall give tentative approval with the conditions upon which such approval should be based. If the Planning Commission is not satisfied that the proposal meets the letter and spirit of the Zoning Ordinance, or finds that approval of the proposal would be detrimental to existing development in the general area and should not be approved, it shall record the reasons therefor in the minutes of the Planning Commission meeting. Notice of approval or disapproval of the proposal, together with copies of all layouts and other relevant information, shall be forwarded to the City Clerk. If the proposal has been approved by the Planning Commission, the Clerk shall place the matter upon the agenda of the City Commission. If disapproved, the applicant shall be entitled to a hearing before the City Commission, if he requests one in writing within 30 days after action by the Planning Commission.
- (g) The City Commission shall conduct a public hearing on the proposed open space plan and site plan for the cluster option and shall give notice in accordance with § 7-21.07, Public hearings. If the City Commission approves the plans, it shall instruct the City Attorney to prepare a contract, setting forth the conditions upon which such approval is based, which contract, after approval by the City Commission, shall be entered into between the City and the applicant prior to the issuance of a building

permit for any construction in accordance with site plans.

- (h) As a condition for the approval of the site plan and open space plan by the City Commission, the applicant shall deposit a cash or irrevocable letter of credit in the amount of the estimated cost of the proposed improvements to the open land guaranteeing the completion of such improvement within a time to be set by the City Commission. Actual development of the open space shall be carried out concurrently with the construction of dwelling units.

ARTICLE IV
Multiple-Family Residential Districts

§ 7-4.01. Intent.

The Multiple-Family Residential Districts are designed to provide sites for multiple-family dwelling structures and related uses, which will generally serve as zones of transition between the nonresidential districts and lower-density single-family districts. The multiple-family districts are further provided to serve the needs for the apartment type of unit in an otherwise medium-density, single-family community, with the RM-2 district providing for structures of greater height and with a greater density of dwelling units.

§ 7-4.02. Schedule of uses. [Amended 5-17-2012; 1-4-2021]

Buildings or land shall be not used and buildings shall not be erected except for one or more of the following specified uses, unless otherwise provided for in this chapter. Land and/or buildings in the districts indicated at the top of Table 7.04.1 may be used for the purposes denoted by the following abbreviations:

Key:

Permitted Use (P): Land and/or buildings in this district may be used for the purposes listed by right.

Special Land Use (SLU): Uses which may be permitted by obtaining special land use approval when all applicable requirements in Article XIII, Use Requirements, and the standards of § 7-19.04, Review standards, are met.

Additional Requirements: Indicates requirements or conditions applicable to the use.

Table 7.04.1: Multiple-Family Residential Districts Schedule of Uses			
Use	RM-1	RM-2	Additional Requirements
Residential Uses			
Boarding and renting of rooms	SLU	SLU	§ 7-13.01A
Home occupation	P	P	§ 7-13.01C
Multiple-family dwellings	P	P	§ 7-13.01B
Single-family detached dwellings	P	P	§ 7-13.01B
Transitional housing	SLU	SLU	§ 7-13.01D
Animal and Agricultural Uses			
Farms	P	P	§ 7-13.02B
Public and Institutional Uses			
Cemeteries	SLU	SLU	§ 7-13.03A

Table 7.04.1: Multiple-Family Residential Districts Schedule of Uses			
Use	RM-1	RM-2	Additional Requirements
Places of public assembly and places of worship, including other facilities normally incidental thereto, with a seating capacity of less than 500 people or parking for less than 250 vehicles	P	P	§ 7-13.03C
Colleges, universities and other such institutions of higher learning, public and private, offering courses in general, technical or religious education and not operated for profit	P	P	§ 7-13.03B
Private noncommercial recreational areas or community centers	P	P	§ 7-13.07F
Public, parochial and other private elementary schools offering courses in general education, and not operated for profit	P	P	—
Public, parochial and private intermediate or secondary schools offering courses in general education, not operated for profit	P	P	—
Publicly owned and operated libraries, parks, parkways and recreational facilities	P	P	—
Uses and buildings of the municipality (without storage yards)	P	P	—

Table 7.04.1: Multiple-Family Residential Districts Schedule of Uses			
Use	RM-1	RM-2	Additional Requirements
Utility and public service 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	P	P	—
Entertainment and Recreation Uses			
Golf courses, which may or may not be operated for profit	P	P	§ 7-13.07D
Health and Human Care and Uses			
Adult foster care family home (6 or fewer adults)	P	P	—
Adult foster care small group home (1 to 12 adults)	P	P	—
Adult foster care large group home (13 to 20 adults)	P	P	—
Child-care center, nursery schools and day nurseries	SLU	SLU	§ 7-13.09A
Child-care institution	SLU	SLU	§ 7-13.09B
Family day-care home (6 or fewer children, less than 24 hours per day)	P	P	—
Group day-care home (7 to 12 children, less than 24 hours per day)	P	P	—
Foster family home (4 or fewer children, 24 hours per day)	P	P	—
Foster family group home (5 to 6 children, 24 hours per day)	P	P	—
Hospitals	SLU	SLU	§ 7-13.09C

Table 7.04.1: Multiple-Family Residential Districts Schedule of Uses			
Use	RM-1	RM-2	Additional Requirements
Hospice	SLU	SLU	—
Housing for the elderly	SLU	SLU	§ 7-13.09D
Nursing homes	SLU	SLU	§ 7-13.09B
Accessory and Similar Uses			
Accessory building and uses, customarily incident to any of the above permitted uses	P/SLU	P/SLU	—
Garage sales	P	P	§ 7-13.10A
Other uses similar to the above uses	SLU	SLU	§ 7-13.11
Private pools shall be permitted as an accessory use within the rear yard only	P	P	—
Wireless telecommunication antenna	SLU	SLU	§ 7-13.10E
Other temporary uses	P/SLU	P/SLU	§ 7-13.10C

§ 7-4.03. Area, height, and placement requirements.

All lots and buildings shall meet the following dimensional requirements.

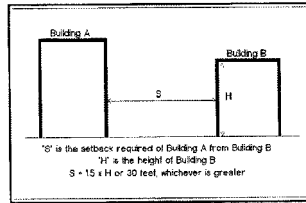
Multiple-Family Residential Districts: Schedule of Area, Height, and Placement Requirements									
(Table 7.04.2)									
Zoning District¹	Minimum Lot		Max. Building Height³	Maximum Lot Coverage	Minimum Setbacks^{4,5,9}				Minimum Floor Area Per Dwelling Unit
	Area (square feet)	Width² (feet)			(feet)				
					Front	Side Yards⁶		Rear	
					Least 1	Total 2			
RM-1	— ⁷	— ⁷	25	35%	30	10 ¹⁰	20 ¹⁰	35	— ⁸
RM-2	— ⁷	— ⁷	50	—	30 ¹¹	10 ^{10,11}	35 ¹¹	— ⁸	

Footnotes to Schedule of Area, Height, and Placement Requirements

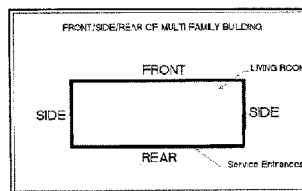
- 1 Recreational area: All residential developments containing more than six dwelling units shall provide a recreational area of at least 1,500 square feet for each residential unit. The location of the area shall be approved by the City Commission, based upon a recommendation by the Planning Commission. **[Amended 9-26-2013]**
- 2 Depth-to-width ratio: All lots created after the adoption date of this chapter shall have a lot depth not more than four times its width, as measured at the front lot line.
- 3 Building height: Exceptions to building height shall be as provided for in § 7-14.03A, Height limit.
- 4 Nonresidential setbacks: For all uses permitted other than single-family and multiple-family residential, the setback shall equal the height of the main building, unless otherwise specified in Article XIII, Use Requirements. A setback and screening buffer as listed in Table 7.15.1 is required when a rear or side lot line is adjacent to different zoning district or use.
- 5 Natural features setback: All structures shall be set back at least 25 feet from all natural features such as drains, regulated wetlands, natural ponds, lakes and streams.
- 6 Rear yards abutting a side yard: In the case of a rear yard abutting a side yard, the side yard setback abutting a street shall not be less than the minimum front yard setback of the district in which located and all regulations applicable to a front yard shall apply. On corner lots where a lot width of 60 feet or less exists, the side yard may be reduced to the front setback of the home to the rear of such corner lot. See Figure 7.03.1, Rear Yard Adjacent to Side Yard.
- 7 Number of rooms: The total number of rooms in a multiple dwelling structure in RM-1 Districts shall not be more than the area of the parcel in square feet divided by 1,400. The total number of rooms in a multiple dwelling structure in RM-2 Districts shall not be more than the area of the parcel, in square feet, divided by 500. All units shall have at least one living room and one bedroom, with the exception of those units designed as efficiency apartments. For the purpose of computing rooms, refer to Table 7.04.3. The area used for computing gross density shall be the total site area exclusive of any dedicated public right-of-way of either interior or bounding road.

Table 7.04.3: Minimum Floor Areas		
Unit Type	Number of Rooms	Minimum Floor Area
Efficiency	1	300 square feet
One-bedroom	2	500 square feet
Two- bedroom	3	700 square feet
Three-bedroom	4	900 square feet
Four-bedroom	5	1,100 square feet
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 gross density.		

- 8 Minimum floor areas: Minimum floor areas for units shall be in accordance with Table 7.04.3.
- 9 Distance between buildings: In all RM Multiple-Family Residential Districts, the minimum distance between any two buildings shall be equal to 1 1/2 times the height of the adjacent building and in no instance shall this distance be less than 30 feet. Parking may be permitted within a required side or rear yard, but shall not cover more than 30% of the area of any required yard, or any minimum distance between buildings.



- a. There shall be at least 15 feet of yard space between a parking area and the multiple-family building.
- b. The front and rear of the multiple-family building shall be considered to be the faces along the longest dimension of said structure. The front of the multiple-family building shall be considered to be the direction faced by the living rooms of the dwelling units in said building; the rear of the multiple-family building shall be considered to be the direction faced by the service entrance of the dwelling units in said building; and the side of the multiple-family building shall be considered to be the face along the narrowest dimension of said building.



- c. No multiple-family structure shall exceed 180 feet in length along any one face of the building.
 - d. Any court shall have a width equal to not less than 50 feet for the front yard and 60 feet for the rear yard. The depth of any court shall not be greater than three times the width.
 - e. Service drives shall comply with the City of Lapeer Construction Standards, have a width of at least 28 feet and shall not be located in any front yard.
 - f. The Zoning Board of Appeals may modify the height requirements where unusual architectural features exist.
- 10 Side yards. The side yards of a multiple-family dwelling building or development shall not be less than 30 feet on those sides which border on districts other than a multiple-family district.
- 11 Additional setback for tall buildings. In all RM-2 Multiple-Family Residential Districts, buildings in excess of three stories or 35 feet in height shall provide front, side and rear yards as herein required and shall provide additional yard setbacks for all yards equal to at least 1/2 the height of the building above the thirty-five-foot height level.

**ARTICLE V
Manufactured Home Park Districts**

§ 7-5.01. Intent.

The purpose of the MHP Manufactured Home Park District is to give recognition to the fact that manufactured homes can provide satisfactory living conditions provided certain minimum standards are maintained. Manufactured home parks possess site development, use and density characteristics and private drive systems similar to multiple-family residential development. They are, in this chapter, provided for as a transitional use between nonresidential development and residential districts or between multiple-family residential districts and single-family residential districts.

§ 7-5.02. Schedule of uses.

Buildings or land shall be not used and buildings shall not be erected except for one or more of the following specified uses, unless otherwise provided for in this chapter. Land and/or buildings in the districts indicated at the top of Table 7.05.1 may be used for the purposes denoted by the following abbreviations:

Key:

Permitted Use (P): Land and/or buildings in this district may be used for the purposes listed by right.

Special Land Use (SLU): The following uses may be permitted by obtaining special land use approval when all applicable requirements in Article XIII, Use Requirements, and the standards of § 7-19.04, Review standards, are met.

Additional requirements: Indicates requirements or conditions applicable to the use.

Table 7.05.1: Manufactured Home Park Districts Schedule of Uses		
Use	MHP	Additional Requirements
Residential Uses		
Manufactured homes	P	—
Public and Institutional Uses		
Community buildings for use by the tenants of the manufactured home park as well as recreation areas and playgrounds	P	—
Utility buildings for laundry facilities and auxiliary storage space for manufactured home tenants	P	—
Finance, Insurance, Real Estate and Professional Uses		
One office building to be used exclusively for conducting the business operation of the manufactured home park	P	—

NOTES:

- ¹ The selling of new and/or used manufactured homes as a commercial operation in connection with the operation of a manufactured home development is prohibited. New or used manufactured homes located on lots within the manufactured home development to be used and occupied within the manufactured home park may be sold by a licensed dealer and/or broker. This section shall not prohibit the sale of a new or used manufactured home by a resident of the manufactured home development provided the development permits the sale.

§ 7-5.03. Area, height, and placement requirements.

All lots and buildings shall meet the following dimensional requirements:

Manufactured Home Park Districts: Schedule of Area, Height, and Placement Requirements							
(Table 7.05.2)							
Zoning District	Minimum Lot ¹		Maximum Building Height	Minimum Setbacks ^{2,3,4}			
	Area (square feet)	Width (feet)		(feet)			
			Front	Side Yards		Rear	
			Least 1	Total 2			
MHP	5,500	50	—	—	—	—	—

Footnotes to Table 7.05.2

- ¹ The site area may be reduced to not less than 4,400 square feet, provided that for each square foot of reduction in site area, at least a corresponding amount of open space land be established for common use. The reduction permitted in sale areas does not infer any reduction in the minimum spacing requirements between manufactured homes as required by the State Manufactured Housing Commission.
- ² All manufactured homes shall comply with State Manufactured Housing Commission requirements with respect to the space between homes and other facilities.
- ³ A setback of at least 50 feet shall be provided between any manufactured home and an office building, community center or service building and any abutting public thoroughfare right-of-way line. This area shall be maintained as an open landscape area.
- ⁴ A setback of at least 25 feet, the computation of which shall include the ten-foot required distance established in Rule 944(1) of the Manufactured Housing Commission Rules, shall be provided between any manufactured home, office building, community center or service building and any other exterior property line. This latter setback area may be used as yard areas for permitted buildings. This area may also be used for parking subject to the screening requirements of § 7-15.02F. This area may also be part of the required open space when it is part of a functionally usable open space area.

§ 7-5.04. Review and approval.

- A. The proposed site plan for the manufactured home park shall be submitted to the Planning Commission for their review and approval prior to any consideration. The Planning Commission, in reviewing the site plan, shall utilize the provisions of Article XVIII, Site Plan Review, in evaluating the site plan. In utilizing the standards of Article XVIII, the Planning Commission shall apply the development standards below as well as those considerations which relate to the City's needs in

furnishing necessary emergency services to the manufactured home park and/or providing safe and convenient pedestrian and vehicular movements in relation to adjacent properties and public thoroughfares. The suggestion of any changes or modifications shall be based on such reasonable requirements as are applied to the review and approval of all other uses in the City. Any items determined to be undesirable or inadequate shall be made known to the applicant and a copy of such objections shall immediately be forwarded to the State Manufactured Housing Commission for their consideration in reviewing the proposed manufactured home park plans.

- B. The City Engineer shall also review the proposed park plans with respect to drainage patterns to adjacent properties, water and sewage needs which would be generated, and the City's ability to accommodate such manufactured home park needs. In addition, any connections to municipal facilities shall meet applicable City Engineering design requirements. A copy of any deficiencies noted shall be transmitted immediately, with the recommendations of the Planning Commission, to the State Manufactured Housing Commission.

§ 7-5.05. Development standards.

- A. Access. Access to any manufactured home park shall be to an arterial or collector street as designated on the Master Plan. The intent being to avoid higher-density traffic movements through existing or planned single-family developments. An emergency means of ingress and egress to a manufactured home park, not used for general access, may be permitted to other than a major thoroughfare.
- B. Principal vehicular access points. Principal vehicular access points shall be designed to encourage smooth traffic flow with controlled turning movements to minimize hazards regarding vehicular and pedestrian traffic. Merging and turnout lanes and/or traffic dividers shall be required where existing or anticipated heavy flows indicate need. In general, minor streets shall not be connected with streets outside the district in such a way as to encourage the use of such minor streets by substantial amounts of through traffic. No lot within the park shall have direct vehicular access to a street bordering the development.
- C. Access for pedestrians and cyclists. Access for pedestrians and cyclists entering or leaving the park shall be by safe and convenient routes. Such ways need not be adjacent to or limited to the vicinity of vehicular access points. Where there are crossings of such ways and vehicular routes at edges of planned developments, such crossings shall be safely located, marked, and controlled; and where such ways are exposed to substantial vehicular traffic at edges of neighborhoods, safeguards may be required to prevent crossings except at designated points. Bicycle paths, if provided, shall be so related to the pedestrian way system that street crossings are combined with bicycle crossings.
- D. Protection of visibility: automotive traffic, cyclists, and pedestrians.
 - (1) No material impediment to visibility more than 2.5 feet above curb level shall be created or maintained at the intersection of any street in the manufactured home park.

- (2) Where there is pedestrian or bicycle access from within the park to a street by paths or across yards or other open space without a barrier to access the street, no material impediment to visibility more than 2.5 feet above curb level shall be created or maintained.
- E. Size of parcel. Manufactured home parks shall not be permitted on parcels of less than 15 acres in area.
- F. State requirement. All manufactured home park development shall further comply with Act 96 of the Public Acts of Michigan, 1987, the Mobile Home Commission Act (MCLA § 125.2301 et seq.). **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**
- G. Open space. Manufactured home parks shall provide land for open space use by residents of the park. These areas shall be so located and arranged that they functionally serve the residents to be served and meet or exceed Manufactured Housing Commission rules, as adopted.
- H. Outside storage.
 - (1) The outside storage of household effects, other than normal patio furniture, etc., is prohibited. The storage of recreational vehicles, i.e., boats, campers, trailers, motor homes, snowmobiles on manufactured home sites and/or required parking spaces for longer than 48 hours is also prohibited.
 - (2) The storage or parking of recreational vehicles, motor homes, boats, snowmobiles, or other vehicles or items ordinarily towed, driven or used for a special purpose, if storage or parking of such is permitted in the manufactured home park, shall be in accordance herewith. The storage of the vehicles or items in the manufactured home development is specifically prohibited except in the storage area. The storage area shall be screened by solid-type fence five feet in height around its perimeter or by some other similar screening device.
- I. Utilities. All utility connections shall comply with state and local codes.
- J. Trees and landscaping.
 - (1) Each manufactured home site shall be provided with a tree at least 1 1/2 inches in caliper or 10 feet in height at the time of planting.
 - (2) The manufactured home park developer is also encouraged to provide trees and other landscape improvements on the individual manufactured home sites and in the open space areas which will create an aesthetically pleasing and functional environment.
- K. Exterior yards for manufactured home parks minimum requirements; occupancy. The following requirements and limitations shall apply to yards at the outer edges of manufactured home parks:
 - (1) Along public streets. Where manufactured home parks adjoin public streets along exterior boundaries, a yard at least 25 feet in minimum dimensions shall be provided adjacent to such streets. Such a yard may be used to satisfy open space depth requirements for individual dwellings, but shall not contain

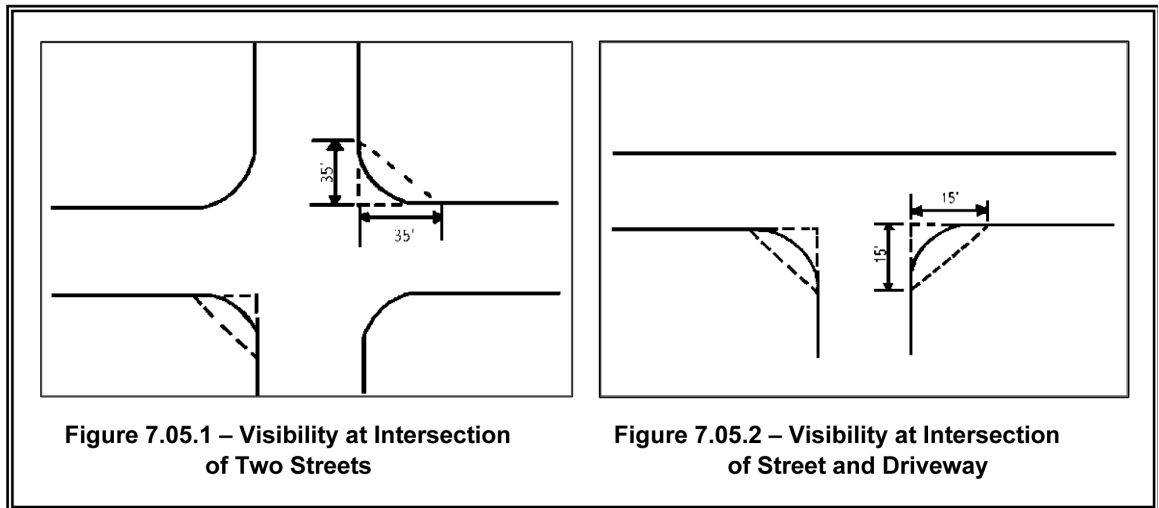
carports, recreational shelters, storage structures, or any other similar structures. No direct vehicular access to individual lots shall be permitted through such yards, and no group parking facilities or active recreation areas shall be allowed therein.

- (2) At edges of other residential districts (other than at streets or alleys). Where manufactured home parks are so located that one or more boundaries are at the edges of residential districts and adjoining neighboring districts without an intervening street, alley, or other permanent open space at least 20 feet in width, an exterior yard at least 20 feet in minimum dimension shall be provided. Where the adjoining district is residential, the same limitations on occupancy and use of such yards shall apply as stated above concerning yards along public streets. Where the adjoining district is nonresidential, such yards may be used by group or individual parking; active recreation facilities, or carports, recreational shelters, or storage structures.
 - (3) Ways for pedestrians and/or cyclists in exterior yards. In any exterior yard, required or other, ways for pedestrians and/or cyclists may be permitted if appropriately located, fenced, or landscaped to prevent potential hazards arising from vehicular traffic on adjacent streets or other hazards and annoyances to users or to occupants of adjoining property. Such approved ways in such locations shall be counted as common recreation areas and may also be used for utility easements.
- L. Yards, fences, walls, or vegetative screening at edges of manufactured home parks. Along the edges of manufactured home parks, walls or vegetative screening shall be provided according to the standards as provided by § 7-15.03, Fences and walls, to protect residents from undesirable views, lighting, noise, or other off-site influences. In particular, extensive off-street parking areas and service areas for loading and unloading other than passenger vehicles, and for storage and collection of trash and garbage, shall be screened as provided by § 7-15.06, Waste receptacles.
- M. Internal relation. The site plan shall provide for safe, efficient, convenient, and harmonious groupings of structures, uses, and facilities, and for appropriate relation of space inside and outside buildings to intended uses and structural features. In particular:
- (1) Streets, drives, and parking and service areas. All streets shall be provided with concrete paved curbs and gutters. All streets, drives, parking areas, and service areas shall provide safe and convenient access to dwelling units, park facilities, service and emergency vehicles; however, streets shall not be so laid out as to encourage outside traffic to traverse the park nor occupy more land than is required to provide access to each parcel, nor create unnecessary fragmentation of the park into small blocks. In general, block size shall be the maximum consistent with use, the shape of the site, and the convenience and safety of the occupants.
 - (2) Vehicular access to streets. On-street parking shall not be permitted. Vehicular access to streets from off-street parking areas may be direct from dwellings if the street or portion of the street serves 50 units or less. Determination of units served shall be based on normal routes anticipated for traffic. Along streets or

portions of streets serving more than 50 dwelling units, or constituting major routes to or around central facilities, access from parking and service areas shall be so combined, limited, located, designed, and controlled as to channel traffic conveniently, safely, and in a manner that minimizes marginal traffic friction, and direct vehicular access from individual dwellings shall generally be prohibited.

- N. Ways for pedestrians and cyclists; use by emergency, maintenance or service vehicles.
- (1) Walkways shall form a logical, safe, and convenient system for pedestrian access to all dwellings, project facilities, and principal off-street pedestrian destinations. Maximum walking distance between dwelling units and related parking spaces, delivery areas, and trash and garbage storage areas intended for use of occupants shall not exceed 100 feet.
 - (2) Walkways to be used by a substantial number of children as play areas, routes to school, bus stops, or other destinations shall be so located as to minimize contacts with normal automotive traffic. If substantial bicycle traffic is anticipated and an internal walkway system is provided away from streets, bicycle paths shall be incorporated in the walkway system. Street crossings shall be held to a minimum in such walkways and shall be located and designed to provide safety, and shall be appropriately marked. Ways for pedestrians and cyclists appropriately located, designed, and constructed may be combined with other easements and used by emergency, maintenance, or service vehicles but shall not be used by other automotive traffic.
- O. Protection of visibility: automotive traffic, cyclists, and pedestrians.
- (1) Protection of visibility in internal site planning shall be provided at the intersections of any streets in the manufactured home park within triangular areas formed by the intersecting edges of the road edge (projected where corners are rounded) and a line joining points 35 feet along both intersecting edges from such point of intersection (see Figure 7.05.1.).
 - (2) At driveways serving parking bays with 10 or more spaces, similar visibility triangles shall be maintained. At driveways, the required visibility triangle shall consist of the area within the intersection edges of the road edge (projected) and a line joining points 15 feet along both intersection edges from such point of intersection (see Figure 7.05.2.).

Figures 7.05.1 and 7.05.2



P. Streets.

- (1) Streets that are to be dedicated to the City, if any, shall be dimensioned and improved in accordance with City Construction Specifications.
- (2) For other streets, required paving widths shall be as follows, based generally on a moving lane width of 10 feet for collector streets and nine feet for minor streets. As an exception to these general rules, one-way minor streets serving less than 20 lots, and one-way driveways to parking bays containing less than 10 parking spaces, shall have a minimum pavement width of 18 feet. Driveways to parking bays containing 10 or more parking spaces shall be 20 feet in pavement width in accordance with Table 7.05.3.

Table 7.05.3: Manufactured Home Park Districts Required Street Paving		
Parking Street Class	Paving Width Permitted	Minimum (feet)
Minor, one-way (serving less than 20 lots)	None	18
Minor, two-way (serving 50 lots or less)	None	20
Collector (serving more than 50 lots)	None	24

- (3) Culs-de-sac with a radius of not less than 45 feet shall be provided on all no outlet streets.

Q. Placement of underground utilities. It shall be the responsibility of the manufactured housing park developer/owner in concert with all utility providers to assure that all utilities are placed underground at the time of the initial construction

as well as during any future construction for the life of the manufactured housing park.

- R. Outdoor lighting. All streets shall have lighting in accordance with the current illuminating engineering society standards.
- S. Skirting and anchoring. Each occupied manufactured home shall be skirted and anchored with materials meeting Manufactured Housing Commission specifications.
- T. Other requirements. See Article XIV, General Provisions, and Article XV, General Site Development Requirements, for additional requirements.

ARTICLE VI
Business and Office Districts

§ 7-6.01. Intent.

- A. The OS-1 Office Service Districts are designed to accommodate uses such as offices, banks and personal services which can serve as transitional areas between residential and commercial districts and to provide a transition between major thoroughfares and residential districts.
- B. The B-1 Neighborhood Business Districts are designed to meet the day-to-day convenience shopping and service needs of persons residing in adjacent residential areas.
- C. The B-2 General Business Districts are designed to furnish locations for a wide range of businesses, including a variety of automotive services and goods incompatible with the uses and with the pedestrian movement in the City's traditional downtown (CBD Central Business Districts). The B-2 Districts are characterized by more diversified business types and are often located so as to serve the passerby traffic.
- D. The B-3 Regional Business Districts are designed to allow the development of retail establishments serving a wider regional trade area than would typically be found in the other zoning districts. The B-3 districts are characterized by intense traffic and traffic volumes generated by the wider trade area population. The B-3 District zoning designation is intended to restrict the location and number of regional retail establishments so as not to overload the City's thoroughfare system and further to limit the impact realized by the local commercial districts (B-1, B-2, CBD) that may result from saturation of the immediate trade area.

§ 7-6.02. Schedule of uses. [Amended 5-17-2012; 9-26-2013; 2-19-2018; 11-19-2018; 10-5-2020; 1-4-2021]

Buildings or land shall not be used and buildings shall not be erected except for one or more of the following specified uses, unless otherwise provided for in this chapter. Land and/or buildings in the districts indicated at the top of Table 7.06.1 may be used for the purposes denoted by the following abbreviations:

Key:

Permitted use (P): Land and/or buildings in this district may be used for the purposes listed by right.

Special land use (SLU): Uses which may be permitted by obtaining special land use approval when all applicable requirements in Article XIII, Use Requirements, and the standards of § 7-19.04, Review standards, are met.

Additional requirements: Indicates requirements or conditions applicable to the use.

Table 7.06.1: Business and Office Districts Schedule of Uses					
Use	OS-1	B-1	B-2	B-3	Additional Requirements
Residential Uses					
Transitional housing			SLU	SLU	§ 7-13.01D
Animal and Agricultural Uses					
Veterinary facilities and clinics	—	—	P	—	—
Public and Institutional Uses					
Business schools, or private schools, operated for profit	—	—	P	P	—
Institutional uses, places of public assembly and places of worship, including other facilities normally incidental thereto, excluding large-scale churches	P	P	P	P	§ 7-13.03C
Large-scale places of public assembly and places of worship with a seating capacity of 500 people or more or parking for 250 vehicles or more	—	—	SLU	SLU	§ 7-13.03D
Municipal buildings and post office	—	P	P	P	—
Private clubs or lodge halls	—	—	P	—	—
Publicly owned buildings, public utility buildings, telephone exchange buildings; electric transformer stations and substations; gas regulator stations with service yards, but without storage yards; water and sewage pumping stations	SLU	SLU	P	—	—

Table 7.06.1: Business and Office Districts Schedule of Uses					
Use	OS-1	B-1	B-2	B-3	Additional Requirements
Wireless telecommunication tower			SLU	SLU	§ 7-13.10E
Retail Uses					
Dry-cleaning establishments, or pickup stations, dealing directly with the consumer	—	P	P	—	—
Commercial establishments up to 80,000 square feet of gross floor area	—	P	P	P	
Commercial establishments consisting of 1 or more uses and a minimum of 80,000 square feet in total gross floor area	—	—	SLU	P	§ 7-13.04A
Funeral homes and mortuary establishments	SLU	P	P	—	§ 7-13.04D
Greenhouses and plant nurseries	—	—	SLU	—	
Home centers and lumber yards	—	—	SLU	P	§ 7-13.04C
Newspaper offices and printing plants	—	—	P	—	—

Table 7.06.1: Business and Office Districts Schedule of Uses					
Use	OS-1	B-1	B-2	B-3	Additional Requirements
Offices and showrooms of plumbers, electricians, decorator or similar trades, in connection with which not more than 25% of the floor area of the building or part of the building occupied by said establishment is used for making, assembling, remodeling, repairing, altering, finishing, or refinishing its products or merchandise	—	—	P	—	—
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, tattoo parlors, day spas, hair salons, photographic studios	P	P	P	—	—
Retail cold storage establishments	—	—	P		—
Self-service laundry	—	P	P		—
Motor Vehicle Uses					
Automobile car wash, automatic or self-service	—	—	P	—	§ 7-13.05F
Automobile service station for sale of gasoline, oil, and minor accessories only	—	—	SLU	SLU	§ 7-13.05A and B
Minor automobile repair shops	—	—	P	—	§ 7-13.05C

Table 7.06.1: Business and Office Districts Schedule of Uses					
Use	OS-1	B-1	B-2	B-3	Additional Requirements
Automobile sales or showroom	—	—	P	—	
Outdoor sales space for exclusive sale of secondhand automobiles	—	—	SLU	—	§ 7-13.05E
Lodging and Food Service Uses					
Drive-through restaurants	—	—	SLU	SLU	§ 7-13.04B
Bed-and-breakfast	—	—	P	P	—
Motels and hotels	—	—	SLU	SLU	§ 7-13.06A
Standard restaurants, brew pubs and taverns where the patrons are served while seated within the building occupied by such establishment, and wherein said establishment does not extend as an integral part of, or accessory thereto, any service of a drive-in or open-front store	—	—	P	P	—
Sale and service of food and drink out of doors, provided such use is incidental to a similar principal use indoors and conducted adjacent to said principal use	—	—	P	P	—
Entertainment and Recreation Uses					
Adult entertainment uses	—	—	SLU	—	§ 7-13.07A

Table 7.06.1: Business and Office Districts Schedule of Uses					
Use	OS-1	B-1	B-2	B-3	Additional Requirements
Amusement arcades which provide space for patrons to engage in playing of electronic and mechanical video amusement devices or similar activities	—	—	SLU	—	§ 7-13.07B
Bowling alleys, pool or billiard parlor or clubs, indoor archery and indoor tennis clubs, fitness centers, athletic clubs, and other similar indoor commercial recreation establishments	—	—	P	—	—
Commercial or institutional outdoor recreation facilities, including golf courses, water parks, tennis clubs and similar outdoor recreation establishments	—	—	P	P	§ 7-13.07D
Commercially used outdoor recreational space for children's amusement parks, miniature golf courses	—	—	SLU	—	§ 7-13.07C
Multi-screen movie theaters	—	—	—	SLU	§ 7-13.07E
Theaters when completely enclosed	—	—	P		
Finance, Insurance, Real Estate and Professional Uses					
Banks, credit unions, savings-and-loan association, and similar uses					
Drive-through facilities as an accessory use only	P	P	P	P	§ 7-13.04B

Table 7.06.1: Business and Office Districts Schedule of Uses						
Use		OS-1	B-1	B-2	B-3	Additional Requirements
	Standalone drive-through ATM facilities	—	—	P	P	§ 7-13.04B
	Office buildings for any of the following occupations: executive, administrative, professional, accounting, writing, clerical, stenographic, drafting and sales	P	P	P	—	—
	Business services such as mailing, copying, data processing and retail office supplies	P	P	P	—	—
	Data processing and computer centers, including service and maintenance of electronic data processing equipment	P	P	P	—	—
Health and Human Care and Uses						
	Adult day-care centers	SLU	P	P	—	
	Ambulance service stations	SLU	—	P	P	§ 7-13.09E
	Child-care center, nursery schools and day nurseries	SLU	P	P	—	§ 7-13.09A
	Convalescent homes, nursing homes and child-care institutions	P	P	P	—	§ 7-13.09B
	Hospices	—	—	P	P	
	Hospitals	SLU	—	P	P	§ 7-13.09C
	Medical office and clinics	P	P	P	—	—
Transportation and Warehousing Uses						
	Bus passenger stations	—	—	P	—	—
	Off-street parking lots	P	P	P	—	—

Table 7.06.1: Business and Office Districts Schedule of Uses					
Use	OS-1	B-1	B-2	B-3	Additional Requirements
Parking lots and parking structures			P	—	—
Warehouse and storage facilities when incident to and physically connected with any principal use permitted, provided that such facility be within the confines of the building or part thereof occupied by said establishment	—	—	P	—	—
Accessory and Similar Uses					
Accessory building and uses, customarily incident to any of the above permitted uses	P	P	P	P	—
Drive-through pharmacy as an accessory use only, when customarily incident to a principal use permitted in the district	SLU	SLU	P	SLU	§ 7-13.04B
Tent sales and sidewalk sales	P	P	P	P	§ 7-13.10B
Other uses similar to the above uses	SLU	SLU	SLU	SLU	§ 7-13.11
Wireless telecommunication antenna	P	P	P	P	§ 7-13.10D
Other temporary uses	P/SLU	P/SLU	P/SLU	P/SLU	§ 7-13.10C
Medical Marihuana Facility Uses					
Medical marihuana provisioning center/ marihuana retailer			P	P	§ 7-13.12
Marihuana safety compliance facility/ establishment	SLU		SLU		§ 7-13.12

Table 7.06.1: Business and Office Districts Schedule of Uses					
Use	OS-1	B-1	B-2	B-3	Additional Requirements
Marihuana secure transporter facility/ establishment			SLU	SLU	§ 7-13.12

§ 7-6.03. Area, height, and placement requirements.

All lots and buildings shall meet the following dimensional requirements:

Business and Office Districts: Schedule of Area, Height, and Placement Requirements								
(Table 7.06.2)								
Zoning District	Minimum Lot		Max. Building Height²	Maximum Percent of Lot Coverage	Front³	Minimum Setbacks⁴		
	Area	Width¹				(feet)		
			Least 1	Total 2		Rear⁵		
OS-1	—	—	35	—	30	—	—	—
B-1	—	—	25	—	10	—	—	—
B-2	—	—	35	—	30	—	—	—
B-3	10 acres	—	35	—	30	—	—	—

Footnotes to Schedule of Area, Height, and Placement Requirements

- ¹ Depth-to-width ratio: All lots created after the adoption date of this chapter shall have a lot depth not more than four times its width, as measured at the front lot line.
- ² Building height: Exceptions to building height shall be as provided for in § 7-14.03A, Height limit.
- ³ Off-street parking shall be permitted to occupy a portion of the required front yard, provided that there shall be maintained a minimum unobstructed and landscaped setback of 10 feet between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest right-of-way line as indicated on the Major Thoroughfare Plan.
- ⁴ Natural features setback: All structures shall be set back at least 25 feet from all natural features such as drains, regulated wetlands, natural ponds, lakes and streams.
- ⁵ A setback and screening buffer as listed in Table 7.15.1 is required when a rear or side lot line is adjacent to different a zoning district or use.
- ⁶ Side yards are not required along the interior side lot lines of the district, except as otherwise specified in the Building Code, provided that if walls of structures facing such interior side lot line contain windows, or other openings, side yards of not less than 10 feet shall be provided. Where a lot borders on a street, there shall be provided a setback of not less than 10 feet on the side bordering the street.

**ARTICLE VII
Central Business Districts**

§ 7-7.01. Intent.

- A. The CBD-1 Central Business District is designed to provide for office buildings and the great variety of retail stores and related activities which occupy the prime retail frontage of the core downtown area by serving the comparison, convenience and service needs of the entire City area as well as a substantial area of the adjacent and surrounding residential developments and agricultural area beyond the City limits. The retail stability of the district is promoted by encouraging a continuous grade level retail frontage.
- B. The CBD-2 Central Business District is designed to provide for office buildings and retail stores and related activities which serve to support and complement central business district activities of the prime retail areas of the CBD-1 District.

§ 7-7.02. Schedule of uses.

Buildings or land shall be not used and buildings shall not be erected except for one or more of the following specified uses, unless otherwise provided for in this chapter. Land and/or buildings in the districts indicated at the top of Table 7.07.1 may be used for the purposes denoted by the following abbreviations:

Key:

Permitted use (P): Land and/or buildings in this district may be used for the purposes listed by right.

Special land use (SLU): Uses which may be permitted by obtaining special land use approval when all applicable requirements in Article XIII, Use Requirements, and the standards of § 7-19.04, Review standards, are met.

Additional requirements: Indicates requirements or conditions applicable to the use.

Table 7.07.1: Central Business Districts Schedule of Uses			
Use	CBD-1	CBD-2	Additional Requirements
Residential Uses			
Apartments above business establishments	P	P	—
Public and Institutional Uses			
Business schools, or private schools, operated for profit	P	P	—

Table 7.07.1: Central Business Districts Schedule of Uses			
Use	CBD-1	CBD-2	Additional Requirements
Places of public assembly and places of worship, including other facilities normally incidental thereto, with a seating capacity of less than 500 people or parking for less than 250 vehicles	P	P	§ 7-13.03C
Municipal buildings and post office	P	P	—
Publicly owned buildings, public utility buildings, telephone exchange buildings; electric transformer stations and substations; gas regulator stations with service yards, but without storage yards; water and sewage pumping stations	P	P	—
Retail Uses			
Dry-cleaning establishments, or pickup stations, dealing directly with the consumer	P	P	—
Funeral homes and mortuary establishments	P	P	§ 7-13.04D
Generally recognized retail business which supplies commodities on the premises within a completely enclosed building, such as, but not limited to: foods, drugs, liquor, furniture, clothing, dry goods, notions or hardware	P	P	—
Newspaper offices and printing plants	P	P	—

Table 7.07.1: Central Business Districts Schedule of Uses			
Use	CBD-1	CBD-2	Additional Requirements
Offices and showrooms of plumbers, electricians, decorator or similar trades, in connection with which not more than 25% of the floor area of the building or part of the building occupied by said establishment is used for making, assembling, remodeling, repairing, altering, finishing, or refinishing its products or merchandise	P	P	—
Personal service establishments which perform services on the premises, such as, but not limited to: repair shops (watches, radio, television, shoe, etc.), tailor shops, beauty parlors or barber shops, photographic studios, and self-service laundries and dry cleaners	P	P	—
Lodging and Food Service Uses			
Bed-and-breakfast dwellings	P	P	
Motels and hotels	SLU	SLU	§ 7-13.06A
Restaurants, brew pubs and taverns where the patrons are served while seated within the building occupied by such establishment, and wherein said establishment does not extend as an integral part of, or accessory thereto, any service of a drive-in or open-front store	P	P	—

Table 7.07.1: Central Business Districts Schedule of Uses			
Use	CBD-1	CBD-2	Additional Requirements
Sale and service of food and drink out of doors, provided such use is incidental to a similar principal use indoors and conducted adjacent to said principal use and subject further to street occupancy permits and all rules and regulations to control such street occupancy	P	P	—
Entertainment and Recreation Uses			
Amusement arcades which provide space for patrons to engage in playing of electronic and mechanical video amusement devices or similar activities	P	P	§ 7-13.07B
Theaters when completely enclosed	P	P	—
Finance, Insurance, Real Estate and Professional Uses			
Banks, credit unions, savings and loan association, without drive-through facilities	P	P	—
Office buildings for any of the following occupations: executive, administrative, professional, accounting, writing, clerical, stenographic, drafting and sales	P	P	—
Health and Human Care and Uses			
Adult day-care centers	P	P	
Child-care center, nursery schools and day nurseries	P	P	§ 7-13.09A
Convalescent homes, nursing homes and child-care institutions	P	P	§ 7-13.09B
Hospices	P	P	
Hospitals	P	P	§ 7-13.09C
Medical offices and clinics	P	P	—

Table 7.07.1: Central Business Districts Schedule of Uses			
Use	CBD-1	CBD-2	Additional Requirements
Transportation and warehousing uses			
Bus passenger stations	P	P	—
Parking lots and parking structures	P	P	—
Warehouse and storage facilities, when incident to and physically connected with any principal use permitted, provided that such facility be within the confines of the building or part thereof occupied by said establishment	P	P	—
Accessory and Similar Uses			
Accessory uses, customarily incident to any of the above permitted uses	P	P	—
Accessory buildings, customarily incident to any of the above permitted uses	—	P	—
Drive-through pharmacy, banks, credit unions and savings and loans as an accessory use only, when customarily incident to a principal use permitted in the district	SLU	SLU	§ 7-13.04B
Sidewalk sales	P	P	§ 7-13.10B
Other uses similar to the above uses	SLU	SLU	§ 7-13.11
Wireless telecommunications antenna	P	P	§ 7-13.10E
Other temporary uses	P/SLU	P/SLU	§ 7-13.10C

§ 7-7.03. Area, height, and placement requirements.

All lots and buildings shall meet the following dimensional requirements:

Central Business Districts: Schedule of Uses Area, Height, and Placement Requirements							
(Table 7.07.2)							
Zoning District	Minimum Lot		Maximum Building Height ²	Minimum Setbacks ⁴			
	Area (square feet)	Width ¹ (feet)		Front ³	Side Yards ^{5,6}		Rear ⁵
			Least 1		Total 2		
CBD-1	—	—	—	—	—	—	—
CBD-2	—	—	25	10	—	—	—

Footnotes to Schedule of Area, Height, and Placement Requirements

- ¹ Depth-to-width ratio: All lots created after the adoption date of this chapter shall have a lot depth not more than four times its width, as measured at the front lot line.
- ² Building height: Exceptions to building height shall be as provided for in § 7-14.03A, Height limit. There shall be no specific height limitation in a CBD-1 District; provided, however, that prior to the issuance of a building permit for any structure over 35 feet in height, the Planning Commission shall make a finding that such a height will not be detrimental to the light, air or privacy of any other structure or use currently existing or approved for construction.
- ³ Build-to line: Buildings in the CBD-1 District shall be constructed so that at least 60% of the front wall is located at the front lot line.
- ⁴ Natural features setback: All structures shall be set back at least 25 feet from all natural features such as drains, regulated wetlands, natural ponds, lakes and streams.
- ⁵ A setback and screening buffer as listed in Table 7.15.1 is required when a rear or side lot line is adjacent to different zoning district or use.
- ⁶ Side yards are not required along the interior side lot lines of the district, except as otherwise specified in the Building Code, provided that if walls of structures facing such interior side lot line contain windows, or other openings, side yards of not less than 10 feet shall be provided. Where a lot borders on a residential district or a street, there shall be provided a setback of not less than 10 feet on the side bordering the residential district or street.

**ARTICLE VIII
Industrial Districts**

§ 7-8.01. Intent.

- A. The I-1 Industrial District is designed so as to primarily accommodate wholesale activities, warehouses and manufacturing operations on individual lots. In order to allow optimum service to activities of this nature, residential uses, uses incidental to residential development and most retail activities are prohibited from this district. It is the intent of this article to encourage the full utilization of the district under adequate standards of development, health and public safety, and to protect against the creation of nuisances.
- B. The I-2 Industrial District is designed to provide for a planned community of manufacturing, warehouse, distribution facilities, research and development facilities and office uses. The I-2 District is further designated to insure compatibility between the uses in the district and the character of the neighborhood in which the district is located and to further provide compatibility among users within the district.

§ 7-8.02. Schedule of uses. [Amended 2-19-2018; 11-19-2018; 10-5-2020; 7-6-2021]

Buildings or land shall be not used and buildings shall not be erected except for one or more of the following specified uses, unless otherwise provided for in this chapter. Land and/or buildings in the districts indicated at the top of Table 7.08.1 may be used for the purposes denoted by the following abbreviations:

Key:

Permitted use (P): Land and/or buildings in this district may be used for the purposes listed by right.

Special land use (SLU): Uses which may be permitted by obtaining special land use approval when all applicable requirements in Article XIII, Use Requirements, and the standards of § 7-19.04, Review standards, are met.

Additional requirements: Indicates requirements or conditions applicable to the use.

Table 7.08.1: Industrial Districts Schedule of Uses			
Use	I-1	I-2	Additional Requirements
Animal and Agricultural Uses			
Commercial kennels	SLU	—	§ 7-13.02A
Public and Institutional Uses			
Public utilities, including buildings, necessary structures, storage yards and other related uses	P	P	—
Trade or industrial schools	P	P	—

Table 7.08.1: Industrial Districts Schedule of Uses			
Use	I-1	I-2	Additional Requirements
Wireless telecommunication tower	P	P	§ 7-13.10E
Motor Vehicle Uses			
Automobile service stations for sale of gasoline, oil and minor accessories when developed in conjunction with convenience market and accessory services such as fast food facilities or automated automobile washes	P	SLU	§ 7-13.05B
Major auto repair shops when completely enclosed	SLU	—	§ 7-13.05D
Finance, Insurance, Real Estate and Professional Uses			
Research and development establishment	P	P	—
Research and office uses related to permitted industrial operations and sales offices	P	P	—
Health and Human Care and Uses			
Ambulance service stations	SLU	—	§ 7-13.09E
Child-care center, nursery schools and day nurseries	SLU	SLU	§ 7-13.09A
Transportation and Warehousing Uses			
Mini-warehouses and storage buildings for lease to the public including the office and residence of a caretaker	P	P	§ 7-13.08D
Storage facilities for building materials, sand, gravel, stone, lumber, open storage of contractor's equipment and supplies	SLU	SLU	§ 7-13.08A
Warehousing and wholesale establishments when conducted within buildings or within a completely obscured yard area	P	P	—

Table 7.08.1: Industrial Districts Schedule of Uses			
Use	I-1	I-2	Additional Requirements
Warehousing and wholesale establishments, and trucking facilities	P	P	—
Incineration of garbage or refuse when conducted within an approved and enclosed incinerator plant	SLU	—	—
Junkyards and places for the dismantling, wrecking and disposing of the junk and/or refuse material	SLU	—	§ 7-13.08E
Warehouse, storage and transfer and electric and gas service buildings and yards, water supply and sewage disposal plants, water and gas tank holders, heating and electric power generating plants, and all necessary related uses	P	P	—
Railroad transfer and storage tracks, railroad rights-of-way and freight terminals	P	P	—
Manufacturing, Testing and Assembly Uses			
Laboratories: experimental, film or testing	P	P	—
Lumber and planing mills when completely enclosed	SLU	SLU	§ 7-13.08F
Manufacture of corrosive acid or alkali, cement, lime, gypsum or plaster of Paris or any other potentially noxious material	SLU	SLU	§ 7-13.08G

Table 7.08.1: Industrial Districts Schedule of Uses			
Use	I-1	I-2	Additional Requirements
Manufacture of musical instruments, toys, novelties, metal or rubber stamps, small molded rubber products, pottery and figurines or other similar ceramic products (using kilns fired only by electricity or gas), electronic instruments and devices, or similar products	P	P	—
Manufacture, compounding, assembling or treatment of articles or merchandise from previously prepared materials such as, but not limited to: bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semiprecious metals or stones, sheet metal, shell, textiles, tobacco, wax, wire, wood and yarns	P	P	—
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	P	P	—
Manufacturing and repair of electric or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves and similar items	P	P	—

Table 7.08.1: Industrial Districts Schedule of Uses			
Use	I-1	I-2	Additional Requirements
Metal plating, buffing and polishing, subject to appropriate measures to control the type of process to prevent noxious results and/or nuisances	SLU	SLU	—
Production, processing, cleaning, servicing, testing, repair or storage of materials, goods or products that are not injurious to the occupants of adjacent premises by reasons of the emission or creation of noise, vibration, smoke, dust and other particulate matter, toxic and noxious materials, odors, fire or explosive hazards, or glare or heat	P	P	—
Uses permitted in General Business Districts when such uses are for the convenience of persons in the I-1 Industrial District, subject to the regulations applicable to such uses	SLU	—	—
Restaurants			
Restaurants located within a building occupied by another use(s) allowed by this chapter and not including any service of a drive-in or open front store	SLU	SLU	—
Retail Uses			
Construction contractors establishment	P	P	—
Animal crematorium		SLU	§ 7-13.04E
Accessory and Similar Uses			
Outdoor storage, when accessory to a principal use	SLU	SLU	§ 7-13.08B

Table 7.08.1: Industrial Districts Schedule of Uses			
Use	I-1	I-2	Additional Requirements
Accessory building and uses, customarily incident to any of the above permitted uses	P	P	—
Other uses similar to the above uses	SLU	SLU	§ 7-13.11
Wireless telecommunications antenna	P	P	§ 7-13.10D
Wireless telecommunications tower	P	P	§ 7-13.10E
Other temporary uses	P/SLU	P/SLU	§ 7-13.10C
Medical Marihuana Facility Uses			
Medical marihuana grow facility/marihuana grower	P	P	§ 7-13.12
Marihuana processor/processing facility/establishment	P	P	§ 7-13.12
Marihuana safety compliance facility/establishment	P	P	§ 7-13.12
Marihuana secure transporter facility/establishment	P	P	§ 7-13.12

§ 7-8.03. Area, height, and placement requirements.

All lots and buildings shall meet the following dimensional requirements:

Industrial Districts: Schedule of Area, Height, and Placement Requirements Table							
(Table 7.08.2)							
Zoning District	Minimum Lot		Maximum Building Height²	Minimum Setbacks^{4,5}			
	Area (square feet)	Width¹ (feet)		(feet)			Rear⁷
			Front³	Side Yards⁶			
				Least 1	Total 2		
I-1	—	—	—	40	10	20	10
I-2	—	—	40	50	10	20	10

Footnotes to Schedule of Area, Height, and Placement Requirements

¹ Depth-to-width ratio: All lots created after the adoption date of this chapter shall have a lot depth not more than four times its width, as measured at the front lot line.

- 2 Building height: Exceptions to building height shall be as provided for in § 7-14.03A, Height limit.
- 3 Off-street parking for visitors, over and above the number of spaces required under Article XVI, Parking, Loading, Access and Circulation Requirements, may be permitted within the required front yard, provided that such off-street parking is not located within 20 feet of the front lot line.
- 4 Natural features setback: All structures shall be set back at least 25 feet from all natural features such as drains, regulated wetlands, natural ponds, lakes and streams.
- 5 A setback and screening buffer as listed in Table 7.15.1 is required when a rear or side lot line is adjacent to different zoning district or use.
- 6 Off-street parking shall be permitted in a required side yard setback unless a greenbelt and buffer are required per Table 7.15.1.
- 7 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, and a greenbelt planting so as to obscure all view from any adjacent residential, office or business district or from a public street.

§ 7-8.04. Performance standards.

Any use established in the I-1 or I-2 District shall be operated so as to comply with the following performance standards:

- A. Noise. Maximum permissible sound-pressure levels at the lot line, or any point beyond, for noise radiating continuously from a facility between the hours of 10:00 p.m. and 7:00 a.m. shall be in accordance with the following table:

Table 7.08.3: Maximum Sound Pressure Levels²	
Frequency Band Cycles Per Second	Sound Pressure Level in Decibels¹ (re 0.0002 dyne/cm²)
20 to 75	-69
75 to 150	-54
150 to 300	-47
300 to 600	-41
600 to 1,200	-37
1,200 to 2,400	-34
2,400 to 4,800	-31
4,800 to 10,000	-28

NOTES:

¹ If the sound is not smooth or continuous and is not radiated between the hours of 10:00 p.m. and 7:00 a.m., one or more of the corrections listed in the table below shall be added or subtracted from each of the decibel levels given above.

- 2 Sound level pressures shall be taken along the property line of the affected property using a sound level meter of standard design and properly calibrated.

Table 7.08.4: Noise Corrections	
Correction in Type of Operation or Character of Noise	Decibels
Daytime operation only	Plus 5*
Noise source operates less than 20% of any one-hour period	Plus 5*
Noise source operates less than 5% of any one-hour period	Plus 10*
Noise source operates less than 1% of any one-hour period	Plus 15*
Noise of impulsive character (hammering, etc.)	Minus 5*
Noise of periodic character (hum, screeching, etc.)	Minus 5*

NOTES:

* Apply ONE of the corrections ONLY.

- B. Toxic gases. Industrial uses shall emit no noxious, toxic or corrosive fumes or gases, in such concentrations as to be detrimental to or endanger the public health, safety, comfort or welfare or cause injury to property or business.
- C. Heat and glare.
 - (1) Industrial uses shall not carry on any operation that would produce heat or glare beyond the boundary line of the Industrial District.
 - (2) Industrial uses shall not use industrial lighting in a manner that produces glare on public highways and/or neighboring property.
- D. Wastes. Disposal of all wastes shall comply with the City of Lapeer Code and any amendments thereto.
- E. Vibration. Physical vibration produced to the extent of being a detriment to general health, safety and general welfare at or beyond property lot lines shall be prohibited.

**ARTICLE IX
Parking Districts**

§ 7-9.01. Intent.

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

§ 7-9.02. Schedule of uses.

Buildings or land shall be not used and buildings shall not be erected except for one or more of the following specified uses, unless otherwise provided for in this chapter. Land and/or buildings in the districts indicated at the top of Table 7.09.1 may be used for the purposes denoted by the following abbreviations:

Key:

Permitted use (P): Land and/or buildings in this district may be used for the purposes listed by right.

Special land use (SLU): Uses which may be permitted by obtaining special land use approval when all applicable requirements in Article XIII, Use Requirements, and the standards of § 7-19.04, Review standards, are met.

Additional requirements: Indicates requirements or conditions applicable to the use.

Table 7.09.1: Parking Districts Schedule of Uses		
Use	P-1	Additional Requirements
Transportation and Warehousing Uses		
Parking lots and structures	P	§ 7-13.08C
Accessory and Similar Uses		
Accessory building and uses, customarily incidental to any of the above permitted uses	P	

§ 7-9.03. Area, height, and placement requirements.

All lots and buildings shall meet the following dimensional requirements:

Parking Districts: Schedule of Area, Height, and Placement Requirements					
(Table 7.09.2)					
Zoning District	Maximum Building Height (feet)	Minimum Setbacks³			
		Front	Side Yards (feet)		Rear
			Least 1	Total 2	
P-1	—	___ ¹	___ ²	___ ²	___ ²

Footnotes to Schedule of Area, Height and Placement Requirements

- ¹ Front yards: Where contiguous to a residential district which has a common frontage in the same block with residential structures, or wherein no residential structures have been yet erected, there shall be a setback equal to the required residential setback for said residential district, or a minimum of 25 feet, or whichever is the greater. A four-foot-six-inch-high obscuring wall or fence shall be located on this minimum setback line unless, under unusual circumstances, the City finds that no good purpose would be served. The land between said setback and street right-of-way line shall be kept free from refuse and debris and shall be planted with shrubs, trees, or lawn and shall be maintained in a healthy, growing condition, neat and orderly in appearance.
- ² Side and rear yards: Where contiguous to the side or rear lot lines of premises within a residential district. A four-foot-six-inch-high obscuring wall or fence shall be located along said lot line.
- ³ Natural features setback: All structures shall be set back at least 25 feet from all natural features such as drains, regulated wetlands, natural ponds, lakes and streams.

**ARTICLE X
Mixed-Use Overlay Districts**

§ 7-10.01. Intent.

- A. The Mixed-Use District is intended to allow for a wide range of uses in a manner in which the impacts on adjacent land uses are minimized.
- B. The district overlays one or more conventional zoning districts, which are referred to in this article as the "underlying" zoning district.

§ 7-10.02. Schedule of uses.

Buildings or land shall be not used and buildings shall not be erected except for one or more of the following specified uses, unless otherwise provided for in this chapter. Land and/or buildings in the districts indicated at the top of Table 7.10.1 may be used for the purposes denoted by the following abbreviations:

KEY:

Permitted use (P): Land and/or buildings in this district may be used for the purposes listed by right.

Special land use (SLU): Uses which may be permitted by obtaining special land use approval when all applicable requirements in Article XIII, Use Requirements, and the standards of § 7-19.04, Review standards, are met.

Additional requirements: Indicates requirements or conditions applicable to the use.

Table 7.10.1: Mixed-Use Overlay Districts Schedule of Uses¹		
Use	MU	Additional Requirements
Uses		
Principal uses permitted in the underlying zoning district and which meet the requirements in the underlying zoning district for that use	P	
All uses allowed subject to special conditions in the underlying zoning district and which meet the requirements in the underlying zoning district for that use	SLU	
All uses allowed in the R-1, RM, OS-1, B-1, B-2, CBD-1 and I-1 zoning districts as a principal use but not allowed in the underlying zoning district	SLU	____ ^{2, 3}

Table 7.10.1: Mixed-Use Overlay Districts Schedule of Uses¹		
Use	MU	Additional Requirements
All uses allowed in the R-1, RM, OS-1, B-1, B-2 and CBD zoning districts as a special land use but not allowed by right in the underlying zoning district	SLU	____ ^{2,3}
Accessory and Similar Uses		
Accessory building and uses, customarily incidental to any of the above permitted uses	P	§ 7-13.11

NOTES:

- ¹ More than one principal use may be permitted on a lot of record with site plan approval by the Planning Commission.
- ² The use shall meet the requirements in the zoning district in which the use is allowed except as provided for in § 7-10.03 below. Where the use is allowed in more than one district, the Planning Commission shall apply the standards that are closest in intensity as the underlying zoning district.
- ³ Uses permitted under note 2 shall also comply with the following:
 - a. The Planning Commission may impose conditions on the operation of the proposed use, including hours of operation, outdoor operations and delivery and shipping of material that is necessary to ensure the uses compatibility with surrounding uses.
 - b. In portions of the Mixed-Use District where residences and offices predominate, any structure proposed for construction or expansion shall have an exterior appearance consistent with the general character of the area, including scale and mass of the building, arrangement of windows, pitch of roof and type of siding material.
 - c. The Planning Commission may reduce minimum number of parking spaces required for property involving two or more uses if their parking demand could expect to overlap.

§ 7-10.03. Area, height, and placement requirements.

- A. Dimensional requirements such as lot area and building height must comply with those of the underlying zoning district, except as otherwise provided for in this article.
- B. In addition, the Planning Commission may establish maximum front and side lot line setbacks and minimum height requirements for any expansion or new development if they determine it is necessary to maintain the urban character of the neighborhood.
- C. Where more than one principal use is allowed on a lot of record, setbacks between buildings shall be based on the yard setbacks of the underlying zoning district, but

may be modified by the Planning Commission if they determine that adequate conditions have been included to address public health and adequate emergency access within the site.

ARTICLE XI
M-24 Overlay District

§ 7-11.01. Intent.

The provisions set forth in this overlay district are intended to establish minimum requirements for access to property and other elements of site design to improve safety and enhance aesthetics along the M-24 corridor in the City of Lapeer. The purposes of these requirements are to:

- A. Require greater front yard setbacks and landscaping, coordinated signage and site layout and design, and buffered parking to foster a planned character and to avoid a haphazard and sprawling appearance;
- B. Recognize that the proliferation of direct access into properties, specifically high-traffic-generating nonresidential uses (such as a gas station, fast-food restaurant, auto wash and similar uses), has long-term traffic flow consequences, as it creates traffic conflict areas due to a stream of slowing, stopping, turning, entering and exiting vehicles;
- C. Provide for safe, efficient and continuous pedestrian accommodations along M-24 and between properties abutting M-24;
- D. Minimize disruptive and potentially hazardous traffic conflict areas by reducing the frequency of direct access points to M-24; and to provide efficient spacing standards between access points and between access points and intersections to separate conflict areas;
- E. Separate traffic conflict areas by requiring separation of direct access points to M-24, and by encouraging and requiring consolidation of existing direct access point when redevelopment is contemplated;
- F. Require or encourage, wherever possible, coordinated/shared access among several developments or redevelopments;
- G. Provide reasonable access to properties, though the access may not always be direct access; and
- H. Implement the recommendations of The Access Management Guidebook, produced by the Michigan Department of Transportation in October 2001; and the City of Lapeer Master Plan as it pertains to the M-24 corridor.

§ 7-11.02. Applicability.

The provisions set forth in this article shall apply to the whole of every existing and newly created parcel or property falling within 660 feet of the M-24 state highway center line or which abuts the M-24 state highway right-of-way within the City of Lapeer. The regulations apply in addition to, and simultaneously with, other applicable regulations in the Zoning Ordinance. The regulations of this section shall be applied by the Department of Planning and Development and the Planning Commission during the site plan review or other applicable process. Where regulations of this section conflict with other applicable regulations of the Zoning Ordinance, the most stringent

requirements shall apply.

§ 7-11.03. Process requirements.

- A. Parcels with access to the M-24 right-of-way shall be subject to access approval from the Michigan Department of Transportation. Parcels without direct frontage along the M-24 right-of-way, but falling within 660 feet of the M-24 right-of-way line, shall be subject to access approval from the City of Lapeer with coordination with the Michigan Department of Transportation. The City of Lapeer shall review the access elements of a site plan and as appropriate shall coordinate with the Michigan Department of Transportation prior to a final decision on a particular site plan or development application. The City shall not take action on an application without first consulting the Michigan Department of Transportation.
- B. An applicant shall be required to secure applicable permits and other applicable approvals from the Michigan Department of Transportation and other entities in addition to receiving site plan and other applicable approvals from the City of Lapeer.
- C. When site plan or other approval has been granted and an access permit issued by the Michigan Department of Transportation, said plan of access shall not be altered without a new application for access.
- D. Failure to begin construction within one year of the approval date by the City shall void approval, and a new application process is required.
- E. The City of Lapeer may require a letter of credit, bond, or cash deposit in any reasonable sum for each approved access structure, including, without limitation, driveways, shared service drives, etc., to insure compliance with an approved application. Such insurance shall terminate and be returned to the applicant when the terms of approval have been met or when authorization is canceled. The City of Lapeer Engineer shall determine the amount. This financial guarantee is not intended to duplicate the bond requirement of the Michigan Department of Transportation when applicable.
- F. Except for shared driveways, existing driveways that do not conform to the requirements of this section shall be closed or modified to conform to this section when site plan approval is required by § 7-18.02. Provided, if the Planning Commission determines that existing site constraints would make conformance to this section unreasonable or impossible, the Planning Commission shall determine the extent of upgrades to bring the site into greater compliance with the requirements of this section. In making its decision, the Planning Commission shall consider the existing and projected traffic conditions, any sight distance limitations, existing access configurations, site topography, natural features, external and internal site circulation, recommendations from the Michigan Department of Transportation, and others as deemed appropriate. Required improvements may include removal or reconfiguration of one or more existing access points and establishing cross access to a neighboring property.

§ 7-11.04. Additional submittal information.

In addition to the submittal information required for site plan review in § 7-18.03, the following shall be provided with any application and illustrated on the site plan:

- A. Existing access points within 500 feet of the subject property's boundaries on both sides of the M-24 frontage, and along both sides of any intersecting roads where access is proposed.
- B. Dimensions between proposed and existing access points.
- C. Where shared cross access is proposed or required, a shared access and maintenance agreement may be required for City review. It shall include provisions for maintenance, legal descriptions of easements, and other elements as may be required. Once approved, the agreement shall be recorded with the Lapeer County Register of Deeds.

§ 7-11.05. General access management standards.

- A. Access for an individual parcel, lot or building site or for contiguous parcels, lots or building sites under the same ownership shall consist of either one single two-way driveway or a paired system wherein one driveway is designed, and appropriately marked, to accommodate ingress traffic and the other egress traffic.
- B. One driveway shall be permitted for each single-family residential lot. Other uses shall be subject to the regulations of this section.
- C. For a parcel, lot, property or building site with frontage along M-24 exceeding 600 feet, or where the subject property has frontage on at least two streets, an additional driveway may be permitted, if warranted. The City Planning Staff and MDOT officials will jointly determine whether a traffic impact study should be submitted by the applicant demonstrating that conditions warrant an additional driveway and that all driveways meet spacing requirements. Where possible, second access points shall be located on a side street or service drive, or shared with adjacent uses.

§ 7-11.06. Spacing standards.

- A. A driveway shall be located a minimum of 600 feet from any expressway ramp.
- B. Minimum required spacing standards.
 - (1) Driveways shall meet the minimum required spacing standards listed below, based on posted speed limits along M-24, unless the Michigan Department of Transportation approves less based on the land use and restricted turns in the driveway design. The minimum spacing requirements are measured from the center line of one driveway to the center line of another driveway. For parcels or sites with insufficient road frontage to meet the standards below, one of the following shall be required:
 - (a) Construction of the driveway along a side street.
 - (b) A shared driveway with an adjacent property.

- (c) Construction of a driveway along the property line farthest from the intersection.
 - (d) A service drive as required § 7-11.08
 - (e) The provisions of § 7-11.03F may apply.
- (2) The Planning Commission may grant temporary access approval until such time that minimum spacing requirements can be met, or alternative access meeting the requirements of this chapter is approved, per § 7-11.11.

Table 7.11.1: Driveway Spacing Requirements	
Source: MDOT, Traffic and Safety Division	
Posted Speed Limit (mph)	Minimum Driveway Spacing (feet)
25	130
30	185
35	245
40	300
45	350
50+	455

C. Driveway separation from intersections.

- (1) Driveway separation from intersections shall be measured from the center line of the driveway to the extended edge of the travel lane on the intersecting street, as follows. For parcels or sites with insufficient road frontage to meet the standards below, one of the following shall be required:
- (a) A shared driveway with an adjacent property.
 - (b) Construction of a driveway along the property line farthest from the intersection.
 - (c) A service drive as required in § 7-11.08.
 - (d) The provisions of § 7-11.03F may apply.
- (2) The Planning Commission may grant temporary access approval until such time that minimum spacing requirements can be met, or alternative access meeting the requirements of this chapter is approved, per § 7-11.11.

Table 7.11.2: Driveway Spacing Requirements from Street Intersections

Location of Driveway	Minimum Spacing for Full Movement Driveway (feet)	Minimum Spacing for a Driveway Restricting Left Turns (feet)
Along arterial or from another intersecting arterial	300	125
Along arterial intersecting a collector or local street	200	125
Along a collector	125	75
Along a local street or private road	75	50

- D. A driveway may not be permitted when offsets may result in left-turn conflicts, as determined by the Planning Commission and/or the Michigan Department of Transportation.

§ 7-11.07. Access design.

- A. There shall be a minimum of 27 feet of throat length for entering and exiting vehicles at the intersection of a driveway and pavement of the public road or service drive as measured from the pavement edge. For driveways serving over 100 vehicles per peak hour (two-way traffic volume) and for all driveways controlled by a traffic signal, adequate throat length may be determined by a traffic impact study financed by the applicant and as approved by the Planning Commission.
- B. Access design and construction standards shall conform to the requirements of the Michigan Department of Transportation and the City of Lapeer, as applicable.
- C. A five-foot-to-ten-foot-wide pedestrian walkway shall be integrated into the site, as appropriate, so as to provide a continuous and safe pedestrian linkage along M-24 and from M-24 to buildings. The Planning Commission shall determine the proper placement and design of the walkway feature. More than one walkway may be required per site.
- D. The Planning Commission and/or the Michigan Department of Transportation shall retain the right to ensure adequate corner clearance and sight distance objectives as stated in § 7-11.03F of this chapter or as determined best for the specific situation.

§ 7-11.08. Service drives. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

Service drives are strongly encouraged and in some cases may be required. The following provisions shall apply:

- A. A front or rear service drive may be required. The service road shall generally be

parallel to the front property line and may be located either in front of, or behind, principal buildings and may be placed in required yards. In considering the most appropriate location and alignment for a service road, the Planning Commission shall consider the setbacks of existing and/or proposed structures and anticipated traffic flow.

- B. A minimum of five feet of landscaping/snow storage area shall be reserved along both sides of a service drive. The Planning Commission may adjust this standard, provided it finds adequate provision for snow storage and green space.
- C. Service drive access shall be set back at least 30 feet from an intersection of a public or private street right-of-way and the access drive to the parcel. The service drive may curve and be parallel with the public street and be located no less than 15 feet from the public or private street right-of-way. The service drive shall not be established within a public right-of-way, unless dedicated to and accepted by the applicable public agency. A service drive shall be used for circulation and not as parking, loading or unloading.

§ 7-11.09. Shared driveways.

- A. Shared driveways are strongly encouraged and may be required.
- B. In cases where access is restricted by the minimum spacing requirements of § 7-11.06, a shared driveway may be the only access option permitted.
- C. The shared driveway shall be constructed along the midpoint between the two properties unless a written easement is provided which allows for traffic to travel across one parcel to another or otherwise access the public street.

§ 7-11.10. Parking lot connections.

- A. A parking lot connection or the provision of a parking lot connection, where feasible, shall be provided in the following situations:
 - (1) A proposed parking lot adjacent to an existing parking lot.
 - (2) A proposed parking lot adjacent to vacant land.
 - (3) Change to an existing parking lot adjacent to an existing parking lot.
 - (4) Change to an existing parking lot where adjacent to vacant land.
- B. Where a parking lot connection is required, a written cross-access easement signed by both landowners and recorded with the Lapeer County Register of Deeds shall be presented as evidence of the parking lot connection prior to the issuance of any final zoning approval.

§ 7-11.11. Temporary access permits.

An applicant for site plan or other approval that cannot meet the access standards of this section and has no alternative means of reasonable access to the public road system, as determined by the Planning Commission, may be issued a temporary access permit. When adjoining parcels develop which can provide a shared driveway, shared access via

a service drive, or a cross parking lot connection, the temporary access permit shall be rescinded and an application for an access permit consistent with the requirements of this section shall be met.

§ 7-11.12. (Reserved)²

2. Editor's Note: Former Sec. 7.11.12, Landscaping, was repealed 9-26-2013.

ARTICLE XII
Planned Unit Developments (PUDs)

§ 7-12.01. Intent.

The Planned Unit Development Zoning District is designed to provide a framework within which a developer, upon his/her/its initiation, can relate the type, design and layout of residential and/or commercial uses to a particular site and particular demand for housing and/or other local commercial facilities in a manner consistent with the preservation of property values within established areas. The section also provides an added degree of flexibility in the building design and land use arrangement so that a mixture of uses and provision of common open space can be provided. The zoning district is intended to accommodate developments with mixed or varied uses, on sites with unusual topography or unique settings within the community, or on land which exhibits difficulty or costly development problems or sites that contain natural features such as wetlands or woodlots that are important for the City to retain in order to protect its character. This zoning classification shall not be granted where it is sought primarily to avoid the imposition of standards and requirements of other zoning classifications rather than to achieve the stated purposes herein set forth. The following regulations are the minimum requirements for the promotion and protection of the public health, safety and welfare. Some uses permitted in this district are required to comply with specific design standards.

§ 7-12.02. Eligibility requirements.

In order to be eligible for consideration of rezoning to PUD, a parcel must comply with the following:

- A. The parcel must be at least one acre in area.
- B. The parcel must have access to an arterial street.
- C. The parcel must have access to municipal water and sewer.

§ 7-12.03. Uses permitted. [Amended 9-26-2013]

All permitted principal uses by right or by special conditions in any of the zoning districts in this chapter may be permitted in the PUD district based on the standards outlined in § 7-12.04 below, subject to the discretion of the City Commission. Uses permitted by special condition in another zoning district may be authorized as a use by right by the City Commission in granting PUD approval.

§ 7-12.04. Standards for approval.

Based upon the following standards, the Planning Commission may recommend denial, approval, or approval with conditions, and the City Commission may deny, approve, or approve with conditions the proposed planned unit development.

- A. The proposed mix of uses and density of residential uses shall be found to be consistent with the City Master Plan.
- B. Off-street parking shall be sufficient to meet the minimum required by the

ordinances of the City. However, if it is deemed necessary in order to achieve the purposes of this section, the Planning Commission may relax parking requirements during site plan review.

- C. All streets within the planned unit development shall meet the minimum requirements of Chapter 6, Land Division, and the City's Construction Specifications, unless modified by the Planning Commission.
- D. Landscaping shall be provided so as to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.
- E. Judicious effort shall be used to ensure the preservation of the integrity of the land and the preservation of natural, historical, and architectural features.
- F. Surface water shall be retained on the site unless the applicant can demonstrate that to do so would be harmful to the environment, or is not practical. In any case, stormwater shall not flow off the site at a rate greater than the rate of flow prior to development and stormwater shall not be directly discharged into a lake, river or stream.
- G. The setbacks, building height, open space, maximum density and other dimensional requirements for a proposed use in the concept plan shall be based on the dimensional requirements for that use listed in the applicable zoning district in this chapter. Where a proposed use or range of uses is permitted in more than one zoning district, the PUD concept plan as approved will identify which zoning district dimensional requirements will apply. However, if it is deemed necessary in order to achieve the purposes of this section, the City Commission may modify the dimensional requirements for a given use or range of uses. Noncontiguous property may be used in calculating open space and the open space may be located on noncontiguous property.
- H. The following standards concerning traffic and accessory conditions shall be met:
 - (1) Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation within and to the zoning district shall be provided.
 - (2) Drives and streets shall not be laid out to encourage outside traffic to traverse the development nor to create unnecessary fragmentation of the development into small blocks.
 - (3) No material impediment to the visibility of automotive traffic, cyclists or pedestrians shall be created or maintained.

§ 7-12.05. Approval procedure.

- A. The PUD zoning approval shall follow procedural requirements of Article XXIII of this chapter for amending the Zoning Ordinance. An applicant for PUD zoning approval shall submit a rezoning application, a proposed concept plan as outlined in § 7-12.06 below, and any proposed language for the PUD zoning district. The Planning Commission shall hold a public hearing. The Planning Commission shall review the conceptual PUD development plan based on the standards described in § 7-12.06 to determine its suitability. **[Amended 9-26-2013]**

- B. The Planning Commission shall then submit the proposed amendatory ordinance to the City Commission together with its recommendation and a summary of comments received at the public hearing.
- C. The City Commission, prior to the first reading of the amendatory ordinance, shall hold a public hearing meeting the notice requirements in § 7-21.07. Following that public hearing, it may amend or place additional conditions on the Zoning Ordinance amendment. The City Commission may, at its discretion, send a revised PUD back to the Planning Commission for their recommendation regarding the changes.
- D. PUD site plan approval procedure may commence only after the acceptance by the City Commission of the conceptual PUD development plan and the rezoning of the property as required.
- E. PUD site plan approval process shall follow the procedures for site plan approval outlined in Article XVIII.

§ 7-12.06. Conceptual PUD plan requirements.

The conceptual PUD development plan that is required to be reviewed and approved as part of the PUD rezoning process outlined above shall comply with the following requirements:

- A. The applicant for preliminary phase approval of a PUD conceptual plan shall submit sufficient copies of the following technical or graphic materials together with such fees as may be required.
- B. The PUD conceptual plan shall indicate the entire contiguous holding of the petitioner or owner who wishes to develop the entire parcel or any part thereof, and shall include the area and use of land adjacent to the parcel to be developed. The plan shall exhibit any unusual characteristics of topography, utility service, land usage or land ownership. The plan shall also exhibit all existing and proposed structures, existing and proposed streets, open spaces and other features as required to determine compliance with approval of the conceptual plan.
- C. The conceptual plan shall show all proposed uses and allotted spaces, gross site area, street and vehicular access areas, number of each variety of habitable space, total number of dwelling units and total open space. The plan shall:
 - (1) Define the location of the areas to be devoted to particular uses.
 - (2) State the acreage to be devoted to the particular uses.
 - (3) Set forth the proposed density of the dwelling units by use type and of the entire project.
 - (4) Show the location of parks, open recreation areas, other open space and all public and community uses.
 - (5) The applicant shall present material as to the development's objectives and purposes to be served; conformity to plans and policies of the City; market needs; impact on public schools, utilities, and circulation facilities; impact on

natural resources; and a staging plan showing the general time schedule of the expected completion dates of the various elements of the plan.

- (6) Any additional graphics or written materials reasonably requested by Planning Commission or City Commission to assist the City in visualizing and understanding the proposal shall be submitted.
- (7) Upon submission of all required materials and fees, the Planning Commission shall follow the procedures for review of a zoning amendment.
- (8) Approval of the conceptual PUD plan, shall confer upon the owner the right to proceed through the subsequent planning phase for a period not to exceed three years from date of approval. If so requested by the petitioner, an extension of a two-year period may be granted by the Planning Commission.

§ 7-12.07. Site plan approval.

Following approval of the conceptual plan by the City Commission, the applicant may submit site plans for phases of the approved conceptual PUD development plan. The site plans shall conform to the approved conceptual plan. The site plans shall be reviewed by the Planning Commission following the procedures outlined in Article XVIII. After its review, Planning Commission shall make a recommendation to City Commission for its approval, denial or approval with conditions.

§ 7-12.08. Deviations for approved PUD site plan.

Deviations from the approved plan may occur only under the following circumstances:

- A. Minor changes to a previously approved PUD site plan may be approved without the necessity of Planning Commission or City Commission action if the Planning Director certifies in writing that the proposed revision does not alter the basic design or any specified conditions of the plan as agreed upon by the Planning Commission and the City Commission. Any other change will require approval following the procedures outlined above for the original approval. Appeal of the Planning Director decision regarding the need for formal review by the Planning Commission and City Commission is appealable to the Zoning Board of Appeals.

§ 7-12.09. Design standards.

Design of the proposed improvements within a PUD shall comply with the design requirements established by the City under this chapter as well as those established under Chapter 6, Land Division, (if applicable) and other ordinances or guidelines adopted by the City.

ARTICLE XIII
Use Requirements

§ 7-13.01. Residential uses.

A. Boarding and renting of rooms.

- (1) This use shall be considered as an accessory use; board or renting shall not be furnished to more than two persons in addition to the family.
- (2) In the case of renting rooms, such convenience shall not be furnished unless there shall be provided at least 50 square feet of floor area per boarder or renter in that part of the building directly occupied for rooming purposes.
- (3) Boarding and the renting of rooms shall not include the operating of what is normally termed a restaurant or similar use where meals are served to transient guests. Board shall not be provided to other than those rooming in the residence.

B. Dwelling units. All newly constructed dwellings (single-family or multiple-family) for which a building permit is required shall be reviewed by the Building Official and shall be subject to the following conditions:

- (1) Dwelling units shall conform to all applicable City codes and ordinances. Any such local requirements are not intended to abridge applicable state or federal requirements with respect to the construction of the dwelling.
- (2) Dwelling units shall be permanently attached to a perimeter foundation. In instances where the applicant elects to set the dwelling on piers or other acceptable foundations which are not at the perimeter of the dwelling, then a perimeter wall shall also be constructed. Any such perimeter wall shall be constructed of durable materials and shall also meet all local requirements with respect to materials, construction and necessary foundations below the frost line. Any such wall shall also provide an appearance which is compatible with the dwelling and other homes in the area.
- (3) Dwelling units shall be provided with exterior finish materials similar to the dwelling units on adjacent properties or in the surrounding residential neighborhood.
- (4) Dwelling units shall be provided with roof designs with a minimum pitch of 4:12. Roofing materials shall be similar to the dwelling units on adjacent properties or in the surrounding residential neighborhood.
- (5) Dwelling units shall be provided with attached garages in areas where 75% of the dwelling units located within 300 feet of the subject premises have attached garages.
- (6) Dwelling units shall be provided with an exterior building wall configuration which represents an average width-to-depth or depth-to-width ratio which does not exceed three to one, or is in reasonable conformity with the configuration of dwelling units on adjacent properties or in the surrounding residential neighborhood. Each such dwelling unit shall provide a minimum

width and depth of at least 20 feet over 80% of any such width or depth dimension.

- (7) The dwelling shall contain storage capability in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to 10% of the square footage of the dwelling or 100 square feet, whichever shall be less.
- (8) Any such home shall be anchored by an anchoring system approved by the City.
- (9) The foregoing conditions in Subsection B(1) through (8) shall not apply to existing dwellings or existing accessory structures.
- (10) The Building Official or Planning Commission shall not seek to discourage architectural variation, but shall seek to promote the reasonable compatibility of the character of dwelling units, thereby protecting the economic welfare and property value of surrounding residential uses and the City at large. In reviewing any such proposed dwelling unit, the Building Official may require the applicant to furnish such plans, elevations, and similar documentation reasonably necessary to permit a complete review and evaluation of the proposal. The surrounding residential area shall mean those dwellings within 300 feet of the subject premises. If the area within 300 feet does not contain 20 homes, then the nearest 20 similar type dwellings shall be considered.

C. Home occupations.

- (1) Home occupation shall not be permitted that:
 - (a) Changes the outside appearance of the dwelling or is visible from the street;
 - (b) Generates traffic, parking, sewerage or water use in excess of what is customary in the residential neighborhood;
 - (c) Creates noise, vibration, glare, fumes, odors or results in electrical interference, or becomes a nuisance;
 - (d) Results in outside storage or display of anything, including signs;
 - (e) Requires the employment of anyone in the home other than the dwelling occupant;
 - (f) Requires exterior building alterations to accommodate the occupation;
 - (g) Occupies more than 25% of the ground floor area of the dwelling, or 50% of a detached garage;
 - (h) Requires parking for customers that cannot be accommodated on the site and/or not exceeding one parking space at curb side on the street;
 - (i) Requires the delivery of goods or the visit of customers before 8:00 a.m. and after 8:00 p.m.

- (2) The following are permitted home occupations, provided they do not violate any of the provisions of the previous subsection:
 - (a) Barber shop or beauty shop with no more than one chair;
 - (b) Dressmaking, sewing and tailoring;
 - (c) Painting, sculpturing or writing;
 - (d) Telephone answering;
 - (e) Home crafts, such as model-making, rug-weaving and lapidary work;
 - (f) Tutoring, limited to four students at a time;
 - (g) Home cooking and preserving;
 - (h) Computer programming;
 - (i) Salespersons office or home office of a professional person;
 - (j) Laundering and ironing;
 - (k) Repair of clocks, instruments or other small appliances which do not create a nuisance due to noise, vibration, glare, fumes, odors or results in electrical interference;
 - (l) Instruction in a fine art or craft.
- (3) The following are prohibited as home occupations:
 - (a) Dance studios;
 - (b) Private clubs;
 - (c) Repair shops which may create a nuisance due to noise, vibrations, glare, fumes, odors or electrical interference;
 - (d) Restaurants;
 - (e) Stables or kennels;
 - (f) Bed-and-breakfast;
 - (g) Automobile repair or paint shops.
- (4) Any proposed home occupation that is neither specifically permitted by Subsection C(2) nor specifically prohibited by Subsection C(3) shall be considered a use permitted subject to special conditions and be granted or denied upon consideration of those standards contained in Subsection C(1) above and under the procedures specified in Article XIX. **[Amended 9-26-2013]**

D. Transitional housing. **[Added 1-4-2021]**

- (1) Community need standards. Any application for transitional housing must

demonstrate that the housing is needed to take care of the homeless needs that exist within the greater Lapeer area.

- (2) The transitional housing must be associated with a charitable association, such as a 501(c) organization or a governmental agency.
- (3) Transitional housing shall comply with all applicable federal and Michigan statutory requirements.
- (4) Transitional housing shall comply with all applicable Building and Fire Codes, including maximum occupancy restrictions.
- (5) If the transitional housing organization plans to offer drug or alcohol abuse counseling to residents of the shelter, the applicant shall advise the City on any state licensing that may be required and demonstrate compliance as appropriate.
- (6) Prior to occupancy, the Lapeer Building Code and Fire Code Officials shall approve the maximum number of beds allowed in a facility. In an emergency situation (as declared by local emergency management officials, the Lapeer Fire Marshal may allow a facility to add additional beds if appropriate given the occupancy constraints of the building.
- (7) The building shall provide 100 square feet of heated building space per person staying overnight at the facility.
- (8) The facility shall not be located within 1,000 feet of a prekindergarten through grade 12 school.
- (9) Overnight sleeping accommodations shall be offered for little or no financial compensation, and shall be operated in a manner that encourages short-term occupancy by residents.
- (10) Smoke alarms and carbon monoxide detectors, approved by the Lapeer Building Code and Fire Code Officials, must be provided in all sleeping and food preparation areas. The number of devices required will be dependent on the layout of the facility.
- (11) Adequate management, support staff and security must be present during the hours of operation of the facility. A minimum of one supervisory-level staff member must be present on the site during all hours of operation. Management staff must make best efforts to ensure that loitering does not occur on the property at any time and must ensure that clients are not creating a nuisance to the neighborhood.
- (12) Management policies. An applicant for transitional housing, as part of the application process, shall prepare and file with the City its management policies as they relate to the following:
 - (a) A residential identification process.
 - (b) Staffing/volunteer levels and provisions for staff and volunteer training.
 - (c) Neighborhood outreach.

- (d) Length of stay of residents.
 - (e) Hours of operation and standard lights-out.
 - (f) Policies regarding safety and security and to include emergencies.
 - (g) Smoking policy to include identification of areas where smoking is to be permitted on the site.
 - (h) A written fire safety and emergency escape plan.
- (13) Operators shall keep a list to account for all persons staying at the facility, and the register shall be available for inspection by City Public Safety, Housing, Building or Health Officials at any time.

§ 7-13.02. Animal and agriculture uses.

A. Commercial kennels:

- (1) Shall not abut any area zoned for residential purposes.
- (2) Are subject further to all health standards of the City.

B. Farms. Farms on those parcels of land separately owned outside the boundaries of either a proprietary or assessor's plat are subject to the health and sanitation provisions of the City of Lapeer, and shall be further subject to the following:

- (1) Property shall be used for agriculture or horticulture for commercial, hobby or personal purposes, including but not limited to: greenhouses, nurseries, orchards, chicken hatcheries, poultry farms and apiaries.
- (2) Buildings, structures, or yard areas used for the keeping of animals shall be located not less than 100 feet from a property line.
- (3) No farms shall be operated as garbage-fed piggeries, or for the disposal of garbage, sewage, rubbish, offal or rendering plants, or for the slaughtering of animals, except such animals as have been raised on the premises or have been maintained on the premises for at least a period of one year immediately prior thereto and for the use and consumption by persons residing on the premises.
- (4) Establishments keeping or operating fur-bearing animals, public riding, or boarding stables or commercial dog kennels, shall not be considered a farm under this chapter unless combined with bona fide farm operations on the same continuous tract of land.
- (5) None of the provisions of this chapter is intended to conflict with those rights protected under the Michigan Right to Farm Act, MCLA § 286.471 et seq.

§ 7-13.03. Public and institutional uses.

A. Cemeteries.

- (1) Not more than 51% of the area of a cemetery shall be part of a recorded plats.

- (2) The site shall have access to a paved arterial or collector street as defined in the Master Plan.
- B. Colleges, universities and other such institutions of higher learning (public and private, offering courses in general, technical or religious education and not operated for profit).
- (1) The site shall have access to a paved arterial or collector street as defined in the Master Plan.
 - (2) No building shall be closer than 50 feet to any property line.
- C. Places of public assembly and places of worship. Places of public assembly and places of worship, as well as other facilities normally incidental thereto with a seating capacity of less than 500 people or parking for less than 250 vehicles.
- (1) Buildings of greater than the maximum height permitted in the district 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.
 - (2) Adequate site space to allow for expansion shall be provided in order to allow for growth of facilities without causing an impact on any adjacent residential neighborhood.
 - (3) The site shall have access to a paved arterial or collector street as defined in the Master Plan.
 - (4) Storage of buses, trucks and maintenance equipment shall be entirely within a totally enclosed building.
 - (5) Outdoor lighting of buildings and grounds shall be completely shielded from abutting residential areas.
- D. Large-scale places of public assembly and places of worship. Large-scale places of public assembly and places of worship with a seating capacity of more than 500 people or parking for more than 250 vehicles.
- (1) The site shall have at least 150 feet of frontage on a major thoroughfare as designated on the Master Plan.
 - (2) All access to the site shall be from major thoroughfares.
 - (3) All buildings shall have a setback a minimum of 50 feet from any lot line in an abutting single-family residential district, unless such abutting lot is occupied by an existing institutional use other than a dwelling unit.
 - (4) All structures and parking and loading areas shall meet the requirements for a type "B" buffer and setback required in Table 7.15.1 when the lot line abuts a single-family residential district.
 - (5) Storage of buses, trucks and maintenance equipment shall be entirely within a totally enclosed building.

- (6) Outdoor lighting of buildings and grounds shall be completely shielded from abutting residential areas.
- (7) An analysis of the impact on existing traffic patterns in the City must be submitted for the Planning Commission's review and consideration. At a minimum, the traffic impact analysis should provide existing and future traffic counts and a quantitative assessment of the impact the proposed development will have on the level of service for the affected thoroughfares.

§ 7-13.04. Retail uses.

A. Commercial establishments consisting of one or more uses and a minimum of 80,000 square feet in gross floor area.

- (1) Land considered for the B-3 Regional Business District use must have a minimum area of 10 acres under single ownership and control, or the mix of lots being developed as an integrated and cohesive development must have a combined minimum area of 10 acres. At least one anchor store with a minimum of 80,000 square feet shall be included in the development.
- (2) Prior to the approval of any B-3 Regional Business District, an analysis of the impact on existing traffic patterns in the City must be submitted for the Planning Commission's review and consideration. At a minimum, the traffic impact analysis should provide existing and future traffic counts and a quantitative assessment of the impact the proposed development will have on the level of service for the affected thoroughfares.

B. Business in the character of a drive-through.

- (1) A setback of at least 60 feet must be maintained from the right-of-way line of any existing or proposed street and the drive-through window.
- (2) No more than three drive-through lanes are permitted per parcel in the B-1 District.
- (3) Ingress and egress points shall be located at least 60 feet from the intersection of any two streets.
- (4) All lighting shall be shielded from adjacent residential districts.
- (5) The drive-through lane shall be a minimum of 10 feet wide. Clear identification and delineation between the drive-through facility and the parking lot shall be provided.
- (6) Each drive-through facility shall provide a bypass lane to allow other vehicles to pass those waiting to be served.
- (7) Minimum stacking spaces shall comply with § 7-16.07 of this chapter.
- (8) The drive-through facility shall be located on the side or rear elevation of the building to minimize visibility from a public or private roadway. The drive-through window and menu board speaker shall not face an adjacent residential district.

- (9) Drive-through restaurants are prohibited on parcels located completely between Tower Drive and Turrill Road and fronting on M-24. **[Amended 11-2-2020]**
- C. Home centers and lumber yards.
- (1) Locations for any such establishment shall be confined to major thoroughfares and shall have the entrance to the business and the parking area on the major thoroughfare, except when access is more appropriate and safe from another street that can accommodate the projected traffic.
 - (2) Lumber yard storage associated with such activities shall be completely obscured from view from public streets and from residential districts in a manner acceptable to the Planning Commission.
 - (3) Seasonal displays (garden centers) are not required to be obscured from view.
 - (4) Outdoor display of materials or articles for sale, other than a preapproved garden center, including accessory buildings for sale, must undergo an annual administrative zoning review. Outdoor display shall not be allowed in the required front yard setback or in required parking spaces.
- D. Funeral homes and mortuary establishments.
- (1) The site plan shall provide for adequate off-street assembly area for vehicles to be used in funeral processions, provided further that such assembly area shall be provided in addition to any required off-street parking area.
 - (2) A caretaker's residence may be provided within the building of mortuary establishments.
- E. Animal crematorium. **[Added 7-6-2021]**
- (1) All crematoriums shall be a minimum of 300 feet from any residential use, school, or day-care center. The distance shall be measured from the nearest portion of the crematorium building to the nearest portion of the residential, school, or day-care parcel.
 - (2) All activity relating to the dead shall be handled discreetly and be screened from public view to the maximum extent possible, including delivery and storage of the remains.
 - (3) Crematoriums shall not be used for the disposal of any waste materials.
 - (4) Animal crematoriums shall not emit any visible air emissions nor generate odors which are discernible beyond their lot lines.
 - (5) The applicant or applicant's representative for a crematorium shall make a presentation to the Planning Commission on the proposed cremation equipment, including emission control devices and chimney stack height. Such presentation shall include plans for ongoing emission monitoring and performance testing and documentation that all emissions fall within accepted industry practices and meet all applicable state or federal air quality standards. In the case of use of an existing building, the information shall be provided to

Planning Department staff.

- (6) Crematoriums shall be constructed, installed, operated and maintained in accordance with all manufacturers' specifications and all applicable federal, state and local permits, as amended.
- (7) The applicant shall identify and provide copies of any certifications that will be required to operate the crematorium both from a facility standpoint and an operator's standpoint.
- (8) Any additional standards or operation requirements that are needed to protect the public health, safety and welfare or to address unique characteristics of a particular site as defined by the City Planning Commission shall be complied with by the landowner and/or developer and crematorium operator and owner.
- (9) Animal crematoriums shall be for domesticated animals only.
- (10) Animal crematoriums may provide room(s) for private viewing of the cremation by members of the animal's family but may not be used to conduct public or private funeral services.
- (11) Animals' remains may not be stored on the property for more than five days. The storage container shall prevent decay and odor.

§ 7-13.05. Motor vehicle uses.

- A. Automobile service station for sale of gasoline, oil and minor accessories.
 - (1) The curb cuts for ingress and egress 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.
 - (2) The minimum lot area shall be 10,000 square feet and so arranged that ample space is available for motor vehicles which are required to wait.
 - (3) Overhead canopies shall be set back at least 20 feet from the right-of-way with materials consistent with the principal building. The proposed clearance of the canopy shall be noted on the site plan. Lighting within the canopy shall be fully recessed.
 - (4) All lighting shall be shielded from adjacent residential districts.
 - (5) All rest room doors shall be shielded from adjacent streets and residential districts.
- B. Automobile service station for sale of gasoline, oil and minor accessories, when developed in conjunction with a convenience market and accessory services such as fast-food facilities and automated automobile washes.
 - (1) The site shall be at the intersection of major thoroughfares as defined by the Master Plan.

- (2) The site must abut on a minimum of one side property that is zoned or planned for commercial use.
- (3) There shall be a limit of a single facility for any single platted industrial park in the City.
- (4) Automobile repair work shall be prohibited.
- (5) Curb cuts for ingress and egress to a service station shall not be permitted at such locations what will tend to create traffic hazards in the streets immediately adjacent thereto. Entrance shall be no less than 25 feet from a street intersection (measured from the road right-of-way) or from adjacent residential districts.
- (6) The minimum lot area shall be 10,000 square feet, and so arranged that ample space is available for motor vehicles which are required to wait.
- (7) Overhead canopies shall be set back at least 20 feet from the right-of-way with materials consistent with the principal building. The proposed clearance of the canopy shall be noted on the site plan. Lighting within the canopy shall be fully recessed.
- (8) All rest room doors shall be shielded from adjacent streets and residential districts.

C. Minor automobile repair shops.

- (1) The site shall have access to a paved arterial or collector street as defined in the Master Plan.
- (2) Access to and from such use shall not be cause for traffic to utilize local streets.
- (3) Outdoor storage of parts or materials shall be prohibited unless such storage is within a fenced and obscured area which meets all setback requirements.
- (4) Vehicles shall not be allowed to be stored outside the building for more than 48 hours unless awaiting repair for which a "work order," signed by the owner of the vehicle, is posted in the vehicle so as to be visible from outside the vehicle.
- (5) Areas for off-street parking required for customer use shall not be utilized for the storage of vehicles awaiting repair.
- (6) All vehicle servicing or repair, except minor repairs, such as, but not limited to: tire changing and headlight changing, shall be conducted within a building.
- (7) Suitable containers shall be provided and utilized for the disposal of used parts and such containers shall be screened from public view.

D. Major automotive repair. Major automotive repair businesses such as engine rebuilding, paint and body shops, rebuilding or reconditioning of motor vehicles and collision service shall be subject to the following:

- (1) Outdoor storage of parts or materials shall be prohibited.
 - (2) Vehicles shall not be allowed to be stored outside the building for more than 48 hours unless awaiting repair for which a work order, signed by the owner of the vehicle, is posted in the vehicle so as to be visible from outside the vehicle. The area to be used for vehicle storage shall be shown on the site plan.
 - (3) Areas for off-street parking required for customer use shall not be utilized for the storage of vehicles awaiting repair.
 - (4) All vehicle servicing or repair shall be conducted within an enclosed building.
 - (5) Suitable containers shall be provided and utilized for the disposal of used parts, and such containers shall be screened from public view. Used tire storage shall be limited to 25 tires and all tires shall be stored inside a building.
- E. Outdoor sales space for exclusive sale of secondhand automobiles.
- (1) Outdoor storage of automobiles or vehicles for sale shall not be permitted in any required front or required side yard.
 - (2) All lighting shall be shielded from adjacent residential districts.
 - (3) Ingress and egress to the outdoor sales area shall be at least 60 feet from the intersection of any two streets.
 - (4) Any use involving the maintenance, service or repair of vehicles shall also meet the standards for automobile repair businesses.
 - (5) The entire area of the sales space shall be provided with asphaltic or concrete surfacing.
- F. Automobile car wash, including self-service car wash.
- (1) Only one ingress/egress driveway shall be permitted on any single street.
 - (2) Vacuuming and drying may be located outside the building, but shall not be in the required front yard and shall be set back at least 50 feet from any residential district. Such areas shall be screened with obscuring landscaping as determined by the Planning Commission.
 - (3) Adequate stacking spaces shall be provided in accordance with the requirements of Article XVI, Parking, Loading, Access and Circulation Requirements. Such spaces shall not be permitted in the public right-of-way.

§ 7-13.06. Lodging and food service uses.

A. Motels and hotels.

- (1) Ingress and egress must not conflict with adjacent business uses.
- (2) Kitchen or cooking facilities shall not be provided within individual units, with the exception of units for the use of the manager or caretaker. This does not prohibit refrigerators, microwaves and coffee makers within individual units.

- (3) Each unit shall contain not less than 250 square feet of floor area.

§ 7-13.07. Entertainment and recreation uses.

A. Adult entertainment uses.

(1) Purpose.

- (a) It is recognized that there are some uses which, because of their nature, are recognized as having objectionable, operations characteristics, particularly when several of them are concentrated in an area, thereby having deleterious effect upon adjacent areas. Special regulations of these uses are necessary to insure that these adverse effects will not contribute to the blighting, deteriorating, and/or downgrading of the area and the adjacent areas. The City believes control or regulation is for the purpose of preventing the overcrowding of such uses into a particular location and thereby minimize their adverse impact on any specific neighborhood.
- (b) The prohibition against the establishment of more than one adult regulated use, within 500 feet of each other and other incompatible uses, serves to avoid the clustering of such uses, avoids the deleterious effects of blight and downgrading of both business and residential property values, and prevents the deleterious effect of blight and devaluation of recreation, educational and/or religious uses.
- (c) Distance limitations shall be measured along a straight line forming the shortest distance between any portion of the subject parcel and parcels zoned residential or occupied by uses specified herein.
- (d) Concern for, and pride in, the orderly planning and development of the neighborhood and area should be encouraged and fostered in those persons who comprise the business and residential segments of that neighborhood and area.

(2) Requirements.

- (a) Unless and until approval is obtained, it shall be unlawful to hereafter establish any adult regulated use as defined herein.
- (b) Any adult regulated use/building shall be at least 500 feet from any of the following, except as otherwise provided below:
 - [1] Another existing adult regulated use.
 - [2] Any residential district.
- (c) Any adult regulated use/building offering material described in this chapter shall comply with the following performance standards:
 - [1] That any display of adult-oriented material be shielded from public view either placed behind a counter, or by providing a separately established room which would have restricted access controlled by the owner or employees;

- [2] That all access to adult-oriented material be restricted to person 18 years of age or older;
- [3] That signage be posted regarding the restrictions to this type of material; and
- [4] That the location of the counter or room be limited to an area away from the main entry.

(d) Site and building requirements:

- [1] Building size shall not exceed 5,000 square feet of gross floor area.
- [2] The building and site shall be designed, constructed and maintained so material such as a display, decoration or sign depicting, describing, or relating to specific sexual activities or specified anatomical areas, as defined in this chapter, cannot be observed by pedestrians or motorists on a public right-of-way or from an adjacent land use. No exterior door or window on the premises shall be kept open at any time while the business is in operation.
- [3] The building shall provide sufficient sound-absorbing insulation so noise generated inside said premises shall not be audible anywhere on any adjacent property or public right-of-way.
- [4] The hours of operation shall be approved by the City Commission.
- [5] Access shall be from a major thoroughfare.
- [6] Any adult regulated use, which allows customers to remain on the premises while viewing live, filmed or recorded entertainment or while using or consuming the products or services supplied on the premises, shall provide at least one security guard on duty outside the premises. Security guard provided will patrol the grounds and parking areas at all times while the business is in operation.
- [7] A license is required.

(e) Prior to granting a permit for any adult regulated use, the City Commission may impose any such conditions or limitations authorized by law in connection with the grant of special uses.

(f) An adult regulated use granted pursuant to the terms of this chapter may not be reestablished after discontinuance for a period of 90 consecutive days without a new grant of approval by the City.

B. Amusement arcades.

- (1) Locations for any such establishment shall be confined to arterial streets and shall have the entrance to both the business and parking area for such establishment on an arterial or collector street. Access from a minor street shall be prohibited.
- (2) Locations for any such facility shall be no closer than 500 feet to the property

line of any elementary, intermediate or high school.

- (3) Businesses shall not be located within 500 feet of the property line of a similar business.
 - (4) Business buildings shall not be located within 150 feet of any front, rear or side yard line of any residential lot in a residential district.
- C. Commercially used outdoor recreational space for children's amusement parks, miniature golf courses.
- (1) Children's amusement park must be fenced on all sides with a four-foot wall or fence.
- D. Golf courses and other outdoor commercial or institutional recreation areas (which may or may not be operated for profit). **[Amended 5-17-2012]**
- (1) The site shall have access to a paved arterial or collector street as defined in the Master Plan.
 - (2) All principal or accessory buildings shall be not less than 200 feet from any property line abutting residentially zoned lands; provided that where topographic conditions are such that buildings would be screened from view, the Planning Commission may recommend to the Board of Appeals the modification of this requirement.
 - (3) Whenever a swimming pool is to be provided, said pool shall be provided with a protective fence in accordance with the Michigan Building Code.
- E. Multi-screen movie theaters.
- (1) Minimum parcel size shall be three acres.
 - (2) The site must have a minimum of 200 feet of frontage on a major thoroughfare, or, a minimum of two means of access to either M-21 (Genesee Street) or M-24 (Lapeer Road).
 - (3) A traffic impact analysis must be submitted pursuant to § 7-18.04G, Traffic impact.
- F. Private noncommercial recreational areas, institutional or community recreation centers; nonprofit swimming pool clubs.
- (1) The site shall have access to a paved arterial or collector street as defined in the Master Plan.
 - (2) Front, side and rear yards shall be at least 50 feet wide, and shall be landscaped in trees, shrubs and grass. All such landscaping shall be maintained in a healthy condition.
 - (3) Off-street parking shall be provided so as to accommodate not less than 1/2 of the member families and/or individual members. The Planning Commission may modify the off-street parking requirements in those instances wherein it is specifically determined that the users will originate from the immediately

adjacent areas, and will, therefore, be pedestrian. Prior to the issuance of a building permit or zoning compliance permit, bylaws of the organization shall be provided in order to establish the membership involved for computing the off street parking requirements. In those cases wherein the proposed use or organization does not have bylaws or formal membership, the off-street parking requirement shall be determined by the Planning Commission on the basis of usage.

- (4) Swimming pools shall comply with the requirements of § 7-14.07 of this chapter.

§ 7-13.08. Industrial uses.

- A. Storage facilities for building materials, sand, gravel, stone, lumber, open storage of contractor's equipment and supplies.

- (1) Commercial outdoor display, sales, or storage may be allowed on the same property as an approved mini-storage use or other principal use deemed compatible by the Planning Commission, but such commercial outdoor display, sales or storage in all instances requires a special land use approval.
- (2) No outdoor display, sales, or storage shall be permitted in the required front, side or rear yards.
- (3) The storage of soil, sand, mulch, and similar loosely packaged materials shall be contained and covered to prevent it from blowing into adjacent properties. The outdoor storage of fertilizers, pesticides and other hazardous materials is prohibited.
- (4) All outdoor display, sales and storage area property lines shall be screened from public view and from an adjacent residential district.
- (5) All stored materials including loosely packaged materials shall not be piled or stacked higher than the height of the obscuring screen. Vehicles and implements may exceed the height of the screen, provided that they are set back from the screen a distance equal to their height.
- (6) All outdoor storage areas shall be paved with a permanent, durable and dustless surface and shall be graded and drained to dispose of all surface water.
- (7) All loading and truck maneuvering shall be accommodated on-site.
- (8) Fencing and lighting for security purposes may be required as determined by the Planning Commission. All lighting shall be shielded from adjacent residential areas.

- B. Outdoor storage when accessory to a principal use. Outdoor storage of trucks, trailers, equipment, supplies, materials, finished and semi-finished products, building materials, sand, gravel, stone, lumber, and supplies when accessory to a principal use shall be subject to the following:

- (1) All outdoor storage uses shall be located within the rear yard or side yard.

- (2) Outdoor storage areas shall be located no closer than 150 feet from any street right-of-way. Outdoor storage areas shall comply with building setbacks of the district for all other yards.
- (3) The height of any item stored outdoors shall not exceed 12 feet. The Planning Commission may increase this standard if the storage area will not have a negative impact on surrounding properties and all storage is in accordance with the Fire Code requirements.
- (4) All storage facilities shall be enclosed within a building or within an obscuring wall or obscuring privacy fence on those sides abutting all residential, office or business districts, and on any yard abutting a public street. The extent of the wall or fence may be determined by the Planning Commission on the basis of usage. The wall or fence shall not be less than six feet in height, and may, depending on land usage, be required to be eight feet in height.
- (5) Landscaping shall be provided around the exterior boundary of the storage area. All planting plans shall meet the requirements of § 7-15.02 and shall be subject to the approval of the Planning Commission.
- (6) All outdoor storage areas shall be paved with a permanent, durable and dustless surface and shall be graded and drained to dispose of stormwater without negatively impacting adjacent property; the Planning Commission may approve a gravel surface for all or part of the storage area for low intensity activities, such as landscape materials, upon a finding that neighboring properties and the environment will not be negatively impacted.
- (7) A dedicated fire lane through the storage yard shall be provided for emergency services if determined necessary by the City Fire Department.

C. Parking lots and structures.

- (1) The parking area shall be accessory to, and for use in connection with one or more businesses, or industrial establishments, located in adjoining business or industrial districts, or in connection with one or more existing professional or institutional office buildings or institutions.
- (2) Such parking lots shall be contiguous to an RM-1, RM-2 or nonresidential district. Parking areas may be approved when adjacent to said districts, or on the end of a block where such areas front on a street which is perpendicular to that street servicing the district. There may be a private driveway or public street or public alley between such P-1 District and above listed districts.
- (3) Parking area shall be used solely for parking of private passenger vehicles, for periods of less than one day and shall not be used as an off-street loading area.
- (4) Commercial repair work or service of any kind, or sale or display thereof, shall not be conducted in such parking area.
- (5) Signs of any kind, other than signs designating entrances, exits and conditions of use, shall not be maintained on such parking area.
- (6) Buildings, other than those for shelter or attendants, shall not be erected upon

the premises and they shall not exceed 15 feet in height.

- (7) Applications for P-1 District rezoning shall be made by submitting a dimensional layout of the area requested showing the intended parking plans in accordance with § 7-16.04
- D. Mini warehouses and storage buildings for lease. Mini warehouses and storage buildings for lease to the public, including the office and residence of a caretaker, shall be subject to the following:
- (1) Buildings shall be spaced not less than 30 feet apart.
 - (2) Exterior building walls visible from a public right-of-way or nonindustrial district shall be finished with brick or other high-quality masonry material.
 - (3) Adequate maneuvering space for firesafety vehicles shall be provided.
 - (4) The office and dwelling of a caretaker may be included on-site.
- E. Junkyards and places for the dismantling, wrecking and disposing of junk and/or refuse material.
- (1) Such use shall not be located closer than 300 feet from the border of any I-1 District.
 - (2) Permits or licenses are required for one year periods upon authorized inspection and approval of the Planning Department, whose approval shall be based on the performance standards set forth in § 7-8.04, Performance standards.
- F. Lumber and planing mills.
- (1) All operations shall be completely enclosed.
 - (2) The site shall be located so that no property line shall form the exterior boundary of the I-1 District which abuts a Residential District.
- G. Manufacture of corrosive acid or alkali, cement, lime, gypsum or plaster of paris or any other potentially noxious materials.
- (1) The site shall be located not less than 400 feet distant from any residential district and 300 feet from any other nonindustrial district.
 - (2) The operation shall be subject to appropriate measures to control the type of processes to prevent noxious results or nuisances.

§ 7-13.09. Health and human care uses.

- A. Child-care centers, nursery schools and day nurseries.
- (1) Such uses shall be duly licensed by the State of Michigan Department of Licensing and Regulatory Affairs pursuant to Act 116 of 1973, as amended.³

3. Editor's Note: See MCLA § 722.111 et seq.

- (2) For each child, a minimum of 50 square feet of indoor activity space shall be provided. Indoor activity space shall exclude hallways, bathrooms, reception and office areas, kitchens, storage areas and cloakrooms, areas used exclusively for resting, sleeping or eating.
 - (3) A minimum of 1,200 square feet of safe outdoor play area shall be provided in the rear yard.
 - (4) All outdoor play areas shall be enclosed with a fence of no less than four feet and no more than six feet in height capable of containing the children within the play area.
- B. Nursing homes and child-care institutions.
- (1) There shall be provided on the site not less than 1,000 square feet of open space for each bed in the home. The 1,000 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.
 - (2) Buildings shall not be closer than 40 feet to any property line.
- C. Hospitals.
- (1) All hospitals shall be developed only on sites consisting of at least 10 acres in area.
 - (2) The site shall have access to a paved arterial or collector street as defined in the Master Plan.
 - (3) The minimum distance of any main or accessory building from bounding lot lines or streets shall be at least 100 feet for front, rear and side yards for all two-story structures. For every story above two, the minimum yard distance shall be increased by at least 20 feet.
 - (4) Whenever any such use abuts a residential district, a transition buffer area of at least 100 feet in width shall be provided. Walls, fences or landscaping shall be required as part of this buffer area as determined by the Planning Commission.
 - (5) Emergency room, ambulance and delivery areas shall be screened from public view with an obscuring wall and/or landscaping a minimum of six feet in height.
 - (6) Auxiliary uses, such as a pharmacy, gift shop, cafeteria and similar customary hospital-related uses shall be allowed.
- D. Housing for the elderly.
- (1) All dwellings shall consist of at least 350 square feet per unit (not including kitchen and sanitary facilities).
 - (2) Total coverage of all buildings (including dwelling units and related service buildings) shall not exceed 25% of the total site, exclusive of any dedicated

public right-of-way.

- (3) Service uses such as a dry-cleaning pickup station, beauty shop, barber shop or similar use for the exclusive service to residents of a building or complex may be allowed in RM-2 Districts within a building housing 50 or more residents. In no instance shall such service use be provided with direct access to a street for the use of the public in general, it being the purpose of this provision to allow such use to only be provided as a convenience to occupants of the building in which such service is located. No signs of any nature shall be visible from outside the building in which the use is located.

E. Ambulance service stations. **[Added 11-19-2018]**

- (1) The office, dispatch, storage, maintenance, and sleeping rooms may be included on-site.

§ 7-13.10. Accessory uses.

A. Garage sales.

- (1) Before any garage sale may be held, the person holding the sale shall register the same with the City of Lapeer Police Department at least 24 hours before holding the sale.
- (2) The registrant shall provide the following information: the name of the person holding the sale; the name of the owner, occupant or his personal representative; the dates and times the sale will be held; the address of the premises where the sale will be held; the anticipated number of people expected to attend the sale each day; and such other information as the Chief of Police may deem important for the protection of the public health, safety and welfare.
- (3) A garage sale may be held for not more than seven consecutive days duration, and for not more than twice each calendar year.

B. Tent sales and sidewalk sales.

- (1) Tent sales and sidewalk sales shall comply with the requirements of § 7-14.09, Open storage and outdoor display, Subsection B, as deemed applicable by the Planning Department. **[Amended 5-17-2012]**
- (2) Tents shall be anchored adequately to withstand strong winds.
- (3) A sidewalk sale located within a public right-of-way must be approved by the City of Lapeer City Commission.
- (4) Displays for sidewalk sale must be arranged in a manner that maintains a five-foot-wide path for through pedestrian traffic.
- (5) No tent sales or sidewalk sales shall interrupt the flow of traffic on public streets or through parking lots.

C. Other temporary uses. Temporary uses not otherwise listed may be approved as follows:

- (1) Traditional temporary uses associated with permitted uses and activities such as carnivals, tent revivals and similar activities may be permitted by the Planning Department, provided they do not last for more than seven consecutive days and the site is not used more than twice a year for such temporary activity, adequate toilet and parking facilities are provided, setback requirements are complied with and the outdoor activities do not occur between the hours of 8:00 p.m. and 8:00 a.m.
 - (2) Seasonal outdoor display of merchandise for sale, when accessory to a principal use, may be permitted in accordance with § 7-14.09.
 - (3) Facilities for temporary storage and office use during construction or similar activities may be permitted by the Planning Department, provided the buildings and material comply with setback requirements and are removed once construction is complete.
 - (4) Other temporary uses of property meeting the criteria of § 7-13.11 may be permitted by the Planning Commission as a special land use.
- D. Wireless telecommunication antenna. The installation of a wireless telecommunication antenna on an existing structure is permitted as an accessory use, provided:
- (1) The antenna is unobtrusive and blends in with the character of the area it is located in.
 - (2) The telecommunication equipment and cabinet are housed in an existing structure or in a structure designed to be consistent with the character of the site it is located on.
- E. Wireless telecommunication towers.
- (1) The applicant must demonstrate that there is no existing tower or other suitable structure available within the area for the location of the wireless telecommunication tower.
 - (2) The applicant must agree to provide access to the tower for other wireless telecommunication providers.
 - (3) The tower must be capable of supporting a minimum of four telecommunication antenna.
 - (4) The tower must be set back a minimum of the tower height from all lot lines unless the applicant certifies that the tower is self-collapsing, in which case, a setback of 50% of the tower height is required.
 - (5) If the tower is a lattice type, then the applicant must propose measures to prevent trespassers from climbing the tower.
 - (6) The telecommunication equipment and cabinet shall be screened from the surrounding property.

§ 7-13.11. Other uses similar to above uses.

The Planning Commission may allow a use not specifically permitted in a zoning district by right or as a special land use if they determine that it is similar to other uses allowed in the district. The use may only be allowed as a use by special land use. In making the determination, the Planning Commission shall consider the following:

- A. The intent of the zoning district.
- B. The anticipated off-site impact of the use due to traffic, hours of operation, and generation of noise, dust or odors in comparison with the uses allowed in the proposed district.
- C. The similarities of the proposed use with uses allowed in other zoning districts.
- D. No use may be classified as a use allowed in a district using this procedures if the use is specifically permitted in another district.

§ 7-13.12. Medical marihuana facilities and recreational marihuana establishments. [Added 2-19-2018; amended 11-19-2018; 10-5-2020]

- A. Any uses or activities found by the State of Michigan or a court with jurisdiction to be unconstitutional or otherwise not permitted by state law may not be permitted by the City of Lapeer. In the event that a court with jurisdiction declares some or all of this article invalid, then the City of Lapeer may suspend the acceptance of applications pending the resolution of the legal issue in question.
- B. At the time of application for a permit, the marihuana facility/establishment must be prequalified for licensure and/or licensed by the State of Michigan and then must be at all times in compliance with the laws of the State of Michigan, including, but not limited to, the Michigan Medical Marihuana Act, MCLA 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCLA 333.27101 et seq.; the Marihuana Tracking Act, MCLA 333.27901 et seq.; and the Michigan Regulation and Taxation of Marihuana Act, MCLA 333.27951; and all other applicable rules promulgated by the State of Michigan.
- C. Facilities shall provide a security plan in compliance with the Marijuana Regulatory Agency rules.
- D. The use, establishment, or facility must be at all times in compliance with all other applicable state laws and ordinances of the City of Lapeer.
- E. Marihuana and tobacco products shall not be smoked, ingested, or otherwise consumed in the building space occupied by the marihuana facility/establishment.
- F. All marihuana facility/establishment activity shall be conducted in a fully enclosed building. Outdoor display, outdoor production, outdoor sales, or outdoor storage shall not be allowed.
- G. A marihuana facility/establishment, or activities associated with the licensed growing, processing, testing, transporting, or sales of marihuana, may not be permitted as a home business or accessory use, nor may they include accessory uses except as otherwise provided in this chapter.

H. Hours of operation.

- (1) Hours of operation of provisioning center facilities/marihuana retailers shall be restricted to be between the hours of 7:00 a.m. to 11:00 p.m.
- (2) Hours of operation of safety compliance facilities/establishments shall be restricted to be between the hours of 7:00 a.m. to 11:00 p.m.
- (3) Hours of operation of secure transport facilities/establishments shall be restricted to be between the hours of 7:00 a.m. to 11:00 p.m.

I. Buffer requirements are considered a setback or separation area in which a marihuana facility/establishment permitted under this chapter must maintain a defined spacing from an existing use as stated below. Buffers are measured from the property line as determined by the City of Lapeer Assessing Department. A proposed marihuana facility/establishment must be outside of designated buffer areas.

- (1) A 1,000-foot buffer is required from all public, parochial and other private schools offering courses in general education, and consisting of grade levels kindergarten through 12th grade. This buffer requirement is in correlation with the State of Michigan Drug Free School Zone (MCLA 333.7410), not including measuring procedures along a public right-of-way.
- (2) A 500-foot buffer is required from all licensed child-care centers, child day-care centers, nursery schools and child-care institutions. All facilities listed here pertain to child-care facilities that cater to children under the age of 18 but excluding those operating out of a private home such as child-care group home and child-care family home licenses. Such facilities, centers and institutions are further defined in Subsection A ("child-care or day-care center") and Subsection B ("child care institution" of the term "child-care facilities") in § 7.24.03 of this chapter.
- (3) A 500-foot buffer is required from all federal owned, used, or operated property. Such federal uses currently include the United States National Guard Armory of Michigan, Telecommunication Exchange Federal Facility, and the United States Postal Office, excluding transportation facilities such as the railroad and Interstate I-69.
- (4) A 200-foot buffer is required from all designated public parks within the City of Lapeer, excluding trail ways and cemeteries such as Linear Park and Oakdale Cemetery.

J. Buildings used for grow facilities, grower, processor facility, safety compliance facility, provisioning center, marihuana retailer, and secure transport shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter. The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM. The filtration system shall be maintained in working order and shall be in

use. The filters shall be changed a minimum of once every 365 days or as determined by the manufacturer's recommendations. Negative air pressure shall be maintained inside the building. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.

- (1) An alternative odor control system is permitted if the applicant submits and the City of Lapeer Planning Commission accepts a report by a mechanical engineer licensed in the State of Michigan demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required. The City of Lapeer may hire an outside expert to review the alternative system design and advise as to its comparability and whether, in the opinion of the expert, it should be accepted.

ARTICLE XIV
General Provisions

§ 7-14.01. Purpose.

The purpose of this article is to establish regulations and conditions that are generally applicable to all districts of this chapter unless otherwise indicated. It is to provide uniform regulations applicable within the City of Lapeer that supplement the specific requirements for each district and each use.

§ 7-14.02. General exceptions: uses.

- A. No building or structure, or part thereof, shall hereafter be erected, constructed or altered and maintained, no new use or change shall be made or maintained of any building, structure or land, or part thereof, and no lot shall be created or modified except in conformity with the provisions of this chapter. This requirement will not infringe on the rights of nonconforming lots, structures or uses outlined in Article XX of this chapter.
- B. The following are exceptions to the use regulations of the district regulations of this chapter:
 - (1) Essential services. Essential services serving the City of Lapeer shall be permitted as authorized and regulated by law and other ordinances of the municipality and shall not require zoning approval. Overhead or underground lines and necessary poles and towers to be erected to service primarily those areas beyond the City of Lapeer are permitted as a special land use as identified in the district regulations of this chapter.
 - (2) Voting place. The provisions of this chapter 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.

§ 7-14.03. General exceptions: dimensional requirements.

The following are exceptions to the dimensional requirements of the district regulations of this chapter:

- A. Height limit.
 - (1) The height limitations in Articles III through XII of this chapter shall not apply to farm buildings, chimneys, church spires, flagpoles, public monuments or wireless transmission towers; provided, however, that the Planning Commission may specify a height limit for any such structure when such structure requires authorization as a special land use.
 - (2) Antennas (excluding satellite dish antennas) in residential districts accessory to a residential use may be constructed to a height of 35 feet, provided the structure is located so that the base of the structure is no closer to any property line than the height of the structure. No such structure shall be placed in a front yard.

- B. Lots adjoining alleys. In calculating the area of a lot that adjoins an alley for the purpose of applying lot area and setback requirements of this chapter, 1/2 the width of such alley abutting the lot shall be considered as part of such lot.
- C. Porches, walks and terraces.
- (1) An open, unenclosed and uncovered porch, paved terrace or wood deck may project into a required front or rear yard for the distance not exceeding 10 feet, but this shall not be interpreted to include or permit a fixed roof.
 - (2) Any walk, terrace or other surface servicing a like function, and not in excess of 12 inches above the grade upon which placed, shall, for the purpose of this chapter, not be considered to be a structure, and shall be permitted in any required yard.
- D. Projections into yards. Architectural features such as cornices, eaves, gutters, fire escapes, fire towers, chimneys, platforms, and balconies, not including vertical projections, may extend or project into a required side yard not more than two inches for each one foot of width of such side yard; and may extend or project into a required front yard or rear yard not more than three feet. Window wells may extend or project into the required side yard no more than four feet. **[Amended 11-19-2018]**
- E. Access through yards. For the purpose of this chapter, 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.
- F. Lots having water frontage. Those residential lots or parcels having water frontage and abutting a public thoroughfare shall maintain the yard on the water side as an open, unobscured yard. Accessory structures shall be permitted in the setback between the abutting road right-of-way and the main building providing the front yard setback required in this chapter is met.
- G. Side yard exceptions. On legal nonconforming lots that do not meet the minimum lot width requirements of this chapter, the side yard setback may be reduced based on the ratio that the lot width is below that required. Example: a lot is 80 feet wide in a district that requires 100 feet of width or 80% of the requirement. The minimum side yard setback may be reduced to 80% of the requirement. In no case shall a side yard be reduced to less than five feet under the terms of this exception.

§ 7-14.04. Accessory buildings and uses.

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

- A. Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this chapter applicable to the main building.
- B. Accessory buildings shall not be erected in any minimum side yard setback nor in any front yard, except detached buildings accessory to a residential buildings,

which may be located in the side or rear yard, provided it shall be set back at least three feet from any side or rear lot line. In those instances where the rear lot line is coterminous with an alley right-of-way, the accessory building shall not be closer than one foot to such rear lot line. In no instance shall an accessory building be located within a dedicated easement right-of-way. **[Amended 9-26-2013]**

- C. A building accessory to a residential building shall not occupy more than 25% of a required rear yard; the combined areas of accessory buildings shall not exceed the ground floor area of the main building.
- D. No detached building accessory to a residential building shall be located closer than 10 feet to any main building.
- E. No detached accessory building in R-1 through R-3, RM-1, RM-2, MHP, OS-1 and P-1 Districts shall exceed one story or 14 feet in height. Accessory buildings in all other districts may be constructed to equal the permitted maximum height of structures in said district.
 - (1) Where the accessory buildings are structurally attached or detached to the main building, it shall be required that exterior materials used be consistent with the principal building's material, in R-1, R-2, R-3, RM-1, and RM-2 Districts. **[Added 11-19-2018]**
- F. When a building accessory to a residential building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard setback required on the lot to the rear of such corner lot. In no instance shall an accessory building be located nearer than 20 feet to a street right-of-way line.

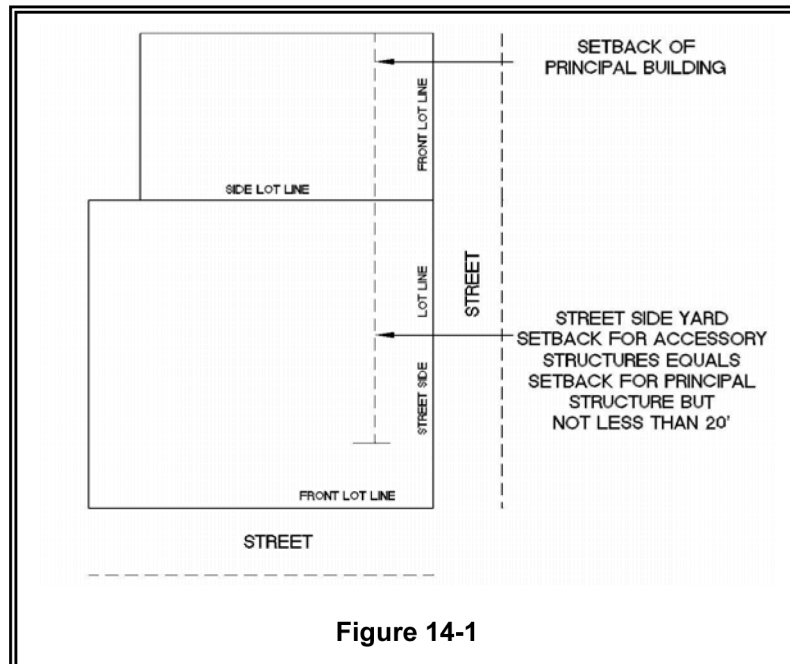


Figure 14-1

- G. A resident of a dwelling unit may have not more than one motorized vehicle for

sale on the site of such dwelling unit at any time, and in no instance shall vacant residential lots or parcels be utilized for the sale of vehicles. A resident may repair vehicles of the resident on the property of the resident's dwelling unit; however, in no instance shall a resident repair the vehicles of other than a resident of the dwelling unit on said property. In no instance shall vehicles for sale be displayed or repaired in a front yard other than on the driveway portion of such yard.

- H. Freestanding solar panels shall be considered an accessory building and shall be subject to the requirements for such, together with all other applicable building codes and ordinances.
- I. Wind generators may be permitted as an accessory use when the following conditions are met:
 - (1) Wind generators may be permitted in the rear yards of residentially zoned property, provided:
 - (a) The highest point of any portion of the generator shall not exceed 35 feet above the average grade of the lot.
 - (b) The generator device shall be placed no closer to any side or rear lot line than the total distance between the grade of the lot at the base of the tower and the highest point of any portion of the generator.
 - (c) The maximum diameter formed by a circle encompassing the outermost portions of the blades or other wind-activated surfaces shall not exceed 30% of the distance between the ground and the highest point of any portion of the wind generator. The generator shall be so located that no portion of the structure would penetrate the vertical plane of any adjacent property line if it were to topple over in its normally assembled configuration.
 - (d) The construction of the tower's blades, base structure, accessory building and wiring shall meet all applicable local building codes and ordinances.
 - (2) Wind generators may be permitted on the roofs of principal structures of any property, provided:
 - (a) Height. The height of a structure-mounted wind generator shall not exceed 15 feet as measured from the highest point of the roof, excluding chimneys, antennas, and other similar protuberances.
 - (b) Setback. The setback of the structure-mounted wind generator shall be a minimum of 15 feet from the property line, public right-of-way, public easement, or overhead utility lines if mounted directly on a roof or other elevated surface of a structure. If the structure-mounted wind generator is affixed by any extension to the side, roof, or other elevated surface, then the setback from the property line or public right-of-way shall be a minimum of 15 feet. The setback shall be measured from the furthest outward extension of all moving parts.
 - (c) Location. The structure-mounted wind generator shall not be affixed to the wall on the side of a structure facing a road.

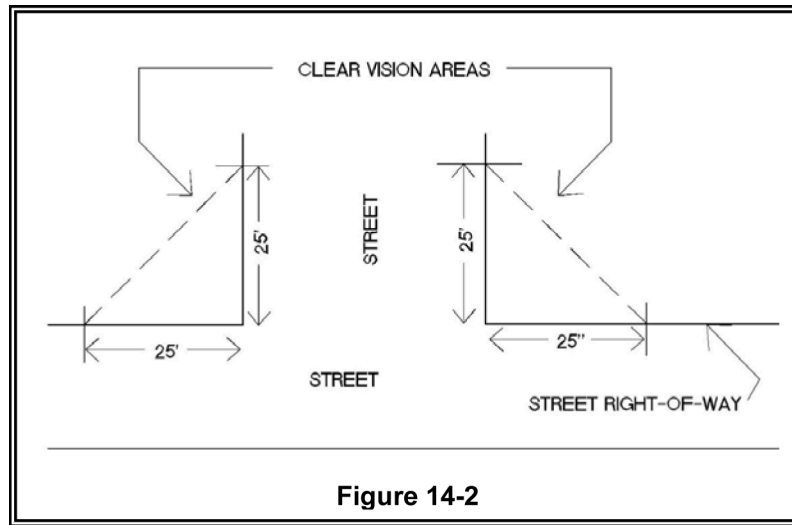
- (d) Quantity. No more than three structure-mounted wind generators shall be installed on any parcel of property.
 - (e) Separation. If more than one structure-mounted wind generator is installed, a distance equal to the height of the highest structure-mounted wind generator must be maintained between the furthest outward extension of any moving part of each structure-mounted wind energy system.
- (3) Wind generators may be permitted in the rear yard, or non-required front or side yard of a commercial or industrially zoned property, provided:
- (a) The highest point of any portion of the generator shall not exceed 65 feet above the average grade of the lot.
 - (b) The generator device shall be placed no closer to any side or rear lot line than the total distance between the grade of the lot at the base of the tower and the highest point of any portion of the generator.
 - (c) The maximum diameter formed by a circle encompassing the outermost portions of the blades or other wind-activated surfaces shall not exceed 30% of the distance between the ground and the highest point of any portion of the wind generator. The generator shall be so located that no portion of the structure would penetrate the vertical plane of any adjacent property line if it were to topple over in its normally assembled configuration.
 - (d) The construction of the tower's blades, base structure, accessory building and wiring shall meet all applicable local building codes and ordinances.
- J. Satellite reception antenna may be permitted as an accessory use in any district, subject to the following conditions:
- (1) Roof-mounted: residential districts.
 - (a) The dish portion of roof-mounted satellite reception antenna shall not exceed a diameter of three feet.
 - (b) Satellite reception antenna shall be mounted directly upon the roof of the main or accessory building and shall not be upon appurtenances such as chimneys, towers, or poles.
 - (c) Satellite reception antenna shall not exceed a height of more than three feet above the roof on which it is mounted.
 - (d) Satellite reception antenna shall be designed to withstand a wind force of 85 miles per hour without the use of supporting guy wires.
 - (e) Satellite reception antenna shall be bonded to a grounding rod.
 - (2) Roof-mounted: nonresidential districts.
 - (a) The dish portion of roof-mounted satellite reception antenna shall not exceed a diameter of eight feet.

- (b) Satellite reception antenna shall not exceed the maximum height of structure requirements for the district in which it is located.
 - (c) Satellite reception antenna shall be designed to withstand a wind force of 85 miles per hour without the use of supporting guy wires.
 - (d) Satellite reception antenna shall be bonded to a grounding rod.
- (3) Ground-mounted: residential districts.
- (a) No satellite reception antenna, including its concrete base slab or other substructures, shall be constructed less than 10 feet from any property line or easement.
 - (b) No satellite reception antenna shall be linked, physically or electronically, to a receiver which is not located on the same zoning lot as is the satellite reception antenna.
 - (c) A satellite reception antenna shall not exceed a height of 16 feet.
 - (d) Wiring between a satellite reception antenna and a receiver shall be placed at least four inches beneath the surface of the ground within rigid conduit.
 - (e) Such satellite reception antenna shall be designed to withstand a wind force of 75 miles per hour without the use of supporting guy wires.
- (4) Ground-mounted: nonresidential districts.
- (a) No satellite reception antenna, including its concrete base slab or other substructure, shall be constructed less than five feet from a property line or easement.
 - (b) No satellite reception antenna shall be linked, physically or electronically, to a receiver which is not located on the same zoning lot as is the satellite reception antenna.
 - (c) A satellite reception antenna shall not exceed a height of 16 feet.
 - (d) Wiring between a satellite reception antenna and a receiver shall be placed at least four inches beneath the surface of the ground within a rigid conduit.
 - (e) Such satellite reception antenna shall be designed to withstand a wind force of 75 miles per hour without the use of supporting guy wires.
 - (f) A satellite reception antenna must be bonded to a grounding rod.

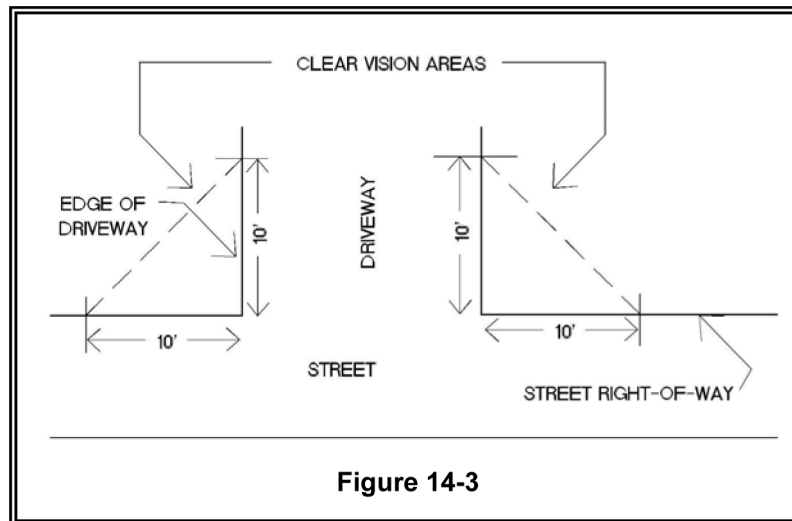
§ 7-14.05. Corner clearance.

- A. 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.



- B. 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 line with a driveway by a straight line drawn between said right-of-way lines and the edge of the driveway at a distance along each line of 10 feet from their point of intersection.



§ 7-14.06. Frontage on public street.

No lot shall be used for any purpose permitted by this chapter unless said lot abuts a public street, unless otherwise provided for in this chapter.

§ 7-14.07. Private swimming pools and hot tubs.

- A. Location. Private swimming pools and hot tubs shall be permitted as an accessory

structure to the rear or side of the principal structure in residential districts, provided that pools in the side yard shall be screened with landscaping or natural vegetation such that they cannot be seen from the road. Pools and hot tubs shall not be located in any road or utility right-of-way or easement.

- B. Setbacks. Private swimming pools shall be located no closer than 10 feet to any side or rear property line and no closer than 10 feet to any building on the same parcel.
- C. All swimming pools shall be subject to the requirements in the Michigan Residential Code, including requirements regarding fencing.
- D. Swimming pools located on lots with vacant homes shall be drained, and proper fencing maintained.

§ 7-14.08. Required water supply and sanitary sewerage facilities.

After the effective date of this chapter, no structure for human occupancy shall be erected, altered, or moved upon any lot or premises and used in whole or in part for dwelling, business, industrial, or recreational purposes unless it shall be provided with a safe potable water supply and with a safe and effective means of collection, treatment, and disposal of human excrement and domestic, commercial and industrial wastes. All such installations and facilities shall conform to the minimum requirements of the City of Lapeer.

§ 7-14.09. Open storage and outdoor display.

- A. Open storage of building material, contractor's equipment and supplies and other similar material may be permitted by the Planning Commission at site plan review provided an obscuring wall or fence screens the material from view of the street or adjacent parcels.
- B. Outdoor display of material for sale may be approved by the Planning Department by issuance of a zoning permit as an accessory use to the principal use, provided the following conditions apply. Any variances from these requirements must be approved by the Zoning Board of Appeals.
 - (1) Approval must be applied for annually, although such approval may be for more than a single event per calendar year.
 - (2) The display of the materials is accessory to the principal use.
 - (3) Provisions are taken to prevent the blowing of trash or loosely packed materials.
 - (4) Display areas shall consist of a permanent, durable and dustless surface and shall be graded and drained to dispose of stormwater without a negative impact on adjacent property.
 - (5) Outdoor display may not occupy required parking spaces. Display areas within parking lots shall have fencing, railing or similar equipment to delineate the display area from the parking area.
 - (6) No outdoor display shall be permitted in the required front, side or rear yard

setbacks for principal buildings for the district in which the outdoor display is located.

- (7) The Planning Department may limit the height that materials may be stacked in order to maintain clear vision and protect customers from falling material.
- (8) The Planning Department may require annual review of a site to ensure that conditions of approval and these requirements are met.

ARTICLE XV
General Site Development Requirements

§ 7-15.01. Building appearance.

- A. Intent. The purpose of this section is to provide a set of exterior building wall material standards, the intent of which is to enhance the visual environment of the City. Furthermore, the review of exterior building wall design and the consistent administration of standards can help to maintain the City's sense of place by encouraging consistent quality and character when structures are built or redeveloped. All development shall utilize quality architecture to ensure that a building protects the investment of adjacent landowners, blends harmoniously into the streetscape, and maintains a positive image for the City's various multifamily developments, business areas and commercial shopping districts.
- B. Applicability.
- (1) This section shall apply to the exterior building walls of all construction, except one-family detached and two-family residential structures and their associated accessory buildings.
 - (2) Architecture shall be reviewed by the Planning Commission as a part of site plan review under the requirements of this section.
 - (3) Where additions or remodeling of existing buildings is proposed, the following standards shall apply:
 - (a) Where a new wall material is proposed for an existing building wall, only that portion of the building being altered shall be subject to the standards of this section. However, in considering the proposed alteration, the Planning Commission may modify the material requirements of the section so it will be consistent with the architecture of the entire building.
 - (b) Where an addition is proposed to an existing building, the Planning Commission may allow the use of existing wall materials for the addition provided that the design of the alteration is compatible with the existing building wall design.
- C. Exterior building design.
- (1) Buildings shall possess architectural variety, but enhance the overall cohesive community character. All commercial and office buildings should provide architectural features, details, and ornaments such as archways, colonnades, recesses, projections, wall insets, arcades, window display areas, peaked roof lines, decorative cornices or towers.
 - (2) Building walls and roofs over 50 feet in length shall be broken up with varying building lines, windows, gables, and/or architectural accents such as pilasters, columns, dormers, and awnings.
 - (3) Window area shall make up at least 20% of the exterior wall area facing the principal street(s) from which access is gained. Bars shall not be put over windows and doors that are visible from the street.

- (4) Overhead doors shall not face a public street or residential district. The Planning Commission or Building Official can modify this requirement upon a determination that there is no reasonable alternative and the visual impact will be moderated through use of building materials, architectural features and landscaping beyond that required in § 7-15.02. **[Amended 6-25-2015]**
- (5) Additions to existing buildings must complement the current building design with regard to height, proportions, scale, materials, and rhythm of openings. **[Amended 6-25-2015]**

D. Building materials.

- (1) All building materials shall be durable and weather-resistant, provide an attractive, quality appearance, and must be properly maintained by the property owner or tenant at all times.
- (2) The predominant building materials should be quality materials that are characteristic of Michigan such as earth-toned brick, decorative tilt-up panels, wood, native stone, and tinted/textured concrete masonry units, glass products or other similar material as determined by the Planning Commission.
- (3) Other materials such as smooth-faced concrete block, undecorated tilt-up concrete EIFS (Exterior Insulation Finishing System) panels, or prefabricated steel panels or other similar metal siding should only be used as accents and not dominate the building exterior of the structure.
- (4) Metal roofs may be allowed if deemed by the Planning Commission to be compatible with the overall architectural design of the building.

E. Building colors.

- (1) Exterior colors shall be of low reflectance, subtle, neutral, or earth-tone colors. The use of high-intensity colors such as neon, metallic, or fluorescent for the facade or roof of the building is prohibited except as approved by the Planning Commission for building trim.
- (2) The use of trademark colors not meeting this requirement shall require approval by the Planning Commission.
- (3) Mechanical and service features such as gutters, ductwork, service doors, etc. that cannot be screened must be of a color that blends in with the color of the building.

F. Roof design.

- (1) Roofs shall be designed to reduce the apparent exterior mass of a building, add visual interest, and be appropriate to the architectural style of the building.
- (2) Variations in architectural style are highly encouraged. Visible roof lines and roofs that project over the exterior wall of a building enough to cast a shadow on the ground are highly encouraged, with a minimum overhang of 12 inches.
- (3) Architectural methods shall be used to conceal flat rooftops and mechanical equipment.

- (4) Overhanging eaves, peaked roofs, and multiple roof elements are highly encouraged.
- G. Customer entrances. Clearly defined, highly visible customer entrances shall be included in the design. Features such as canopies, porticos, arcades, arches, wing walls or integral planters shall be used to identify such entrances.
- H. Community amenities. Community amenities such as patio/seating areas, water features, artwork or sculpture, clock towers, pedestrian plazas with park benches, or other features located adjacent to the primary entrance to the building(s) are highly encouraged and may be calculated as part of the landscaping requirement.
- I. Signs. Signs shall be in accordance with Article XVII, Signs. All sign bases shall be constructed of materials compatible with the architecture of the building(s) located on the premises.
- J. Natural features. Buildings shall be sited to protect existing natural areas such as steep natural grades, trees, significant groupings of healthy vegetation (shrubs and trees), and rock outcroppings. To the extent practical, these areas shall be incorporated into the overall site plan.
- K. Building location and orientation. New buildings shall have at least one principal building entrance visible from the front lot line.
- L. Administrative waiver. The Planning Department may waive the requirements of this section, provided they find the use demonstrates compliance with the following criteria:
 - (1) The improvement covered by the waiver still meets the spirit and intent of this section.
 - (2) The waiver is the minimum necessary to ensure equitable treatment to the applicant.
 - (3) The waiver will not have a significant negative impact on the surrounding property.

§ 7-15.02. Landscaping.

- A. Intent.
 - (1) The intent of this section is to promote the public health, safety and welfare by establishing minimum standards for the design, installation and maintenance of landscaping as buffer zones between zoning districts, along roadways, between adjacent buildings and in parking lots.
 - (2) The standards of this section are intended to guide and encourage the protection and enhancement of the environment through requirements for site design and the use of landscape materials. Applicants are encouraged to provide landscaping in addition to the minimum requirements of this chapter to further improve the ecological, infrastructural and programmatic functions, appearances and values of their property.

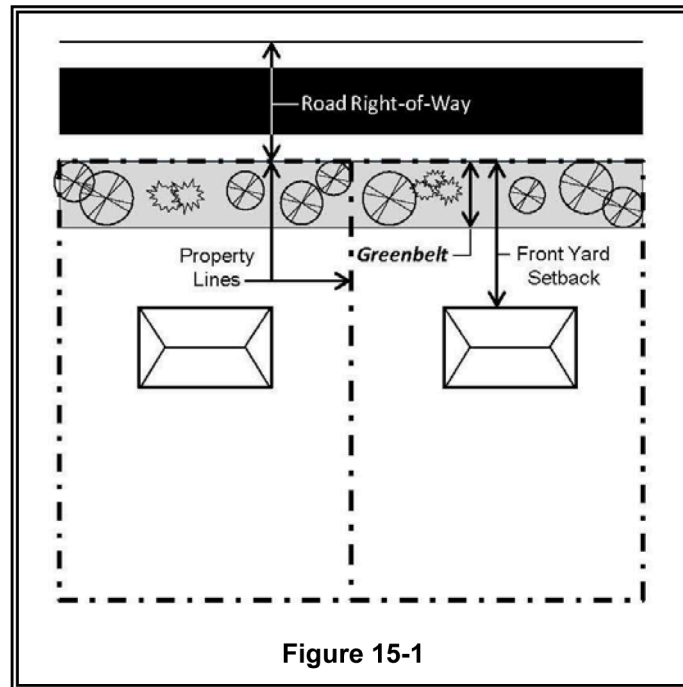
B. Applicability.

- (1) The requirements set forth in this article shall apply to all uses for which site plan review is required under Article XVIII of this chapter. No site plan or land use shall be approved unless said site plan provides landscaping consistent with the provisions of this article.
- (2) The Planning Commission may also determine that dimensional conditions unique to the parcel would prevent development of required buffer zones, off-street parking area, landscaping or green belts. If such a determination is made, the Planning Commission may grant an exception from the landscaping provisions of this article. In the case of an administrative site plan review, the Planning Department may grant an exception based on the same site conditions. **[Amended 6-25-2015]**
- (3) The following landscape information shall be submitted as part of a site plan review. The landscape plan shall include, but not be limited to the following items:
 - (a) Minimum scale of one inch to 20 feet.
 - (b) Proposed plant location, spacing, size, species (common and botanical name) and necessary descriptions for use within required landscape areas.
 - (c) Existing and proposed contours on-site and 100 feet beyond the site at intervals not to exceed two feet.
 - (d) Straight cross section, including slope, height and width of berms and type of ground cover, or height and type of construction of wall or fence, including footings.
 - (e) Significant construction details to resolve specific site conditions, such as tree wells to preserve existing trees or culverts to maintain existing natural drainage patterns.
 - (f) Planting and staking details in either text or drawing form to ensure proper installation and establishment of proposed materials.
 - (g) Identification of existing trees proposed to be saved, including individual tree caliper size and species. Clearly reference on the plan the total number of trees proposed to be preserved, category of preserved tree caliper size and number of trees requested for credit consideration.
 - (h) Identification of tree protection method for trees proposed to be preserved.
 - (i) Identification of existing trees over two-and-one-half-inch caliper proposed to be removed.
 - (j) Identification of grass and other ground cover and method of planting.
 - (k) Clearly reference on the plan the total number of proposed parking spaces and number of parking lot trees required to be placed within the interior of the parking area.

- (l) Site plan review for preexisting sites shall clearly identify the proposed building and/or parking expansion and label the net percent site increase and calculated landscape requirement. **[Amended 6-25-2015]**
 - (m) Any of the informational requirements above may be waived by the Planning Commission or Planning Department by general rule or on an individual basis if they determine that the information is not necessary to verify compliance with this chapter. **[Amended 6-25-2015]**
- C. Replacement of removed trees. A tree survey shall be submitted with any site plan for new development, and for additions to or expansion of existing development. The survey shall identify the location, species and size of existing trees on the proposed site. Existing trees that are greater than eight caliper inches that are planned to be removed shall be replaced on the site in accordance with the following standards: **[Amended 6-25-2015]**
- (1) Removed trees between eight and 18 caliper inches shall be replaced at a rate of 50% of the total diameter breast height (dbh).
 - (2) Removed trees greater than 18 caliper inches shall be replaced at a rate of 75% of the total dbh.
 - (3) Removed trees greater than 30 caliper inches shall be replaced at a rate of 100% of the total dbh.
 - (4) Trees that are dead or diseased, with no visible growth, as determined by the City Arborist, are exempt from replacement requirements.
 - (5) A summary table of existing trees shall be provided, indicating those trees that will be removed.
- D. Incentives to preserve existing trees. The standards listed below are intended to encourage the preservation of quality and mature trees within a development area by providing credits toward required landscape components. **[Amended 6-25-2015]**
- (1) Trees intended to be preserved shall be indicated on the site plan.
 - (2) To obtain credit, the preserved trees shall be arranged to meet the intent of this section, be of high quality, as confirmed by the City, and at least two-and-one-half-inch caliper in size for deciduous trees, six feet in height for evergreen trees.
 - (3) Each deciduous tree preserved that is between 2.5 inch to 7.9 inch caliper in size and evergreen tree that is between six feet to 19 feet shall be calculated as one required tree, two credits for deciduous trees with a caliper of eight inches or greater and evergreen trees greater than 19 feet.
 - (4) The landscape plan shall include a matrix that lists required trees and credits for preserved trees.
 - (5) During construction, tree protection fencing shall be placed 10 feet beyond the dripline of the tree. Unless space does not allow, in which case they shall at a

minimum be placed at the dripline. The ground area within the fence line shall be maintained with vegetative landscape material or pervious surface cover. The Planning Commission may allow pedestrian pathways, driveways or parking within the dripline upon determination that the setback from the trunk of the tree is suitable to reasonably ensure protection of the tree and the public. Storage of soils or other materials within the dripline is prohibited.

- (6) If trees are lost within three years after completion of the construction, the property owner shall replace with new trees equal to the number of tree credits granted.
 - (7) Tree credits may account for up to 50% of the required trees and be applied anywhere on the site.
- E. Greenbelts. A greenbelt shall be planted or preserved along public rights-of-way. The greenbelt is intended to provide a transition between the roadway and an existing or proposed land use. Greenbelts shall be provided in accordance with the following requirements:
- (1) The green belt plantings shall be planted within the required setback. Such plantings may be placed anywhere within the front yard if there is no front yard parking. **[Amended 6-25-2015]**
 - (2) Greenbelts shall include only living materials and planting beds, except for approved sidewalks, bike paths, signs, driveways, and essential services.
 - (3) Where sidewalks are located within the greenbelt, plant material shall be provided on each side of the pathway, whenever possible, to provide visual and physical separation between the vehicular and pedestrian circulation. **[Amended 6-25-2015]**



- (4) The greenbelt shall contain a minimum of one canopy tree and six upright shrubs per 30 linear feet, or fraction thereof, of street frontage including any openings for driveways, pathways or easements. Evergreen trees may be substituted for up to 50% of the required canopy trees when appropriate in consideration of the land use and existing character of adjacent uses. A hedgerow with upright shrubs planted 2 1/2 feet on center along the entire road frontage not to exceed three feet in height may also be utilized provided the clear vision requirements of § 7-14.05 are met. **[Amended 6-25-2015]**
 - (5) Ornamental trees may be used to diversify greenbelt planting requirements, provided two ornamental trees shall be provided for each one required canopy tree.
 - (6) Greenbelt plantings shall be arranged to simulate a natural setting such as massing or staggered rows, except where the Planning Commission finds a more formal arrangement would be consistent with the established character of the area.
 - (7) Greenbelts shall be designed to ensure adequate sight visibility for motorists, adequate clearance for pedestrians and vehicles including compliance with the clear vision requirements of § 7-14.05, clearance from overhead utility lines, adequate separation from underground utilities and accessibility to fire hydrants. Where such conditions prohibit full compliance, the location of the required materials may be adjusted so as long as the design intent is met. **[Amended 6-25-2015]**
- F. Buffer zones. Buffer zones shall be required where a proposed use shares a common lot line with an adjacent use in accordance with Table 7.15.1. The buffering requirement is based on the intensity of the proposed use and its potential impact

on the adjacent use.

Proposed Use	Adjacent to Single-Family District or Use	Adjacent to Multiple-Family District or Use	Adjacent to Manufactured Home Park District or Use	Adjacent to Business District or Use	Adjacent to Industrial District or Use
Single-family residential	None	B	B	B	A
Multiple-family residential	B	None	B	B	A
Manufactured home park	B	B	None	B	A
Business	B	B	B	C ¹	B ²
Industrial	A	A	A	B ²	C
Institutional	B ²	B ²	B ²	C	C

Buffer Zone Type	Minimum Width⁴ (feet)	Wall/ Berm³	Minimum Plant Materials
A	50	6-foot wall or 4-foot berm	1 canopy tree, 2 evergreen trees and 4 shrubs per 20 linear feet along the lot line, rounded upward
B	20	6-foot wall or 4-foot berm	1 canopy tree, 1 evergreen tree and 4 shrubs per 30 linear feet along the lot line, rounded upward
C	10	None	1 canopy or evergreen tree or 4 shrubs per 20 linear feet along the lot line, rounded upward

NOTES:

- ¹ Buffer zone landscaping shall not be required between business uses where shared access, shared parking or service drive connections are provided or where there is a zero-lot-line setback between uses.
- ² Buffer zone "A" shall be required where the use has outdoor storage or truck loading area adjacent to a dissimilar use.
- ³ Walls shall be constructed in accordance with § 7-15.03, Fences and walls, and berms in accordance with § 7-15.02J, Berms.
- ⁴ Minimum width is required for either wall or berm. In the case of wall, the minimum width will be maintained clear of structures and planted in grass or similar material.

G. **Parking lot landscaping.** Parking lot landscaping shall be provided in accordance with the following standards:

- (1) Landscaping shall be dispersed evenly throughout the parking lot in order to break up large expanses of pavement and assist with vehicular and pedestrian flow.
- (2) At least one canopy tree shall be provided per eight parking spaces.
- (3) All of the required parking lots trees shall be placed within the parking lot

envelope as described by the area including the parking lot surface and extending outward 10 feet from the edge of the parking lot.

- (4) A minimum of 1/3 of the trees shall be placed within parking islands located inside the perimeter of the parking lot.
 - (5) Parking lot islands shall be curbed and be at least 100 square feet in area. Islands within parking lots having less than 100 spaces may be a minimum of 10 feet in width, parking areas with more than 100 spaces shall have islands at least 20 feet in width. The depth of the island shall be two feet shorter than an adjacent parking space.
 - (6) Only trees, shrubs, grass or other living ground cover shall be used within parking lot islands.
 - (7) Where parking lots are located within the required front yard, a berm, hedge row, three-foot-high brick wall, or a three-foot-high wrought iron fence with a continuous evergreen hedge row shall be provided between the parking spaces and the street. The hedge row shall be planted with evergreen or deciduous shrubs, 2 1/2 feet on center. The landscape greenbelt required by § 7-15.02E, Greenbelts, above shall also be provided, except the hedge row plantings may be credited towards the shrub plantings of § 7-15.02E(4).
 - (8) Where a parking lot or loading area for a nonresidential use abuts a residential district or use a minimum six-foot-high wall shall be provided between the parking lot and residential lot. Walls shall be constructed of brick or other masonry material compatible with the front facade of the principal building. A privacy fence may be approved where it is more compatible with adjacent residential uses. **[Amended 6-25-2015]**
- H. Foundation plantings. A portion of the on-site landscaping shall abut the walls of the main building so that the vegetation combined with the architectural features significantly reduce the visual impact of the building mass as viewed from the street. **[Amended 6-25-2015]**
- I. Detention/retention pond landscaping. Ponds shall be located outside required setbacks and designed to provide a natural appearance. Detention and retention ponds shall be provided in accordance with the following standards: **[Amended 6-25-2015]**
- (1) Side slopes shall be such that the perimeter of the pond shall not need to be fenced.
 - (2) One canopy or evergreen tree and 10 shrubs are required per 50 linear feet of pond perimeter, as measured along the top of the bank elevation. The required landscaping shall be planted in a random pattern, not limited to the top of the pond bank.
 - (3) Where a natural landscape is found not to be particularly desirable, the Planning Commission may require some type of decorative fencing.
 - (4) An aerator shall be provided in any pond where there will be standing water.

J. Berms. [Amended 6-25-2015]

- (1) Where required, berms shall have a slope no greater than 1:3, i.e., one foot of vertical rise for each three feet of horizontal distance on the exterior side facing the street or adjacent land use with at least a two foot flat area on top (measured from the ground adjacent to the berm).
- (2) The berm area shall be planted with grass or other suitable ground cover to ensure that it withstands wind and weather and retains its height and shape.

K. Plant material spacing and size. [Amended 6-25-2015]

- (1) Plant material shall not be located within four feet of the property line.
- (2) Where plant materials are placed in two or more rows, plantings shall be staggered in rows.
- (3) Creativity in landscape design is encouraged. Accordingly, required trees and shrubs may be planted at uniform distances, at random, or in groupings, depending on the designer's desired visual and functional effect and, equally important, the desire of the City to coordinate landscaping on adjoining properties.
- (4) Minimum plant sizes and spacing at time of installation shall be in accordance with Table 7.15.2.

Type of Plant Material	Minimum Plant Sizes	Spacing Requirements
Large deciduous trees	2-inch caliper	30 feet on-center
Small deciduous/ ornamental trees	1 1/2-inch caliper 6-foot height (clump form)	15 feet on-center
Evergreen trees	7-foot height	20 feet on-center informally 12 feet on-center in rows
Narrow evergreen trees	5-foot height	10 feet on-center informally 5 feet on-center in rows
Large shrubs	30-inch height	6 feet on-center informally 4 feet on-center in rows
Small shrubs	30-inch spread 2 1/2-foot height	4 feet on-center

L. Plant material species. **[Amended 6-25-2015]**

- (1) The overall landscape plan shall not contain more than 33% of any one plant species. A mixture of plant materials (evergreen and deciduous trees and shrubs) is suggested in all landscape plans as a protective measure against disease and insect infestation.
- (2) The use of trees native to the area, and mixture of trees from the same species association, is encouraged.
- (3) All plants shall conform to the current issue of the American Standard for Nursery Stock published by the American Association of Nurserymen and shall have passed inspections required under state regulations.
- (4) All areas not occupied by building, pavement or storage shall be landscaped with living plant material. Stone or wood chips may be permitted when the maintenance of the living material would be impractical or undesirable due to size, configuration or character of the area or if part of drainage erosion control.
- (5) Plant materials recommended as part of landscape plans are included in Table 7.15.3.

Table 7.15.3: Recommended Plant Materials	
Trees	
Evergreen trees	Fir; spruce; pine; hemlock; Douglas fir
Narrow evergreen trees	Red cedar; arborvitae; juniper
Large deciduous trees	Oak; hard maple; beech; linden; ginkgo (male only); honeylocust (seedless and thornless varieties); birch
Small deciduous/ ornamental trees	Flowering dogwood; hawthorn; redbud; magnolia; hornbeam; Russian Olive; flowering crabapple (disease-resistant varieties)
Large Shrubs	
Deciduous	Honeysuckle; lilac; border privet; sumac; buckthorn; Pyracantha; flowering quince; barberry; forsythia; cotoneaster (Peking, spreading); Sargent crabapple; dogwood (red osier, grey)
Evergreen	Irish yew; Hicks yew; Mugo pine; Pfitzer juniper; Savin juniper
Small Shrubs	
Deciduous	Compact burning bush; regal privet; fragrant sumac; Japanese quince; cotoneaster (cranberry, rockspray); potentilla

Table 7.15.3: Recommended Plant Materials

Evergreen	Spreading yews (dense, Brown's, Ward, etc.); Low-spreading junipers (Andora, Hughes, Tamarack, etc.); dwarf Mugo pine; big leaf wintercreeper
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- (6) Plant materials that are not permitted, as they split easily; their wood is brittle and breaks easily; their roots clog drains and sewers; and they are unusually susceptible to disease or insect pests, are included in Table 7.15.4.

Table 7.15.4: Prohibited Plant Materials

Trees Not Permitted	
Ash	Mulberry
Box elder	Poplar
Catalpa	Soft maple (red and silver)
Elms (except disease-resistant American Liberty elm)	Tree of heaven
Honey or black locust	Willow
Horse chestnut (nut-bearing)	

- M. Installation and maintenance provisions. All landscaping shall be maintained in a healthy, neat and orderly state free from refuse and debris. **[Amended 6-25-2015]**
 - (1) In-ground automatic irrigation shall be provided for all landscaped areas.
 - (2) All trees required on the site plan must be maintained and shall not be removed unless approved as a site plan amendment or a tree removal permit is obtained from the City Arborist. Any dead or diseased plants shall be removed and replaced.
 - (3) Landscaping shall be installed such that, when mature, it does not obscure traffic signs, fire hydrants, lighting, drainage patterns on site or adjacent properties, or obstruct vision for safety of ingress or egress.
 - (4) All plantings shall be planted to completion within three months, and no later than November 30, from the date of issuance of a certificate of occupancy if said certificate is issued during the April 1 through September 30 period; if the certificate is issued during the October 1 through March 31 period, the planting shall be completed no later than the ensuing May 31.
 - (5) Plantings shall not be located within rights-of-way or utility line easements.
- N. Compliance for existing sites. In any case where the building and/or parking area is being increased by at least 25% over the originally approved site plan or is being changed to a more intense use, the site shall be brought into full compliance with the landscape standards herein. In instances where the increase in building and/or parking area is less than 25% over the original site plan, the extent of new landscaping shall be equal to 4% of compliance for every 1% of increase in building

or parking footprint. For example, a building or parking area increase of 10% requires 40% compliance with the landscape standards. **[Amended 6-25-2015]**

§ 7-15.03. Fences and walls.

A. Required fences and walls. The following standards apply to any fences or walls required under this chapter or as a condition of zoning approval.

- (1) For those use districts and uses listed below, there shall be provided and maintained on those sides abutting or adjacent to a residential district an obscuring wall as required in Table 7.15.5, except otherwise required in § 7-15.03A(6) or B(6) below, and further subject to corner clearance requirements in § 7-14.05. **[Amended 5-17-2012]**

Table 7.15.5: Wall Requirements	
Use	Requirements
P-1 Vehicular Parking District	4-foot 6-inch high wall
Off-street parking area (other than P-1 Districts, unless a greater wall is required by Table 7.15.01)	
OS-1, B-1, CBD and B-2 Districts	See Table 7.15.1 requirements
I-1 and I-2 Districts: open storage areas, loading or unloading areas, service areas	6-foot to 8-foot high wall or fence (Height shall provide the most complete obscuring possible.)
Auto wash, drive-in restaurants	6-foot 0-inch high wall
Hospital: ambulance and delivery areas	
Utility buildings, stations and/or substations	

- (2) Chain-link or other wire fence utilizing metal, plastic or wood slats shall not be considered an obscuring wall for the purpose of this chapter. The City may in its review of site plans for specific uses, allow or require the provision of a greenbelt planting consisting of trees and shrubs to serve as an obscuring wall, where such obscuring walls are required under this chapter, and where conditions are such that a more effective and harmonious development with abutting or neighboring land uses would result. Review and approval shall be required by the City of types of plant materials and their location in such greenbelt.
- (3) Required walls shall be located on the lot line except where underground utilities interfere and except in instances where this chapter requires conformance with front yard setback lines in abutting Residential Districts. Upon review of the site plan, the Planning Commission may approve an alternate location for the wall or may waive the wall requirement if in specific cases it would not serve the purposes of screening the parking area effectively. Required walls may, upon approval of the Board of Appeals, be located on the

opposite side of an alley right-of-way from a nonresidential zone that abuts a residential zone when mutually agreeable to affected property owners. The continuity of the required wall on a given block will be a major consideration of the Zoning Board of Appeals in reviewing such request.

- (4) Walls and screening barrier shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this chapter and except such openings as may be approved by the Planning Commission during site plan review.
 - (5) Walls shall be constructed of materials approved by the Building Official to be durable, weather-resistant, rustproof and shall be maintained by the property owner or tenant at all times equal in condition to the completed structure at the time of initial installation. Wood or wood products, when utilized, shall be treated and/or painted and shall be so maintained at all times. The finished side of the wall shall face the exterior of the property.
 - (6) Walls may be constructed with openings which do not in any square section (height and width) exceed 20% of the surface. Where walls are so pierced, the openings shall be so spaced as to maintain the obscuring character required, and shall not reduce the minimum height requirement. The arrangement of the openings shall be reviewed and approved by the Planning Commission during site plan review.
- B. Non-required fences. The installation, erection and/or maintenance of a fence is hereby prohibited except in strict compliance with the requirements herein. If the work authorized under a zoning compliance permit for fencing has not been completed within six months of the date of issuance, said permit shall become null and void.
- (1) A permit shall be required prior to the construction of any fence over three feet in height or over 16 feet in total length.
 - (2) Location.
 - (a) Non-required fences may be located along the property line.
 - (b) In the case of adjoining properties, only one fence between the two properties may be erected.
 - (c) The City shall not be responsible for the determination of the location of any fence to be erected on a lot line.
 - (3) Height and design.
 - (a) Fences on all lots of record in all zoning districts which enclose property and/or are within a required side or rear yard shall not extend toward the front of the lot nearer than the front of the principal structure or the required minimum front yard, whichever is greater; and shall comply with the following height limitations, measured from the surface of the ground: **[Amended 5-17-2012]**

[1] In Residential and Office Districts, not to exceed six feet in height.

- [2] In Commercial and Industrial Districts, not to exceed eight feet in height.
 - [3] Fences which enclose public or institutional parks, playgrounds, or public landscaped areas, situated within an area developed with recorded lots, shall not exceed eight feet in height, measured from the surface of the ground, and shall not obstruct vision to an extent greater than 25% of their total area.
- (b) Ornamental fences not exceeding 3 1/2 feet in height are permitted within front yards. Ornamental fences are to be constructed of approved materials as specified in Subsection B(4) below, of a design as to be non-sight-obscuring and of a fence type listed below:
- [1] Post and rail.
 - [2] Split rail.
 - [3] Picket.
 - [4] Wrought iron.
 - [5] Other types of ornamental fences must be approved by the Planning Commission or Planning Department prior to placement in a front yard area.
- (c) If a fence is constructed of pickets, such pickets must be made of not less than one-inch-by-three-inch materials and shall have an angle at the top of not less than 90°.
- (d) Fences shall match the design of those previously installed on an abutting parcel(s); however, the Planning Commission or Planning Department may waive this requirement upon a finding that it would detract from or be inconsistent with, the style or materials of the single-family dwelling unit contained on the same zoning lot.
- (4) Materials and construction.
- (a) Fences, including fence posts, shall be constructed with cedar, redwood, pressure treated material, wrought iron or vinyl. Chain link is permitted in rear and interior side yards only. Upon Planning Commission or Planning Department approval, brick or stone may be used as an accent material, comprising not more than 25% of the surface area of the fence.
 - (b) Dimensional lumber used in fence construction shall have a minimum thickness of 3/4 inch, and fence posts shall be 3 1/2 inch by 3 1/2 inch or larger.
 - (c) Fences shall not contain barbed or razor wire, electric current or charge of electricity.
 - (d) All fences shall be constructed in such a manner that all structural members, including braces, posts, poles and other projections shall be on the interior side of the fence.

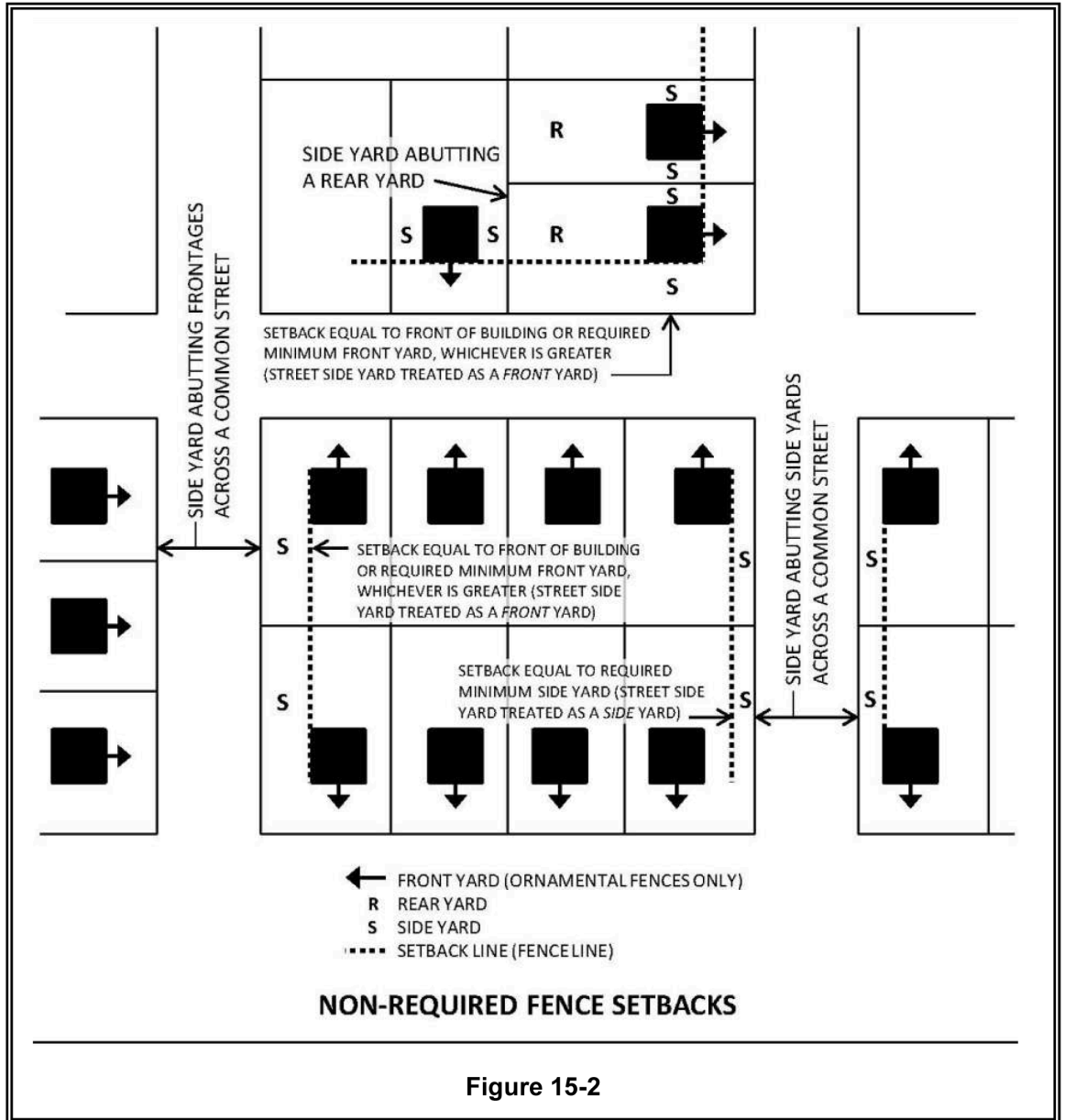


Figure 15-2

- (5) Maintenance.
 - (a) All fences shall be maintained in a good condition, in an upright position and shall not constitute an unreasonable hazard. Any fence which is not maintained in accordance with this chapter shall be removed or replaced (any required fence shall be replaced).
 - (b) The City shall not be responsible for the enforcement of any agreements relative to the mutual or separate payments of the cost of construction, maintenance or repair of fences.
- (6) Exceptions.

- (a) Fences which serve as architectural or decorative landscaping and are not used to enclose property and/or are not placed on common lot lines, may be erected within the provisions of the minimum yard requirements in each district.
- (b) Recorded lots having a lot area in excess of two acres and a frontage of at least 200 feet, and acreage or parcels not included within the boundaries of a recorded plat, in all residential districts, are excluded from these regulations.

§ 7-15.04. Sidewalks and paths.

Sidewalks and pathways shall be installed by the developer within the dedicated street right-of-way, private road access easements or special easement where grades or other factors prevent placement within the right-of-way or access easement.

- A. Sidewalks. Any development shall provide sidewalks meeting the following requirements:
 - (1) Where required. Sidewalks shall be required by the Planning Commission on one or both sides of the street or road in consideration of factors such as the density of development, age characteristics of the expected residents, expected traffic volumes along the street, proximity to other sidewalk systems and proximity to schools, parks and public institutions. Sidewalks shall also be required to be constructed where shown on the City's Non-Motorized Transportation Plan.
 - (2) Sidewalk width. All sidewalks shall be a minimum five-foot-wide concrete and constructed in accordance with City Construction Specifications, and specifications of the American Association of State Highway and Transportation Officials (AASHTO). Sidewalks abutting parking areas shall be a minimum of seven feet to accommodate vehicle overhang.
- B. Pathways. Any development shall provide pathways meeting the following requirements:
 - (1) Where required. Pathways shall be required to be constructed where shown on the City's Non-Motorized Transportation Master Plan, and where a connection to the City's Non-Motorized Transportation system is identified during the site plan review process.
 - (2) Pathway width. Pathways shall be at least ten-foot-wide asphalt and constructed in accordance with City Construction Specifications, and the specifications of the AASHTO.
- C. Boardwalks. The Planning Commission may permit wooden boardwalks in open space areas or areas with sensitive environmental features instead of paved sidewalks or pathways. The boardwalk shall meet the minimum width requirements as stated in the above sections or greater if required by AASHTO, MDOT, or other applicable agency.
- D. Other requirements.

- (1) Crosswalks. Crosswalk pavement markings and signs may be required.
- (2) Barrier-free. All nonmotorized accommodations shall comply with Michigan Barrier-Free requirements.
- (3) Additional requirements as outlined in the City of Lapeer Construction Specifications may apply.

§ 7-15.05. Lighting standards.

- A. Intent. The purpose of the following standards is to protect the health, safety and welfare of the public by recognizing that buildings and sites need to be illuminated for safety, security and visibility for pedestrians and motorists. To do so, the standards provide for various forms of lighting that will: minimize light pollution; maintain safe nighttime driver performance on public roadways; preserve the restful quality of nighttime by eliminating intrusive artificial light and lighting that unnecessarily contributes to "sky glow"; reduce light pollution and light trespass from light sources onto adjacent properties; conserve electrical energy; and curtail the degradation of the nighttime visual environment.
- B. Applicability. The standards shall apply to any light source that is visible from any property line, or beyond, for the site from which the light is emanating. The Building Official may review any building or site to determine compliance with the requirements under this section. Whenever a person is required to obtain a building permit, electrical permit for outdoor lighting or signage, a special land use approval, subdivision approval or site plan approval from the City, the applicant shall submit sufficient information to enable the Planning Department and/or Planning Commission to determine whether the proposed lighting will comply with the standards.
- C. Submittal requirements. The following information must be included for all site plan submissions. Where site plan approval is not required, some or all of the items may be required by the Planning Department prior to lighting installation:
 - (1) Location of all freestanding, building-mounted and canopy light fixtures on the site plan and building elevations.
 - (2) Photometric grid overlaid on the proposed site plan indicating the overall light intensity throughout the site (in footcandles).
 - (3) Specifications and details for the type of fixture being proposed including the total lumen output, type of lamp and method of shielding.
 - (4) Use of the fixture proposed.
 - (5) Any other information deemed necessary by the Building Official/Planning Department to determine compliance with provisions of this section.
- D. Lighting standards. Unless granted a variance under the provisions of § 7-23.04, all lighting must comply with the following standards:
 - (1) Freestanding pole lighting.

- (a) All parking lots shall be illuminated. Fixtures shall be high-pressure sodium lamps or metal halide. Photocells or other approved equipment are required on all fixtures. No wiring shall be exposed. Wiring shall be UL listed for wet locations.
 - (b) Exterior lighting shall be fully shielded and directed downward to prevent off-site glare. Fixed (not adjustable), downward directed, metal halide shoebox fixtures shall be used in an effort to maintain a unified lighting standard throughout the City and prevent "sky glow."
 - (c) Lighting intensities shall average one footcandle measured at the surface of the parking area. Service drives shall have a lower intensity averaging 0.5 footcandle measured at the ground surface. At any property line abutting a residential use, the maximum intensity shall be 0.1 footcandle.
 - (d) The Planning Commission may approve decorative light fixtures as an alternative to shielded fixtures when it can be proven that there will be no off-site glare and the proposed fixtures are necessary to preserve the intended character of the site.
 - (e) The maximum height of parking lot light fixtures shall be 20 feet, except that the Planning Commission may permit a maximum height of 30 feet within commercial, industrial, and office zoning districts and for institutional uses in residential districts when the poles are no closer than 150 feet to a residential district or use.
 - (f) Parking lot poles shall be located in parking lot islands or in the periphery parking lot area. Light poles shall be prohibited in parking spaces.
- (2) Building-mounted lighting.
- (a) Commercial and industrial buildings are required to have adequate lighting at sides of the building with entries and exits.
 - (b) Building-mounted lighting shall be fully shielded and directed downward to prevent off-site glare. Fixed (not adjustable), downward-directed, metal halide fixtures shall be used in an effort to maintain a unified lighting standard throughout the City and prevent "sky glow."
 - (c) The intensity of light within a site shall not exceed 10 footcandles within any site or one footcandle at any property line, except where it abuts a service drive or other public right-of-way. Footcandles abutting a residential district or use can be a maximum of 0.5 footcandle at the property line.
 - (d) The Planning Commission may approve decorative light fixtures as an alternative to shielded fixtures when it can be proven that there will be no off-site glare and the proposed fixtures will improve the appearance of the site.
 - (e) Luminous tube and exposed bulb fluorescent lighting is prohibited as an architectural detail on all buildings, such as along roof eaves and around windows, etc. The Planning Commission may approve internally

illuminated architectural bands when it can be shown that the treatment will enhance the appearance of the building or is necessary for security purposes.

- (3) Window lighting.
 - (a) Any light fixtures visible through a window must be shielded to prevent glare at the property line.
 - (b) Luminous tube and exposed bulb fluorescent lighting (visible from the property line) is prohibited unless it is part of a sign that meets the requirements of Article XVII, Signs.
 - (4) Residential streetlighting.
 - (a) In residential developments, substantial completion of streetlighting shall be constructed once 50% of build-out has occurred.
 - (b) The developer may be required to furnish a surety in an acceptable form (cash, bond, etc.) in an amount determined by the City to ensure completion of streetlight installation.
 - (5) Other lighting.
 - (a) The internal illumination of building-mounted canopies is prohibited.
 - (b) Indirect illumination of signs, canopies and buildings is permitted provided a maximum 125 watt bulb is utilized and there is no glare.
 - (c) Ground lighting (uplighting) used for the purpose of illuminating signs, landscaping and architectural details shall be shielded away from public view, directed solely at the object to be lit, and screened with landscaping as necessary.
 - (d) The use of a laser light source, search lights or any similar high-intensity light for outdoor advertisement or entertainment is prohibited.
 - (e) Lighting shall not be of a flashing, moving or intermittent type.
 - (f) Luminous tube and exposed bulb fluorescent lighting is permitted as part of a sign meeting the requirements of Article XVII, Signs, of this chapter.
- E. Exemptions. The following are exempt from the lighting requirements of this section, except that the Planning Department may take steps to eliminate the impact of the exempted items when deemed necessary to protect the health, safety and welfare of the public:
- (1) Sports field lighting, in use no later than 10:00 p.m., provided they are located at least 1000 feet away from any existing residential zone or use. Other sports field lighting may be approved by the Planning Commission after a determination that compliance with the standards in this article have been met to the greatest extent possible, and that all efforts possible were made to minimize any negative impacts to surrounding uses.

- (2) Swimming pools.
 - (3) Holiday decorations.
 - (4) Window displays without glare.
 - (5) Shielded pedestrian walkway lighting.
 - (6) Residential lighting with no off-site glare.
 - (7) Streetlights.
- F. Lamp or fixture substitution. Should any light fixture regulated under this section, or the type of light source therein, be changed after the permit has been issued, a change request must be submitted to the Planning Department for approval, together with adequate information to assure compliance with this chapter, which must be received prior to substitution.

§ 7-15.06. Waste receptacles.

- A. Waste receptacles, including dumpsters and compactors, shall be required in all multiple-family and nonresidential developments unless indoor facilities are provided as determined by the Planning Commission. These requirements do not apply to single-family residences.
- B. All waste receptacles must be located within an enclosure meeting the following standards:
- (1) Waste receptacles shall have an enclosing lid or cover and be enclosed on three sides with a gate on the fourth side. The enclosure shall be constructed of brick or decorative masonry block material consistent with the principal building with a maximum height of six feet or at least one foot higher than the waste receptacle and spaced at least three feet from the waste receptacle. Suggested timber materials for the gate include Cedar, No. 2 Cedar rough sawn seasoned, Redwood, No. 2 Common Finish (S4S), Douglas Fir-larch or Southern Pine. Chain-link fencing with vinyl or wood strips is not acceptable screening material.
 - (2) Waste receptacle enclosures shall be located in the rear yard or non-required side yard, at least 10 feet from any nonresidential property line, combustible walls, or combustible roof eaves and in no case be less than 20 feet from any residential district.
 - (3) Waste receptacle enclosures shall be easily accessed by refuse vehicles without potential to damage automobiles parked in designated parking spaces.
 - (4) The waste receptacle enclosure base shall be at least nine feet by six feet, constructed of six inches of reinforced concrete pavement. The base shall extend six feet beyond the waste receptacle pad or gate to support the front axle of a refuse vehicle.
 - (5) No refuse or trash shall be permitted to be stored higher than the waste receptacle enclosure.

§ 7-15.07. Mechanical equipment.

- A. Mechanical equipment and utilities, including but not limited to blowers, ventilating fans, heating, ventilation and air-conditioning units (HVAC), water and gas meters, elevator housing, and tanks shall meet the following standards:
 - (1) Such equipment and utilities shall not be located in any front yard and shall be placed not closer than three feet to any lot line in the CBD Central Business District, and not closer than 12 feet to any lot line in all other districts.
 - (2) All such equipment shall be screened by a solid wall, fence, landscaping and/or architectural feature that is compatible in appearance with the principal building.
- B. Roof-mounted equipment shall not exceed a height of 10 feet above the surrounding roof surface, and shall occupy no more than 15% of the total roof area.
- C. All roof-mounted mechanical units must be screened so they are not visible from ground level; even if not specifically addressed as part of site plan review.

ARTICLE XVI

Parking, Loading, Access and Circulation Requirements**§ 7-16.01. General 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:

- A. Location of spaces on a lot. Off-street parking spaces may be located within a rear yard or within a side yard which is in excess of the minimum side yard setback unless otherwise provided in this chapter. Off-street parking shall not be permitted within a front yard or within a minimum side yard setback unless otherwise provided in this chapter.
- B. Off-site spaces. Off-street parking for other than residential use shall be either on the same lot or within 300 feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership shall be shown of all lots or parcels intended for use as parking by the applicant.
- C. Single- and two-family dwellings parking components. Required residential off-street parking spaces shall consist of a parking strip, parking bay, driveway, garage or combination thereof, including spaces in a stacking configuration, and shall be located on the premises they are intended to serve. Lawn and yard areas, other than designated parking areas, shall not be utilized for off-street parking.
- D. Parking for other uses. Required off-street parking for all other uses shall consist of an unencumbered parking stall or strip, parking bay, vehicle maneuvering space or driveway, garage or combinations thereof. All residential parking shall be located on the premises it is intended to serve. Parking garages or structures, when accessory to a principal use, shall be subject to the applicable provisions of this chapter.
- E. Replacement of required parking spaces. Minimum required off-street parking spaces shall not be replaced by any other use unless and until equal parking facilities are provided elsewhere.
- F. Reduction of existing parking. Off-street parking existing at the effective date of this chapter, 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.
- G. Collective parking. The required off-street parking spaces for two or more buildings or uses may be provided collectively by a group of off-street parking spaces, subject to the following:
 - (1) The total number of spaces provided collectively shall not be less than the sum of spaces required for each separate use. However, the Planning Commission may reduce the total number of spaces if they determine that the operating

hours of the buildings or uses do not overlap.

- (2) The collective off-street parking shall not be located farther than 500 feet from the building or use being served measured from the nearest point of the building or use entrance to the nearest point of the off-street parking lot.
- H. The sale or storage of merchandise, motor vehicles or trailers, trucks, construction trailers or the repair of vehicles is prohibited on off-street parking lots.
 - I. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which is similar in type.
 - J. When units or measurements determining the number of required parking spaces result in the requirement for a fractional space, any fraction up to and including 1/2 shall be disregarded and fractions over 1/2 shall require one parking space.
 - K. Wherever the City shall establish off-street parking facilities by means of a special assessment district, or by any other means, the City may determine, upon completion and acceptance of such off-street parking facilities by the City, all existing buildings and uses and all buildings erected or uses established thereafter within the special assessment district, or districts, shall be exempt from the requirements of this section for privately supplied off-street parking facilities.
 - L. Recreational vehicle parking and storage.
 - (1) Standards in residential districts.
 - (a) Except as otherwise permitted in this section, recreational vehicles and equipment greater than 104 inches in width or 37 feet in length shall not be parked or stored on any lot or parcel or on the road in any residential district.
 - (b) Recreational vehicles and equipment 104 inches in width or 37 feet in length or less shall be parked and stored in the side or rear yards.
 - (c) For the purposes of loading and unloading, recreational vehicles, and equipment may be parked anywhere in a driveway or parking area on a residential premises for a period not to exceed two days.
 - (d) Such equipment shall not be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use.
 - (e) Recreational vehicles and equipment may not be stored or parked in residential districts for the purpose of making major repairs, refurbishing, or reconstruction of the recreational vehicle or equipment.
 - (f) Recreational vehicles must have a current or prior year license plate and registered to an occupant of the dwelling unit on the parcel on which it is stored.
 - (2) Nonresidential districts. The storage of recreational vehicles and equipment in nonresidential districts, when it is not associated with the business of the property, shall provide proper screening so that it is not visible from the road

and abutting residential areas.

M. Repair of vehicles. The parking, carrying out of repair, restoration and maintenance procedures or projects on vehicles in any residential district, when such work is not conducted entirely within the interior of the vehicle, shall be subject to the following limitations:

- (1) All vehicles parked or being worked on outside shall be on an improved driveway surface, licensed, and operable.
- (2) Procedures exceeding 48 hours in duration or which require the vehicle to be inoperable in excess of 48 hours shall be conducted within an enclosed building.
- (3) Inoperable vehicles and vehicle parts shall be stored inside an enclosed building.

N. Parking of commercial vehicles.

- (1) Parking of commercial vehicles over two tons shall be prohibited in all Residential Districts; except this restriction shall not apply to essential public service vehicles.
- (2) It shall be unlawful for the owner, tenant, or lessee of any lot to permit the open storage or outdoor parking of semi-tractor (WB-50 or larger) trucks and/or semitrailers, bulldozers, earth carriers, cranes, or any other similar equipment or machinery, unless the storage or display of such vehicles is an approved use or unless the vehicles are temporarily parked while in use for approved construction on such lot.

§ 7-16.02. Number of spaces required. [Amended 5-17-2012; 2-19-2018; 11-19-2018; 10-5-2020; 1-4-2021; 7-6-2021]

The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule. The requirements of this section shall not apply to property located within the area zoned CBD-1 Central Business District and shall be reduced to 1/2 for that area zoned CBD-2 Central Business District:

Table 7.16.1: Parking Space Numerical Requirements	
GFA = Gross Floor Area	
UFA = Usable Floor Area	
Residential	
One-family dwellings	2 spaces per dwelling unit
Multiple-family dwellings	2 spaces for each dwelling unit having 2 or less bedrooms and 2 1/2 spaces for each dwelling unit having 3 or more bedrooms
Manufactured homes in a manufactured housing park	3 spaces for each mobile home site and 1 space for each employee of the mobile home park

Table 7.16.1: Parking Space Numerical Requirements	
GFA = Gross Floor Area	
UFA = Usable Floor Area	
Boarding and rooming houses	2 spaces for the owner-occupant and 1 space for each roomer
Transitional housing	1 vehicle parking space per employee/volunteer on the largest shift plus 1 vehicle parking space for every 6 beds
Housing for the Elderly	
Assisted living or interim care housing	1 space per each room or 3 beds, whichever is less
Dependent housing facilities including convalescent homes, nursing homes, rest homes, etc.	1 space per each 4 beds or 2 rooms, whichever is less
Senior apartments	1 space per unit
Institutional/Public	
Churches, temples and other places of worship or public assembly	The greater of 1 space per each 3 seats or 6 feet of pews in the main unit of worship, plus required spaces for any accessory uses such as a school, child-care center, recreation facilities, etc.
Hospitals, urgent care centers, and similar uses	2 spaces per bed plus parking for related uses
Municipal office buildings	1 space per 250 square feet of GFA
Schools, elementary and junior high schools	1 space for each teacher, employee or administrator plus spaces required for any assembly hall, auditorium, and/or outdoor arena or athletic fields
Senior high schools	1 space for each teacher, employee or administrator, and 1 space for each 10 students, plus spaces required for any assembly hall, auditorium, and/or outdoor arena or athletic fields
Group day-care homes, adult foster care group homes, and adult congregate care facilities	1 space per 4 residents, plus 1 space per employee, plus adequate drop-off spaces
Public utility use	1 space per employee
Colleges, business and vocational schools, and technical training facilities	2 spaces per classroom plus 15 student spaces per classroom plus parking required for any assembly hall, auditorium, or outdoor arena

Table 7.16.1: Parking Space Numerical Requirements	
GFA = Gross Floor Area	
UFA = Usable Floor Area	
Lodge and union halls; fraternal orders; private and civic clubs and similar uses	1 space per every 3 persons allowed within the maximum occupancy load as established by the Michigan Building Code
Fraternity or sorority	1 space for each 5 permitted active members; or 1 space for each 2 beds, whichever is greater
Stadium, sports arena or similar place of outdoor assembly	1 space for each 3 seats or 5 feet of benches
Theaters and auditoriums	1 space for each 3 seats plus 1 space for each 2 employees
Nursery school, day nurseries or child-care centers	1 space for each 350 square feet of UFA plus 1 space for each employee
Library, museum, post office	1 space for each 150 square feet of UFA
Business and Commercial	
Retail stores with 80,000 square feet GFA or less, unless otherwise specified	1 space for each 250 square feet of GFA including outdoor sales space
Retail stores, planned commercial center or regional retailer with over 80,000 square feet GFA	1 for each 275 square feet of GFA, including outdoor sales space
Animal grooming establishments	1 space per 300 square feet of GFA plus 1 space per employee
Automobile service stations	1 space per each pump island and service bay (bay can be included as a space), plus 1 space per employee, 1 space for each 500 square feet of GFA devoted to sales of automotive goods, plus required spaces for any convenience store (mini-mart), restaurant or auto wash
Automobile washes (automatic)	1 space per employee, plus stacking space equal to 5 times the maximum number of possible vehicles undergoing some phase of washing at the same time
Automobile wash (self-service or coin-operated)	5 spaces for each washing stall in addition to the stall itself
Minor and major auto repair shops	3 spaces for each service bay (bay can be included as a space), plus 1 space per employee, plus 1 space for each tow truck, plus 1 stacking space per bay

Table 7.16.1: Parking Space Numerical Requirements	
GFA = Gross Floor Area	
UFA = Usable Floor Area	
Automobile and vehicle dealerships, including recreational vehicles, boats, motorcycles, and mobile homes	1 space per 400 square feet of GFA of interior sales space plus 1 space per 600 square feet of GFA of exterior display, plus 1 space per each service bay
Beauty parlor or barber shop	3 spaces for each of the first 2 beauty or barber chairs, and 1 1/2 spaces for each additional chair
Dance halls, pool or billiard parlors	1 space for each 2 persons allowed within the maximum occupancy load as established by the Michigan Building Code
Repair shops, showroom of a plumber or decorator, electrician or similar trade, shoe repair, and other similar uses	1 space for each 800 square feet of UFA
Furniture and appliance, carpeting and flooring, hardware and home improvement stores	100,000 square feet GFA or less: 1 for 250 square feet of GFA, including outdoor sales space Over 100,000 square feet GFA: 1 for each 275 square feet of GFA, including outdoor sales space
Wholesale establishments and warehouse clubs	1 for each 500 square feet of GFA, including outdoor sales space
Banks, with or without drive-through service	1 for each 100 square feet of UFA, plus stacking space for drive-through windows as required in § 7-16.07
Kennels, commercial	1 space per 400 square feet of GFA, plus 1 space per employee
Laundromats	1 space per each 2 washing machines, plus 2 spaces for employees
Mini or self-storage warehouses	Minimum of 6 spaces
Motel, hotel, bed-and-breakfast inn, boarding houses and similar uses	1 space per guest room, plus 1 space per employee, plus 75% of required spaces for restaurants, conference rooms, banquet halls and other uses
Conference, meeting or banquet rooms, exhibit halls and similar uses	1 space for each 2 persons allowed within the maximum occupancy load as established by the Michigan Building Code

Table 7.16.1: Parking Space Numerical Requirements	
GFA = Gross Floor Area	
UFA = Usable Floor Area	
Open-air businesses, including nurseries, garden centers and other outdoor display, sales, and storage uses	1 space per 500 square feet of GFA of outdoor display, sales and storage area, plus 1 space per 200 square feet of GFA of indoor space, plus 1 space per employee
Pharmacies	1 space per 200 square feet of GFA plus stacking space for drive-through windows as required in § 7-16.07
Restaurants, standard, with liquor license	1 space per 70 square feet of GFA, or 0.5 space per seat, whichever is greater, plus spaces required for any banquet or meeting rooms
Restaurants (standard, without liquor license)	1 space per 80 square feet of GFA or 0.5 space per seat, whichever is greater, plus spaces required for any banquet or meeting rooms, plus up to 3 double-length spaces designated for recreational vehicles and semi trucks (as required by the Planning Department for sites in proximity to M-24)
Restaurants, fast-food with drive-through window, including coffee shops, cafes, delicatessens, etc.	1 space per 80 square feet of GFA, plus stacking space for drive-through windows as required in § 7-16.07, plus up to 2 double-length spaces designated for recreational vehicles and semi trucks (as required by the Planning Department for sites in proximity to M-24)
Restaurants, fast -food without drive-through window	1 space per 80 square feet of GFA or 0.5 space per seat, whichever is greater, plus up to 2 double-length spaces designated for recreational vehicles and semi-trucks (as determined by the Building Official/Planning Department for sites in proximity to M-24)
Restaurant carry-out and open front window, with fewer than 6 tables and/or booths	6 spaces plus 1 space per employee
Studios for art, photography, music, dance and similar uses	1 space per 300 square feet of GFA plus 1 space per employee
Animal crematorium	1 parking space per employee, plus 3 parking spaces
Offices	
Business or professional offices	1 space for each 300 square feet of GFA

Table 7.16.1: Parking Space Numerical Requirements	
GFA = Gross Floor Area	
UFA = Usable Floor Area	
Professional office of doctor, dentist or similar professions	1 space for each 250 square feet of GFA
Veterinary offices, clinics or animal hospitals	1 space per 250 square feet of GFA
Industrial	
Light industrial, research, design and development centers and accessory offices	5 plus 1 space for every 1 1/2 employees in the largest working shift. Space on site shall also be provided for all construction workers during periods of plant construction
Warehouse (non-retail) and related accessory offices	5 plus 1 space for every 1 employee, in the largest working shift, or 5 spaces plus 1 space for each 1,700 square feet of UFA, whichever is the greater
Recreation/Entertainment	
Arcades	2 spaces per machine plus 1 space per employee
Baseball and softball fields	25 spaces per field
Batting cages	3 spaces per cage
Bowling centers	3 spaces per lane, plus 0.5 space per seat in spaces designated for any lounge or dining area
Recreation centers (indoor) commercial, not already specified	1 space per 1,000 square feet of GFA, plus required spaces for restaurants, banquet rooms, offices, sales area, and other uses
Golf course driving ranges	1 space per practice tee
Private golf clubs, swimming pool clubs, tennis clubs, or other similar uses	1 space for each 2 member families or swimming pool clubs, individuals plus spaces required for each accessory tennis clubs, or other use such as a restaurant or bar
Athletic clubs, exercise establishments, health studios, sauna baths, judo clubs and other similar health uses	1 parking space for each 3 persons allowed within the maximum occupancy load as established by the Michigan Building Code plus 1 space per employee
Golf courses open to the general public, except miniature or par-3 courses	6 spaces for each 1 golf hole and 1 space for 1 employee, plus spaces required for each accessory use, such as a restaurant or bar
Recreation centers (outdoor) public or commercial, not already specified	1 space per 200 square feet of GFA

Table 7.16.1: Parking Space Numerical Requirements	
GFA = Gross Floor Area	
UFA = Usable Floor Area	
Ice skating or roller rink	1 for each seat or 6 feet of benches, or 1 for each 150 square feet of skating area, whichever is the greater
Soccer and football fields	30 spaces per field
Tennis courts and racquetball centers	1 space per 1,000 square feet GFA or 6 spaces per court, whichever is greater, plus 50% of required spaces for restaurants, banquet rooms, offices, sales area, and other uses
Marihuana Facility	
Medical marihuana grow facility or marihuana grower	1 space per employee in the largest working shift, plus 2 additional spaces
Marihuana processor/processing facility/establishment	5 plus 1 space for every 1 1/2 employees in the largest working shift
Medical marihuana provisioning center or marihuana retailer	1 space per 275 square feet of gross floor area, including outdoor sales space
Marihuana safety compliance facility/establishment	5 plus 1 space for every 1 1/2 employees in the largest working shift
Marihuana secure transporter facility/establishment	5 plus 1 space for every 1 employee in the largest working shift, or 5 spaces plus 1 space for each 1,700 square feet of UFA, whichever is the greater
Health and Human Care and Uses	
Ambulance service stations	One space per commercial vehicle and one space per employee on the largest working shift

§ 7-16.03. Barrier-free parking requirements.

- A. Each parking lot that serves a building or use, with the exception of single- and two-family dwelling units, shall provide spaces for physically handicapped persons in accordance with the Michigan Department of Labor, Construction Code Commission, Barrier-Free Design Division.
- B. The required number of accessible parking spaces shall be included with the number of total parking spaces for the use and shall be in accordance with the following schedule:

Table 7.16.2: Barrier-Free Parking Spaces	
Total Number of Parking Spaces Required	Minimum Number of Accessible Spaces Required
1 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 spaces over 1,000

§ 7-16.04. Off-street parking space design and setback requirements.

Where required, off-street parking facilities shall be designed, constructed and maintained according to the following standards and regulations:

- A. Ingress and egress. Adequate ingress and egress to the parking facility shall be provided by clearly defined driveways and maneuvering lanes. Spaces backing directly onto a street shall be prohibited. Access to off-street parking which serves a nonresidential use shall not be permitted across land that is zoned or used for residential purposes.
- B. Surfacing and drainage.
 - (1) Grading, surfacing, and drainage plans shall comply with City Construction Specifications and are subject to the review and approval of the City Department of Public Works. All driveways, parking lots, access lanes and other vehicle maneuvering areas shall be hard-surfaced with concrete or plant-mixed bituminous material in accordance with specifications of the City. **[Amended 8-3-2020]**
 - (2) Off-street parking areas, access lanes, and driveways shall be graded and drained so as to dispose of surface waters. Surface water shall not be permitted to drain onto adjoining property, unless in accordance with an approved drainage plan.
- C. Curbs. Curbs shall be subject to review and approval by the City Department of Public Works and in compliance with the City of Lapeer Construction Specifications or engineer's specifications. **[Amended 8-3-2020]**
- D. Parking lot setbacks.

- (1) From street rights-of-way. Parking lots, including drives and maneuvering aisles but excluding driveways, shall not be permitted within any minimum required yard abutting a street right-of-way, private road, or access drive unless otherwise provided in the Business and Office Districts: Schedule of Area, Height, and Placement Requirements (Table 7.06.2), Footnote 3; and the Industrial Districts: Schedule of Area, Height, and Placement Requirements (Table 7.08.2), Footnote 3.⁴ **[Amended 5-17-2012]**
 - (2) From nonresidential districts. Parking lots shall have a minimum setback of 10 feet from any nonresidential property line that is not a street right-of-way line. This requirement may be waived by the Planning Commission in the CBD or where a shared access driveway, connected parking lots, frontage road, or rear service drive is provided.
 - (3) From landscaped buffer. Parking lots shall be set back from required berm or buffer zones as required in Table 7.15.1.
- E. Lighting. Lighting of parking lots shall conform to the lighting standards set out in Article XV, General Site Development Requirements.
- F. Dimensions. All spaces shall be designed and marked with dimensions described below and shown in Figure 7.16.1, Off-Street Parking Design Standards: **[Amended 8-3-2020]**

Table 7.16.3: Off-Street Parking Design Standards

Parking Pattern	Maneuvering Lane Width (feet)	Parking Space Width (feet)	Parking Space Length* (feet)	Total Width of One Tier of Spaces Plus Maneuvering Lane (feet)	Total Width of Two Tiers of Spaces Plus Maneuvering Lane (feet)
0° (parallel parking)	12	8	23	20	28
45°	12	9	20	32	52
60°	15	9	20	36.5	58
90°	24	9	20	44	64

NOTES:

* The parking space length may be reduced by two feet when the space is adjacent to a sidewalk at least seven feet wide or a curbed landscape area.

- G. Parking lot marking. All parking spaces must be marked with double (or loop) stripes three to four inches wide and spaced 18 to 24 inches apart (see Figure 7.16.1: Off-Street Parking Design Standards).
- H. Pedestrian circulation. The design and layout of the parking lots shall provide appropriate pedestrian circulation and connections to perimeter pedestrian connections.

4. Editor's Note: The Schedules of Area, Height, and Placement Requirements are included as attachments at the end of this chapter.

§ 7-16.05. Parking lot construction and maintenance.

- A. Two sets of plans and specifications for parking areas shall be submitted to the Planning Department prior to the issuance of a building permit. These plans shall be subject to review and approval by the City Department of Public Works and in compliance with the City of Lapeer Construction Specifications or engineer's specifications and shall include: **[Amended 8-3-2020]**
- (1) Existing and proposed grades;
 - (2) Indication that stormwater runoff shall be accommodated on-site through approved drainage facilities, including catch basins, runoff calculations, pipe sizes and connections to existing drainage structures; and
 - (3) Indication of surface and base materials to be used during construction.
- B. Required parking lots shall be installed and completed within six months of receipt of a building permit and before issuance of an occupancy permit. The Planning Department may grant a single extension for an additional six months in the event of adverse weather conditions or unusual delays beyond the control of the property owner.
- C. All parking areas shall be maintained free of dust, trash, and debris. Surfacing, curbing, lighting fixtures, signs, and related appurtenances shall be maintained in good condition. The visibility of pavement markings delineating parking spaces and directional control shall be maintained.
- D. All off-street parking and loading facilities required by this article shall be maintained free of accumulated snow or standing water which prevents full use and occupancy of such facilities, except for temporary periods of no more than five days in the event of heavy rainfall or snowfall.
- E. Parking deferment. A smaller amount of parking may be approved by a finding by the Planning Commission that the required amount of parking is excessive, provided that the area to meet the full parking requirement is retained as open space. The site plan shall note the area where parking is being deferred with a dotted parking lot layout. If within a two-year period following issuance of a certificate of occupancy the Planning Commission determines based on observed use that the deferred parking is needed, then the parking shall be constructed by the applicant within six months of being informed in writing by the City Planner. The Planning Commission may require posting of a performance bond to cover the estimated construction cost of the deferred parking with a refund in two years if the additional parking is not found to be necessary.
- F. Limits on excessive parking. In order to minimize excessive areas of pavement which reduces aesthetic standards and contribute to high rates of stormwater runoff, exceeding the minimum parking space requirements by more than 20% shall only be allowed with approval by the Planning Commission. In granting such additional space, the Planning Commission shall determine that such parking will be required, based on documented evidence, to accommodate the use on a typical day.

§ 7-16.06. Off-street loading and unloading requirements.

- A. Compliance with the loading space regulations set forth herein shall be required in order to avoid interference with the public use of streets, alleys, parking areas, driveways, sidewalks, and other public areas.
- B. General applicability. On-premises space for standing, loading and unloading vehicles shall be provided for each use involving the receipt or distribution of goods.
- C. Change in use and intensity. Whenever use of a building, structure, or lot is changed, loading space shall be provided as required by this article for the new use, regardless of any variance which may have been in effect prior to change of use.
- D. Location.
 - (1) Loading/unloading areas and docks shall be prohibited in the front yard or on any building side facing and directly visible to a public street.
 - (2) 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.
 - (3) Loading/unloading operations shall not interfere with traffic on public streets or off-street parking.
 - (4) The vehicular path to the loading area must be shown on the site plan to verify truck maneuverability on site.
- E. Size. The size of all required loading/unloading spaces shall be at least 10 feet by 50 feet or 500 square feet in area with a clearance of at least 14 feet in height.
- F. Surfacing and drainage.
 - (1) Loading areas shall be hard-surfaced with concrete or plant-mixed bituminous material.
 - (2) Loading areas shall be graded and drained so as to dispose of surface waters.
 - (3) Surface water shall not be permitted to drain onto adjoining property, unless in accordance with an approved drainage plan.
 - (4) Grading, surfacing, and drainage plans shall be subject to review and approval by the City Engineer and in compliance with the City of Lapeer Construction Specifications or engineer's specifications.
- G. Storage and vehicle repair prohibited. The storage of merchandise, sale of motor vehicles, storage of inoperable vehicles, or repair of vehicles is prohibited in required loading space.
- H. Central loading. Central loading facilities may be substituted for individual loading spaces serving businesses on separate lots, provided that all of the following conditions are fulfilled:
 - (1) Each business served shall have direct access to the central loading area

without crossing streets or alleys.

- (2) The total loading space provided shall meet the minimum requirements specified herein, in consideration of total floor area of all businesses served by the central loading space.
 - (3) No building served shall be more than 300 feet from the central loading area.
- I. Number of spaces. The minimum number of loading spaces shall be provided in accordance with the following table. The Planning Commission may modify these requirements upon making the determination that another standard would be more appropriate because of the number or type of deliveries experienced by a particular business or use.

Table 7.16.4: Loading Spaces Required	
Institutional, Commercial and Office Uses	
Up to 5,000 square feet GFA	1 space
5,001 to 60,000 square feet GFA	1 space, plus 1 space per each 20,000 square feet GFA or fraction thereof
60,001 square feet GFA and over	3 spaces, plus 1 space per each 50,000 square feet GFA or fraction thereof
Industrial Uses	
Up to 1,400 square feet GFA	0
1,401 to 20,000 square feet GFA	1 space
20,001 to 100,000 square feet GFA	1 space, plus 1 space per each 20,000 square feet GFA in excess of 20,000 square feet or fraction thereof
100,001 square feet GFA and over	5 spaces

- J. Screening. When off-street loading in a nonresidential district is visible from a public right-of-way or abuts a residential district, the off-street loading shall be screened from such contiguous, residential district by a solid, ornamental masonry wall at least six feet in height above the grade elevation at the residential district line, in addition to the landscape requirements of Article XV.
- K. Calculation. Required loading areas shall not be included in calculations for off-street parking space requirements.

§ 7-16.07. Stacking requirements for drive-through facilities.

- A. In addition to the parking requirements, establishments with drive-through facilities shall provide stacking space for vehicles awaiting service as follows:
 - Drive-through restaurant 8 spaces per window
 - Minor automobile service or repair 2 spaces per service stall
 - Gasoline fueling station 2 spaces per fueling station
 - Drive-through banking 4 spaces per window

Drive-through pharmacy

3 spaces per window

- B. Each stacking space shall be measured at not less than 20 feet in length and 10 feet in width. In no instance shall stacking spaces interfere with required parking or maneuvering lanes.

Figure 7.16.1: Off-Street Parking Design Standards

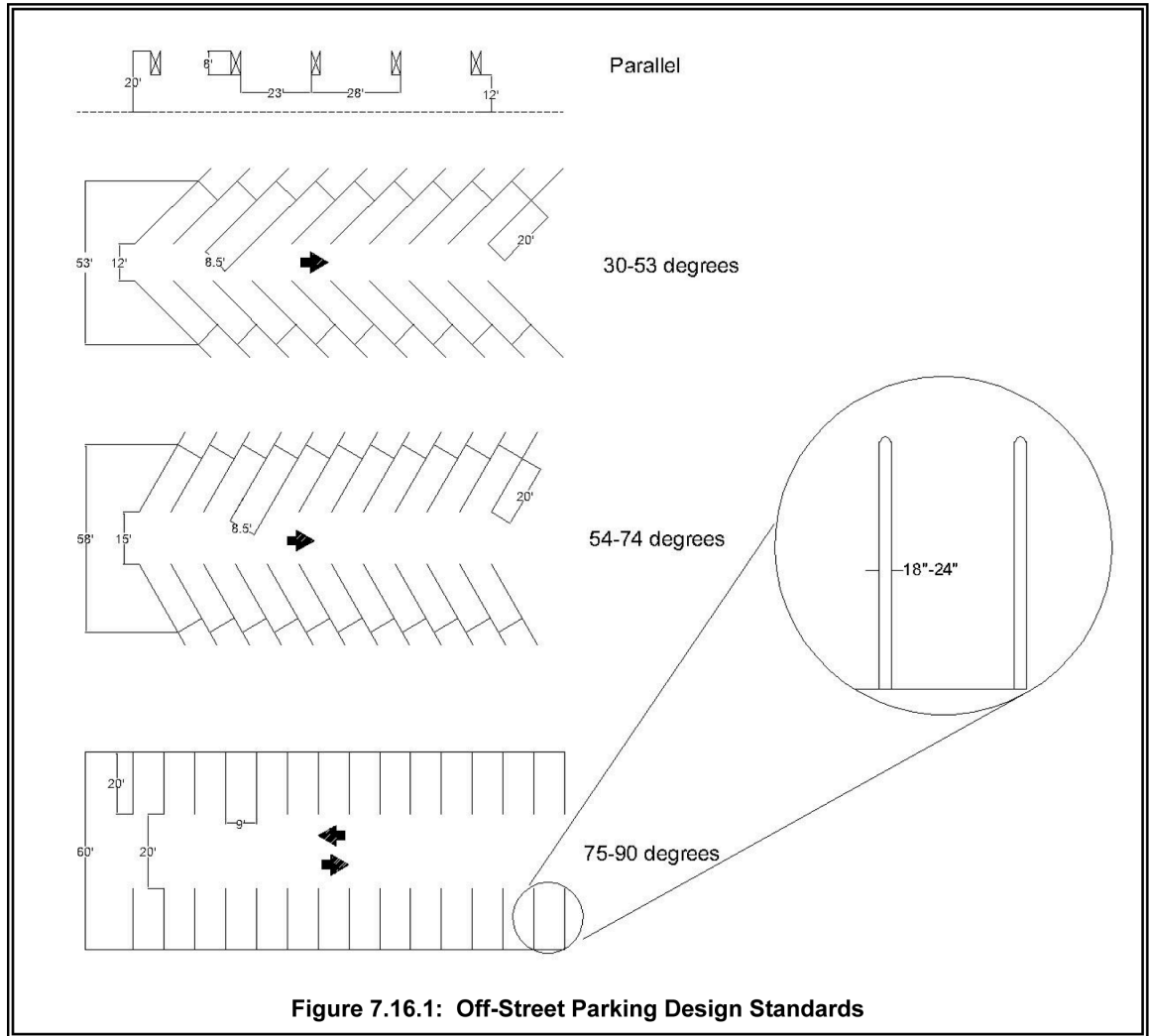


Figure 7.16.1: Off-Street Parking Design Standards

§ 7-16.08. Curb openings and driveway approaches. [Added 9-26-2013; amended 8-3-2020]

- A. Nonconforming curb openings. Curb openings lawfully made prior to the effective date of this section which do not meet the standards of this chapter shall be considered nonconforming and may be maintained unless § 7-16.08B(4) or (5) is applicable.
- B. No curb opening or driveway approach shall be made to a public street or right-of-way without first obtaining a permit from the City. Issuance of such permits shall be made only in accordance with the following regulations:

- (1) Definitions. As used in this section, the following definitions apply:

APPROACH — An area improved for vehicular traffic on a public street right-of-way which connects the traveled portion of the street with a driveway.

CURB OPENING — That section of curb removed to permit ingress from the pavement to the adjacent property and shall be measured between the points of tangency of the opening radii with the normal street curbing.

OPENING — The point of connection of the driveway and approach at the street right-of-way line. Its width and location shall be determined by extending the driveway line to the street right-of-way line.

SITE — All contiguous land under the same ownership or one whole lot in the case of land for which a recorded plat exists.

STREET FRONTAGE — The length of property abutting one or more streets.

- (2) Number of openings. The number of openings listed in the chart below shall be the maximum for any site, lot or parcel.

	Total Street Frontage		
	Up to 100 linear feet	101 to 200 linear feet	201 linear feet or over
Number of openings	1	2	2 for the first 200 linear feet 1 for each additional 600 linear feet of total street frontage thereafter

- (3) Design criteria. Curb openings and driveway approaches shall comply with City of Lapeer design standards and Construction Specifications.
- (4) Traffic hazards. Any openings which pose or constitute a pedestrian or traffic hazard may be ordered closed, modified, or relocated by the City. The City shall give the property owner affected by this provision a reasonable time to comply with any order of the City to close, modify, or relocate said opening.
- (5) Useless curb openings. If at any time a curb opening ceases to be functional, the curb shall be replaced and the approach removed by the adjoining owner. If a useless curb opening is not replaced by curbing in accordance with City Specifications, and if the approach is not removed, said work may be done by the City and the cost thereof shall be charged to the property owner and may be collected by the City in any manner allowed by law.

ARTICLE XVII

Signs**§ 7-17.01. Intent.**

The purpose of this article is to regulate signs, to minimize outdoor advertising, and to protect public safety, health and welfare; minimize abundance and size of signs to reduce visual clutter, motorist distraction, and loss of visibility; promote public convenience; preserve property values; and enhance the aesthetic appearance and quality of life within the City. The requirements contained herein are intended to be content neutral. The following objectives are accomplished by establishing the minimum amount of regulations necessary concerning the size, placement, construction, illumination, and other aspects of signs in the City in order to:

- A. Protect the public right to receive messages, including religious, political, economic, social, philosophical and other types of information protected by the First Amendment of the United States Constitution.
- B. Maintain and improve the image of the City by encouraging signs of consistent size which are compatible with and complementary to related buildings and uses, and harmonious with their surroundings.
- C. Recognize that the proliferation of signs is unduly distracting to motorists and nonmotorized travelers, reduces the effectiveness of signs directing and warning the public, causes confusion, reduces desired uniform traffic flow, and creates potential for accidents.
- D. Recognize that the principal intent of commercial signs, to meet the purpose of these requirements and serve the public interest, should be for identification of an establishment on the premises, and not for advertising special events, brand names or off-premises activities, as these can be advertised more appropriately by other methods.
- E. Eliminate potential conflicts between business signs and traffic control signs, which could create confusion and hazardous consequences.
- F. Enable the public to locate goods, services and facilities without excessive difficulty and confusion by restricting the number and placement of signs.
- G. Prevent placement of signs which will conceal or obscure signs of adjacent uses.
- H. Prevent off-premises signs from conflicting with other land uses.
- I. Prevent signs that are potentially dangerous to the public due to structural deficiencies or disrepair.
- J. Prohibit portable commercial signs in recognition of their significant negative impact on traffic safety and aesthetics.

§ 7-17.02. Signs not requiring a permit.

A sign of the following type shall be permitted on all parcels in the City without the issuance of a sign permit, subject to all other requirements of this article:

- A. Device signs. Permanent signs on vending machines, ATMs, gas station pumps, or other containers indicating only the contents or purpose of such devices, provided that the sign area of each device shall not exceed three square feet and there are no more than one sign per device.
- B. Directional signs. The sign shall bear no advertising other than logos.
- C. Flags. Flags, provided there shall be no more than three flags per lot, the maximum size of each flag shall be 50 square feet, and the flag poles comply with relative height limitations.
- D. Employment signs. "Help wanted" signs soliciting employees for the place of business where posted, provided that the maximum area for all such signs shall not exceed six square feet.
- E. Enclosed signs. Any sign that is located completely within a building and is not visible from the outside.
- F. Historical signs. Plaques or signs designating a building or premises as a historic structure or premises not to exceed six square feet.
- G. Identification signs. Signs for the sole purpose of designating an assigned house number, owner name, occupant, or building name. Identification signs shall not be counted in the total sign area allowed on the premises; however, such signs in excess of one square foot in surface display area may be allowed as part of the total sign area otherwise allowed by this chapter.
- H. Incidental signs. Small signs, emblems, or decals informing the public of goods, facilities, or services available on the premises. The total of all such incidental signs shall not exceed two square feet.
- I. Nonconforming signs. Legal nonconforming signs existing on the effective date of the adoption of the chapter. Removal of the sign shall constitute an elimination of the nonconforming status.
- J. Noncommercial message sign. A political sign shall not exceed eight square feet per side and a total of 16 square feet in a residential district. A political sign shall not exceed 16 square feet per side and a total of 32 square feet in a nonresidential district. The maximum height of a political sign is six feet. The sign shall not be placed within a side yard setback area, as required under the Zoning Ordinance in the district in which the property is situated.
 - (1) There shall be only one noncommercial message sign not pertaining to a specific event allowed per lot or parcel. If related to a specific event, the sign must be removed within 10 days of the event. The ten-day removal does not include political signs placed between a primary election prior to a general election for those primary winners standing the general election. The owner of the property or the person in charge thereof shall be responsible for the removal of the signs. Election signs shall not be erected, posted, affixed or placed no earlier than the filing deadline for an office. **[Amended 12-7-2015]**
 - (2) Notwithstanding anything to the contrary in the foregoing, noncommercial message signs not exceeding four square feet in total area are permitted as

window signs (i.e., as signs placed on the inside of windows of a structure so as to be visible from outside the structure).

- (3) Anything in this chapter to the contrary notwithstanding, a sign permitted in this chapter as an on-premises advertising sign may contain a lawful noncommercial message, except for traffic signs, railroad crossing signs, danger or other emergency signs, and directional signs.

K. Public signs. Public signs, authorized signs by a government body or public utility, including traffic signs, legal notices, railroad crossing signs, warnings of a hazard, and similar signs.

§ 7-17.03. 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 this chapter. All temporary signs shall be in accordance with Table 7.17.1.

- A. Projection into right-of-way. No temporary sign shall be strung across any public right-of-way nor shall any temporary sign project beyond the property line except as authorized by the City Commission.
- B. Removal. Temporary signs shall be removed promptly at the end of the display period provided for above.
- C. Damaged signs. Any temporary sign found by the Building Official to be in a torn, damaged or unsafe condition must be removed by the owner within three days after his receipt of notice to do so from the Building Official.

Table 7.17.1: Temporary Sign Regulations				
Type of Sign	Maximum Size	Maximum Height	Maximum Number	Permitted Duration and Other Requirements
Temporary Signs Not Requiring a Permit				
Community special event signs	Discretion of the Building Official and considering the following:			May be installed up to 3 weeks prior to event and may remain no more than 30 days in total
	•	May include ground or wall signs, banners, or similar displays		
		•	If located over a public street, sign must be at a height that does not conflict with vehicular traffic and must be approved by the City Commission	
Garage sale signs in residential districts	5 square feet	4 feet	1 per lot, 2 on corner lot (1 facing each street)	Shall be erected no more than 10 business days before and removed within 1 business day after the sale
Real estate: sale or lease of individual residential dwelling or lot	5 square feet	4 feet	1 per lot, 2 on corner lot (1 facing each street)	Shall be removed within 14 days of sale closing, or the lease or rental of the premises. Sign may not be illuminated.
Temporary Signs Requiring a Permit				

Table 7.17.1: Temporary Sign Regulations				
Type of Sign	Maximum Size	Maximum Height	Maximum Number	Permitted Duration and Other Requirements
Banners and pennants	Discretion of the Building Official and considering the following:			May be erected 2 times per calendar year, for a maximum of 30 days each time
	•	Must be securely attached to a building or structure		
Construction signs	64 square feet	15 feet	1 per lot, 2 on corner lot (1 facing each street)	<ol style="list-style-type: none"> 1. Shall be removed from premises within 30 days after issuance of the occupancy permit or temporary occupancy permit. 2. In the case of renovations (e.g. addition to a building) or maintenance or repair (e.g. roofing or siding), rather than the construction of a new building, the construction sign may have a maximum sign area of 16 square feet.
Grand opening special sale and promotional signs	16 square feet	Wall sign not higher than building	1 per lot, 2 on corner lot (1 facing each street)	May be erected for a maximum of 15 consecutive days every 6 months
Real estate: development, sale or lease signs	64 square feet	10 feet	1 per lot, 2 on corner lot (1 facing each street)	Remove within 7 days after all units or lots sold or leased

§ 7-17.04. Prohibited signs.

Table 7.17.2: Prohibited Signs
Any sign not expressly permitted.
String lights. Spinners, strings of light bulbs, pennants, or streamers, hung overhead to draw attention to a business or its merchandise on display. In no case does this restrict the use of string lights for holidays or religious events.
Moving or animated signs. Except as otherwise expressly provided, no sign shall contain any moving or animated parts nor have the appearance of having any movement or animation. No sign shall employ any flashing, moving, oscillating, blinking, or variable-intensity light or intermittent lights resembling the flashing lights customarily used in traffic signals, or police, fire, ambulance, or rescue vehicles, or lights so bright as to be blinding or distracting to a vehicle driver.
Inflatable signs. Signs that are comprised in part or wholly of a balloon or any other inflated object or character.
Obsolete signs, as defined.
Off-premises signs (other than billboards), as defined. [Amended 5-17-2012]
Pole signs, as defined. [Amended 5-17-2012]
Portable or movable signs, as defined, except where expressly permitted in this article.

Table 7.17.2: Prohibited Signs	
Signs that obstruct access. Signs which obstruct free access or egress from a required door, window, or other required exit.	
Signs that obstruct view of road signs. Signs that obstruct any approved traffic control device, road sign, or signal from view; interfere with sight distance necessary for traffic safety; or distract from visibility of existing traffic signs or devices.	
Signs that confuse traffic.	
1.	Any sign which makes use of the words "stop," "look," or "danger," or any other words, phrases, symbols, or characters, in such a manner as to interfere with, mislead, or confuse traffic.
2.	Signs which in any way simulate or could be confused with the lighting of emergency vehicles or traffic signals; there shall be no red, yellow, or green illumination on any sign located in the same line of vision as a traffic control system, nor interference with vision clearance along any highway, street, or road or at any intersection of two or more streets.
Illegal signs. Any sign unlawfully installed, erected, or maintained.	
Snipe signs. Signs attached to a utility pole, fence or affixed to a tree except as may otherwise be permitted by this article.	
Roof signs. Signs shall not be erected on any part of a building's roof unless there is no practical available wall area on the front of the building to permit the allowed wall sign, in which case the Planning Department may grant an administrative waiver.	
Road furniture signs. Signs on street furniture, such as benches and trash receptacles, not including commemorative plaques or engravings not larger than 1/2 square foot.	
Fire hydrants. Any sign not attached to a building and erected within 10 feet of a fire hydrant.	
Signs in public right-of-way or on City-owned property. Unless otherwise provided in these regulations, no sign, except those established by the City of Lapeer, Lapeer County, state or federal governments shall be located in, project or overhang into any public right-of-way or dedicated easement, or elsewhere on City-owned property except with the consent of the City.	
Motor vehicle signs.	
1.	It shall be unlawful to park, place or store a vehicle or trailer on which there is a motor vehicle sign on private or public property for the purpose of advertising a business or products or for the purpose of directing people to a business or business activity.
2.	Presumption. There shall be a presumption that this subsection has been violated if the motor vehicle sign is visible from a street and one or more of the following circumstances exist:
a.	The motor vehicle sign is attached to a vehicle or trailer that is unregistered or not operable;
b.	The motor vehicle sign is larger in any dimension than or extends beyond any surface of the vehicle or trailer to which it is attached;

Table 7.17.2: Prohibited Signs

c.	The motor vehicle sign is attached to a vehicle or trailer that is parked or stored in a public right-of-way or an area not designed, designated, or commonly used for parking;
d.	The motor vehicle sign is attached to a vehicle or trailer that is regularly parked or stored in a "front yard" or "side yard," as such terms are defined in this Zoning Ordinance, that abuts a street, when there are other areas of the property designed, designated, or available for the parking or storage of the vehicle or trailer that are not visible from the street or do not abut streets; or
e.	The motor vehicle sign is attached to a vehicle or trailer that is regularly parked or stored within 50 feet of a street, when there are other areas of the property designed, designated, or available for the parking or storage of the vehicle or trailer that are more distant from the street or not visible from the street.
3.	Rebuttal of presumption. The presumption set forth in Subsection 2c in this table, above, may be rebutted by evidence showing all of the following:
a.	The vehicle is temporarily parked in a particular location in the course of conducting personal activities or business activities that involve the loading or unloading of goods for customers, providing services to off-site customers, conducting off-site business, or engaging in work breaks;
b.	The activities in Subsection 1 in this table, above, are being actively undertaken during the period of such parking;
c.	The activities in Subsection 1 in this table, above, require the presence of the vehicle for purposes of transporting equipment, people, supplies and/or goods necessary for carrying out such activities; and
d.	The activities in Subsection 1 in this table, above, are not, other than incidentally, related to advertising, identifying, displaying, directing, or attracting attention to an object, person, institution, organization, business, product, service, event or location.
Unsafe signs. Any sign or sign structure which the Building Official has determined:	
1.	Is structurally unsafe;
2.	Constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, or abandonment;
3.	Constitutes a hazard to safety or health by reason of blocking views;
4.	Is capable of causing electric shock to a person who comes in contact with it;
5.	Is unlawfully installed, erected, or maintained;
6.	Is located in public street or utility right-of-way, except where expressly permitted herein;
7.	Is not kept in good repair, such that it has broken parts, missing letters, or nonoperational lights; or
8.	Does not meet applicable requirements of any adopted City Building Code.
Search lights, as defined.	

§ 7-17.05. Schedule of Sign Regulations: property used for nonresidential purposes.

The following table includes regulations for permanent nonresidential signs:

Table 7.17.3: Schedule of Sign Regulations				
Type of Sign	Maximum Area	Height	Illumination	Number Permitted/ Other Provisions
Wall sign (see § 7-17.06A) [Amended 9-26-2013]	Total surface area of all wall signs placed on the front, side or rear of a building shall not exceed the lesser of 10% of the area of the front face of the building or tenant space, or 3 square feet for each lineal feet of building frontage or tenant space	Must not exceed maximum building height in district. Must not be higher than wall upon which it is attached. Bottom of sign must be at least 8 feet above ground level or sidewalk.	Permitted	Must not extend beyond the ends of the wall on which it is attached. Sign may not be more than 12 inches thick, measured from the wall on which it is attached.
Awnings and canopies	Lettering may cover maximum of 1/3 of awning or canopy. Lettering shall not project above, below or beyond the physical dimensions of the awning or canopy.	Bottom of awning or canopy must be at least 7 feet above ground level or sidewalk.	Not permitted under awning or canopy, except for gas station canopy. Building-mounted lighting may indirectly illuminate the area above or below the awning or canopy.	Individual letters shall not be larger than 9 inches from top to bottom.
Directional signs	4 square feet per sign	4 feet maximum	Permitted	Determined by City Building Official

Table 7.17.3: Schedule of Sign Regulations				
Type of Sign	Maximum Area	Height	Illumination	Number Permitted/ Other Provisions
Monument signs (see § 7-17.06B)	Areas zoned CBD-1 or CBD-2: 20 square feet per side; 40 square feet total. Other areas: 56 square feet per side; 112 square feet total.	8 feet maximum	Permitted	1 per each side of parcel facing a street
Poster panel signs (sandwich signs, A-frames) (see § 7-17.06C)	7 square feet per side; 14 square feet total	3.5 feet maximum	Not permitted	Only permitted in the CBD-1 and CBD-2 Zoning Districts
Business center sign, including multiple tenant commercial or shopping centers and multiple tenant office buildings [Amended 9-26-2013]	64 square feet per sign face; 128 total square feet for both sides	Areas zoned CBD-1 or CBD-2: 10 feet maximum. Other areas: 16 feet maximum.	Permitted	1 per business center. Individual businesses are not allowed to have individual monument signs.
Window signs	Not more than 25% of surface of window	N/A	Not permitted, except for LED sign	N/A

Table 7.17.3: Schedule of Sign Regulations				
Type of Sign	Maximum Area	Height	Illumination	Number Permitted/ Other Provisions
Projecting signs (see § 7-17.06D)	8 square feet per side; 16 square feet, total	Must not be higher than wall upon which it is attached. Bottom of sign must be at least 8 feet above ground level or sidewalk.	Permitted	Only permitted in the CBD-1 and CBD-2 zoning districts. 1 per business, provided not within 20 feet of another projecting sign.
Rear entry signs	Wall sign: 6 square feet; Projecting sign: 6 square feet per side; 12 square feet total.	Bottom of sign must be a minimum of 8 feet above the ground or sidewalk	Permitted	1 per business
Marquee signs (see § 7-17.06E)	10% of the wall, up to maximum of 100 square feet	Must not exceed building height in district. Must not be higher than building. Bottom of sign must be at least 8 feet above ground level or sidewalk.	Permitted	1 per parcel
Billboards (see § 7-17.06F)	175 square feet per side; 350 square feet total	See § 7-17.06F(2).	Permitted	Only allowed in the I-2 Zoning District. Must be on property fronting an expressway or state trunk line highway.

Table 7.17.3: Schedule of Sign Regulations				
Type of Sign	Maximum Area	Height	Illumination	Number Permitted/ Other Provisions
Interstate corridor signs (see § 7-17.06G) [Added 4-17-2017]	200 square feet per side (total signage = 400 square feet) with a maximum of 2 sides permitted. 250 square feet for two businesses and an additional 50 square feet for each business (tenant) thereafter and not to exceed 400 square feet each side.	20 feet for single tenant. 30 feet for multiple tenant	Permitted - internal and concealed only. Spotlighting is not permitted.	1 per every 1,000 linear feet, up to 2 sign structures per lot/parcel within 200 feet of I-69. Must be on property which is adjacent to the I-69 right-of-way.
Electronic or manual changeable message signs (see § 7-17.06H)	24 square feet	Per type of sign as listed above	Permitted	1 per parcel

§ 7-17.06. Additional provisions for Schedule of Sign Regulations in Table 7.17.3.

A. Wall signs.

- (1) Materials required. All wall signs of a greater area than 50 square feet shall have a surface or facing of noncombustible material.
- (2) Limitation on placement. No wall sign shall cover wholly or partially any wall opening.
- (3) Supports and attachments. All wall signs shall be safely and securely attached to structural members of the building by means of metal anchors, bolts or expansion screws. In no case shall any wall sign be secured with wire, strips of wood or nails.

B. Monument signs. **[Amended 5-17-2012]**

- (1) Material required. Every monument sign over 50 square feet in total surface area shall have a surface or facing of noncombustible material.

- (2) Letters, etc. to be secured. All letters, figures, characters or representations in cutout 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) Anchorage and support. All monument signs shall be securely built, constructed and erected upon posts sunk at least 42 inches below the surface of the ground and embedded in concrete. A lightning-grounding device shall be provided.
 - (4) Base. A monument sign must be mounted on a solid base constructed of masonry or other similarly durable material that matches or complements the material on the main building. The base must be at least 75% of the sign width, not to exceed 12 feet wide by three feet thick.
- C. Poster panel (sandwich board, A-frames) signs. Poster panel signs may be placed only within the CBD-1 and CBD-2 Zoning Districts at the public entrances to retail, personal service or restaurant businesses, on either private property or the public sidewalk, subject to the following requirements:
- (1) Clearance for pedestrians. The sign shall be located a minimum of two feet from the edge of the curb and must be located so that at least a five-foot wide sidewalk is maintained between the sign and the building wall for pedestrian traffic flow and safety.
 - (2) Number. There shall be only one sign permitted for each building address for which there is provided a separate entrance, regardless of the number of tenants in the building.
 - (3) Storage. Each sign shall be placed outside only during the hours when the business is open to the general public, and shall be stored indoors at all other times. Any sign which is found to be not in compliance with this requirement may be confiscated by City Code Enforcement officials. A second violation will result in loss of the sign permit for a period of one year.
 - (4) Hazard. A portable sidewalk sign shall not occupy or obstruct the use of any fire lane or required off-street parking. Any sign which creates a visual or safety hazard may be ordered to be removed by the Police Chief.
 - (5) Maintenance. All sign frames shall be constructed of a weatherproof material and shall be kept in good repair.
 - (6) Businesses not fronting on Nepessing Street. Directional poster panel signs for downtown businesses not fronting on Nepessing Street are permitted to be placed on Nepessing Street corners subject to the following provisions:
 - (a) One directional sidewalk sign is allowed per corner, representing multiple businesses if necessary.
 - (b) The sign shall be placed in a location that does not interfere with other signage or features in the vicinity.
 - (c) All other provisions of the Sign Ordinance shall be complied with.

- (7) Permit. No poster panel sign shall be placed on display without the owner first obtaining a permit from the City of Lapeer.
- (8) Quality. Hand-lettered or stenciled sign faces are prohibited, with the exception of restaurant daily specials. All sign faces shall be professionally created in conformance with the specifications for sidewalk signs adopted by the City of Lapeer Downtown Development Authority.

D. Projecting signs.

- (1) Construction. Every part of a projecting sign, with a total surface area greater than 10 square feet, shall be constructed of noncombustible material.
- (2) Movable parts to be secured. Any movable part of a projecting sign, such as the cover of a service opening, shall be securely fastened by chains or hinges.
- (3) Thickness limitation. The distance measured between the principal faces of any projecting sign shall not exceed 18 inches.
- (4) Projection over public property. No projecting sign may project beyond the property line unless approved by the City.
- (5) Bracing, anchorage and supports. Projecting signs of a greater total surface area than 10 square feet or 50 pounds in weight shall not be attached to nor supported by frame buildings nor the wooden framework of a building. All projecting signs shall be thoroughly secured to the building by iron or other metal anchors, bolts, supports, rods or braces.

E. Marquee signs.

- (1) Material required. Every marquee sign, including the upright supports and braces thereof, shall be constructed entirely of noncombustible materials.
- (2) Bracing, anchorage and supports. Every marquee sign shall be thoroughly secured to the building by iron or metal anchors, bolts, supports, rods or braces.

F. Billboards.

- (1) Minimum lot size. Such signs shall be allowed on premises with a minimum total area of one acre and a minimum dimension of 200 feet on any one side (based on the deed or recorded legal description).
- (2) Height. Such signs shall comply with the height limitations and with the front, rear, and side setback provisions of the I-2 zoning district.

G. Interstate corridor signs (ICS). **[Added 4-17-2017]**

- (1) Placement. All Interstate Corridor Signage (ICS) must be located along Interstate-69 (I-69) and shall be no closer than a distance that is equal to or greater than the height of the sign (20 feet to 30 feet) and set back from the interstate right-of-way (ROW). An ICS 20 feet tall or less must maintain a minimum distance of 20 feet from the I-69 ROW. The interstate ROW includes all entrance and exit ramps on to I-69. Setbacks from the I-69 ROW

may be more restrictive as deemed necessary by the Michigan Department of Transportation (MDOT). An ICS must be within 200 feet of the property line that borders the interstate ROW unless deemed otherwise by MDOT.

- (2) Additional permitting. MDOT may require permitting for any sign structures that are within 3,000 feet of an interstate, freeway, or highway; as regulated by the Michigan Highway Advertising Act (Act 106). It is recommended that such permitting be applied for through MDOT before applying for a sign permit through the City of Lapeer. If MDOT does not require a permit for the proposed sign, documentation stating such shall be provided and submitted with the sign application to the City of Lapeer.
- (3) Location. An ICS can only be applied for on properties that are zoned B-2. The property must border the I-69 ROW. An ICS is an additional sign structure for properties that meet the standards of this section and are not considered to be part of a cumulative total for overall signage allowed on an applicable piece of property.
- (4) Setbacks. An ICS must be more than 300 feet from all residentially zoned properties, including properties adjacent to the subject parcel and/or across a public ROW.
- (5) Proximity. An ICS shall be a minimum of 1,000 feet apart from each sign with no more than two per lot. ICS placement must maintain a minimum of 500 feet apart from all other ICS structures on adjacent properties or across a public ROW.
- (6) Accessory. All ICS and sign structures are accessory to a building or use on the same property. At least one building or structure that houses a principal business or use must be located on the same property as the interstate corridor sign.
- (7) Multi-tenant. A ICS that advertises two or more businesses. Square footage and height may be increased on an ICS (per Table 7.17.3) by allowing multiple tenants to advertise. The following requirements apply to signs hosting third-party tenants:
 - (a) Participating tenants of an existing or proposed ICS structure must apply for a sign permit through the Building Department with a valid lease for signage space and/or written permission from the CIS structure owner.
 - (b) The tenant of an ICS must be advertising a business or use of a location for a legal licensed business on property within the City of Lapeer and adjacent to the I-69 ROW property line, except as prohibited in this section. Tenants on adjacent properties that do not share a property line along the I-69 ROW must be all of the following:
 - [1] A legally licensed business or use in the City of Lapeer, no more than 3,000 feet from the I-69 ROW.
 - [2] A business or use that shares a property line with the property the sign is located on. The following areas have been designated to

allow for tenant signage and not to advertise or promote a business that is separated by a public ROW from the ICS structure. Signage of a business on an ICS must be located in these quadrants on a structure within the same quadrant as listed below:

- [a] South of Turrill Road, north of I-69, and east of M-24 up to 3,000 feet from the ICS within the City limits.
 - [b] North of I-69 up to 3,000 feet from the ICS within the City limits, west of Baldwin Road and east of the country drain, Farmers Creek.
 - [c] South of I-69 up to 3,000 feet from the ICS, east of M-24 up to 3,000 feet of the ICS within the City limits.
- (c) Tenant signage of an ICS must be designated for a separate business. A business or product sold within a building sharing a common entrance without any separation from the primary business does not constitute a permitted tenant for additional signage. For example: a store that sells a brand may not advertise that brand separately outside of the two-hundred-square-foot requirement.
 - (d) The closest ICS structure must be used whenever possible or, if no space is available, an ICS structure within 3,000 of the tenant's business can be used for the tenant's sign as it complies with the quadrants depicted in § 7-17.06G(7)(b). It is required that businesses sharing a common vehicular entry should share an ICS structure whenever possible to limit confusion of the particular location of the business.
- (8) Design. ICS shall only be one or two-sided. V-shaped signs, similar to typical billboard designs, are permitted, given both sides are visible and legible from the interstate ROW and not exceeding a ninety-degree angle. The void/back of a V-shaped sign and the back of a one-sided sign must be of acceptable materials that match the base or exterior/visible materials of the main sign structure. Supporting structure (poles, beams, cross-bracing, etc.) for the ICS shall be enclosed within the sign structure and material cladding.
 - (9) Proportions. An ICS shall not be less than five feet in height and cannot exceed more than 30 feet in width, as measured across the face of the sign.
 - (10) Base. Any ICS structure that has signage more than 18 inches above grade must provide a designated base between the bottom(s) of the display signage that extends to grade. The base shall be clad with permitted materials that match or complement the main building(s) that the sign structure is designed to be used for. The base must, at a minimum, meet the width of the display signage.
 - (11) Materials. Noncombustible, durable materials are required on all ICS structures. Materials similar to finished metal, stone, brick or a combination of such are examples of materials that meet this requirement. Materials that rust, stain, fade, oxidize, peeling and/or crack as a result of the natural environment shall provide information and apply such prevention measures as necessary or

be discouraged.

- (12) Protrusions. Lettering and other materials to be secured to an ICS shall be designed to deter the buildup of debris, snow, bird nests, and other foreseen maintenance issues that could cause obstructions or safety issues and compromise the stability and functionality of the sign and sign structure over time. Curved surfaces of protruding elements are required. Any vertical or horizontal surface attached to the face of an ICS shall protrude no more than two inches beyond the face of the sign structure or surface.
- (13) Safety. A business advertising on any ICS is prohibited to use images, colors, lighting and/or materials that would be considered to be a distraction to motorists and other types of transportation. Materials that are susceptible to variations of fatigue [as noted above in Subsection G(11), Materials, and Subsection G(12), Protrusions] pose a safety hazard, and it is required that documentation of preventive measures be listed as part of the submission of the ICS permit as it pertains to wind speeds, snow load, corrosion and/or other engineering and stability factors.

H. Changeable message signs.

- (1) Such sign shall be part of a monument sign only and shall be subject to the area, height, and placement requirements for a ground sign in such location as otherwise permitted under this chapter.
- (2) Changeable message signs are not allowed on property in a residential zoning district or on property zoned Central Business District.
- (3) The changeable message portion of such sign shall not exceed 24 square feet, and the remainder of the sign shall be of a permanent character as otherwise required under this chapter. **[Amended 5-17-2012]**
- (4) In addition to the general requirements for sign maintenance, all changeable copy signs shall bear a legible message, other suitable display or be left blank. Electronic devices, when not in use, are to be left blank and unlighted. Any lighted or electronic changeable message sign in which the electrical or lighting components are operating in an erratic, broken or damaged fashion shall be turned off or removed.
- (5) The sign shall not include animation and the message on the sign may change a maximum of four times per minute. At all other times the sign message and background must remain constant.
- (6) Exceptions:
 - (a) Reader boards owned by government entities, public agencies, and community organizations displaying community information are exempt from the area limitations set forth in Subsection H(1) above. Such signs must comply with all other applicable provisions in this chapter.
 - (b) Electronic signs of private and parochial schools (public schools are exempt by statute) shall be exempt from the above provisions.

(c) Time and temperature displays are exempt from Subsection H(1) above.

§ 7-17.07. Signs in residential districts.

- A. Signs in residential areas not requiring a permit. Ground and wall type signs are permitted in residential zoning districts as defined in this chapter without a permit and subject to the following conditions:
- (1) Sign advertising the rental, sale or lease of the property upon which it is located, subject to the following conditions:
 - (a) Not more than four feet in height nor more than five square feet in area, including attachments.
 - (b) No sign may be erected within a public right-of-way, nor in such manner on private property as to create a sight restriction for automotive traffic.
 - (c) No such sign shall be lighted or otherwise artificially illuminated.
 - (d) All such signs shall be removed within two weeks after the consummation of a lease or sales contract covering that property.
 - (e) There shall not be more than one such sign per lot.
 - (2) Dwelling nameplate. For each dwelling unit, one nameplate not exceeding two square feet in area indicating name of occupant. Such sign shall not contain advertising of any nature.
- B. Signs in residential areas requiring a permit. Ground and wall type signs are permitted in residential zone districts as defined in this chapter with a permit and shall satisfy the following conditions:
- (1) Sign advertising the lots and/or buildings erected in any subdivision or multiple-family development. It shall be permissible for a real estate broker or builder to erect one sign not to exceed a total surface area of 64 square feet nor an overall height of 10 feet, the lower edge of which shall not be less than 18 inches above the surrounding ground level, to advertise the lots and/or building erected in any one subdivision, provided that said real estate broker or builder owns, has listed for sale or has the owner's permission to sell a minimum of 10 lots in said subdivision. No such sign or billboard 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.
 - (2) Single-family and multiple-family residential developments. Any person owning or operating any single-family or multiple-family residential development may erect a monument sign in accordance with the provisions of § 7-17.06B, bearing the name of the development, such sign not to exceed 24 square feet in area and not to exceed an overall height of six feet above the ground level, which sign shall be made of noncombustible material and may be lighted during the hours of darkness, and which shall contain no advertising or information other than the name of the residential development and status of occupancy. No more than one sign may be erected for each development entrance. **[Amended 9-26-2013]**

- (3) Signs accessory to churches, schools or nonprofit institutions. **[Amended 9-26-2013]**
- (a) Churches, colleges, schools, buildings housing governmental functions and utilities of the City, county or state or any subdivision thereof, are permitted to erect a monument sign in accordance with the provisions of § 7-17.06B. Such signs, when of a permanent nature, shall be constructed of noncombustible material and shall meet all the requirements of this chapter, except as provided hereafter:
- [1] There shall be not more than one sign.
 - [2] Such signs shall be set back from the lot line at least 1/3 of the distance from the lot line to the nearest building, but need not be set back more than 100 feet from the property line.
 - [3] No sign shall exceed 20 square feet in area, unless the sign is located more than 50 feet behind the property line, then said sign may be increased by five additional square feet for each additional 10 feet of setback, but in no event shall such sign exceed 50 square feet in area.
 - [4] Maximum height shall be eight feet.
 - [5] The sign may include an electronic message board area in accordance with § 7-17.06H, provided that the sign is located along a major thoroughfare.
- (b) In the case of such signs in nonresidential zoning districts, the signs must comply with the requirements for the district in which they are located.

§ 7-17.08. Parking area signs.

Signs in areas designated as P District or accessory to parking areas as defined or required by this chapter shall meet the following requirements:

- A. One wall or ground sign may be erected to designate each entrance to or exit from a parking area; each sign shall be not more than four square feet in area.
- B. One wall or ground sign designating the conditions of use shall be permitted for each parking area; each such sign shall be limited to a maximum area of nine square feet, but shall be screened from adjoining property.

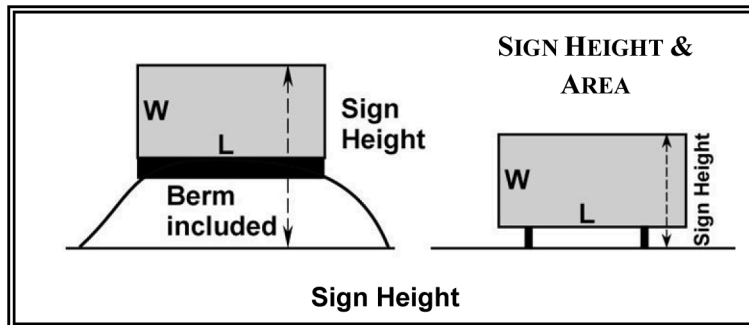
§ 7-17.09. General requirements for all signs.

- A. Wind pressure and dead load requirements. Ground, projecting, wall and marquee signs shall be designed and constructed to withstand a wind pressure of not less than 30 pounds per square foot of surface area and shall be constructed to receive dead loads as required elsewhere in the City Building Code.⁵
- B. Illumination. All illumination shall be concentrated on the area of the sign or landscape feature so as to prevent glare upon the street or adjacent property. No

5. Editor's Note: See Ch. 8, Buildings and Building Regulations.

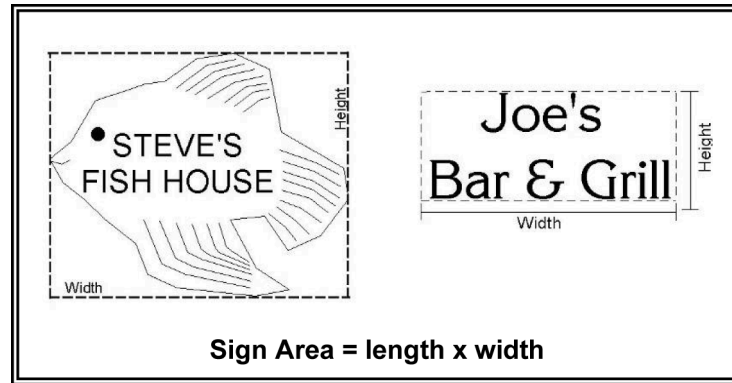
sign shall be illuminated by other than electrical means or devices, and wiring shall be installed in accordance with the National Electrical Code. Any signs shall be of a wattage of not to exceed 60 watts per bulb. No lights shall be permitted in excess of 60 watts per bulb, and in no instance shall such light be located as to be hazardous to traffic.

- C. Obstructions to doors, windows and fire escapes. No sign shall be erected or maintained so as to prevent free ingress or egress from any door, window or fire escape. No sign of any kind shall be attached to a stand pipe or fire escape.
- D. Signs not to construct a traffic hazard. No 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 the position, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device, or which makes use of the words "Stop," "Look," "Danger" or any word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic.
- E. Clear vision area. No sign shall be located within, project into, or overhang the corner clearance area as defined in § 7-14.05 of this chapter.
- F. Face of sign shall be smooth. No nails, tacks or wires shall be permitted to protrude from the front of any sign. This shall not exclude, however, the use of block letters, electrical reflectors, or other devices which may extend over the top and in front of the advertising structure.
- G. Measuring sign height.



- (1) The permitted height of all signs supported by the ground shall be measured from the level of the ground, finished surface, adjacent to the sign.
- (2) Sign height shall not be measured from an area of the ground that has been built up or constructed in a manner that would have the effect of allowing a higher sign height than permitted by these regulations (e.g., the height of signs erected on a berm shall be measured from the finished grade adjacent to the berm).

H. Measuring sign area. **[Amended 9-26-2013]**



- (1) Sign area shall be measured as the square footage of the sign face and any frame or other material or color forming an integral part of the display or used to differentiate it from the background against which it is placed.
- (2) When a sign consists solely of lettering or other sign elements printed, painted or mounted on a wall of a building without any distinguishing border, panel or background, the calculation for sign area shall be measured by enclosing the most protruding edges of the sign elements within a parallelogram or rectangle.
- (3) The area of a double-faced monument sign shall be computed using only one face of the sign, provided that: the outline and dimensions of both faces are identical; and the faces are back to back so that only one face is visible at any given time.

§ 7-17.10. Legal nonconforming signs.

- A. Any sign legally existing at the time of adoption of these regulations which does not comply with all provisions shall be considered a legal nonconforming sign and may be permitted to continue if the sign is properly maintained and not detrimental to the health, safety and welfare of the community. **[Amended 5-17-2012]**
- B. Subject to exceptions below, any legal nonconforming signs may be continued in operation and maintained after the effective date of these regulations, provided that the signs shall not be: **[Amended 5-17-2012]**
 - (1) Structurally altered so as to extend their useful life;
 - (2) Expanded;
 - (3) Moved to another location on the original site or on a different site;
 - (4) Reestablished after damage of more than 50% of the value at the time of such damage or destruction;
 - (5) Modified in any way that would increase the degree of nonconformity of such sign.
- C. When a sign or sign structure is removed or destroyed, replacement signs and sign

structures must comply with the current standards, except for the purpose of sign maintenance or repair: **[Added 5-17-2012]**

- (1) A nonconforming sign or sign structure may be removed temporarily to perform sign maintenance or sign repair, not to exceed 50% of the current market value of the existing sign structure.
 - (2) In order to preserve the nonconforming sign status, the person removing the sign must inform the Building Official in writing before the sign is removed. If the responsible party fails to provide written notification, any re-erected sign will be considered a new sign.
- D. Abandonment or obsolescence of a nonconforming sign shall terminate immediately the right to maintain such a sign.
- (1) An obsolete sign and its supporting structure shall be removed by the property owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer conducted on the premises within 10 days after written notice from the Building Official.
 - (2) A sign which is in conformity with the other provisions of these regulations may remain in place if such sign is obscured by the use of a blank panel attached within the frame of the sign and shall be permitted to remain for a period not to exceed 120 days.
 - (3) Where a successor to an inactive business agrees, within 30 days of the date of written notice by the Building Official, to maintain the sign as provided for by these regulations, this removal requirement shall not apply, provided that the existing sign and structure conforms to all current sign requirements.
- E. All portable signs, except those specifically permitted by these regulations, that exist on the effective date of these regulations, shall be removed immediately upon the enactment of these regulations.
- F. Any illegal nonconforming signs that exist on the effective date of these regulations shall be removed immediately upon the enactment of these regulations and shall be replaced by signs that conform to these regulations.

§ 7-17.11. Administration.

- A. No sign, permanent or temporary, shall be erected, structurally altered or relocated, except as otherwise provided in these regulations, without review and approval from the City of Lapeer Building Department.
- B. Application. The application, on a form provided by the City of Lapeer Building Department, shall contain the proposed location of the sign, the name and address of the sign owner and of the sign erected, the name and address of the owner of the business and of the property if different from that of the sign owner, drawings and/or sketches showing the design and location of the sign, the estimated cost of construction and any other information as the Building Official may require to ensure compliance with these regulations and with other ordinances of the City.
- C. Staking of signs proposed location. The location of a proposed sign shall be staked

by the property owner. The Building Department will use the staked location to determine compliance with required setbacks set out in these regulations before issuing a sign permit.

- D. Permit required. For all signs requiring a permit, a sign permit application shall be applied for with the City of Lapeer Building Official. The Building Official will approve a sign permit application that clearly conforms to the requirements of these regulations. If the sign is situated in the public right-of-way, the applicant must obtain a license from the City and must possess adequate liability insurance.
- E. Fees. All permit fees for signs shall be as established by the Lapeer City Commission.
- F. Nullification. A sign permit shall become null and void if the work for which the permit was issued has not been completed within six months after the date of the permit.
- G. Exceptions. The following shall not require a sign permit:
 - (1) The changing of the advertising copy or message on an approved painted or printed sign, on a theater marquee and on similar approved signs which are specifically designed for the use of replaceable copy.
 - (2) Painting, repainting, cleaning or other normal maintenance or repair of a sign or a sign structure, unless a structural change is made.
- H. Certificate of compliance. All signs shall require a final inspection and the issuance of a certificate of compliance from the Building Department. The property owner shall notify the Building Department immediately upon erecting the sign to request the final inspection.

§ 7-17.12. Appeals.

Any person aggrieved by any decision or order of the Building Official in connection with any dimensional or location provision of these regulations may appeal to the Board of Zoning Appeals within 30 days of the decision or order.

ARTICLE XVIII
Site Plan Review

§ 7-18.01. Intent.

- A. Site plan review is required to provide the City of Lapeer with the opportunity to review the proposed use of a site in relation to surrounding uses, planned future development, accessibility, pedestrian and vehicular circulation, street traffic, spatial relationships, off-street parking, public utilities, general drainage, environmental characteristics and other site elements which may affect the public health, safety, and general welfare, and its relationship and harmony with City ordinances and plans.
- B. It is further the intent of this article to require the eventual upgrade of existing sites that do not conform with current standards of this article and ensure that the arrangement, location, design and materials within a site are consistent with the character of the City and the goals and design guidelines in the Master Plan.

§ 7-18.02. Uses requiring review.

Prior to the establishment of a use, addition to an existing use, or the erection of any building in a zoning district, a site plan shall be submitted and approved by the City in accordance with the procedures of this article, and the development requirements of this and other applicable ordinances.

- A. Site plan and administrative site plan reviews and approvals shall be required for the activities or uses listed in Table 7.18.1. Approvals are obtained from the Planning Commission, City Commission, Planning Department or Building Official depending upon the nature of the proposed construction or use. Where City Commission approval is required, it shall be based upon the recommendation of the Planning Commission.
- B. All applications for site plan or administrative site plan approval shall be reviewed by the Planning Department for compliance with the standards of the respective departments.
- C. Activities and uses that are exempt from site plan/administrative site plan approval may require a building permit, zoning permit or sign permit.
 - (1) Any change in use of an existing building or site requires a zoning permit. The zoning review process may identify additional review requirements.
 - (2) All construction or building modification is subject to City building permit requirements in accordance with Article XXI, Administration and Enforcement.
- D. Site preparation work shall not commence until site plan approval has been received and the required permits have been issued.

Table 7.18.1: Plan Review Requirements			
	New Construction	Expansion	Change in Use
Single-family dwelling on an existing lot	Zoning and/or building permits	Zoning and building permits	Zoning permit
Multiple-family development	Site plan approval and building permit	Site plan approval and building permit	Zoning permit
Commercial, industrial, or institutional	Site plan approval and building permit	Major expansion: site plan Minor expansion: administrative site plan Also, building permit	Zoning permit
Special land use (SLU)	SLU and site plan approval	SLU and site plan approval	SLU (if applicable) and site plan
Planned unit development	Procedures for approval of PUDs are outlined in Article XII, Planned Unit Developments (PUD)		
Subdivision or condominium	Procedures for approval of subdivision plats and condominiums are outlined in Chapter 6, Land Division, and Chapter 10, Condominiums, respectively, of the Code of the City of Lapeer		
Parking lot	Site plan approval	Major expansion: site plan Minor expansion: administrative site plan	Zoning permit
Residential accessory structures and uses	Zoning and/or building permits	Zoning and building permits	Zoning permit
Commercial, industrial, or institutional accessory uses or structures	Zoning and/or building permits	Administrative site plan and/or building permit	Zoning permit
Essential service	N/A	N/A	N/A
Signs	Sign permit	Sign permit	N/A

Table 7.18.1: Plan Review Requirements			
	New Construction	Expansion	Change in Use
Landscaping	Site plan approval	Administrative site plan	N/A

§ 7-18.03. Site plan and administrative site plan review procedures.

Site plans and administrative site plans must be submitted in accordance with the following procedures and requirements:

- A. Submittal. The application shall be submitted by the owner of an interest in the land for which site plan approval is sought, or the designated agent of the owner, or with a statement signed by the owner granting permission from the property owner for the application. The application shall include the following:
 - (1) A complete application form, with original signatures.
 - (2) Proof of ownership.
 - (3) A written use statement.
 - (4) The required fee, as established by the City Commission.
 - (5) A complete site plan that includes the information as detailed in the site plan application. Information requirements may be waived by the Planning Commission if they determine they are not necessary to verify compliance with this chapter's requirements.

- B. Administrative review. The process for administrative review of a site plan shall involve submittal of the site plan and required application form and fee to the Planning Department. The Planning Department shall review the site plan in accordance with the same standards used by the Planning Commission for a full site plan. Information requirements may be waived by the Planning Department if the Department determines they are not necessary to verify compliance with this chapter's requirements. The Planning Department shall make a report of administrative reviews to the Planning Commission.

- C. Planning Commission review.
 - (1) Application and review. Following Planning Department review, site plans requiring Planning Commission approval shall be placed on the agenda of the Planning Commission. The Planning Commission shall review the application, together with the reports and recommendations from the Planning Department and other reviewing departments and agencies, as appropriate.
 - (2) Planning Commission action. The Planning Commission shall make a determination based on the requirements and standards of this chapter and Planning Department review letter to approve, approve with conditions, postpone a decision, or deny approval of the plan. If approved, any conditions shall be made part of the motion to approve and documented in the Planning

Commission's minutes, a copy of which shall be provided to the applicant.

- D. Recording of site plan review action. The site plan shall be revised to reflect any conditions of approval and submitted to the Planning Department. Copies of the approved site plan will be filed with the Planning Department, including digital files of the approved plan.
- E. Electronic drawings. Digital files of the approved plans shall be submitted to the Building Department. The files shall be compatible with the City's geographic information system (GIS) software. Information on acceptable data formats are available from the Planning Department. Acceptable data formats are ESRI geobase (preferred), DXF, or DWG. Digital files shall contain information which references either government corners or existing public right-of-way intersections in distance and direction from the project area. All digital files will be created at a one-to-one scale. Feature or element information within the digital files shall be isolated by both feature groups (files) and layers/levels to meet the City's level specification. Any other information provided within the digital files shall be layer isolated from data included in the City's specification and shall include a written description of both the layer name and the information contained on the layer(s). Digital information provided to the City shall be delivered in a format compatible with the Microsoft Windows operating system. Acceptable delivery media shall be CD-RW, or Zip disk.
- F. Other agency approvals. The applicant shall obtain all other necessary agency permits from other appropriate agencies, including, but not limited to, the Michigan Department of Environmental Quality (MDEQ), Michigan Department of Transportation (MDOT) and other federal, state and county agencies, as applicable. Copies of applications for all applicable outside agencies shall accompany submission of the application and site plan to the City and approvals shall be obtained prior to the issuance of building permits, and before any substantial development activity takes place.
- G. Engineering review. Following Planning Commission approval of a site plan, the City shall make a full review of the engineering plans. A building permit shall not be issued without the approval of the City.
- H. Building permit. An application for a building permit may be submitted following final approval of the site plan, or sketch plan and engineering plans. The applicant is responsible for obtaining all other applicable City, county, or state permits before a building permit is received.
- I. As-built drawings. Digital files of as-built drawings shall be submitted to the City meeting the format requirements noted in Subsection E above.
- J. Property maintenance. The owner of a property shall be responsible for maintaining the property on a continuing basis as required by the approved site plan until the property is razed, until new zoning regulations supersede the regulations upon which site approval was based, or until a new site plan approval is sought. Any physical changes to the site shall require approval of the City under the requirements of this chapter. This maintenance requirement includes healthy landscaping, walls, fences, pavement, pavement markings, signs, building exterior, drainage facilities and all other elements of a site. Any property owner who fails to

maintain a property in compliance with an approved site plan shall be deemed in violation of this chapter and a nuisance per se.

§ 7-18.04. Standards for site plan approval.

Based upon the following standards, the Planning Commission may deny, approve, or approve with conditions the site plan:

- A. Use. The proposed use must be permitted in the zoning district and meet all of the applicable use standards.
- B. Site design characteristics. All elements of the site plan shall be designed to take into account the site's topography; the size and type of lot; the character of adjoining property; the type and size of buildings; and the traffic operations of adjacent streets. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this article. The site shall be designed to conform to all provisions of this article.
- C. Building design. The building design shall relate to the surrounding environment in regard to texture, scale, mass, proportion and color. High standards of construction and quality materials will be incorporated into the new development in accordance with the requirements of § 7-15.01, Building appearance.
- D. Preservation of significant natural features. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, alteration to the natural drainage courses, and the amount of cutting, filling and grading. Insofar as practical, natural features and the site topography shall be incorporated into the proposed site design.
- E. Site access, circulation and parking. Safe, convenient, uncongested and well-defined vehicular circulation within and to the site shall be provided.
 - (1) Access to the site shall be designed to minimize conflicts with traffic on adjacent streets, particularly left turns into and from the site. All driveways shall meet the design and construction standards of the City and/or Lapeer County, as applicable. Cross circulation in the form of shared driveways, service drives or parking lot connections shall be provided with adjacent uses where required.
 - (2) The number, design and location of access driveways and parking lot design elements including number of spaces required and loading/unloading requirements, shall comply with the provisions of Article XVI, Parking, Loading, Access and Circulation Requirements.
 - (3) Properties along M-24 must conform to Article XI, M-24 Overlay District.
- F. Emergency vehicle access. All buildings and site circulation shall be arranged to permit emergency vehicle access by practicable means to all buildings and areas of the site. Vehicle circulation shall meet turning radius requirements set by the fire department. Fire lanes shall be designated on the site and posted with signage by the developer/property owner at the developer's/property owner's expense prior to occupancy. Fire hydrants, fire-suppression systems, fire detection and fire

extinguishers shall be provided as required by the fire department.

- G. Traffic impact. The expected volume of traffic to be generated by the proposed use shall not adversely affect existing streets and traffic patterns. Street access shall minimize excessive vehicle traffic on local streets to reduce the possibility of any adverse effects upon adjacent property. To determine traffic impact, the Planning Commission may require a traffic study based on the criteria in the United States Department of Transportation guide "Evaluating Traffic Impact Studies: A Recommended Practice for Michigan Communities."
- H. Other general development requirements. The standards set forth in Article XV, General Site Development Requirements, § 7-15.04, shall be complied with for various site design elements including (but not necessarily limited to) the following:
 - (1) Landscaping, landscape buffers and greenbelts.
 - (2) Pedestrian circulation.
 - (3) Exterior lighting.
 - (4) Waste receptacles.
 - (5) Mechanical equipment and utilities.
- I. Utilities and stormwater management. Public water supply and sewer facilities shall be available or shall be provided for by the developer as part of the site development. All utilities and stormwater management facilities shall be reviewed and approved by the Department of Public Works. **[Amended 8-3-2020]**
- J. Other agency reviews. The applicant shall provide documentation of compliance with other appropriate agency review standards, including, but not limited to, the Michigan Department of Environment, Great Lakes and Energy (MEGLE), Michigan Department of Transportation (MDOT) and other federal, state and county agencies, as applicable. **[Amended 8-3-2020]**
- K. Hazardous materials. Sites that include storage of hazardous materials or waste, fuels, salt, or chemicals shall be designed to prevent spills and discharges of polluting materials to the surface of the ground, groundwater or nearby surface water bodies. These areas shall be designed to meet all applicable state and federal regulations and incorporate basic management practices for the handling of hazardous materials. Uses that involve the storage of large quantities of hazardous or combustible materials shall be located and designed to ensure no threat to nearby uses and residents is present.
- L. Other studies. The Planning Commission shall have the authority to require other studies and materials be submitted to confirm compliance with the standards of this section, including, but not limited to, traffic impact studies, market studies, environmental assessments or utility capacity analysis.

§ 7-18.05. Conditions of site plan approval.

- A. As part of an approval of any site plan, the Planning Commission may impose any additional conditions or limitations as may be 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.

- B. Conditions may also be imposed 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. Such conditions shall be considered necessary by the Planning Commission to ensure compliance with the review standards, and necessary to meet the intent and purpose of this article.
- C. The conditions imposed on approval of a site plan run with the property and not with the owner of such property.
- D. A record of conditions imposed shall be recorded in the minutes attached to the approved site plan and maintained by the City. The conditions shall remain unchanged unless an amendment to the site plan is approved by the Planning Commission.

§ 7-18.06. Validity of approved plans.

- A. Start of construction. Site plan approval is valid for a period of one year from the date of approval. Building permits must be issued and physical construction must commence within the one-year period.
- B. Expiration of site plan approval. In cases where construction authorized by a site plan approval has not commenced within one year of site plan approval or granting of an extension, the site plan approval shall automatically become null and void and all rights thereunder shall terminate.
- C. Extensions. Upon written application prior to expiration, the Planning Commission may authorize an extension of the time limit of the site plan approval for up to an additional one year. The extension shall be based on evidence from the applicant that the development has a likelihood of commencing construction within the extension period. The Planning Commission may require compliance with any amendments to the Zoning Ordinance since the site plan was originally approved.

§ 7-18.07. Amendment to approved plans.

Amendments to the approved site plan may occur only under the following circumstances:

- A. Minor changes. Prior to making any change to an approved site plan/administrative site plan, the applicant or property owner shall notify the Planning Department of any desired change. The Planning Department shall review the request and determine whether the requested change is minor or major. The following shall be considered minor changes:
 - (1) Movement of a building or buildings by no more than five feet, provided all setback, parking, landscaping and other site requirements are still met.
 - (2) Plantings approved in the landscape plan may be replaced by similar types and

sizes of landscaping which provides a similar screening effect on an equal or greater basis.

- (3) Trees to be preserved that were damaged or lost during construction may be replaced by trees of a similar species, with two new trees required for each tree replaced.
 - (4) Improvements to site access or circulation, such as deceleration lanes, boulevards, curbing, pedestrian/bicycle paths, but not the addition of new driveways.
 - (5) Changes of building materials or design, fencing, screening, or site amenities which will result in a higher-quality development, as determined by the Planning Department.
 - (6) Changes required or requested by the City, county, state or federal agency for safety reasons or for compliance with applicable laws that do not alter the basic design, compliance with the standards of approval, nor any specified conditions of the approved site plan.
 - (7) Situations the Planning Department deems similar to the above that do not alter the basic design, compliance with the standards of approval, nor any specified conditions of the approved site plan.
- B. Major changes. All other changes not considered minor shall be considered a major change requiring a new application for site plan review.

ARTICLE XIX
Special Land Use Review

§ 7-19.01. Intent.

This article is intended to provide regulations for special land uses, which may be compatible with permitted uses in zoning district, under specific locational and site criteria. This article provides standards for the Planning Commission to determine the appropriateness of a given special land use covering factors such as: compatibility with adjacent zoning, location, design, size, intensity of use, impact on traffic operations, potential impact on groundwater, demand on public facilities and services, equipment used and processes employed. Establishment or major expansion of any special land use requires a special land use approval under this article.

§ 7-19.02. Procedures.

- A. Application. A public hearing shall be scheduled before the Planning Commission upon submission and review of a special land use application and either a site plan meeting the requirements of Article XVIII, Site Plan Review, or if a full site plan is determined to be unnecessary by the Planning Department, a plot plan with all information needed to determine compliance with ordinance requirements.
- B. Optional preliminary review. At the option of the applicant, a preliminary sketch plan may be submitted to the Planning Department for circulation to Planning Commission for review prior to final special land use and site plan review. This option is recommended for special land uses that are anticipated to be controversial, on large sites, on sites that are adjacent to residential uses, and complex mixed-use or commercial developments. The purpose of this meeting is to allow the applicant to introduce the plan concept, and receive comments or direction from the Planning Commission on the sketch plan and special land use or the need for additional material to evaluate the impacts of the use, such as a traffic or environmental study. No formal action shall be taken.
- C. Impact assessment. An impact assessment may be required by the City; the analysis shall be carried out by qualified individuals and may include, but need not be limited to, the impact on: natural features, stormwater management, surrounding land uses, public facilities/services, public utilities and traffic.
- D. Planning Commission review.
 - (1) Review. The Planning Commission shall review the special land use application and related documents, any specific conditions required for the use in Article XIII, Use Requirements, and the site plan review standards of § 7-18.04, Standards for site plan approval.
 - (2) Public hearing. The Planning Commission shall hold a public hearing on the special land use application in accordance with the Michigan Zoning Enabling Act (Public Act 110 of 2006).⁶ Notice of public hearing shall be provided for in accordance with § 7-21.07, Public hearings.

6. Editor's Note: See MCLA § 125.3101 et seq.

(3) Decision.

- (a) The Planning Commission shall approve, approve with conditions or deny the special land use request and site plan. If the application is determined to be incomplete or more information is required, then the Planning Commission may either:
 - [1] Table the request and direct the applicant to prepare additional information or revise the plan.
 - [2] Return the request for additional staff review or analysis.
 - [3] Deny the request.
- (b) If the plan revisions are determined to be significant by the Planning Commission, they may elect to conduct another public hearing.

E. Conditions.

- (1) In considering the special land use, the Planning Commission may impose conditions or limitations that it deems necessary to fulfill the spirit and/or purpose of this chapter. The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action and shall remain unchanged unless the original process is followed. Conditions imposed shall do all the following:
 - (a) Be designed to protect natural resources, the health, safety, and welfare as well as the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
 - (b) Be related to the valid exercise of the police power and purposes that are affected by the proposed use or activity.
 - (c) Be necessary to meet the intent and purpose of the Zoning Ordinance; be related to the standards established in this chapter for the land use or activity under consideration; and be necessary to ensure compliance with those standards.
- (2) Conditions of any approval are attached to the land and will remain through subsequent owners, except an expiration date for the special land use may be specified if the special land use is considered to be temporary in nature.

§ 7-19.03. Appeals and waivers.

The Zoning Board of Appeals shall not have the authority to hear appeals of the Planning Commission's decision to approve or deny a special land use, nor to grant variances to any conditions imposed on special land use approval. The Zoning Board of Appeals may hear requests for variances to dimensional or site design requirements.

§ 7-19.04. Review standards.

Prior to approving a special land use application, the Planning Commission shall require that the following general standards, in addition to the specific standards noted for individual uses in Article XIII, Use Requirements, be satisfied. The proposed use or activity shall:

- A. Be compatible and in accordance with the goals, objectives and policies of the Lapeer City Master Plan.
- B. Promote the intent of this chapter and the zoning district in which the use is proposed.
- C. Be constructed, operated and maintained so as to be compatible with the existing or intended character of the general vicinity and so as not to change the essential character of the area in which it is proposed.
- D. Be served adequately by public facilities and services, such as traffic operations along roads, police and fire protection, drainage structures, water and sewage facilities and primary and secondary schools.
- E. Not involve uses, activities, processes, materials and equipment or conditions of operation that, in comparison to permitted uses in the district, will be detrimental to the natural environment, public health, safety or welfare by reason of excessive production of traffic, noise, smoke, odors or other such nuisance.

§ 7-19.05. Amendments, expansions and change in use.

- A. Major amendments. Any person or agency who has been granted a special land use permit shall notify the Planning Department of any proposed amendment to the approved site plan of the special land use permit. A major amendment to a special land use permit shall require submittal of a new application for special land use and follow the review procedures contained in this chapter. The Planning Department shall determine whether the proposed amendment constitutes a minor or major amendment based on the following standards:
 - (1) Changes that increase the building's usable floor area, occupancy load or capacity by more than 25%.
 - (2) Parking lots are expanded by more than 25%.
 - (3) The use is expanded to occupy an additional 25% or more land area.
 - (4) The change will result in a 25% or more increase in traffic generation based upon the latest edition of the Institute of Transportation Engineers Trip Generation Manual.
 - (5) The change will result in a 25% or more increase in the demand for public water or sewer.
 - (6) The standards set forth in § 7-18.07, Amendment to approved plans.
 - (7) Other similar types of changes deemed by the Planning Department to be "major."

- B. Minor amendment. Minor amendment to an approved special land use does not require submittal of a new application for a special land use, but may require submittal of a site plan or sketch plan following the requirements of Article XVIII, Site Plan Review.
- C. Change in use. Change to another special land use shall require submittal of a new application for special land use and follow the review procedures contained in this article.
- D. Separate approval. A separate special land use permit shall be required for each use which requires special land use review on a lot.

§ 7-19.06. Restrictions on resubmittal of special land use request.

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

§ 7-19.07. Validity of permit.

- A. Start of construction. Special land use approval is valid for a period of one year from the date of Planning Commission approval. A building permit must be issued and physical construction on structures must commence within that period.
- B. Expiration of special land use permit. Where actual construction of a substantial nature of structures authorized by a special land use permit has not commenced within one year of issuance, and a written application for extension of the approval has not been filed as provided below, the special land use permit shall become null and void and all rights thereunder shall terminate.
- C. Extensions. Upon written application filed prior to the termination of the one-year period as provided above, the Planning Commission may authorize a single extension of the time limit for a further period of not more than one year. Such extension shall be granted only based on evidence from the applicant that the development has a reasonable likelihood of commencing construction within the one-year extension. The Planning Commission may require compliance with any amendments to the Zoning Ordinance since the special land use was originally approved.

§ 7-19.08. Revocation of approved special land use.

The Planning Commission shall have the authority to revoke any special land use approval after the applicant has failed to comply with any of the applicable requirements of this article, other applicable sections of this chapter, or conditions of the special land use approval. Prior to any action, the Planning Commission shall conduct a public hearing following the notification process for the original approval. The applicant shall be provided an opportunity to present information and to answer questions. The Planning Commission may revoke any previous approval if it finds that a violation exists and has not been remedied.

ARTICLE XX
Nonconformities

§ 7-20.01. Intent.

- A. It is the intent of this chapter to permit legal nonconforming lots, structures, or uses to continue until they are removed but not to encourage their survival.
- B. For definitions and illustrations of nonconforming lots, structures, and uses, see Article XXIV, Definitions.

§ 7-20.02. Class A and Class B nonconforming uses or structures.

Although it is the intent of this chapter to discourage the continuation of nonconforming uses and structures, it is recognized that allowing the continuation of certain nonconformities may be appropriate. To address these circumstances, the Zoning Ordinance establishes procedures for the Planning Commission to designate specific nonconforming uses or structures as "Class A." Such uses or structures will have less stringent standards for expansion or resumption.

- A. Class A nonconforming uses or structures.
 - (1) Effect of Class A designation.
 - (a) Class A nonconforming uses may be reestablished if the structure housing it is damaged or destroyed.
 - (b) Class A nonconforming uses may be reestablished when otherwise meeting the criteria in § 7-20.07, Standards for determining abandonment. The Class A nonconforming use may not be reestablished if it is replaced with a conforming use.
 - (c) Class A nonconforming uses, structures housing nonconforming uses and nonconforming structures may be expanded or improved, after review and approval by the Planning Commission.
 - (d) Class A nonconforming structures may be rebuilt if the structure is damaged or destroyed.
 - (e) Rights granted nonconforming uses and structures listed above are contingent on compliance with any standards imposed by the Planning Commission as part of the Class A designation, including compliance with any approved site plan.
 - (2) Class A designation process.
 - (a) An applicant for Class A designation shall submit a request in writing to the Planning Department.
 - (b) Notice of a public hearing shall be provided as outlined in § 7-21.07 of this chapter.
 - (c) The Planning Commission shall hold a public hearing on the Class A designation.

- (d) The Planning Commission shall approve, approve with conditions or deny the request for Class A designation.
 - (e) The Planning Commission may impose conditions on an approval. The condition may include compliance with a site plan of the site.
- (3) Standards for approval of Class A designation. In order to approve a use for Class A designation, the use or structure must have been lawful at its inception. In addition, the following criteria shall be used by the Planning Commission in evaluating a use to determine if continuation of the use or structure would be appropriate:
- (a) Continuance of the use or structure does not significantly depress property values of nearby properties.
 - (b) Continuance of the use or structure would not be contrary to the public health, safety or welfare or the spirit of the chapter.
 - (c) No useful purpose would be served by strict application of the provisions of this chapter with which the use or structure does not conform.
 - (d) The property cannot be reasonably used as currently zoned.
- (4) Revocation of Class A designation.
- (a) Revocation of a Class A designation may be initiated by the Planning Department or the Planning Commission.
 - (b) Revocation of Class A designation shall comply with the procedures outlined in § 7-20.02A(2) of this chapter.
 - (c) Class A designation may only be revoked if the nonconforming use or structure violated a condition of approval.
- B. Class B nonconforming uses or structures. All nonconforming uses or structures, not designated Class A, shall be Class B, nonconforming uses or structures. Class B nonconforming uses and structures shall comply with all the provisions of this chapter relative to nonconforming uses and structures set forth hereinafter.

§ 7-20.03. Nonconforming lots.

- A. Single-family dwellings. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this chapter, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this chapter. 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.
- B. Changes in nonconforming lots. A nonconforming lot may not be modified in a way

that increases its nonconformity.

- C. Contiguous nonconforming lots. Where two or more nonconforming lots of record are adjacent and under the same ownership as of the date of this chapter, they shall be considered one parcel and may not be divided except in compliance with this chapter.
- D. Determining lots of record. The City Assessor shall have the power to make "Lot of Record" determinations in accordance with the following:
 - (1) Upon application of any person claiming to be the owner of the legal or equitable title to a parcel of land which was the subject to a deed or land contract, not recorded in the Office of the Register of Deeds on the effective date of this chapter, the City Assessor is authorized to determine whether an owner is entitled to have the parcel treated as a "Lot of Record" in accordance with § 7-20.03A of this chapter.
 - (2) The City Assessor shall allow the parcel to be treated as a "Lot of Record" when he/she finds by a preponderance of the evidence that the instrument purporting to transfer title to the parcel of said owner was executed prior to the effective date of this chapter. In making his/her determination, the Assessor is authorized to consider all matters it deems relevant, including but not limited to the tax roll of the City, the relationship of the parties to the purported transfer, the degree of formality of the purported document of transfer, and the testimony of the applicant and his witnesses.
 - (3) Such a determination shall have only the effect of equating such an owner with the owner of a lot of record and shall not relieve such owner from complying with the other conditions set forth in this chapter.

§ 7-20.04. Nonconforming uses of land.

Except as provided under the provisions of § 7-20.02, where, at the effective date of adoption or amendment of this chapter, lawful use of land exists that is made no longer permissible under the terms of this chapter as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- A. Expansion. 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 chapter. Expansion includes the addition of accessory structures, including signs.
- B. Moving use. 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 chapter.
- C. Abandonment. A use that the ZBA has determined is abandoned following the standards in § 7-20.07 of this chapter shall not be reestablished and any new use must comply with the Zoning Ordinance.
- D. Change in use. A nonconforming use of land may be changed to another nonconforming use of land use that the ZBA has determined is not more

nonconforming than the current use following the standards in § 7-20.08 of this chapter and does not require expansion of the area of land used for the use. A nonconforming use that changes to a conforming use may not revert back to a nonconforming use.

E. Medical marihuana nonconforming use. **[Added 2-19-2018]**

- (1) No marihuana facility operating or purporting to operate prior to February 19, 2018, shall be deemed to have been a legally existing use, nor shall the operation of such marihuana facility be deemed a legal nonconforming use under this chapter.
- (2) A property owner shall not have vested rights or nonconforming use rights that would serve as a basis for failing to comply with this chapter or any amendment thereto.
- (3) Discontinuation of a state medical marihuana facility license shall constitute prima facie evidence that a nonconformity has been discontinued.

F. Recreational marihuana nonconforming use. **[Added 10-5-2020]**

- (1) No marihuana facility operating or purporting to operate prior to October 5, 2020, shall be deemed to have been a legally existing use nor shall the operation of such marihuana facility be deemed a legal nonconforming use under this chapter.
- (2) In accordance with Michigan law and this chapter, a property owner shall not have vested rights or nonconforming use rights that would serve as a basis for failing to comply with this chapter or any amendment thereto.
- (3) Discontinuation of a state license shall constitute prima facie evidence that a nonconformity has been discontinued.

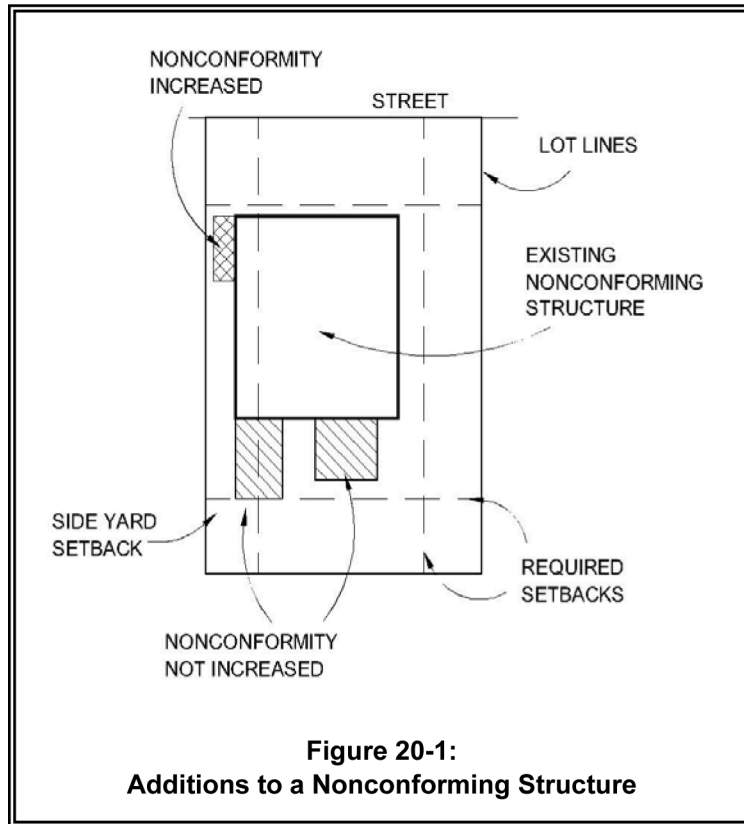
§ 7-20.05. Nonconforming structures.

Except as provided under the provisions of § 7-20.02, where a lawful structure exists at the effective date of adoption or amendment of this chapter that could not be built under the terms of this chapter 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. Definition of structure. For the purpose of this section:

STRUCTURE — Includes both permanent physical improvements such as buildings and fences, and other improvements such as driveway, parking spaces and landscaping.

- B. Expansion or alteration. No nonconforming structure may be enlarged or altered in a way which increases its nonconformity. An increase in nonconformity would be a change that increases the bulk of the structure encroaching on setbacks or exceeding maximum height or lot coverage requirements. Nonconforming structures may be enlarged or altered in a way which does not increase its nonconformity. (See Figure 20-1.)



- C. Moving structure. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is removed.
- D. Destruction of structure. Should such structure be destroyed by any means to an extent of more than 60% of its replacement costs, exclusive of the foundations, it shall be reconstructed only in conformity with the provisions of this chapter. This provision does not apply to nonconforming single-family homes, which may be replaced even if completely destroyed, provided the new structure does not increase the nonconformity. Construction to repair or replace a nonconforming structure must commence within one year of its destruction.

§ 7-20.06. Nonconforming uses of structures and land.

Except as provided under the provisions of § 7-20.02, 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 chapter, that would not be permitted in the district under the terms of this chapter, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. Expansion or alteration. No existing structure devoted to a use not permitted by this chapter 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. Extending use. 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 chapter, but no such use shall be extended to occupy any additional land outside such building.
- C. Change in use. A nonconforming use of a structure, or structure and land in combination, may be changed to another nonconforming use of land use that the ZBA has determined is not more nonconforming than the current use following the standards in § 7-20.08 of this chapter and does not require expansion of the area of land used for the use. A nonconforming use that changes to a conforming use may not revert back to a nonconforming use.
- D. Abandonment. A use that the ZBA has determined is abandoned following the standards in § 7-20.07 of this chapter shall not be reestablished and any new use must comply with the Zoning Ordinance.
- E. Destruction of structure. Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure to an extent of more than 60% of its replacement costs, exclusive of the foundations shall eliminate the nonconforming status of the land. Construction to repair or replace a structure housing a nonconforming use must commence within one year of its destruction.

§ 7-20.07. Standards for determining abandonment.

If the Planning Department identifies a legal nonconforming use that they believe has been abandoned, they shall submit the property to the ZBA for a determination of abandonment. The ZBA shall hold a public hearing, following notice as outlined in § 7-21.07 of this chapter. The ZBA shall determine whether or not intent to abandon the nonconforming use was demonstrated based on a preponderance of the following factors:

- A. Reports such as from the building inspection or health department indicating the property is or has not been suitable for occupation.
- B. Disconnection of utilities.
- C. Evidence that the use was relocated to a new site.
- D. Evidence of a "going out of business" sale.
- E. Signs advertising the business has been removed.
- F. The use has been discontinued for one year, except where government action such as road construction has prevented access to the premises, or where a clear intent to discontinue has not been demonstrated.
- G. Removal of the equipment or fixtures necessary for the operation of the nonconforming use.
- H. Request by the property owner for changes in their property tax designation inconsistent with the nonconforming use.
- I. Other actions by the property owner or lessee that demonstrates an intent to

abandon the nonconforming use.

§ 7-20.08. Standards for allowing change in nonconforming use.

A property owner may request approval from the ZBA to change a nonconforming use to another nonconforming use. The ZBA shall hold a public hearing following notice as outlined in § 7-21.07 of this chapter. The ZBA shall approve the request if it determines that the proposed use is not more nonconforming than the current use based on the following factors:

- A. The similarity of zoning districts each use is permitted in and whether they are permitted by right or by special land use (SLU).
- B. The anticipated off-site impact of each use due to traffic, hours of operation, and generation of noise, dust or odors or general intensity of the proposed use.

§ 7-20.09. Repairs and maintenance.

- A. On any building devoted in whole or in part to any nonconforming use, work may be done in any period of one year on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding 50% 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 chapter shall not be increased.
- B. Nothing in this chapter 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.

§ 7-20.10. Status of uses requiring special land use approval.

A use established legally without special land use approval which now requires SLU approval due to a text change or rezoning is a nonconforming use until it receives SLU approval. Any existing use approved as a special exception previously under this chapter shall be deemed a conforming use.

§ 7-20.11. Change of tenancy or ownership.

There may be a change of tenancy, ownership or management of any existing nonconforming uses of land, of structures or of structures and land in combination.

§ 7-20.12. Purchase or condemnation.

In order to accomplish the elimination of nonconforming uses and structures which constitute a nuisance or are detrimental to the public health, safety and welfare, the City of Lapeer, pursuant to Section 208, Public Act 110 of 2006, as amended,⁷ may, but is not required to, acquire by purchase, condemnation or otherwise, private property for the purpose of removal of nonconforming uses.

7. Editor's Note: See MCLA § 125.3208.

**ARTICLE XXI
Administration and Enforcement**

§ 7-21.01. Purpose.

It is the intent of this article to establish the roles and responsibilities of those involved in administration of this Zoning Ordinance, to provide for issuance of zoning permits, to establish rules for enforcement of this chapter and to establish penalties for its violation.

§ 7-21.02. Responsibilities in Zoning Ordinance enforcement.

The provisions of this chapter shall be administered by Planning Department. The Planning Department may delegate its responsibilities for administration or enforcement with the approval of the City Commission. The table below outlines the other roles and responsibilities of the Planning Department, Planning Commission, Zoning Board of Appeals (ZBA), City Commission and City Clerk under this chapter.

Table 7.21.1: Administration and Enforcement Authority	
Planning Department	
Primary responsibility for administration of this chapter	
Interpret the ordinance as needed to enforce the Zoning Ordinance	
Provide citizens and public officials with information relative to the chapter	
Zoning Compliance	Review and approve zoning permits, change of use or for any improvements other than for single-family dwellings and accessory structures on existing lots
	Determine if a use not specifically defined is similar to another permitted use (§ 7-2.08)
	Conduct inspections for zoning compliance
Accept applications for site plans, special land use requests, rezonings, text amendments, variances, appeals of administrative decisions and interpretations	
Site Plan Review (per Article XVIII)	Review site plans for compliance, determine type of review required, and forward to staff and Planning Commission as needed
	Maintain copies of approved site plans
	Review minor changes to site plan for approval
Special Land Use (per Article XIX)	Conduct optional preliminary review of special land use requests
	Review proposed amendments of special land use requests and classify as major or minor
Nonconforming Lots, Uses, and Structures (per Article XX)	Review applications for Class A nonconforming status
	Initiate revocation of Class A nonconforming designation
	Prepare recommendation on change in nonconforming use
	Submit determination of abandonment to ZBA

Table 7.21.1: Administration and Enforcement Authority
Authority to grant extensions on parking lot completion requirement (§ 7-16.05)
Authority to require performance guarantees (§ 7-21.06)
Maintain record of ZBA interpretations (§ 7-22.05)
Determine the precise location of boundary lines between districts
Prepare recommendations on proposed rezoning and text amendments
Undertake other responsibilities as identified in this chapter or delegated by the City Manager or City Commission
Building Official
Review and approve applications for zoning permits for fences (§ 7-15.03)
Review and approve applications for zoning permits for signs (§ 7-17.01)
Require removal of unsafe signs (Table 7.17.2)
Review and approve zoning permits for single-family dwellings and accessory structures on existing lots
Conduct inspections for zoning compliance
Undertake other responsibilities as identified in this chapter or delegated by the City Manager or City Commission
Planning Commission
Review and approve site plans, and major amendments to site plans
Hold public hearings for, review and approve special land use requests, amendments and revocations
Hold public hearings and make recommendations on map and text amendments to Zoning Ordinance
Hold public hearings for, review and approve requests for Class A Nonconforming status
Approve change of nonconforming use to another nonconforming use
Consult with Planning Department on initial interpretation of Zoning Ordinance text and map
Grant exceptions to landscaping provisions [§ 7-15.02B(2)]
Zoning Board of Appeals
Review and decide requests for variances
Review and decide appeals of administrative decisions
Review request for interpretations from the Planning Department and Planning Commission or hear appeals of initial determinations by Planning Department and Planning Commission
Make determination of abandonment (§ 7-20.07)
City Commission

Table 7.21.1: Administration and Enforcement Authority
Approve appointment of ZBA members
Approve appointment of Planning Commission members
Establish fee schedule for permits and reviews
Approve text and map amendments to Zoning Ordinance
Initiate amendments to the Zoning Ordinance
City Clerk
Receive request from any utility, railroad, or airport that wishes notice of zoning amendments [Sec. 306(2) of PA 110]. ⁸
Maintain file of zoning ordinance and all amendments [Sec. 401(7) of PA 110]. ⁹
Receive petition to rescind zoning ordinance and determine adequacy of petition [Sec. 402(2) and (3) of PA 110]. ¹⁰
Handle any performance guarantees deposited [Sec. 505(1) of PA 110]. ¹¹
Receive protest petition [Sec. 403(1) of PA 110]. ¹²
Handle posting and mailing all public notices

§ 7-21.03. Zoning permits.

A. Permit required.

- (1) A zoning permit must be obtained from the Planning Department or Building Official as applicable before:
 - (a) Any construction is undertaken;
 - (b) Any structure is moved;
 - (c) A structure is moved on to any parcel.
- (2) A zoning permit must be obtained from the Planning Department before any change in the use of any land or structure or change in occupancy is undertaken.
- (3) For use requiring site plan approval, that approval takes the place of a zoning permit. For structures or improvements that require a building permit, the zoning permit may be incorporated into the building permit, but structures such as fences or small accessory buildings that do not require a building permit still require a zoning permit.

B. Application. A zoning permit shall be applied for in writing on an application form

8. Editor's Note: See MCLA § 125.3306(2).

9. Editor's Note: See MCLA § 125.3401(7).

10. Editor's Note: See MCLA § 125.3402(2) and (3).

11. Editor's Note: See MCLA § 125.3505(1).

12. Editor's Note: See MCLA § 125.340(1).

provided by the City. The application will include a plot plan of the subject parcel adequate to determine compliance with this chapter.

C. Standards for permit issuance.

- (1) A zoning permit shall be issued by Planning Department or Building Official whenever the proposed use:
 - (a) Complies with the provisions of this chapter.
 - (b) Any necessary Planning Commission, ZBA, City Commission, or other local, state or federal approvals have been obtained.
 - (c) When a structure shall be moved, the site from which the structure has been moved shall be graded level and all debris shall be cleared away.
- (2) A permit shall not be refused when conditions imposed by this chapter 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.

D. Approval process.

- (1) The Planning Department/Building Official shall make a decision within five business days of receiving a complete zoning permit application.
- (2) The Planning Department/Building Official shall issue the zoning permit or a letter explaining the reason(s) for denial of the application.
- (3) A structure requiring a zoning permit shall not be issued a building permit until the zoning permit has been issued.
- (4) The Planning Department/Building Official shall maintain a record of all zoning permit applications.
- (5) The Planning Department/Building Official shall inspect the site prior to issuing final zoning approval. A building certificate of occupancy shall not be issued by the Building Official until compliance with the zoning permit has been verified by the Building Official. In the case of multi-unit structures such as shopping centers, zoning approval and certificate of occupancy may be granted on an individual unit basis, provided any project wide improvements such as parking lots or entrances have been completed in compliance with the chapter.

E. Expiration. A zoning permit shall expire one year after the date of issuance unless the applicant has been issued a building permit. For zoning permits that do not involve construction such as a permit approving the change in the use of a building, the permit shall expire one year after the date of issuance unless the proposed use has been commenced within that period.

F. Revocation of permits. Any zoning permit issued in error or pursuant to an application containing any false statements shall be void. The Building Official shall revoke a zoning permit for failure to comply with the terms of the permit.

§ 7-21.04. Enforcement procedures.

- A. Reporting violations. The Planning Department shall enforce the provisions of this chapter. Any and all building or land use activities considered possible violations of the provisions of this chapter shall be communicated to the Planning Department. Variation or deficiencies from an approved site plan shall be considered a violation of this chapter. Commencement of an investigation into a violation is based upon a complaint received verbally or in writing. Violations reported to the Planning Department and/or their assigns shall be subject to the enforcement procedures below.
- B. Inspection and enforcement procedure. If the Planning Department receives a complaint or identifies a potential violation, the following procedures shall be followed:
- (1) Inspection of violation. The Planning Department, Building Official, or ordinance enforcement officer, as appropriate, shall inspect each alleged violation of this chapter within 10 working days of receipt of a complaint.
 - (2) Correction period; requirements of notice. If a violation is determined to have occurred, a notice of the violation shall be sent in writing by certified mail addressed to the owner and/or occupant of the property where the violation exists. If the occupant or owner of the premises is unknown or cannot be located, notices shall be given by posting a copy of said notice upon a conspicuous part of the property where the nuisance is identified as being located and by mailing a copy of said notice by certified and first-class mail, addressed to the owner or party of interest at the address shown on the current tax records. The notice shall specify the location and nature of the violation and shall indicate that the owner, occupant or person otherwise responsible, is required to abate the violation within 21 days. The time frame may be increased to a maximum of 60 days. The notice will advise the applicant's right to appeal the administrative decision within 21 days of the date of the letter. For projects under construction, the Planning Department may issue a stop-work order if the violation requires such, or if the violation has been previously noticed and has not been remedied.
 - (3) Noncompliance with order. A violation not corrected within the specified time shall be referred to the City Attorney. The City Attorney may undertake enforcement using the remedies outlined in § 7-21.08 below.
 - (4) The Planning Department/Building Official may refuse to issue new zoning permits to a person who has failed to correct violations or to any person representing a firm, which has failed to correct violations of this chapter. A zoning permit may also be withheld if violations are identified on site upon application.

§ 7-21.05. Fees.

The City Commission shall set all fees for permits and reviews required under this chapter. The fees will be set by resolution. The City Commission may revise the fees from time to time as they determine necessary. The City Commission may also establish

procedures for establishing escrow fees to cover the cost of review of applications.

§ 7-21.06. Performance guarantees.

A performance guarantee may be required to ensure compliance with any conditions imposed as part of zoning approval. The guarantee shall be in a form acceptable to the City such as a cash deposit, certified check, irrevocable bank letter of credit or surety bond.

- A. Calculation of guarantee. The guarantee shall equal 110% of the value of the improvement as calculated by the City or its consultants. The guarantee shall include a schedule of costs assigned to the different improvements. If multiple guarantees are required for the same project, each will be treated separately.
- B. Deposit of guarantee. The guarantee shall be deposited with the City prior to authorization for the work to proceed.
- C. Release of funds. Monies may be released by the City to the applicant in proportion to work completed on the different elements after inspection of work and approval of the Planning Department. Any partial release of funds shall be less than 10%, which shall be retained by the City until all work has been completed and subsequently inspected and approved by the Building Official and Planning Department.
- D. Delay in improvements. In instances where all improvements, as required in this section, are not completed, and a temporary certificate of occupancy is requested, the estimated cost of the remaining improvement shall be verified by the City, particularly with respect to any delay to another construction season. If the estimated cost has changed, then a revised guarantee, acceptable to the City, shall be filed with the Clerk covering such improvements before a temporary certificate of occupancy is issued.

§ 7-21.07. Public hearings.

Notice of public hearings required under this chapter shall comply with the following requirements:

- A. Published notice. The City Clerk shall give notice of the public hearing by publication of a notice in a newspaper of general circulation in the City at least 15 days before the date of the public hearing.
- B. Mailed notice. For hearings involving specific parcels of property, such as rezonings or variance requests, the City Clerk shall give notice of the public hearing by mail or personal delivery to the owners of the property that is the subject of the public hearing, as well as to all persons to whom real property is assessed within 300 feet of the property and to the occupants of all structures within 300 feet of the property, regardless of whether the property or occupant is located in the City of Lapeer. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different persons, one occupant of each unit or spatial area shall be given notice. If a single structure contains more than four dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to

the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure. The notice shall be mailed or personally delivered not less than 15 days before the hearing. The notice requirements of this subsection do not apply to rezonings consisting of 11 or more adjacent parcels.

- C. Notice to adjacent jurisdiction. For hearings involving specific parcels of property, where the parcel is within 300 feet of the City boundary, the City shall mail a notice to the Planning Commission Chairperson of the adjacent municipality at least 15 days before the public hearing.
- D. Notice content. Notices required under the provisions of this section shall contain the following information:
 - (1) Describe the nature of the request.
 - (2) Where the request involves a specific parcel of property, the notice will include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, the tax parcel ID of the property and description of its location shall be used.
 - (3) State when and where a copy of the request can be viewed.
 - (4) State when and where the request will be considered.
 - (5) Indicate when and where written comments will be received concerning the request.

§ 7-21.08. Violations.

- A. Municipal civil infraction. Any person, firm, corporation, or anyone acting on behalf of any person, firm, or corporation, who shall violate any of the provisions of this chapter, or who shall fail to comply with any of the required conditions of the ZBA or the Planning Commission shall be guilty of a municipal civil infraction as described in Chapter 62, Civil Infractions, of the Code of the City of Lapeer. For the purposes of Chapter 62, Planning Department staff shall be an authorized official.
- B. Nuisance per se. Any building or structure which is used, erected, altered, razed, or converted or any use of any premises which is begun or changed and in violation of any provision of this chapter, is hereby declared to be a nuisance per se.
- C. Restore or replace. In addition to the other remedies available under this chapter, an individual, partnership, firm, corporation, organization, institution, or agency of government that violates this section may be ordered by the court to pay the costs to restore or replicate a resource unlawfully constructed, added to, altered, repaired, moved, excavated, neglected, or demolished.
- D. Cumulative rights and remedies. The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.
- E. Other remedies. The City Commission may institute injunction, mandamus, abatement or other appropriate proceedings to prevent, enjoin, abate or remove any

unlawful erection, alteration, maintenance or use. The rights and remedies herein provided are civil in nature and in addition to criminal remedies.

- F. Compliance required. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this chapter.
- G. Stop-work order. Any person who shall continue any work in or about the structure or premises after having been served with a stop-work order, except such work as such person is directed by the Planning Department to perform in order to remove violations or unsafe conditions shall be in violation of this chapter. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**
- H. Each day a violation of the Zoning Ordinance continues shall be deemed a separate offense.

ARTICLE XXII
Zoning Board of Appeals

§ 7-22.01. Membership of Zoning Board of Appeals.

There is hereby established a Zoning Board of Appeals (ZBA) which shall perform its duties and exercise its powers as provided in Article VI of Act 110 of 2006, as amended,¹³ and in such a way that the objectives of this chapter shall be observed, public safety secured, and substantial justice done. The Board shall consist of six members appointed by the City Commission. Appointments shall be as follows: two members appointed for a period of one year; two members appointed for a period of two years; and two members appointed for a period of three years, respectively; thereafter, each member to hold office for a full three-year term. In addition, the City Commission may appoint two alternate members who may be called upon to serve in the absence of a regular member, or for the purpose of reaching a decision on a case in which a regular member has abstained for reasons of conflict of interest. Any vacancies in the Board shall be filled by appointment by the City Commission for the remainder of the unexpired term. The ZBA shall annually elect its own Chairman, Vice Chairman and Secretary. The compensation of the appointed members of the Board of Zoning Appeals may be fixed by the City Commission.

§ 7-22.02. Procedures.

- A. Applications. Application for variance, appeal, interpretation or changes in nonconforming uses shall be submitted to the Planning Department at least 20 days prior to the ZBA meeting at which it will be heard. Application fees shall be established by the City Commission as provided for in § 7-21.05 of this chapter.
- B. Notice. Notice of the hearing of an appeal, variance, or other matter before the ZBA shall comply with § 7-21.07 of this chapter.
- C. Meetings.
 - (1) Meetings of the ZBA shall be held at the call of the Chairman, and at such times as the ZBA may determine.
 - (2) The ZBA shall not conduct business unless a majority of the regular or alternate members of the ZBA are present.
 - (3) All meetings of the ZBA shall be open to the public.
 - (4) The City Clerk or their representative shall keep minutes of the ZBA proceedings, showing the vote of each member on each question, or if absent or failing to vote, indicating such fact, and shall keep records of its findings, decisions, evidence presented at the hearing, proceedings at hearings and other official actions, all of which shall be filed as soon as they are available in the office of the City Clerk and shall be a public record. Copies of the decisions of the Board of Appeals shall be furnished to the City Commission and Planning Commission.

13. Editor's Note: See MCLA § 125.3601 et seq.

- (5) The ZBA shall adopt rules of procedure for the operation of the Board and the conducting of hearings.
 - (6) The chairperson or, in his or her absence, the acting chairperson, may administer oaths and compel the attendance of witnesses.
- D. Zoning Board of Appeals decision.
- (1) Following the hearing on an issue brought before them, the ZBA may only reverse an administrative decision or grant an applicant's request by a majority vote of the members of the ZBA.
 - (2) In making a decision on a request, the ZBA shall state the basis for their decision, including any findings of fact and how those facts relate to the standards used by the ZBA in making their decision.
 - (3) The ZBA shall return a decision upon each case within 60 days of the filing of a complete request application unless an extension is agreed to by the applicant.
- E. Conditions.
- (1) The ZBA may place conditions on an affirmative decision when such conditions:
 - (a) Would 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.
 - (b) Would protect the natural environment and conserve natural resources and energy.
 - (c) Would ensure compatibility with adjacent uses of land.
 - (d) Would promote the use of land in a socially and economically desirable manner.
 - (2) In determining appropriate conditions, the ZBA shall ensure that:
 - (a) There is a rough proportionality between the costs to the developer to provide an improvement and the impact to be mitigated.
 - (b) There is a reasonable connection between the condition imposed and the impact it is mitigating.
 - (3) Performance guarantees. The ZBA may require performance guarantees as a condition of approval as authorized in § 7-21.06 of this chapter.
- F. Appeal of Zoning Board of Appeals decision. Any person aggrieved by the decision of the ZBA in granting or denying a request may appeal the decision to Circuit Court.
- G. Resubmission. An applicant may not resubmit an application for one year following a decision, unless a change in circumstances or new facts relevant to the decision are presented.

§ 7-22.03. Powers of Zoning Board of Appeals.

The ZBA shall have the authority to:

- A. Grant variances from the requirements of this chapter.
- B. Interpret the Zoning Ordinance and the Zoning Map.
- C. Permit a legal nonconforming use of land or structures to be changed to another nonconforming use under the procedures contained in § 7-20.08 of this chapter.

§ 7-22.04. Variances.

- A. The ZBA shall have the power to authorize variations to any requirement of this chapter which can be expressed in terms of numbers. The ZBA may not authorize a use variance.
- B. If a variance which is granted is not utilized within one year of its granting, the variance shall be considered null and void and an application must be refilled if it is desired at a future date.
- C. If a variance is denied, the ZBA shall not reconsider the same request, or a similar request that could have been granted during the original consideration, within a period of one year.
- D. A variance which is legally utilized and maintained runs with the property and any subsequent owners who legally continue the variance under its original or amended terms.
- E. In consideration of all variances, the ZBA shall review each case individually as to its compliance with each of the following standards and may only approve variance requests which comply with all of the following:
 - (1) The standard for which the variance is being granted would unreasonably prevent the owner from using property for a permitted purpose or would render conformity unnecessarily burdensome;
 - (2) The variance would do substantial justice to the applicant as well as to other property owners in the zoning district and a lesser relaxation of the standard would not provide substantial relief and be more consistent with justice to others;
 - (3) The problem is due to circumstances unique to the property and not to general conditions in the area;
 - (4) The problem that resulted in the need for the variance was not created by the applicant or previous owners of the property; and
 - (5) Issuance of the variance would still ensure that the spirit of the ordinance is observed, public safety secured and substantial justice done.
- F. Sign variances may be granted for any one of the following conditions:
 - (1) The applicant has demonstrated a variance is needed due to a practical

difficulty on the site, such as varied topography, horizontal or vertical road curvature, or presence of structures or desired trees that limits visibility of a sign on the premises compared to similar sites with conforming signs in the same zoning district;

- (2) A variance is warranted due to the relatively large size of the site, frontage or building in comparison to other establishments in the same zoning district;
 - (3) A variance would significantly improve the conformity of an existing sign; or
 - (4) The variance would permit a sign with historic significance to be retained.
- G. To grant a sign variance for one of the conditions specified above in Subsection F, all of the following standards must also be met:
- (1) The inability to conform with the regulations is due to a practical difficulty or unique condition that includes more than mere inconvenience or mere inability to attain a supposed higher financial return;
 - (2) That the alleged practical difficulties or unique condition, or both, are exceptional and peculiar to the property of the person requesting the variance, and result from conditions which do not exist generally throughout the City;
 - (3) That allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by the regulations, the individual practical difficulties that will be suffered by a failure to grant a variance, and the rights of others whose property would be affected by the allowance of the variance, and will not be contrary to the public purpose and general intent of these regulations;
 - (4) The variance granted is the minimum necessary to allow the applicant to enjoy the same rights as other establishments in the same zoning district, have a reasonable outlet for free speech and meet the intent of the sign regulations; and
 - (5) The variance will not adversely affect the health, safety and welfare of the public.

§ 7-22.05. Interpretation. [Amended 5-17-2012]

The Planning Department and the Planning Commission are responsible for interpreting this chapter as part of their responsibility as the primary administrators of the chapter. They may request the ZBA to interpret provisions of this chapter as outlined below. Each such interpretation shall establish the precedent for future treatment of the issue being addressed. To achieve the objective of consistent enforcement of this chapter, whenever an interpretation question arises which has been addressed previously by the ZBA, the earlier interpretation shall apply without requiring further action by the ZBA. The Planning Department shall keep a concise record of all interpretations made by the ZBA to facilitate such reference.

- A. The ZBA may classify any activity which is not specifically mentioned in Articles III through XI for any zoning district as a use by right or special use, provided that said classification shall be consistent with the classification of similar uses and with

the purpose and intent of each zoning district. In carrying out this interpretation, the ZBA may not interpret a specific use as being included in a broader class of uses if that specific use is listed separately in other zoning districts.

- B. The ZBA may determine the off-street parking and loading space requirements of any use for which these requirements are not determinable by the Planning Commission as provided for in Article XVI.
- C. The ZBA may interpret any portion of this chapter when the Planning Department is unable to clearly determine its intent or effect.

§ 7-22.06. Appeals.

These appellate procedures are instituted to hear and decide appeals from and review any order, requirement, decision, or determination made by an administrative official or body charged with the enforcement of the Zoning Ordinance.

- A. An appeal shall be filed with the officer from whom the appeal is taken and with the ZBA, through the zoning administration specifying the grounds for the appeal.
- B. Applications for appeals of administrative actions shall be submitted to the Planning Department within 30 days of the date of such actions.
- C. The officer from whom the appeal is taken shall forthwith transmit to the ZBA all papers constituting the record upon which the appeal is taken.
- D. An appeal stays all proceedings in furtherance of action appealed from, unless the officer from whom the appeal is taken certifies to the ZBA after the notice of appeal shall have been filed with them, that by reason of facts stated in the certificate, a stay would in their opinion cause imminent peril to life or property, in which case, proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the ZBA, or by the Circuit Court, on application, on notice to the officer from whom the appeal is taken, and on due cause shown.
- E. The ZBA may reverse or affirm, wholly or partly, or may modify the order, requirements or determination appealed from and in making an order, requirement, decision or determination, shall have the powers of the officer or body from whom the appeal is taken.

ARTICLE XXIII
Amendment

§ 7-23.01. Purpose.

The purpose of this article is to identify the procedures for initiation and review of text and map amendments to this Zoning Ordinance and provides standards for approval of the proposed amendments.

§ 7-23.02. Initiation of amendments.

Proposed amendments to the text of the ordinance or Zoning Map may be initiated by:

- A. The City Commission by motion.
- B. The Planning Commission by motion.
- C. The Zoning Board of Appeals by motion.
- D. Owner of a parcel, for that parcel; or someone else with approval of the owner or under the terms of a purchase agreement, by application.

§ 7-23.03. Application.

- A. Application by a resident or property owner for an amendment shall be submitted to Planning Department at least 20 days prior to the Planning Commission meeting at which the public hearing on the request will be held.
 - (1) The application for the amendment shall include:
 - (a) Name, address, and phone number of applicant.
 - (b) Signature of owner of the subject parcel if not the applicant, proof of their approval of the request or a copy of a purchase agreement on the property.
 - (c) Street address and tax ID number.
 - (d) The current zoning of the subject parcel.
 - (e) The proposed zoning of the subject parcel.
 - (f) A copy of the deed for the subject property or its legal description.
 - (g) A traffic study as required by § 7-18.04G.
 - (h) The fee established by the City Commission.
 - (2) Requests to rezone two or more noncontiguous parcels require separate applications.
- B. Amendments initiated by the City Commission, Planning Commission or ZBA shall be submitted to Planning Department at least 20 days prior to the Planning Commission meeting at which the public hearing on the request will be held and shall consist of a copy of the motion passed initiating the request and any associated information. No fee shall be required.

- C. Amendment applications shall be submitted to the City departments for review and comment as determined appropriate by the Planning Department prior to the Planning Commission public hearing.

§ 7-23.04. Public hearing.

The Planning Commission shall hold a public hearing on any zoning amendment initiated before action on the amendment is taken by the City Commission.

- A. Notice requirement. Notice of the public hearing shall be provided as required in § 7-21.07 of this chapter.
- B. Additional notice requirement. In addition, mailed notice will be provided to each electric, gas, and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the City Clerk for the purpose of receiving the notice of public hearing.
- C. Planning Commission hearing and recommendations. After conducting the required public hearing, the Planning Commission shall make a recommendation to approve or deny the proposed amendment to the chapter. The Planning Commission shall transmit its recommendation along with a summary of comments received at the public hearing.

§ 7-23.05. City Commission.

Upon receipt of the recommendations of the Planning Commission, the City Commission shall undertake consideration of the proposed rezoning or text amendment.

- A. If they wish to, the City Commission may hold a public hearing on the amendment. If they choose to hold a public hearing, the City Commission must meet the notice requirements outlined in § 7-21.07.
- B. If the City Commission proposes any changes to the amendments they may, at their option, send the changes back to the Planning Commission for their review.
- C. If a property owner submits a request to the City Clerk by certified mail to be heard regarding a proposed amendment, the City Commission must provide an opportunity for that person to speak on the amendment prior to making a decision.
- D. An amendment to the Zoning Ordinance requires approval by a majority of the members of the City Commission, not just a majority of the members attending the meeting.
- E. Upon presentation of a protest petition meeting the requirements of this subsection, an amendment to a zoning ordinance which is the object of the petition shall be passed only by a 2/3 vote of the City Commission. The protest petition shall be presented to the City Commission before final legislative action on the amendment, and shall be signed by one of the following:
 - (1) The owners of at least 20% of the area of land included in the proposed change.

- (2) The owners of at least 20% of the area of land included within an area extending outward 100 feet from any point on the boundary of the land included in the proposed change.
 - (3) Publicly owned land shall be excluded in calculating the 20% land area requirement.
- F. Following adoption of the zoning amendment, one notice of adoption shall be published in a newspaper of general circulation in the City within 15 days of adoption. The notice shall include:
- (1) A summary of the regulatory effect of the amendment or the actual text of the amendment.
 - (2) The effective date of the ordinance. This date may be as few as seven days after the publication of the ordinance.
 - (3) The place and time where a copy of the ordinance may be purchased or inspected.

§ 7-23.06. Standards for approval.

In reviewing any proposed amendment, the Planning Commission and City Commission shall consider the following:

- A. In the case of a proposal to amend the Zoning Ordinance text, the City shall find:
- (1) The change is necessary to clarify a provision of the ordinance;
 - (2) The change is necessary to correct a mistake in the ordinance;
 - (3) The change is necessary to implement a goal or policy of the City Master Plan;
or
 - (4) The change is necessary to improve administration of the ordinance or to better serve the community.
 - (5) In addition to one or more of the above findings, the Planning Commission must determine that the requested amendment is consistent with the City Master Plan or that a mistake in the plan or changes in conditions or City policy have occurred that are relevant to the request. If the Planning Commission recommends approval of a request that is not in compliance with the current plan due to a mistake or change in conditions or policy, it shall immediately initiate an amendment to the plan to address the identified mistake or change.
- B. In the case of a proposed Zoning Map amendment (rezoning), the City shall find one of the following:
- (1) The requested amendment is in compliance with the City Master Plan or that a mistake in the plan or changes in conditions or City policy have occurred that are relevant to the request. If the Planning Commission recommends approval of a request that is not in compliance with the current plan due to a mistake or change in conditions or policy, it shall immediately initiate an amendment to

the plan to address the identified mistake or change.

- (2) The property cannot be reasonably used as it is currently zoned and the proposed request represents the most suitable alternative zoning classification based on the City Master Plan.

§ 7-23.07. Conditional rezoning.

- A. Intent. It is recognized that there are certain instances where it would be in the best interests of the City, as well as advantageous to property owners seeking a change in zoning classification, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this section to provide a process consistent with the provisions of Section 405 of the Michigan Zoning Enabling Act (PA 110 of 2006)¹⁴ by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.
- B. Application and offer of conditions.
 - (1) An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.
 - (2) The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this section.
 - (3) The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district.
 - (4) Approval of a conditional rezoning does not guarantee approval of any special land use which may be required as part of the conditional rezoning project. Review of special land use must follow the procedures outlined in Article XIX before development can begin.
 - (5) Approval of a conditional rezoning does not guarantee approval of any variance which may be required as part of the conditional rezoning project, and review of the variance must follow the procedures outlined in Article XXII before development can begin.
 - (6) Approval of a conditional rezoning does not guarantee approval of any site plan which may be required as part of the conditional rezoning project, and review of the site plan must follow the procedures outlined in Article XVIII before development can begin.
 - (7) The offer of conditions may be amended during the process of rezoning consideration, provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of

14. Editor's Note: See MCLA § 125.3405.

conditions any time prior to final rezoning action of the City Commission, provided that, if such withdrawal occurs after the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing and a new recommendation, with notice as required by this article.

- C. Planning Commission review. The Planning Commission, after public hearing and consideration of the factors for rezoning set forth in § 7-23.06 of this chapter, may recommend approval, approval with recommended changes or denial of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.
- D. City Commission review. After receiving the Planning Commission's recommendation, the City Commission shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. The City Commission's deliberations shall include, but not be limited to, a consideration of the factors for rezoning set forth in § 7-23.06 of this chapter. Should the City Commission propose amendments to the proposed conditional rezoning and amendments are acceptable to and offered by the owner, then the rezoning application shall be referred to the Planning Commission for a new public hearing and a new recommendation, with notice as required by this article.
- E. Approval.
 - (1) If the City Commission finds the owner's rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written statement of conditions, provided said conditions conform with this section. The statement of conditions shall be incorporated into the ordinance adopted by the City Commission.
 - (2) The statement of conditions shall:
 - (a) Be prepared as a notarized affidavit prepared and signed by the owner.
 - (b) Contain a legal description of the land to which it pertains.
 - (c) Contain a statement acknowledging that the statement of conditions runs with the land and is binding upon successor owners of the land unless otherwise specified by this section.
 - (d) Include any diagram, plans or other documents submitted that are necessary to illustrate the implementation of the statement of conditions.
 - (e) Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the statement of conditions.
 - (3) Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a statement of conditions. The Zoning Map shall also include a listing of all lands rezoned with a statement of conditions.

- F. Compliance with conditions.
- (1) Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the statement of conditions. Any failure to comply with a condition contained within the statement of conditions shall be deemed a nuisance per se and shall constitute a violation of this Zoning Ordinance and be punishable accordingly.
 - (2) No permit or approval shall be granted under this chapter for any use or development that is contrary to an applicable statement of conditions.
- G. Time period for establishing development or use. Unless another time period is specified in the ordinance rezoning the subject land, the site plan for approved development shall be submitted within two years after the rezoning took effect. In cases where a site plan is not required, the approved use of land or buildings must have commenced within one year unless another time period is specified in the ordinance rezoning the subject land. These time limitations may upon written request be extended by the City Commission if:
- (1) It is demonstrated to the City Commission's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion; and
 - (2) The City Commission finds that there has not been a change in circumstances that would render the current zoning with statement of conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy. All applicable project completion deadlines in this chapter related to site plans, special land use and variances shall apply.
- H. Reversion of zoning. If approved development and/or use of the rezoned land does not occur within the time frame specified under Subsection G above, then the land shall revert to its former zoning classification as set forth in Section 405(2) of PA 110.¹⁵ The procedure for considering and making this reversionary rezoning shall be the same as applies to all other rezoning requests.
- I. Subsequent rezoning of land. When land that is rezoned with a statement of conditions is rezoned to a different zoning classification or to the same zoning classification but with a different or no statement of conditions, whether as a result of a reversion of zoning pursuant to Subsection H or otherwise, the statement of conditions imposed under the former zoning classification shall cease to be in effect. If a statement of conditions has been recorded, upon the owner's written request, the City Clerk shall record with the Lapeer County Register of Deeds a notice that the statement of conditions is no longer in effect.
- J. Amendment of conditions.
- (1) During the time period for commencement of an approved development or use specified pursuant to Subsection G or during any extension granted by the City Commission, the City Commission shall not add to or alter the conditions in

15. Editor's Note: See MCLA § 125.3405(2).

the statement of conditions.

- (2) The statement of conditions may be amended in the same manner as was prescribed for the original rezoning and statement of conditions.
- K. City right to rezone. Nothing in the statement of conditions or in the provisions of this section shall be deemed to prohibit the City from rezoning all or any portion of land that is subject to a statement of conditions to another zoning classification. Any rezoning shall be conducted in compliance with this chapter and the Michigan Zoning Enabling Act.¹⁶
- L. Failure to offer conditions. The City shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this chapter.

16. Editor's Note: See MCLA § 125.3101 et seq.

ARTICLE XXIV
Terminology

§ 7-24.01. Interpretation.

The purpose of this chapter is to establish rules for the interpretation of the text of this chapter, to define certain words and terms, and to provide for the interpretation of this chapter by adoption of a technical dictionary. Certain words and terms which may not appear in this chapter, but which have special application may be defined in other articles to which they apply.

§ 7-24.02. Word usage.

- A. If the meaning of this chapter is unclear in a particular circumstance, the Zoning Board of Appeals (ZBA) shall construe the provision to carry out the intent of this chapter if such can be discerned from other provisions of this chapter or law.
- B. All words and phrases used in this chapter shall be construed and understood according to the common preferred usage of the language, but technical words and phrases and such as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.
- C. Words used in the present tense shall include the future tense, words used in the singular shall include the plural, and words in the plural number shall include the singular, unless the context clearly indicates and stipulates the contrary.
- D. The words "person," "proprietor," "property owner," and "operator" shall include any recognized form of legal entity.
- E. The words "property," "lot," "parcel," "real estate," "premises," "plot" and "land" shall be interpreted to mean real property as delineated and described by legal documents and instruments.
- F. The word "road" shall also mean "highway," "street," "alley," "drive," "cul-de-sac," or other public thoroughfare.
- G. The word "building" shall include the word "structure."
- H. The words "used" or "occupied," when applied to any land or building, shall be construed to include the words "intended," "arranged," or "designed to be used or occupied."
- I. The words "shall" and "required" are always interpreted as mandatory and never as permissive or discretionary.
- J. The word "may" shall be interpreted as permissive or discretionary.
- K. Unless the context clearly indicates the contrary, the conjunctions noted below shall be interpreted as follows:
 - (1) "And" indicates that all connected items, conditions, provisions, or events shall apply.

- (2) "Or" indicates that the connected items, conditions, provisions or events may apply singularly or in any combination.
 - (3) "Either . . . or" indicates that the connected items, conditions, provisions or events shall apply singularly but not in combination.
- L. In computing the number of days, the first day is excluded and the last day is included. If the last day of any period during which an application, filing, or request is required to be made to the City or other governmental agency is a Saturday, Sunday, or legal holiday, the period is extended to include the next day which is not a Saturday, Sunday, or legal holiday.

§ 7-24.03. Definitions.

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

ACCESSORY STRUCTURE — A building or structure located on the same lot as the principal building or structure, the use of which is incidental or secondary to the principal building or use.

ACCESSORY USE — A use of land or of a building or portion of a building which is customarily and naturally incidental to, subordinate to, and devoted exclusively to the principal use of the land or building and located on the same lot with the principal use.

ADDITION — A structure added to the existing structure after the completion of the existing structure which extends or increases the floor area, or height of a building or structure.

ADULT CARE FACILITY, STATE-LICENSED — Any structure constructed for residential purposes that is licensed by the State of Michigan pursuant to Public Act 218 of 1979.¹⁷ These acts provide for the following types of residential structures:

- A. **ADULT FOSTER CARE SMALL GROUP HOME** — A facility with the approved capacity to receive 12 or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, five or more days a week, and for two or more consecutive weeks for compensation.
- B. **ADULT FOSTER CARE LARGE GROUP HOME** — A facility with approved capacity to receive at least 13 but not more than 20 adults to be provided supervision, personal care, and protection, in addition to room and board, for 24 hours a day, five or more days a week, and for two or more consecutive weeks for compensation.
- C. **ADULT FOSTER CARE FAMILY HOME** — A private residence with the approved capacity to receive six or fewer adults to be provided with foster care for 24 hours a day for five or more days a week and for two or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.

ADULT DAY-CARE FACILITY — A facility other than a private residence, which

17. Editor's Note: See MCLA § 400.701 et seq.

provides care for more than six adults for less than 24 hours a day.

ADULT ENTERTAINMENT USES — Includes adult bookstores or video stores, adult motion-picture theaters, adult mini-motion-picture theaters, adult motels, adult nightclubs, and massage parlors. These terms and related terms shall have the following additional meanings:

- A. **ADULT ARCADE** — Any place to which the public is permitted or invited wherein cash-operated, credit-operated, coin-operated or slug-operated or electronically, internet or mechanically controlled still or motion picture machines, projectors or other image producing devices are maintained to show images and where the images so displayed are distinguished or characterized by the depicting or describing of "sexually explicit activities" or "specified anatomical areas."
- B. **ADULT BOOKSTORE, VIDEO STORE, or NOVELTY STORE** — A commercial establishment which offers for sale or rental for any form of consideration, as one of its principal business purposes, any one or more of the following:
- (1) Books, computer diskettes, tapes or hard drives, magazines, periodicals or other printed matter or photographs, films, motion pictures, video matter or photographs, cassettes or video reproductions, slides or other visual representation which depict or describe sexually explicit activities or specified anatomical areas; or
 - (2) Instruments, devices or paraphernalia which are designed for use in connection with sexually explicit activities; or
 - (3) Items, materials, gimmicks, or paraphernalia depicting, displaying, advertising or packaged as sexually explicit activities or depict or describe specified anatomical areas.
 - (4) An establishment may have other principal business purposes that do not involve the offering for sale, rental or viewing of materials depicting or describing sexually explicit activities or specified anatomical areas, and still be characterized as an adult bookstore, adult novelty or retail store or adult video store. Such other business purposes will not serve to exempt such establishment from being categorized as an adult bookstore, adult novelty store or adult video store, so long as the establishment falls within the definition of an adult bookstore, adult novelty store or adult video store as set forth above.
- C. **ADULT CABARET** — A nightclub, bar, restaurant or similar commercial establishment, whether or not alcohol is served, which regularly features:
- (1) Persons who appear in a state of restricted nudity;
 - (2) Live performance which are characterized by the partial exposure of specified anatomical areas; or
 - (3) Films, motion pictures, video cassettes, compact discs, slides or other photographic reproductions which are characterized by the depiction or description of sexually explicit activities or specified anatomical areas.

- D. ADULT MOTEL — A hotel, motel or similar commercial establishment which:
- (1) Offers accommodations to the public for any form of consideration and provides patrons with closed-circuit television transmission, films, motion pictures, videocassettes, compact discs, slides or other photographic reproductions which are regularly characterized by the depiction or description of sexually explicit activities or specified anatomical areas; and which advertises the availability of this adult type of material by means of a sign, visible from the public right-of-way, or by means of any off-premises advertising, including, but not limited to, newspapers, magazines, pamphlets or leaflets, radio, internet or television;
 - (2) Permits patrons to be filmed or photographed performing sexually explicit activities or displaying specified anatomical areas for electric transmission over the World Wide Web;
 - (3) Offers a sleeping room for rent for a period of time that is less than 10 hours; or
 - (4) Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than 10 hours.
- E. ADULT MOTION-PICTURE THEATER — A commercial establishment where, for any form of consideration, films, motion pictures, videocassettes, compact discs, slides or similar photographic reproductions are regularly shown which are characterized by the depiction or description of sexually explicit activities or specified anatomical areas.
- F. ADULT THEATER — A theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of specified anatomical areas or by the performance of sexually explicit activities. This definition does not include a theater which features occasional live nude performances with serious literary, artistic or political value and which has no adverse secondary effects.
- G. ADULT USE BUSINESS or SEXUALLY ORIENTED BUSINESS — An adult arcade, adult bookstore, adult novelty or retail store, adult video store, adult cabaret, adult motel, adult motion-picture theater, adult theater, escort agency, nude modeling studio and/or a sexual encounter establishment or any business determined by the Building Official, City Manager, and/or the Director of Public Safety, to be an adult use because of the similarities in the characteristics and activities of the business with regulated adult business uses, such as nudity, semi-nudity, exposure of sexually explicit activities and/or specified anatomical areas. The definition of "adult use business" or "sexually oriented business" shall not include an establishment where a medical practitioner, psychologist, psychiatrist or similar professional person licensed by the state engages in medically approved and recognized sexual therapy.
- H. ENTERTAINER — A person who performs some type of activity or pose with the intent of allowing others to witness that activity or pose.
- I. ESCORT — A person who, for consideration in any form, agrees or offers to act as

a companion, guide or date for another person, or who agrees or offers to privately perform as an entertainer, including, but not limited to, the modeling of lingerie, the removal of clothing and the performance of a dance or skit. Under this definition, "privately" shall mean a performance for an individual or that individual's guests.

- J. ESCORT AGENCY — A person or business association that furnishes, offers to furnish or advertises to furnish escorts as one of its primary business purposes, for a fee, tip or other consideration.
- K. ESTABLISHMENT — As used in relation to any adult use the term shall mean any of the following:
 - (1) The opening or commencement of any sexually oriented business as a new business;
 - (2) The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
 - (3) The location or relocation of any sexually oriented business.
- L. LICENSEE — The individual listed as an applicant on the application of a sexually oriented business license, or a person whose name appears on a license to operate an adult use business.
- M. MANAGER — An operator, other than a licensee, who is employed by a sexually oriented business to act as a manager or supervisor of employees, or is otherwise responsible for the operation of the sexually oriented business.
- N. MASSAGE — The treating of external parts of the body for remedial or hygienic purposes, consisting of stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating with the hands or with the aid of any mechanical or electrical apparatus or appliances, with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointment or other such similar preparations commonly used in the practice of massage, under such circumstances that it is reasonably expected that the person to whom the treatment is provided shall pay any consideration whatsoever therefor. For purposes of this chapter, the term "bodywork" shall mean massage.
- O. NUDE MODEL STUDIO — Any place where a person appears in a state of nudity or displays specific anatomical areas, and is provided money or any form of consideration to be observed, sketched, drawn, painted, sculpted, photographed or similarly depicted by other persons. This includes modeling studios that provide for nude modeling on an occasional basis, but it does not include a modeling studio whose primary function is to provide art classes as part of a college, university or educational institution and which is certified by the State of Michigan.
- P. NUDITY or A STATE OF NUDITY — The appearance of a human bare buttock, anus, male genitals, female genitals or female breasts.
- Q. OPERATOR — As used in relation to any adult use, the term shall mean the owner, licensee, manager or person in charge of any premises.
- R. PEEP BOOTH — An adult motion-picture theater with a viewing room or cubicle

of less than 150 square feet of floor space.

- S. PREMISES — As used in relation to any adult use, the term shall mean any premises that requires registration as a sexually oriented business license and that is classified as a sexually oriented business.
- T. PRINCIPAL BUSINESS PURPOSE —
- (1) The devotion of a significant or substantial portion of its stock-in-trade or interior floor space, meaning at least 30% of the floor area;
 - (2) The receipt of 50% of more of its revenues from the sale of the items listed above; or
 - (3) The devotion of a significant or substantial portion of its advertising expenditures to the promotion of the sale, rental or viewing of books, magazines, periodicals or other printed matter, or photographs, film, motion pictures, videocassettes, compact discs, slides or other visual representations, items, materials, gimmicks, or paraphernalia which are characterized by the depiction, description, display, advertising or packaging of sexually explicit activities or specified anatomical areas.
- U. SEXUAL ENCOUNTER CENTER — A business or commercial enterprise that, as one of its primary business purposes, offers a place where two or more persons may congregate, associate or consort for the purpose of sexually explicit activities or the exposure of specified anatomical areas for any form of consideration, including, but not limited to:
- (1) Physical contact in the form of wrestling or tumbling between persons of the same or opposite sex;
 - (2) Activities when one or more of the persons is in a state of nudity or seminudity; or
 - (3) Permits patrons to display or be filmed or photographed performing sexually explicit activities or displaying specified anatomical areas for recording or transmission over the World Wide Web or any other media.
- V. SEXUALLY EXPLICIT ACTIVITIES — Any of the following:
- (1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;
 - (2) Sex acts, normal or perverted, actual or simulated, including, but not limited to, intercourse, oral copulation or sodomy;
 - (3) Masturbation, actual or simulated;
 - (4) Any activity intended to arouse, appeal to or gratify a person's lust, passions or sexual desires;
 - (5) The display of human genitals in a state of sexual stimulation, arousal or tumescence; or

- (6) The display of excretory function as part of or in connection with any of the activity set forth in Subsection V(1) through (5) of this definition, above.

W. SPECIFIED ANATOMICAL AREAS — Any of the following:

- (1) Less than completely and opaquely covered human genitals, pubic region or pubic hair, buttock, or female breast or breasts of any portion thereof that is situated below a point immediately above the top of the areola, or any combination of the foregoing; or
- (2) Human genitals in a state of sexual arousal, even if opaquely and completely covered.

X. SIGNIFICANT OR SUBSTANTIAL PORTION — Thirty percent or more of the term modified by such phrase.

AGRICULTURE — The use of land for tilling the soil, raising tree or field crops, or animal husbandry as a source of income.

ALTERATION — Any modification, remodeling, change or rearrangement in the structural or supporting members such as bearing walls, columns, or girders, as well as any change in the doors or windows which affect the means of egress which is undertaken without adding to the floor area height or physical size of the building or structure.

AMBULANCE SERVICE STATION — The transport via ambulance for medical emergencies that may operate 24 hours. **[Added 11-19-2018]**

ANIMAL —

- A. DOMESTIC (PET) — An animal that is commonly considered capable of being trained or is capable of adapting to living in a human environment and which is not likely to bite without provocation nor cause death, maiming or illness to human beings, including bird (caged), fish, rodent (bred, such as a gerbil, rabbit, hamster or guinea pig), cat (domesticated), lizard (nonpoisonous), and dog. Exotic animals and animals bred, raised or boarded for commercial purposes shall not be considered domestic animals.
- B. EXOTIC — Any animal from a species which is not commonly domesticated or kept as livestock, or which is not native to the State of Michigan, or a species which is of wild or predatory character, or which because of size, aggressive or vicious characteristics would constitute an unreasonable danger to human life or property if not kept, maintained or confined in a safe and secure manner, including any hybrid animal that is part exotic animal including elephants, rhinoceroses, lions, tigers, leopards, panthers, cheetahs, cougars, jaguars, lynx, mountain lions, puma, badgers, bears, bobcats, coyotes, snakes, crocodiles, alligators, seals, sharks, wolves and primates such as baboons, orangutans, chimpanzees, monkeys and gorillas.
- C. LIVESTOCK — Any of various bird or animal breeds, domesticated so as to live and breed in a tame, docile, tractable condition useful to man, including horses, ponies, mules, donkeys, cattle, sheep, goats, buffaloes, llama, ostriches, chickens, ducks, geese, turkeys and swine.

ANIMAL CREMATORIUM — A building or part thereof used for animal funeral/

disposal services. Services that may be included are preparation of the dead for burial, storage of caskets, funeral urns, and other related funeral supplies. **[Added 7-6-2021]**

ASSISTED-LIVING FACILITY — See "nursing home."

ATTACH — To fasten or physically join an item to a structure such as attaching an antenna to a tower or joining two structures together, such as attaching a garage to a house.

AUTOMOBILE CAR WASH — A building or portion thereof containing facilities for washing more than two automobiles, using production line methods. The use of personnel for one or more phases of this operation in conjunction with or without complete automatic or mechanical devices does not alter its classification. For the purpose of this chapter, coin-operated devices operated on a self-service basis shall be construed to be the same.

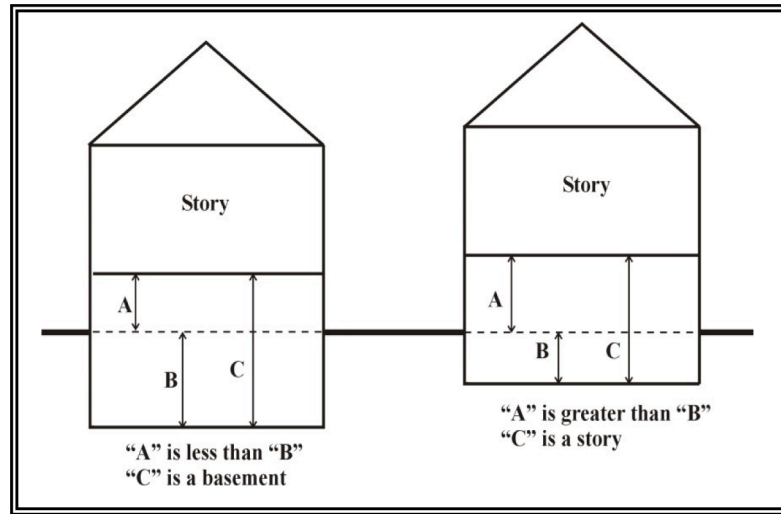
AUTOMOBILE REPAIR, MAJOR — The general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame or fender-straightening and repair; overall painting and undercoating of automobiles.

AUTOMOBILE REPAIR, MINOR — Repairs other than major repair, including engine tune-up, muffler shops, shock absorber replacement shops, undercoating shops and tire stores.

AUTOMOBILE SALE — Any business establishment that sells or leases new or used automobiles, trucks, vans, trailers, recreational vehicles, boats, or motorcycles or other similar motorized transportation vehicles. Automobile sales may include an inventory of the vehicles for sale or lease either on-site or at a nearby location and may provide on-site facilities for the repair and service of the vehicles sold or leased by the establishment.

AUTOMOBILE SERVICE STATION — A place for the dispensing, sale or offering for sale of motor fuels directly to users of motor vehicles, together with the sale of minor accessories and services for motor vehicles, but not including major automobile repair.

BASEMENT or CELLAR — That portion of a building which is partly below and partly above grade, and having at least half its height below grade.

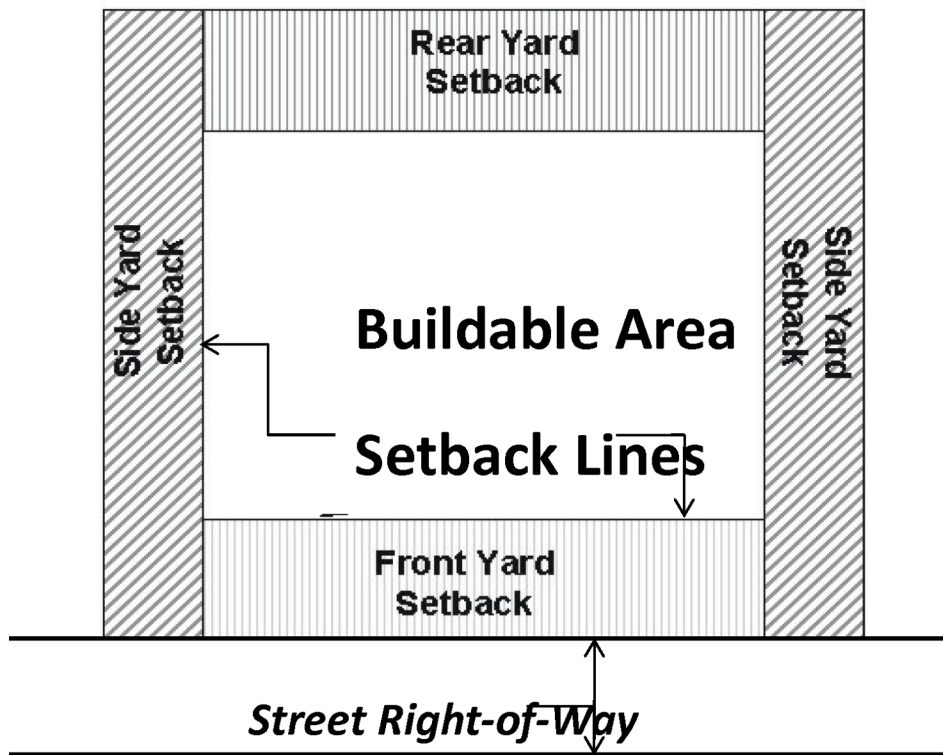


BED-AND-BREAKFAST — A use within a detached single-family dwelling in which transient guests are provided a sleeping room, breakfast and access to bathing and lavatory facilities in return for payment.

BOARDING — The provision by prearrangement of meals and lodging for a definite period of time for compensation in a residential dwelling.

BREW PUB — A restaurant that prepares handcrafted natural beer as an accessory use intended for consumption on the premises. Production capacity shall be limited to not more than 5,000 barrels per year. Such accessory use may occupy up to 30% of the gross floor area of the restaurant.

BUILDABLE AREA — The space remaining within a lot after the minimum setback and open space requirements of this chapter have been met.



BUILDING — A combination of material, whether portable or fixed, forming a structure having a roof supported by columns or by walls affording a facility or shelter for use or occupancy by persons, animals, or property.

BUILDING ENVELOPE — The three-dimensional buildable area within which a structure is permitted to be built on a lot and which is defined by regulations governing building setbacks, maximum height, and bulk.

BUILDING OFFICIAL — The officer or other designated authority charged with the administration and enforcement of the City Building Code,¹⁸ or his/her duly authorized representative.

BUILDING PERMIT — An authorization issued by the Building Official to move, erect or alter a structure within the City.

BUILDING, PRINCIPAL — A building in which is conducted the primary use of the lot upon which it is situated.

BUS PASSENGER STATION — Any premises for the transient housing or parking of motor driven buses, and the loading and unloading of passengers.

CAMPGROUND — Shall be as defined in Section 12501 of Public Act No. 368 of 1978 (MCLA § 333.12501 et seq.).

CANOPY STRUCTURE — Any overhead protective structure which is constructed in such a manner as to allow pedestrians/vehicles to pass under.

18. Editor's Note: See Ch. 8, Buildings and Building Regulations.

CEMETERIES — A privately or publicly owned property which provides perpetual care of grounds used solely for the interment of human beings or customary household pets.

CERTIFICATE OF OCCUPANCY — A written document received from the Building Official stating that the City Building Code, as amended, and this chapter have been complied with as they apply to the construction of a building or structure and the use of a lot and that the building may now be occupied for its declared purpose.

CHANGE OF USE — A use of a building, structure or parcel of land, or portion of a building, structure or parcel of land, which is different from the previous use in the way it is classified in this chapter.

CHILD-CARE FACILITIES — Facilities for the care of children under 18 years of age, as licensed and regulated by the state under Michigan Public Act 116 of 1973¹⁹ and the associated rules promulgated by the State Department of Human Services. Such organizations shall be further defined as follows:

- A. **CHILD-CARE OR DAY-CARE CENTER** — A facility, other than a private residence, receiving one or more preschool or school-age children for care for periods less than 24 hours a day, and where the parents or guardians are not immediately available to the child. Child-care center or day-care center includes a facility that provides care for not more than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child-care center, day-care center, day nursery, nursery school, parent cooperative preschool, play group, before or after-school program, or drop-in center. Child-care center or day-care center does not include a Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are attending for not more than four hours per day for an indefinite period or for not more than eight hours per day for a period not to exceed four weeks during a twelve-month period; a facility operated by a religious organization where child care is provided for not more than three hours while persons responsible for the children are attending religious services; a program that is primarily supervised, school-age-child-focused training in a specific subject, including, but not limited to, dancing, drama, music, or religion, only during the time the child is involved in supervised, school-age-child-focused training; a program that is primarily an incident of group athletic or social activities for school-age children, sponsored by or under the supervision of an organized club or hobby group, including, but not limited to, youth groups, scouting, and school-age recreational or supplementary education programs, open only during the time the child is engaged in the group athletics or social activities, and if the school-age child can come and go at will.
- B. **CHILD-CARE INSTITUTION** — A child care facility that is organized for the purpose of receiving minor children for care, maintenance, and supervision, usually on a twenty-four-hour basis, in a building maintained for that purpose, and operating throughout the year. An educational program may be provided, but the educational program shall not be the primary purpose of the facility. Child-care institution includes a maternity home for the care of unmarried mothers who are minors and an agency group home, that is described as a small child-caring institution owned, leased, or rented by a licensed agency providing care for more than four but less than 13 minor children. Child-care institution also includes

19. Editor's Note: See MCLA § 722.111 et seq.

institutions for mentally retarded or emotionally disturbed minor children. Child-care institution does not include a hospital, nursing home, or home for the aged licensed under Article 17 of the Public Health Code, a boarding school licensed under Section 1335 of the Revised School Code, a hospital or facility operated by the state or licensed under the Mental Health Code, or an adult foster care family home or an adult foster care small group home licensed under the Adult Foster Care Licensing Act in which a child has been placed under that Act.

- C. FAMILY DAY-CARE HOME — A private home in which up to six minor children are received for care and supervision for periods of less than 24 hours a day, including children related to the caregiver by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.
- D. FOSTER FAMILY HOME — A private home in which at least one but not more than four minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household under the Michigan Adoption Code, are given care and supervision for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.
- E. FOSTER FAMILY GROUP HOME — A private home in which more than four but less than seven children, including children related to the caregiver by blood, marriage, or who are not placed in the household under the Michigan Adoption Code, are provided care for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.
- F. GROUP DAY-CARE HOME — A private home in which more than six but not more than 12 children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, including children related to the caregiver. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.

CHURCH, LARGE-SCALE — A religious institution with a seating capacity of 500 people or more in its sanctuary or main area of assembly or more than 250 parking spaces.

CITY BUILDING CODE — The duly adopted building code of the City.²⁰

CITY COMMISSION — The legislative body of the City.

CITY ENGINEER — The person designated by the City to carry out day-to-day engineering responsibilities.

CLINIC — See "medical office."

CLUSTER DEVELOPMENT — A development where structures are arranged in closely related groups. Units are typically of the same type or design character, and built at higher densities in certain areas of a site while preserving the natural features in others on the same site.

COMMERCIAL KENNEL — Any place where four or more dogs, cats, or other

20. Editor's Note: See Ch. 8, Buildings and Building Regulations.

animals over three months of age are kept, raised, sold, boarded, bred, shown, treated, or groomed.

COMMERCIAL USE — An activity carried out as a use of property for financial gain including, but not limited to retail sales, repair service or salvage operators, business offices, food service, entertainment, and brokerages related to the purchase, sale, barter, display, or exchange of goods, wares, merchandise or personal services or the maintenance of service offices or recreation or amusement enterprise or garage/basement sales operating more than 12 days during any one twelve-month period.

COMMERCIAL VEHICLES — A vehicle having a gross vehicle weight greater than one ton designed for transportation of commodities, merchandise, produce, freight, animals, or passengers, including buses.

COMMERCIAL WIRELESS TELECOMMUNICATION SERVICES — Licensed telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

CONDOMINIUM — The ownership of a dwelling unit and the space enclosed by the description thereof as contained in the master deed for the complex or project, established in conformance with the provisions of the Condominium Act (MCLA § 559.101 et seq.).

CONSTRUCTION — The erection, alteration, repair, renovation, demolition or removal of any building or structure; and/or the excavation, filling, and grading of a lot.

CONSTRUCTION CONTRACTORS ESTABLISHMENT — A parcel of land, building or structure, or a portion of a parcel of land, building or structure, used to store trucks, excavation equipment, supplies, tools or materials utilized by construction contractors, subcontractors, and builders.

CONVALESCENT HOME — See "nursing home."

DAY CARE — See "child care."

DECORATIVE TILT-UP PANELS — Poured concrete panels enhanced with color and texture, shapes and other fenestration that form the exterior walls of buildings.

DEMOLITION — The purposeful razing, destruction, or disassembly of a building or structure.

DENSITY — The number of dwelling units per unit of lot area. See "lot area."

- A. **GROSS** — A figure which equals the total number of dwelling units on a lot divided by the total number of acres included in the lot.
- B. **NET** — A figure which equals the total number of dwelling units on a lot divided by the total number of acres included in the lot, excluding all open bodies of water, land within the one-hundred-year floodplain, public rights-of-way and areas within overhead utility line easements. For purposes of calculating maximum density, only 25% of the acreage determined to be wetlands protected by the Wetland Protection, PA 59 of 1995 (MCLA § 324.30301 et seq.), shall be calculated toward the total site acreage. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**

DETENTION — A system, which is designed to capture stormwater and temporarily contain it until it drains to another location at a controlled rate.

DETENTION BASIN — A stormwater management facility, either natural or man-made, which captures and temporarily holds runoff directed into it until the water drains to another location at a controlled rate.

DIAMETER AT BREAST HEIGHT (DBH) — The diameter measured at a height of 4.5 feet above the natural grade.

DISTRICT, ZONING — An area of land for which there are uniform regulations governing the use of buildings and premises, density of development, yard requirements and height regulations, and other appropriate regulations.

DITCH — A man-made channel constructed for drainage or irrigation purposes.

DRAINAGE — The collection, conveyance, or discharge of groundwater and/or surface water.

DRAINAGE AREA — The contributing watershed, which is expressed in acres or square miles.

DRIVE-THROUGH FACILITY — A business establishment whose method of operation involves the delivery of a service or product directly to a patron inside a vehicle, typically through a service window or other appurtenance to a building, where vehicles are queued within a stacking area or approach to the service window or facility.

DRIVEWAY — A private path of travel over which a vehicle may be driven which provides access from parcels of land to a public or private road.

DWELLING — A detached building or portion of a building designed or used exclusively as the home, residence or sleeping place of one or more persons, not including accessory buildings or structures, either attached or detached. In the case of a mixed occupancy where a building is occupied in part as a dwelling, the part so occupied shall be deemed a dwelling for purposes of this chapter and shall comply with the chapter provisions relative to dwellings.

- A. **APARTMENT** — An apartment is an attached dwelling unit with common walls, contained in a building with other apartment units which are commonly reached off of a common stair landing or walkway.
- B. **DWELLING UNIT** — A building, or portion of a building, designed exclusively for human occupancy providing complete independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.
- C. **MULTIPLE-FAMILY** — A single building with abutting walls containing two or more residential dwelling units.
- D. **SINGLE-FAMILY** — A detached building designed for or occupied exclusively by one family.

EARTH CHANGE — Any human activity which removes ground cover, changes the slope or contours of the land, or exposes the soil surface to the actions of wind and rain. Earth change includes, but is not limited to, any excavating, surface grading, filling, landscaping, or removal of vegetative roots.

EDUCATIONAL INSTITUTION — A public or private accredited kindergarten through 12th grade school, college, trade, or business school, nursery school, preschool, or day-care center, and/or related administrative offices, excluding a maintenance garage.

ESSENTIAL SERVICES — The erection, construction, alteration, or maintenance by public or quasi-public franchised utilities or municipal departments or commissions of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply or disposal systems. These may include, but are not necessarily limited to: mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, towers, poles, and other similar equipment, and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or general welfare. Essential services shall not include buildings other than such buildings that are primarily enclosures or shelters of the above essential service equipment. Cellular telephone or communications towers as defined by this article shall not be considered essential services.

EXCAVATION — Removal or recovery by any means whatsoever of soil, rock, sand, gravel, peat, muck, barrow, shale, limestone, clay or other mineral or organic substances, other than vegetation, from water or land, whether exposed or submerged.

EXISTING USE — The use of a parcel of land or a structure at the time of the enactment of this chapter.

EXPANSION —

- A. An addition to an existing building or structure which extends or increases the floor area, or height of a building or structure.
- B. An extension of a use over a larger portion of a building, structure or area of land.

FAMILY —

- A. An individual or group of two or more persons related by blood, marriage, or adoption, together with foster children and servants of the principal occupants who are domiciled together as a single housekeeping unit in a dwelling unit; or
- B. A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing, nontransient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, halfway house, lodge, coterie, organization, group of students, or other individual whose domestic relationship is of a transitory or seasonal nature, is for an anticipated limited duration of school term or during a period of rehabilitation or treatment, or is otherwise not intended to be of a permanent nature.

FARM — Real property which is used for agriculture or horticulture, comprising at least 20 contiguous acres and including all necessary buildings and structures. All of the contiguous neighboring or associated land operated as a single unit on which bona fide farming is carried on directly by the owner-operator, manager or tenant farmer, by his own labor or with the assistance of members of his household or hired employees. Farms may be considered as including establishments operated as bona fide greenhouses, nurseries, orchards, chicken hatcheries, poultry farms and apiaries.

FENCE — An unroofed structure of definite height and location constructed of wood, masonry, stone, wire, metal, or any other material or combination of materials serving as a physical barrier, marker, or enclosure.

FLOOD HAZARD AREA — Land which on the basis of available floodplain information is subject to a one-percent or greater chance of flooding in any given year.

FLOOD INSURANCE RATE MAP (FIRM) — An Official Map of a community, on which the Federal Insurance Administration has delineated both the areas of special hazards and the risk premium zones applicable to the community.

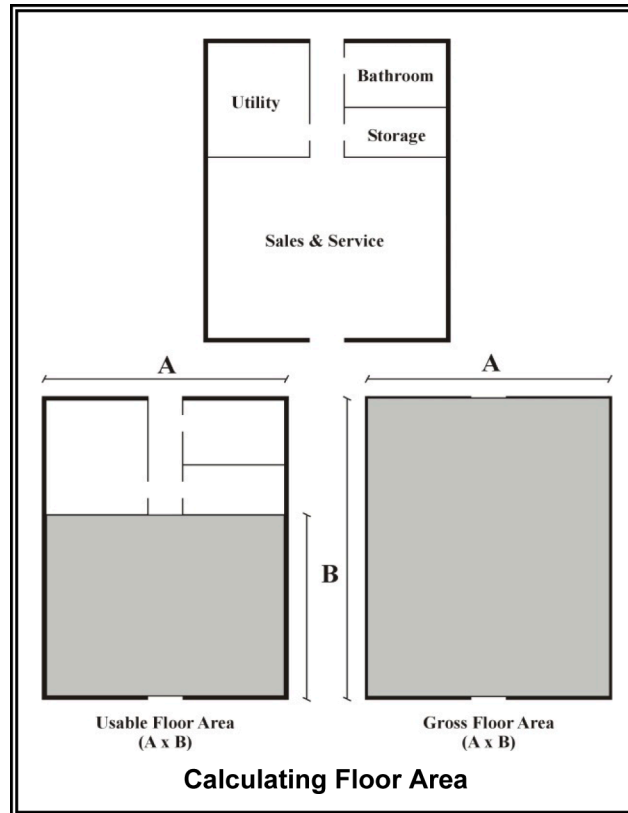
FLOOD or FLOODING — A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of waters; or the unusual and rapid accumulation of runoff of surface waters from any source.

FLOODPLAIN — The area of land adjacent to a lake or stream identified as the flood hazard area on the FIRM.

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

FLOOR AREA — The sum of all horizontal areas of the several floors of a building or dwelling unit, measured from the exterior faces of exterior walls, or from the center line of walls separating dwelling units. Unenclosed porches, courtyards, patios and cellars shall not be considered as part of floor area, except when utilized for commercial or industrial purposes.

- A. GROSS FLOOR AREA (GFA) — The area within the perimeter of the outside walls of the building under consideration, without deduction for hallways, stairs, closets/storage rooms, thickness of walls, columns, or other features.
- B. USABLE FLOOR AREA (UFA) — 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.
 - (1) Such floor area which is used or intended to be used for hallways, stairways, elevator shafts, utility or sanitary facilities or the storage or processing of merchandise shall be excluded from this computation of usable floor area.
 - (2) Measurement of usable floor area shall be the sum of the horizontal areas of each story of a structure measured from the internal faces of the exterior walls.



FRONTAGE — That part of a lot (a lot line) abutting on a street or way.

FUNERAL HOME AND MORTUARY ESTABLISHMENT — A building or part thereof used for human funeral services. Such building may contain space and facilities for: embalming and the performance of other services used in the preparation of the dead for burial; the performance of autopsies and other surgical procedures; the storage of caskets, funeral urns, and other related funeral supplies; the storage of funeral vehicles; and facilities for cremation. Where a funeral home is permitted, a funeral chapel shall also be permitted.

GARAGE — 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 SALE — Any sale of personal effects, jewelry, or household items, furnishings and equipment belonging to the owner or occupant of the property held in any district by the owner, occupant or his personal representative.

GOLF COURSE — A lot or portion of a lot used for the playing of golf and shall include pitch-and-putt courses but shall not include driving ranges, miniature golf courses, or other similar commercial enterprises.

GRADE — The average elevation of the natural ground surface of a parcel of land, or the finished surface of ground after the development, filling, or excavation of a parcel of land.

GRADING — Any stripping, excavating, filling, and stockpiling of soil or any

combination thereof and the land in its excavated or filled condition.

GREENBELT — A landscaped area between the property line and the front yard building or parking setback line.

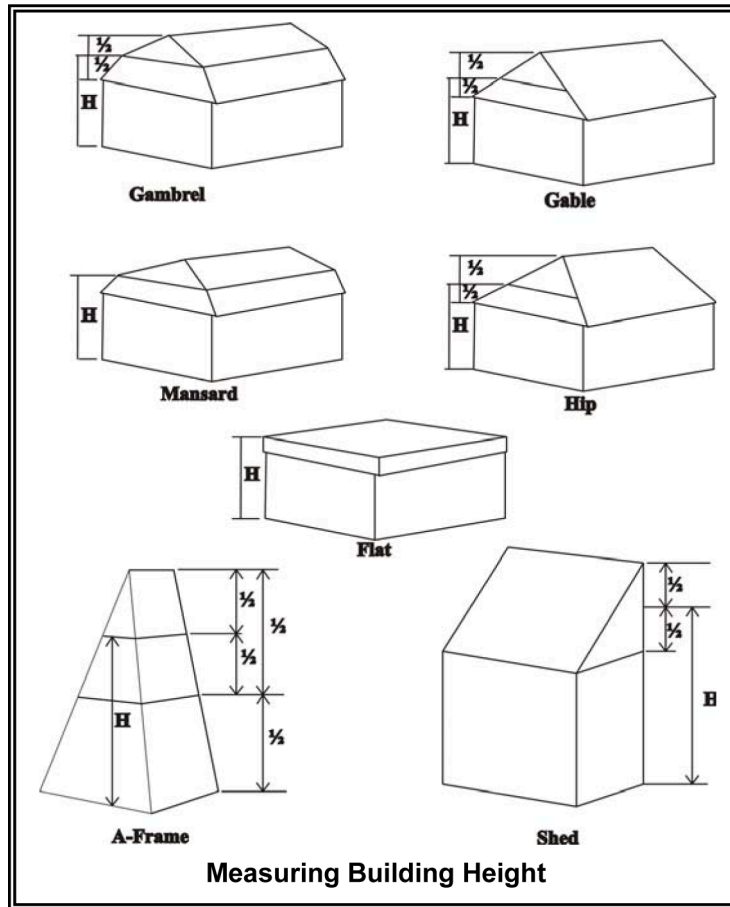
GREENHOUSE — A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment.

GROUND COVER — Grasses or other plants grown to keep soil from being blown or washed away.

HEAVY EQUIPMENT — Commercial vehicles with a gross vehicle weight in excess of 10,000 pounds, and excavating, grading, road building, earthmoving, demolition, loading and similar equipment.

HEIGHT — The vertical distance of a structure measured from the average elevation of the finished grade within 20 feet of the structure to the highest point of the structure, or as otherwise provided in this chapter.

HEIGHT, BUILDING — The vertical distance measured from the established grade to the highest point of the roof surface if a flat roof; to the deck of mansard roofs; and to the mean height level between eaves and ridge of gable, hip and gambrel roofs. When the terrain is sloping, the ground level is measured at the wall line.



HOME OCCUPATION — An occupation customarily conducted in a dwelling unit that is clearly an incidental and secondary use of the dwelling. A home occupation may also be commonly known as cottage industry, home-based business, home marketing network, or home interactive distribution or marketing, but shall not be construed to include day care or state-licensed residential care facilities.

HOSPICE — A freestanding licensed facility which provides palliative and supportive medical and other health services to meet the physical, psychological, social, spiritual, and special needs of terminally ill patients and their families in a group residential setting.

HOSPITAL — A facility providing health services primarily for in-patient medical or surgical care of the sick or injured and including related facilities such as laboratories, outpatient departments, training facilities, central service facilities, and staff offices which are an integral part of the facilities.

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.

HUMAN OCCUPANCY — A building or portion of a building primarily used or

intended to be used for individuals to congregate for any purpose and which is equipped with means of egress, light, and ventilation facilities in accordance with the state construction code, excluding a building or portion of a building incidental to the use for agricultural purposes of the land on which the building is located, or a building used exclusively for the purpose of storage in which there are no employees or occupants.

IMPERVIOUS — The ground condition (e.g., roads, parking lots, sidewalks, and rooftops) which does not allow percolation or infiltration of precipitation. The condition causes water to accumulate on the surface resulting in increased runoff.

INDUSTRIAL USE — A structure, building, or parcel of land, or portion thereof utilized or inherently designed to be utilized for the purpose of production, manufacturing, processing, cleaning, testing, rebuilding, assembly, distribution, finishing, constructing, or printing of goods or products, and related research and development facilities.

JUNK — Any abandoned, discarded, unusable, or unused objects or equipment including, but not limited to, furniture, stoves, refrigerators, freezers, cans, implements, parts of motor vehicles, machinery, cloth, rubber, bottles, any metals, boxes, cartons or crates.

JUNKYARD — An outdoor 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 "junkyard" includes automobile wrecking yards and includes any open area of more than 200 square feet for storage, keeping or abandonment of junk.

KENNEL — Any place where four or more dogs, cats, or other animals over three months of age are kept, raised, sold, boarded, bred, shown, treated, or groomed.

LAND USE — A description of how land is occupied or utilized.

LIGHTING — The following words, terms and phrases related to lighting, when used in this chapter, shall have the meanings ascribed to them:

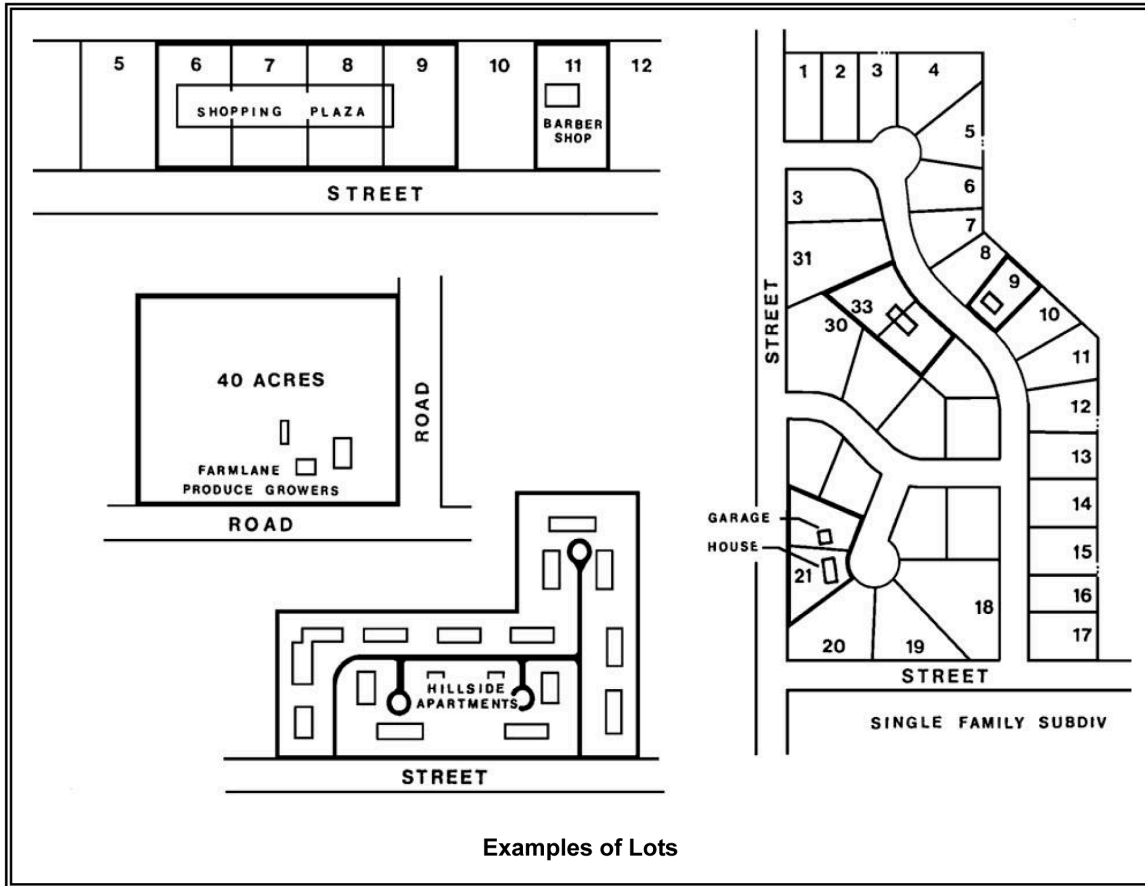
- A. **FLOODLIGHT** — Any light fixture or lamp that incorporates a reflector or refractor to concentrate the light output into a directed beam in a particular direction.
- B. **GLARE** — A direct light emitted by a lamp, luminous tube lighting or other light source.
- C. **LAMP** — The component of the luminaire that produces the actual light, including luminous tube lighting.
- D. **LIGHT FIXTURE** — The assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and a refractor or lens. A light fixture also includes the assembly for luminous tube and fluorescent lighting.
- E. **LIGHT POLLUTION** — An artificial light which causes a detrimental effect on the environment, enjoyment of the night sky or causes undesirable glare or unnecessary illumination of adjacent properties.
- F. **LIGHT TRESPASS** — The shining of light produced by a luminaire beyond the

boundaries of the property on which it is located.

- G. LUMINAIRE — The complete lighting system including the lamp and light fixture.
- H. LUMINOUS TUBE LIGHTING — Gas-filled tubing which, when subjected to high voltage, becomes luminescent in a color characteristic of the particular gas used, e.g., neon, argon, etc.
- I. OUTDOOR LIGHT FIXTURES — Outdoor artificial illuminating devices, outdoor fixtures, lamps and other similar devices, permanently installed or portable, used for floodlighting, general illumination or advertisement.
- J. SEARCHLIGHT — A powerful light or lights equipped with a reflector to produce a bright beam or beams.
- K. SHIELDED FIXTURE — Outdoor light fixtures shielded or constructed so that light rays emitted by the fixture are projected below the horizontal plane passing through the lowest point on the fixture from which light is emitted, e.g., "shoebox-type" fixtures. A luminaire mounted in a recessed fashion under a canopy or other structure such that the surrounding structure effectively shields the light in the same manner is also considered fully shielded.

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 or unloading merchandise or materials.

LOT — A parcel of land or contiguous parcels of land under one ownership described within fixed boundaries, of sufficient size and configuration to meet the site development requirements of this chapter and having access to a public road. The word "lot" shall include plot or parcel. A lot need not be a lot of record. A lot may also mean a portion of a condominium project, as regulated by Public Act No. 59 of 1978 (MCLA § 559.101 et seq.), designed and intended for separate or limited ownership and/or use.



LOT AREA — The total area within the described lot lines of a parcel of land, excluding road right-of-way or the submerged area of any river or lake at the shoreline or ordinary high-water mark. Regulated wetlands may be included within the area of a lot, provided at least 75% of the minimum required lot area shall be buildable upland area.

LOT COVERAGE — That portion of the area of lot that contains buildings and structures measured as a percent of the entire lot area.

LOT DEPTH — The average distance from the front lot line to the rear lot line measured in the general direction of the side lines of the lot.

LOT FRONTAGE — The dimension of a lot measured along the public road right-of-way line or easement.

LOT LINE — The boundaries of a lot which divide one lot from another lot or from a public or existing private road or any other publicly owned parcel of land.

LOT LINE, FRONT — A lot line of a length equal to or greater than the minimum lot width as required in this chapter, which is also the road right-of-way line on interior lots which front a public or private road, in the case of a corner lot each of the lot lines abutting a road right-of-way shall be considered a front lot line.

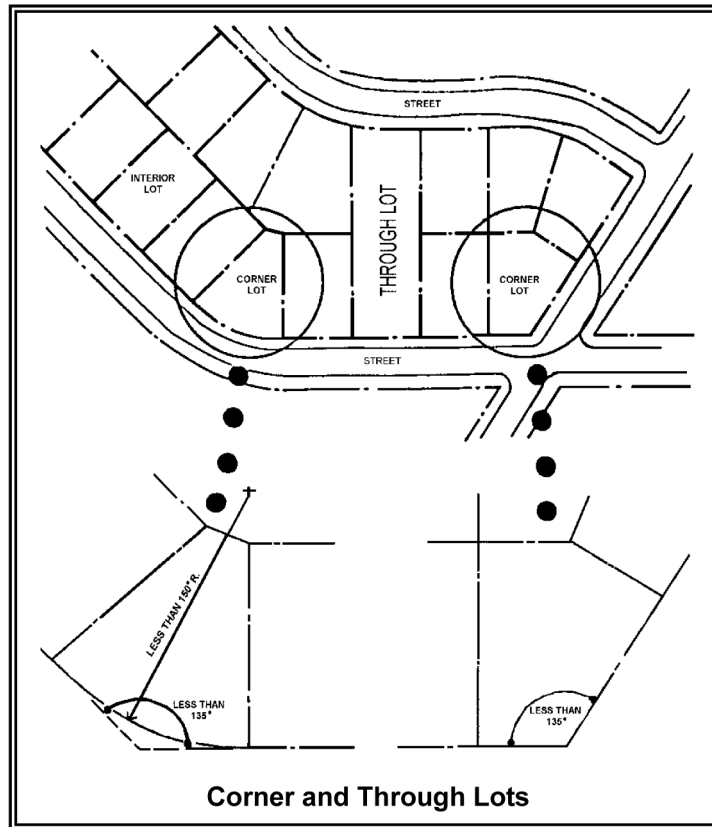
LOT LINE, REAR — The lot line opposite and most distant from the front lot line; or in the case of triangular or otherwise irregularly shaped lots, a line 20 feet entirely within the lot parallel to and at a maximum distance from the front lot line. In the case of a

corner lot, the lot line opposite the shortest front lot line shall be considered the rear lot line.

LOT LINE, SIDE — Any lot line other than a front or rear lot line.

LOT WIDTH — The horizontal distance between the side lot lines, as measured at the front yard setback line.

LOT, CORNER — A parcel of land abutting upon two or more streets at their intersection, or upon parts of the same street forming an interior angle of less than 135°.



LOT, INTERIOR — A lot other than a corner lot.

LOT, THROUGH OR DOUBLE-FRONTAGE — Any interior lot having frontage on two more or less parallel streets as distinguished from a corner lot. All yards of said lots adjacent to streets shall be considered front yards, and front yard setbacks shall be provided as required.

MANUFACTURED HOME — A structure transportable in one or more sections, which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation, when connected to required utilities and including plumbing, heating and electrical systems contained therein.

MANUFACTURED HOME DEVELOPMENT or MANUFACTURED HOME PARK — A parcel of land under the control of a person upon which are located three or more manufactured homes a continual, nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with

any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home.

MARIJUANA or MARIHUANA — The term as defined in the Public Health Code, MCLA 333.1101 et seq.; the Michigan Medical Marihuana Act, MCLA 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCLA 333.27101 et seq.; the Marihuana Tracking Act, MCLA 333.27901 et seq.; and the Michigan Regulation and Taxation of Marihuana Act, MCLA 333.27951. **[Added 2-19-2018; amended 10-5-2020]**

- A. **GROWER FACILITY, MEDICAL MARIHUANA** — A licensee that is a commercial entity located in this state that cultivates, dries, trims, or cures and packages marihuana for sale to a processor or provisioning center.
- B. **GROWER, MARIHUANA** — A person licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments.
- C. **LICENSEE** — A person holding a state operating license issued under the Medical Marihuana Facilities Licensing Act, MCLA 333.27101 et seq., and the Michigan Regulation and Taxation of Marihuana Act, MCLA 333.27951.
- D. **MEDICAL MARIHUANA FACILITY** — An enterprise at a specific location at which a licensee is licensed to operate under the Medical Marihuana Facilities Licensing Act, MCLA 333.27101 et seq., including a marihuana grower, marihuana processor, marihuana provisioning center, marihuana secure transporter, or marihuana safety compliance facility. The term does not include or apply to a "primary caregiver" or "caregiver" as that term is defined in the Michigan Medical Marihuana Act, MCLA 333.26421 et seq.
- E. **MARIHUANA ESTABLISHMENT** — An enterprise at a specific location at which a licensee is licensed to operate under the Michigan Regulation and Taxation of Marihuana Act, MCLA 333.27951, including a marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana retailer, or marihuana secure transporter. A marihuana establishment does not include any of the following within the City of Lapeer: an excess marihuana grower, a marihuana microbusiness, or a designated consumption establishment, and further does not include a location where a marihuana event organizer license or temporary marihuana event license could be utilized.
- F. **OUTDOOR PRODUCTION** — The growing of marihuana in an expanse of open or cleared ground or in a greenhouse, hoop house, or similar nonrigid structure that does not utilize any artificial lighting, including, but not limited to, electrical lighting sources.
- G. **PERSON** — An individual, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, or other legal entity.
- H. **PROCESSOR** — A licensee that is a commercial entity located in Michigan that purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in packaged form to a provisioning center.

- I. **PROVISIONING CENTER** — A licensee that is a commercial entity located in Michigan that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers. Provisioning center includes any commercial property where marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver in accordance within the Michigan Medical Marihuana Act, MCLA 333.26421 et seq., is not a provisioning center for purposes of this chapter.
- J. **RETAILER** — A person licensed to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are 21 years of age or older.
- K. **SAFETY COMPLIANCE FACILITY** —
- (1) A licensee that is a commercial entity that receives marihuana from a marihuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana facility.
 - (2) A person licensed to test marihuana, including certification for potency and the presence of contaminants.
- L. **SECURE TRANSPORTER** —
- (1) A licensee that is a commercial entity located in this state that stores marihuana and transports marihuana between marihuana facilities for a fee.
 - (2) A person licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments.

MASTER PLAN — The plan authorized by PA 33 of 2008 the Michigan Planning Enabling Act²¹ and serving as the policy basis for zoning and community development decisions in the City.

MEDICAL OFFICE, CLINIC — A facility operated by one or more physicians, dentists, chiropractors or other licensed practitioners of the healing arts for the examination and treatment of persons solely on an outpatient basis.

MINI-WAREHOUSE — A building or group of buildings of a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers for the storage of customers' goods or wares.

MODULAR HOME — A dwelling unit constructed on-site and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation.

MORTUARY — See "funeral home."

MOTEL — A series of attached, semidetached or detached rental units containing a bedroom, bathroom and closet space. Units shall provide for overnight lodging and are offered to the public for compensation, and shall cater primarily to the public traveling

21. Editor's Note: See MCLA § 125.3801 et seq.

by motor vehicle.

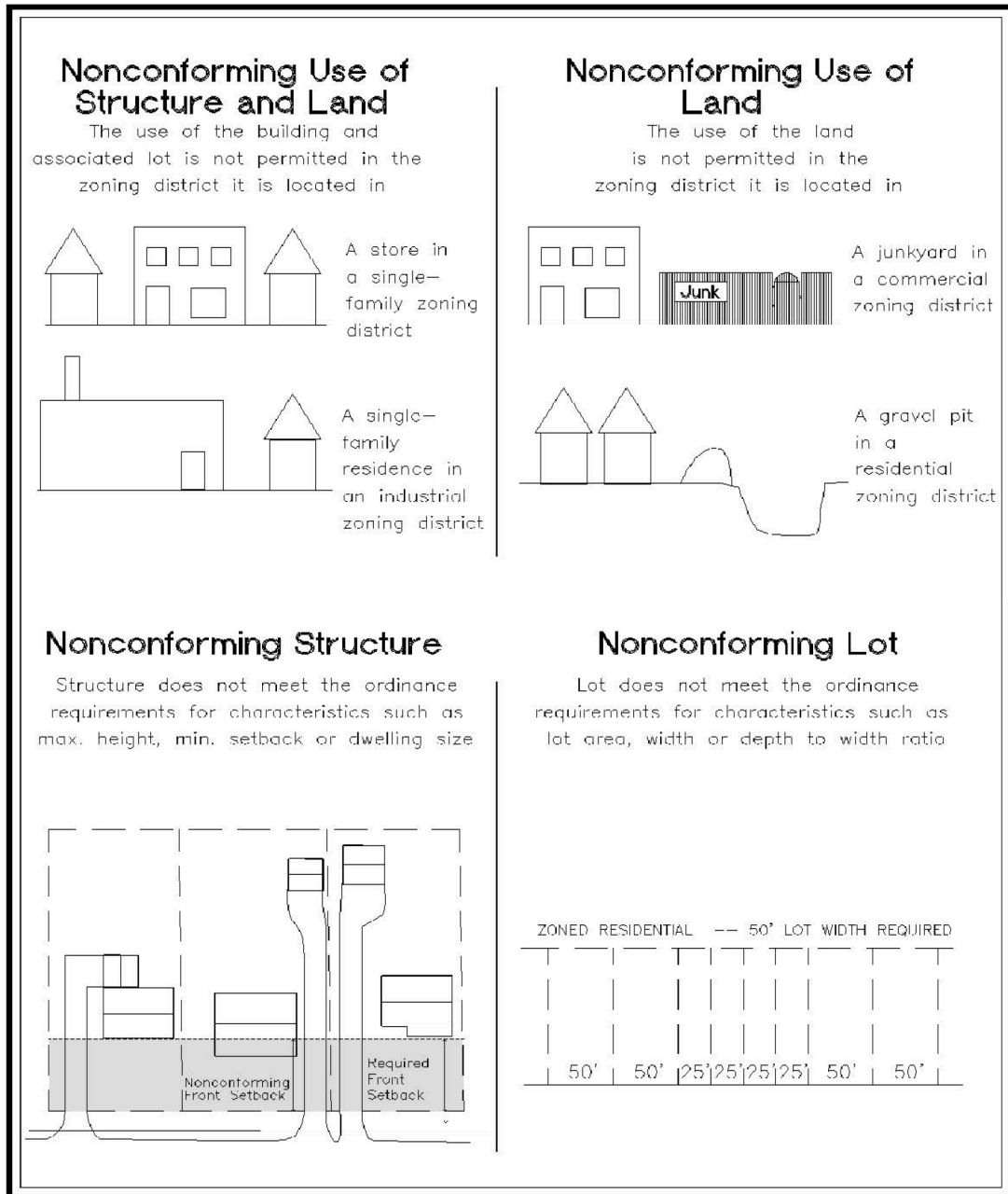
MOVIE THEATER, MULTI-SCREEN — A complex structure with multiple movie theaters in which each theater is capable of showing movies independent of the others in the complex. Structurally, theaters are grouped in a manner that allows them to share box or ticket offices, parking facilities, lobby area, rest rooms, concession stands, signs and marquee displays, and other service and maintenance facilities.

MUNICIPAL BUILDING — A building, either publicly or privately owned, which is located on any lot that is open to the public, including meeting halls, libraries, clubhouses, museums, cultural societies, visual and performance arts buildings, government buildings, and community buildings that are administered by nonprofit cultural, educational or religious organizations.

MUNICIPALITY — The City of Lapeer, Michigan.

NEWSPAPER OFFICES AND PRINTING PLANTS — A commercial printing operation, including administrative offices, involving a process that is considered printing, imprinting, reproducing, or duplicating images and using printing methods, including but not limited to offset printing, lithography, web offset, flexographic, and screen process printing.

NONCONFORMING LOT — A platted lot that conformed with all City zoning requirements at the time of recording of such plat, which no longer conforms to the zoning regulations and requirements for lot area, lot width, or both; or a lot outside a recorded plat that conformed with all City zoning requirements at one time, and which has not been subdivided or reduced in size subsequent to the time it did conform to this chapter, which no longer conforms with the zoning requirements for lot area, lot width, or both.



NONCONFORMING STRUCTURE — A building or portion of a building lawfully existing at the effective date of the ordinance from which this chapter is derived or amendments, and which does not conform to the provisions of the zoning district in which it is located.

NONCONFORMING USE — A use which lawfully occupied a building or land at the effective date of the ordinance from which this chapter is derived or the effective date of an amendment to this chapter that does not conform to the use regulations of the zoning district in which it is located.

NUISANCE — 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:

- A. Noise.
- B. Dust.
- C. Smoke.
- D. Odor.
- E. Glare.
- F. Fumes.
- G. Flashes.
- H. Vibration.
- I. Shock waves.
- J. Heat.
- K. Electronic or atomic radiation.
- L. Objectionable effluent.
- M. Noise of congregation of people, particularly at night.
- N. Passenger traffic.
- O. Invasion of nonabutting street lot frontage by traffic ("cut-through" traffic).
- P. A burned-out structure.
- Q. A condemned structure.

NURSING HOME — A home for the aged or infirm in which three or more persons not of the immediate family are housed or lodged and are furnished with meals, personal assistance and a range of nursing and limited medical care including any of the following: assisted living, supportive care, skilled or specialized care, continuing care, and/or dementia care; but not to include hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

OCCUPY — The residing of an individual or individuals overnight in a dwelling unit, or the installation, storage, or use of equipment, merchandise or machinery in any institutional, commercial, agricultural, or industrial building.

OFF-STREET PARKING LOT — A facility providing off-street vehicular parking spaces and drives or aisles for the parking of more than three vehicles.

OPEN SPACE, COMMON — A parcel or parcels of land, or a portion of a parcel, or an area of water or combination of land and water designed and intended for the use or enjoyment of the residents of a particular development, the subdivision or of the general public.

OWNER, PROPERTY — The owner of the freehold of the premises or lesser estate in the premises, a mortgagee or vendee in possession, an assignee of rents, receiver, executor, trustee, lessee, or any other person, or his/her duly authorized agent, sole proprietorship, partnership, association, limited liability company, or corporation directly or indirectly in control of a building, structure, or real property.

PARKING SPACE — An area of definite length and width, said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the parking of permitted vehicles.

PARKING STRUCTURE — A covered structure or portion of a covered structure that provides two or more levels of parking for motor vehicles.

PERMIT — An official document or certificate issued by an authorized official, empowering the holder thereof to perform a specified activity which is not prohibited by law, but not allowed without such authorization.

PERSONAL SERVICE ESTABLISHMENT — Establishments that perform services on the premises, such as, but not be limited to, tailors, beauty and barbershops, tattoo parlors, day spas, hair salons, interior decorators, photographers, physical therapy, massage therapists, or professional medical/mental counseling services.

PLANNED UNIT DEVELOPMENT (PUD) — The use of a parcel of land which is planned and developed as a single entity containing the various uses, structures, open spaces, and other elements and which is designated and developed under one owner or organized group, as provided for in this chapter.

PLANNING COMMISSION — The City of Lapeer Planning Commission as established by the City of Lapeer City Commission under provisions of the Michigan Zoning Enabling Act (Public Act 110 of 2006), as amended.²²

PLANT NURSERY — A parcel of land utilized for the purpose of growing ornamental trees, shrubbery, house plants, flowers, or perennial ground covers from seed or seedlings for the purpose of retail or wholesale trade.

PRACTICABLE — Available and capable of being done after taking into consideration cost, existing technology and logistics.

PRINCIPAL USE — The primary or predominant purpose to which a parcel of land is devoted as distinguished from an accessory use.

PRIVATE CLUB or LODGE HALL — Private clubs or recreation facilities for which a membership charge may be made and which are open only to bona fide members and their guests. A private club or lodge hall or similar facility may not be open or available to members of the general public. **[Amended 5-17-2012]**

PUBLIC ASSEMBLY — A building or structure for groups of people to gather for an event or regularly scheduled program. Places of public assembly include but are not limited to arenas, religious institutions, lecture halls, banquet facilities, and similar facilities.

PUBLIC SANITARY SEWER — A system of pipe owned and maintained by a governmental unit used to carry human, organic and industrial waste from the point of origin to a point of treatment or discharge.

22. Editor's Note: See MCLA § 125.3101 et seq.

PUBLIC WATER SUPPLY — A waterworks system which provides water for drinking or household purposes to persons other than the supplier of water, except those waterworks systems which supply water to only one living unit, or as further defined in Public Act No. 399 of 1976, as amended (MCLA § 325.1001 et seq.).

RECREATION AREA, PRIVATE, NONCOMMERCIAL — A private recreational facility or community center for use solely by the residents and guests of a particular residential development, planned unit development, or residential neighborhood, including indoor and outdoor facilities. These facilities are usually proposed or planned in association with development and are usually located within or adjacent to such development. **[Amended 5-17-2012]**

RECREATION FACILITY, COMMERCIAL — Any commercial establishment which receives a fee in return for provision of some recreational activity to the general public, including but not limited to driving ranges, golf courses, swimming pools, water parks, tennis courts, outdoor racquetball courts, motorized cart and motorcycle tracks, and batting cages. **[Amended 5-17-2012]**

RECREATIONAL VEHICLE — A vehicle or equipment intended for temporary or periodic use for recreational or leisure pursuits. Such vehicles shall include boats, airplanes, special purpose automobiles, floats, rafts, trailers, snowmobiles, camping or travel trailers, motorized homes, detachable travel equipment of the type adaptable to light trucks, and other equipment or vehicles of a similar nature.

REHABILITATION — The upgrading of an existing building or part of an existing building which is in a dilapidated or substandard condition.

REPAIR — The reconstruction or renewal of any part of an existing building or structure for the purpose of maintenance.

RESEARCH AND DEVELOPMENT ESTABLISHMENT — A structure or group of structures used primarily for research, development, or controlled production of high-technology electronic, industrial, or scientific products or commodities or laboratories conducting educational or medical research or testing applied and developmental research, where product testing is an integral part of the operation and goods or products may be manufactured as necessary for testing, evaluation, and test marketing.

RESTAURANT — Any use that includes the sale of food and/or beverages to a customer in a ready-to-consume state.

- A. **CARRY-OUT RESTAURANT** — A use that involves the sale of food, beverages, and/or desserts in disposable or edible containers or wrappers in a ready-to-consume state for consumption off the premises.
- B. **DRIVE-IN RESTAURANT** — A use that involves delivery of prepared food so as to allow its consumption within a motor vehicle or elsewhere on the premises, but outside of an enclosed building.
- C. **DRIVE-THROUGH RESTAURANT** — See "drive-through facility."
- D. **STANDARD RESTAURANT** — A standard restaurant is a use that involves either of the following:
 - (1) The delivery of prepared food by waiters and waitresses to customers seated at tables within a completely enclosed building.

- (2) The prepared food is acquired by customers at a cafeteria line and is subsequently consumed by the customers within a completely enclosed building.

E. LOUNGE/TAVERN — A lounge or tavern is a type of restaurant that is operated primarily for the dispensing of alcoholic beverages. The preparation and sale of food or snacks to customers may be permitted.

RESTORATION — The reconstruction or replication of an existing building's original architectural features.

RETAIL BUSINESS — A commercial enterprise that provides goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser.

RETENTION — A system, which is designed to capture stormwater and contain it until it infiltrates the soil or evaporates.

RETENTION BASIN — A stormwater management facility, either natural or man-made, which does not have an outlet, which captures and holds runoff directed into it.

RIGHT-OF-WAY — A public or private strip of land acquired or utilized by reservation, dedication, easement, prescription, purchase or condemnation and permanently established for the passage of persons, vehicles, railroads, water, utility lines, and similar uses.

RUNOFF — The portion of precipitation which does not infiltrate or percolate into the ground, but rather moves over the land, eventually reaching a water body, wetland, or low area.

SATELLITE DISH ANTENNA — An apparatus capable of receiving communications from a transmitter or a transmitter relay located in planetary orbit.

SEDIMENT — Any solid particulate matter which has been moved from the site of origin by erosion, is being transported by water, is in suspension in water, or has been deposited in a water body, wetland or floodplain.

SETBACK — The minimum required horizontal distance measured from the front, side, or rear lot line, as the case may be, which setback describes an area termed the setback on a lot or parcel required by this chapter for the district in which it is located.

A. FRONT — The minimum required horizontal distance measured from the front lot line which describes an area termed the front setback on a lot or parcel required by this chapter for the district in which it is located.

B. REAR — The minimum required horizontal distance measured from the rear lot line which describes an area termed the rear setback on a lot or parcel required by this chapter for the district in which it is located.

C. SIDE — The minimum required horizontal distance measured from the side lot lines which describes an area termed the side setback on a lot or parcel required by this chapter for the district in which it is located.

SHOPPING CENTER — A group of retail and other commercial establishments that is planned, owned, and managed as a single property.

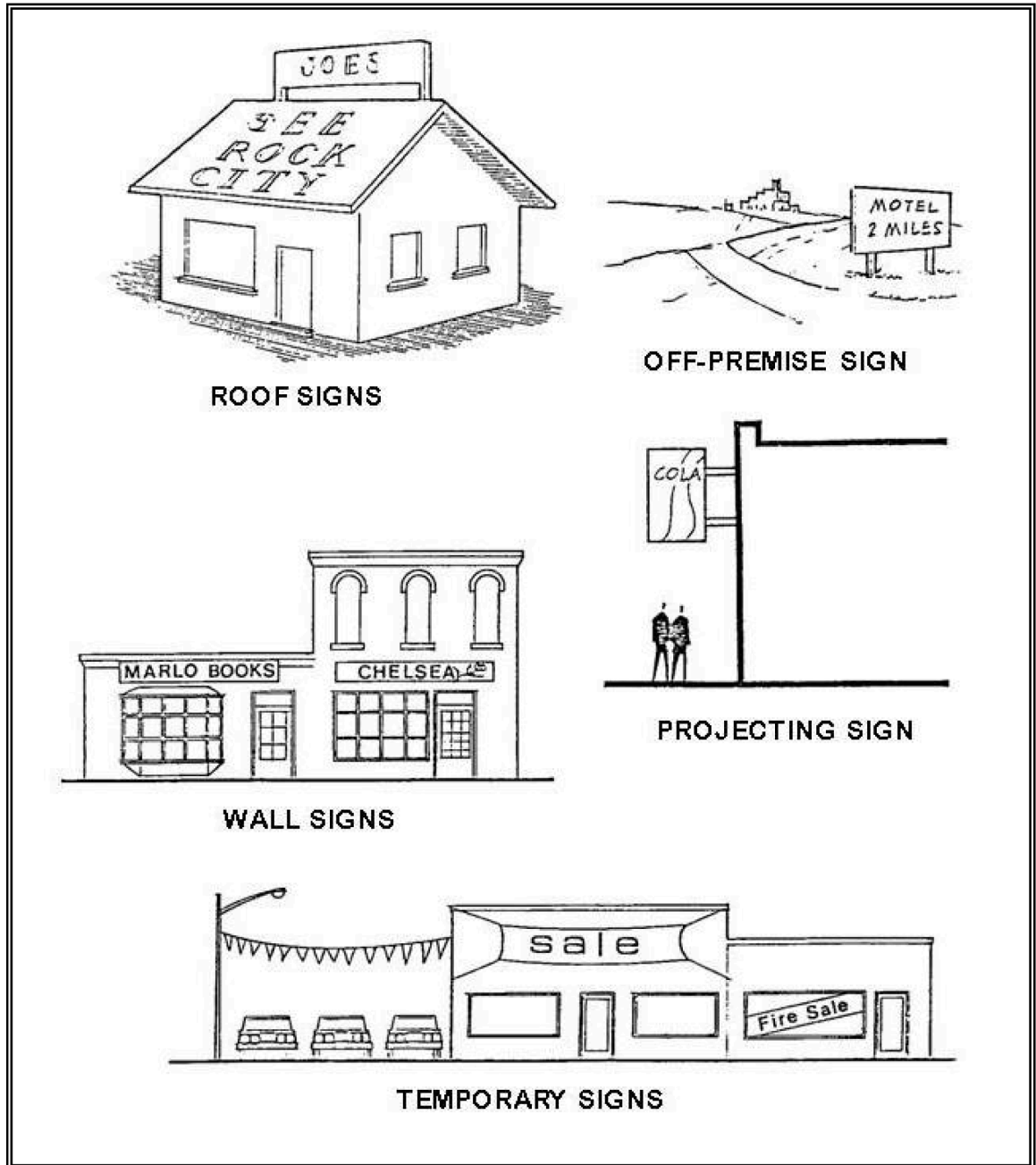
SIGN — Any words, numerals, figures, devices, designs, pictures or trademarks erected

on or otherwise affixed to a building, wall board, plate or any other structure, or on a vehicle or trailer, for the purpose of advertising or identifying an establishment, product, service, or activity.

- A. ABANDONED SIGN — See "obsolete sign."
- B. ANIMATED SIGN — A sign, other than a changeable copy sign, whereby the sign itself or the information conveyed incorporates or involves action, motion, or the appearance of action or motion, such as flashing lights, color changes, moving parts, reflective materials, scrolling messages, or video-like features.
- C. AWNING SIGN — A sign affixed flat against the surface of an awning. An awning is a retractable or fixed shelter constructed of nonrigid materials on a supporting framework that projects from the exterior wall of a building.
- D. BANNER SIGN — A sign made of fabric, plastic, or other nonrigid material without an enclosing structural framework.
- E. BILLBOARD — A sign which identifies a use or advertises products and services not available on the site or parcel on which the sign is located.
- F. BUSINESS CENTER SIGN — A sign which advertises two or more businesses which:
 - (1) Are located on a single parcel of property;
 - (2) Are connected by common walls, partitions, canopies, or other structural members to form a continuous building or group of buildings;
 - (3) Share a common parking area; or
 - (4) Otherwise present the appearance of a single, contiguous business area.
- G. CANOPY SIGN — A sign affixed flat against the surface of a canopy. See "canopy structure."
- H. CHANGEABLE MESSAGE SIGN — A sign on which the message is changed mechanically, electronically or manually, including time/temperature signs.
- I. COMMUNITY SPECIAL EVENT SIGN — Temporary signs and banners, including decorations and displays celebrating a traditionally accepted patriotic or religious holiday, or special municipal or school activities.
- J. DAY — For the purpose of these regulations, a calendar day rather than a business day.
- K. DIRECTIONAL SIGN — A sign which gives directions, instructions, or facility information for the use on the lot or parcel on which the sign is located, such as parking or exit and entrance signs.
- L. GROUND OR MONUMENT SIGN — A three-dimensional, self-supporting, base-mounted freestanding sign, consisting of two or more sides extending up from the base, and upon which a message, business, group of businesses or center name is affixed.

- M. IDENTIFICATION SIGN — A non-electric on-premises identification sign giving only the name, address, and/or occupation of an occupant or group of occupants.
- N. INCIDENTAL SIGN — A small sign, emblem, or decal informing the public of goods, facilities, or services available on the premises. Examples of incidental signs include credit card signs, signs indicating the hours of business, no-smoking signs, signs used to designate rest rooms, and signs providing information on business affiliations.
- O. LED SIGN — A sign in which the sign message is formed with the use of light-emitting diodes on an otherwise blank background.
- P. MARQUEE SIGN — A sign affixed flat against the surface of a theater marquee. A marquee is a permanent structure constructed of rigid materials that project from the exterior wall of a building.
- Q. MOTOR VEHICLE SIGN — A sign measuring more than two square feet in size that is mounted, placed, written, or painted on a vehicle or trailer, whether motor-driven or not.
- R. NONCOMMERCIAL MESSAGE SIGN — A sign that is not related to or connected with trade and traffic or commerce in general and includes an election sign or a sign expressing an opinion or other point of view.
- S. OBSOLETE SIGN — A sign that advertises a product that is no longer made an event that has already occurred, or that advertises a business that has closed.
- T. OFF-PREMISES SIGN — A sign which identifies a use or advertises products and services not available on the site or parcel on which the sign is located (e.g., billboards, garage sale signs, residential open house signs, signs providing directions to a business).
- U. POLE OR PYLON SIGN — A permanently affixed sign which is erected upon or supported by the ground on one or more poles, uprights or braces.
- V. PORTABLE OR MOVABLE SIGN — A sign designed to be moved easily and not permanently attached to the ground, a structure, or a building, including signs with wheels, poster panel signs, signs mounted on vehicles for advertising purposes, hot-air and gas-filled balloons, pennants, streamers, ribbons, pinwheels, nongovernmental flags and searchlights.
- W. POSTER PANEL SIGNS — A sign that is located outside of a business on a daily basis for the purpose of providing the public with information about the business (e.g., products and services offered, daily specials, etc.). Poster panel signs include sandwich signs and "A" frame signs.
- X. PROJECTING SIGN — A sign, other than a wall sign, that is affixed to any building or wall and whose leading edge extends more than 12 inches beyond such building or wall.
- Y. REAL ESTATE SIGN — A sign advertising the real estate upon which the sign is located as being for sale, rent, or lease.

- Z. REAL ESTATE DEVELOPMENT SIGN — A sign that is designed to promote the sale or rental of lots, homes, or building space in a real estate development (such as a subdivision or shopping center) which is under construction on the parcel on which the sign is located.
- AA. ROOF LINE — The top edge of a roof or parapet wall, whichever is higher, but excluding any cupolas, chimneys, or other minor projections. The roofline is the highest point of the roof surface if a flat roof; to the deck of mansard roofs, and to the mean height level between eaves and ridge of gable, hip and gambrel roofs. See "height, building."
- BB. ROOF SIGN — A sign erected above the roof line of a building.
- CC. SEARCHLIGHT — See "lighting, searchlight." **[Amended 5-17-2012]**
- DD. SPECIAL EVENT SIGN — Temporary and portable signs containing public messages concerning noncommercial special events that are of a religious, charitable, social or educational nature.
- EE. SUBDIVISION OR ENTRY SIGN — A permanent on-premises sign identifying a vehicular entrance to a residential subdivision, residential complex, or business complex.
- FF. TEMPORARY SIGN — A sign, banner or other advertising device constructed of cloth, canvas, fabric, plastic or other light temporary material, with or a without structural frame, or any other sign intended for a limited period of display, but not including decorative display for holidays or public demonstration.
- GG. WALL SIGN — A sign painted or attached directly to and parallel to the exterior wall of a building.
- HH. WINDOW SIGN — A sign installed inside a window and intended to be viewed from the outside.



SITE — Any tract, lot, or parcel of land or combination of tracts, lots, or parcels, which compose an area proposed for development and/or earth change.

SKILLED NURSING, SPECIALIZED OR SUPPORTIVE CARE FACILITY — See "nursing home."

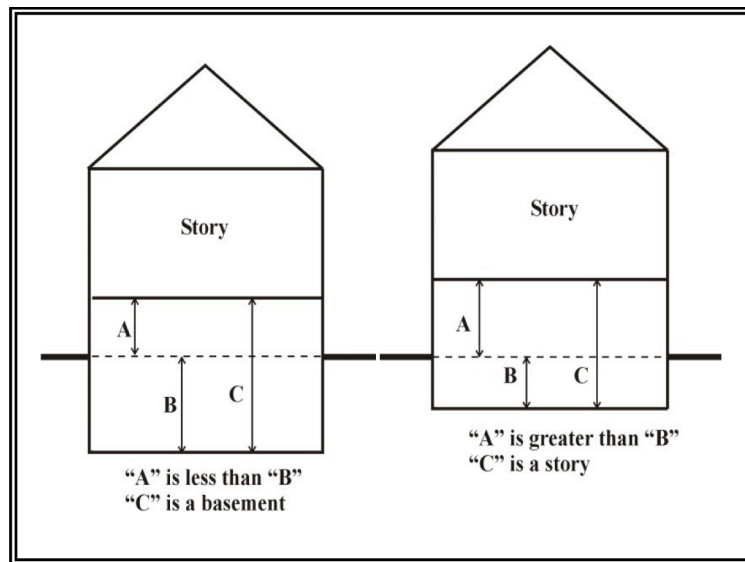
SOIL EROSION CONTROL — Structures, facilities, barriers, berms, vegetative cover, basins, and/or any other installation, temporary or permanent, which are designed to minimize and prevent erosion.

STORM DRAIN — A system of open or enclosed conduits and appurtenant structures

intended to convey or manage stormwater runoff, groundwater and drainage.

STORMWATER RUNOFF — The runoff and drainage of precipitation resulting from rainfall, snowmelt or other natural event or process.

STORY — That portion of a building, other than a basement or mezzanine as defined herein, included between the surface of any floor and the floor next above it, or, if there is not a floor above, then the ceiling above. A mezzanine shall be deemed a full story when it covers more than 50% of the area of the story underneath said mezzanine, or, if the vertical distance from the floor next below the mezzanine to the floor next above it is 24 feet or more.



STREETS —

- A. **STREET, ARTERIAL** — Roadways that are designed to carry through-travel movements. Principal arterials carry long distance through movements while minor arterials move traffic between principal arterials and minor streets. Arterial streets are identified in the City of Lapeer Master Plan.
- B. **STREET, COLLECTOR** — Roadways that serve to gather traffic from local roads and subdivisions streets of residential neighborhoods and deliver to arterial streets. Collector streets are identified in the City of Lapeer Master Plan.
- C. **STREET, MINOR** — Roadways that provide access to individual properties and homes. They are generally short and provide connection to collector streets. Minor streets are identified in the City of Lapeer Master Plan.
- D. **STREET, PRIVATE** — A privately owned and maintained thoroughfare including any rights-of-way and traveled surfaces which afford traffic circulation and principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and other thoroughfare. A private street shall include any drive or roadway which is not a dedicated public right-of-way, and which provides or has the potential for providing access to two or more existing parcels and/or main buildings.

E. STREET, PUBLIC — A public thoroughfare, including any rights-of-way and traveled surfaces which afford traffic circulation and principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and other thoroughfare; except an alley.

F. STREET, SIDE YARD — A side yard of a corner lot, which is adjacent to a street.
[Amended 5-17-2012]

STRUCTURAL ALTERATIONS — Any change in the supporting members of a building such as bearing walls, columns, beams or girders, or in the dimensions or configurations, or of the roof and exterior walls or means of egress.

STRUCTURE — A combination of materials whether fixed or portable, anything constructed, erected, or artificially built-up which requires a location on or below the surface of land or water, including a part or parts thereof and all equipment within the structure.

SUBDIVISION — The partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his heirs, executors, administrators, legal representatives, successors, or assigns for the purpose of sale, or lease of more than one year, or of building development that results in one or more parcels of less than 40 acres or the equivalent, and that is not exempted from the platting requirements of the Land Division Act, Public Act No. 288 of 1967, as amended.²³ The term "subdivide" or "subdivision" does not include a property transfer between two or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of the Act or the requirements of the City Land Division Ordinance.

SUBDIVISION PLAT — A map or chart depicting the subdivision of land as regulated by the Land Division Act of 1967, Public Act No. 288 of 1967, as amended.

SWIMMING POOL — A nonporous container containing water having a depth of greater than 24 inches or having a surface area of greater than 250 square feet, or a pool permanently equipped with a water recirculating system or constructed of structural materials, excepting retention or detention ponds.

TEMPORARY USE — A use or building permitted under the provisions of this Zoning Ordinance for a fixed period of time, with the intent to discontinue such use upon the expiration of such time that does not involve the construction or alteration of any permanent structure.

THEATER — A building or part of a building devoted to showing motion pictures, or for dramatic, dance, musical, or other live performances.

TRADE OR INDUSTRIAL SCHOOL — A specialized instructional establishment that provides on-site training of business, industrial, commercial, and/or trade skills such as accounting, data processing, and computer repair. This classification excludes establishments providing training in an activity that is not otherwise permitted in the zone. Incidental instructional services in conjunction with another primary use shall not be considered a business and trade school.

TRANSITIONAL HOUSING — A facility which is operated by a government or a nonprofit agency providing interim sleeping and bath accommodations; interim eating

23. Editor's Note: See MCLA § 560.101 et seq.

and cooking facilities; and professional services to assist individuals or families in locating permanent housing. **[Added 1-4-2021]**

TRAVEL TRAILER — A vehicular portable structure built on a chassis which is less than 32 feet in length and is of such a width and weight as not to require special highway movement permits when drawn by a vehicle.

USE — The purpose or activity for which land or structures are designed, arranged, or intended, or for which land or structures are occupied or maintained.

VARIANCE — Permission given by the Zoning Board of Appeals to a property owner to depart from the literal requirements of this chapter which may occur when compliance with this chapter would create a practical difficulty or unnecessary hardship on the property owner.

VEHICLE — Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, or road, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

VETERINARY FACILITIES, CLINICS — A place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to short-time boarding and shall be only incidental to such hospital use.

WALL — The vertical exterior surface of a building and the vertical interior surfaces which divide a building's space into rooms, or a solid fence of stone, brick, concrete or similar material.

WAREHOUSE — A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment, excluding bulk storage of materials that are inflammable or explosive or that present hazards or conditions commonly recognized as offensive.

WATERCOURSE — An open trench either naturally or artificially created which periodically or continuously contains moving water draining an area of at least two acres which has definite banks, a bed and visible evidence of a continued flow or occurrence of water.

WATERSHED — The total land area which contributes runoff, or is within such an area, to a common outlet, such as a lake or stream. Also known as the "drainage area."

WETLAND — Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation and/or aquatic life. Also known as a bog, swamp, marsh, etc. (Public Act 451 of 1994, as amended).²⁴ The Michigan Department of Environmental Quality is the authority on the presence and regulatory status of wetlands.

WHOLESALE ESTABLISHMENTS — An establishment or place of business primarily engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. This is not considered a general commercial use.

WIND GENERATOR — Equipment including a turbine, blades and tower as well as

24. Editor's Note: See MCLA § 324.101 et seq.

related electrical equipment used to produce electrical power, primarily for the needs of the consumer on site.

WIRELESS COMMUNICATION FACILITIES — All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices, personal communication transmission equipment and exchanges, microwave relay towers, telephone transmission equipment building and commercial mobile radio service facilities.

- A. **ALTERNATIVE TOWER STRUCTURE** — Man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.
- B. **ANTENNA** — Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), commercial wireless telecommunications signals or other communication signals.
- C. **HEIGHT** — When referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.
- D. **TOWER** — A self-supporting monopole structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto. "Tower" does not include lattice structures or structures supported by guy wires or cables.

YARD — An open space on the same land with a building or group of buildings, which open space lies between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided in this chapter.

- A. **FRONT YARD** — An open space extending the full width of the lot, the uniform depth of which is measured at right angles to the front lot line.
- B. **REAR YARD** — An open area extending across the full width of the lot, the uniform depth of which is measured at right angles to the rear lot line.
- C. **SIDE YARD** — An open unoccupied area between a main building and the side lot lines, extending from the front yard area to the rear yard area. The width of the side yard shall be measured horizontally from and at right angles to the nearest point of the side lot line.

ZONING — The dividing of the City into districts of a number and shape considered best suited to carry out the purposes of the zoning act and the creation of uniform regulations throughout each individual district. Such districts are referred to as zoning districts in this chapter.

ZONING ACT — The Michigan Zoning Enabling Act, Public Act 110 of 2006, as

amended.²⁵

ZONING BOARD OF APPEALS (ZBA) — The City of Lapeer Zoning Board of Appeals created under the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

ZONING ORDINANCE — The City of Lapeer Zoning Ordinance.

ZONING PERMIT — Written approval by the Planning Department or Building Official that is required before commencing any construction, reconstruction, alteration of any building or other structure or before establishing, extending or changing any use on any lot.

25. Editor's Note: See MCLA § 125.3101 et seq.