



Carson City

Zoning Ordinance

Ordinance # _____

And Procedures Manual

Carson City
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Effective: January 25, 2011



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**CERTIFICATION OF ADOPTION OF CITY ORDINANCE
NO 33**

We the undersigned Mayor and City Comptroller of the City of Carson City, Michigan, do hereby certify that this Ordinance Number 33, of the City of Carson City, was introduced at a regular meeting of the City Council held on November 23, 2010, and thereafter adopted at a regular meeting of the City Council on January 18, 2011, by a vote of :

Five (5) For
Zero (0) Against
Zero (0) Abstaining
Zero (0) Being Absent

Bruce Tasker

**Bruce
Tasker, Mayor**

Staci Steere

**Staci Steere,
Comptroller**

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Chapter 1 ■ General Provisions

SECTION 1.1 TITLE

This Ordinance shall be known, cited and referred to as the "Carson City Zoning Ordinance".

SECTION 1.2 AUTHORITY AND ZONING COMMISSION

The City Council provides for this Zoning Ordinance pursuant to [Public Act 110 of 2006](#) as amended. This Ordinance hereby establishes a Planning Commission, hereafter known as the City of Carson City Planning Commission.

SECTION 1.3 PURPOSE

The purpose of this Ordinance shall be to promote the public health, safety, and general welfare by:

- Providing for the orderly development of the City.
- Providing, in the interests of health and safety, conditions under which certain buildings and structures may hereafter be erected and used. Such provisions are intended to provide for adequate light, air, and convenience of access to secure safety from fire and other dangers.
- Facilitating the development of an adequate system of transportation, education, sewage disposal, safe and adequate water supply conforming to the requirements of the health department and other public requirements.
- Conserving life, property, and natural resources, and the expenditure of public funds for improvements and services to conform to the most advantageous uses of land, resources, and properties.
- To avoid undue concentration of population by regulating and limiting the height and bulk of buildings, limiting and determining the size of yards, courts, and other open spaces, regulating the density of population and regulating and restricting the location of uses and buildings.

SECTION 1.4 INTENT

This Ordinance is not intended to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this Ordinance or of any private restrictions placed upon property by covenant, deed, or other private agreement. Where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon the heights of buildings or lot coverage, or requires greater lot areas, or larger yards, courts, or other open spaces than are imposed or required by such existing provisions of law or ordinance, or by such rules, regulations or permits, or by such private restrictions, the provisions of this Ordinance shall control.

SECTION 1.5 PRIOR REGULATIONS AND REQUIREMENTS OF LAND AND BUILDINGS

The use of any dwelling, building, or structure, and of any land or premises as existing and lawful at the time of enactment of this Ordinance or any subsequent amendment to this

Ordinance may be continued even though such use does not conform with the provisions of this Ordinance, provided that this provision does not waive the applicability of any other law or ordinance intended to protect the health, safety, and welfare of the public.

SECTION 1.6 LEGAL BASIS

This ordinance is enacted and administered pursuant to [Public Act 110 of 2006](#), as amended (being the Michigan Zoning Enabling Act)

SECTION 1.7 EFFECTIVE DATE

The Carson City Zoning Ordinance is effective on **January 25, 2011**.

Chapter 2 ■ Definitions

For the purpose of this Ordinance, certain terms are herewith defined.

SECTION 2.1 GENERAL

Construction of Language. For the purposes of this Ordinance, certain terms or words used herein shall be interpreted as follows:

- a. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.
- b. The present tense includes the future tense, and the singular number includes the plural, and the plural number includes the singular.
- c. The word "shall" is mandatory; the word "may" is permissive.
- d. The particular shall control the general.
- e. In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- f. A "building" or "structure" includes any part thereof.

SECTION 2.2 SPECIFIC TERMS

For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABANDONMENT: The cessation of a permitted activity in, or a permitted use of a dwelling structure, or lot, other than that which would normally occur on a seasonal basis, and that has fallen into disrepair or is neglected in some way for a period of one year or longer.

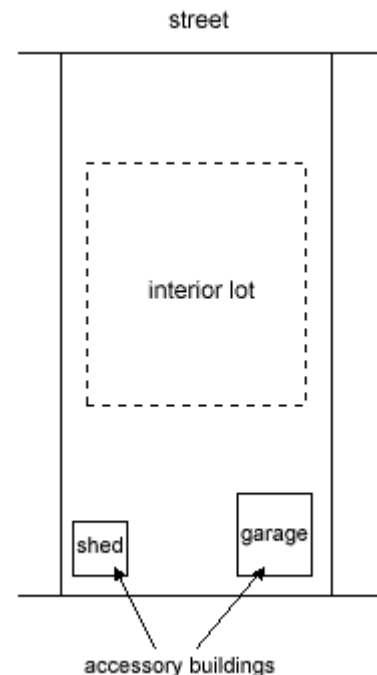
ACCESS: A way of approaching or entering a property.

ACCESSORY BUILDING or ACCESSORY STRUCTURE:

Any unattached subordinate building or structure, such as a private garage, which is incidental to that of the main building, located on the same lot with the main building, or any portion of the main building if that portion is occupied or devoted exclusively to an accessory use.

ACCESSORY USE: Any use customarily incidental and subordinate to the main use of the premises but does not include residential occupation. These may include but are not limited to private garages, permanent storage sheds, playhouses, decks, porches and carports.

ADULT MEDIA: Magazines, books, slides, CD-ROMs or devices used to record computer images, or other media that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to sexually oriented hard-core material.



ADULT MEDIA STORE: An establishment that rents and/or sells media, and that meets any of the following three tests:

- a. 40 percent or more of the gross public floor area is devoted to adult media.
- b. 40 percent or more of the stock in trade consists of adult media.
- c. It advertises or holds itself out in any form as “XXX,” “adult,” “sex,” or otherwise as a sexually oriented business other than adult media store, adult motion picture theater or adult cabaret.

ADULT MOTION PICTURE THEATER: An establishment emphasizing or predominately showing sexually oriented movies.

AGRICULTURAL BUILDING: A structure designed and constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural products and that is clearly incidental to agricultural activity, excluding the business of retail trade.

AGRICULTURAL STORAGE, TERMINALS AND PROCESSING FACILITIES: A building, facility, area, open or enclosed, or any location for the refinement, treatment, or conversion of agricultural products where physical, chemical, or similar change of an agricultural product occurs. Examples of agricultural processing include but are not limited to fruit dehydrators, cold storage houses, hulling operations, and the sorting, cleaning, packing, and storing of agricultural products preparatory to sale and/or shipment in their natural form, including all uses customarily incidental thereto.

AGRICULTURE AND FORESTRY ACTIVITIES: The employment of land for the primary purpose of obtaining a profit in money by raising, harvesting, and selling crops, or feeding (including grazing), breeding, managing, selling, or producing livestock, poultry, fur-bearing animals or honeybees, or by dairying and the sale of dairy products, by any other horticultural, floricultural or viticultural use, by animal husbandry, or by any combination thereof. It also includes the current employment of land for the primary purpose of obtaining a profit by stabling or training equines, including, but not limited to, providing riding lessons, training clinics and schooling shows. The growing or harvesting of forest tree species or trees used for commercial or related purposes. Also included are facilities used in the research and testing of agricultural products and techniques. see FARM.

ANIMAL, DOMESTIC: Any animal normally and customarily kept by a domestic household for pleasure and companionship. Examples of domestic animals include domestic breeds of dogs, cats and animals confined to cages throughout their lifetime. A domestic animal excludes exotic, farm and service animals as defined by this ordinance.

ANIMAL, EXOTIC: Any of the following class or classes of animals; all marsupials (such as kangaroos and opossums); all non-human primates (such as gorillas and monkeys); all feline, except the domestic cat; all canine, except the domestic dog; all viverrine (such as mongooses and civets); all musteline (such as minks, weasels, otters and badgers but excluding a domesticated ferret); all ursine (bears); all ungulate artiodactyla and perissodactyla, except goats, sheep, pigs and cattle (such as deer, camels, hippopotamuses and elephants); all hyaena; all pinniped (such as seals and walruses); all venomous snakes and all snakes of the families Boidae and Pythonidae; all venomous lizards; all ratite birds (such as ostriches); all diurnal and nocturnal raptorial birds (such as eagles, hawks and owls); all edentates (such as anteaters, sloths and armadillos); all bats; all crocodylian (such as alligators and crocodiles); and all venomous arachnids and spiders (such as tarantulas,

scorpions and mites); all turtles in the families Chelydridae, Dermochelyidae, and Cheloniidae; wild or non-domesticated animals, whether or not raised or kept in captivity, and includes, but is not limited to, wolf, bobcat or mountain lion, fox, cougar, skunk, and all birds, the keeping of which is prohibited in the Migratory Birds Convention Act, 1994, c.22, and regulations thereto, and all animals, the keeping of which is prohibited in the Fish and Wildlife Conservation Act, 1997, c.41, and regulations .

ANIMAL, FARM: Any animal customarily found in farming operations such as but not limited to all breeds of horses, cows, goats, pheasants, chickens, ducks, geese, sheep, swine, or any other type of poultry or fowl. A farm animal shall also include all animals classified as livestock by the State of Michigan. A farm animal shall not include fish.

ANIMAL, SERVICE: Animals that assist persons with disabilities and are considered to be auxiliary aids. Examples include guide dogs for the vision impaired, hearing dogs for the hearing impaired and emotional assistance animals for persons with chronic mental illness.

ANIMAL HOSPITAL: see VETERINARY HOSPITAL.

ASSEMBLY BUILDING: A building for the primary purpose of group gatherings of 50 people or more for any purpose.

AUTOMOBILE SERVICE STATION: see GAS STATION/SERVICE STATION.

BAR: A building or portion thereof where liquors are sold to be consumed on the premises, but not including restaurants where the principal business is serving food.

BED AND BREAKFAST: A use that is subordinate to the principal use of a dwelling unit as a single-family dwelling unit, in which transient guests are provided a sleeping room and breakfast in return for payment, and that does not provide separate cooking facilities for such guests.

BODY PIERCING PARLOR: see TATTOO/BODY PIERCING PARLOR.

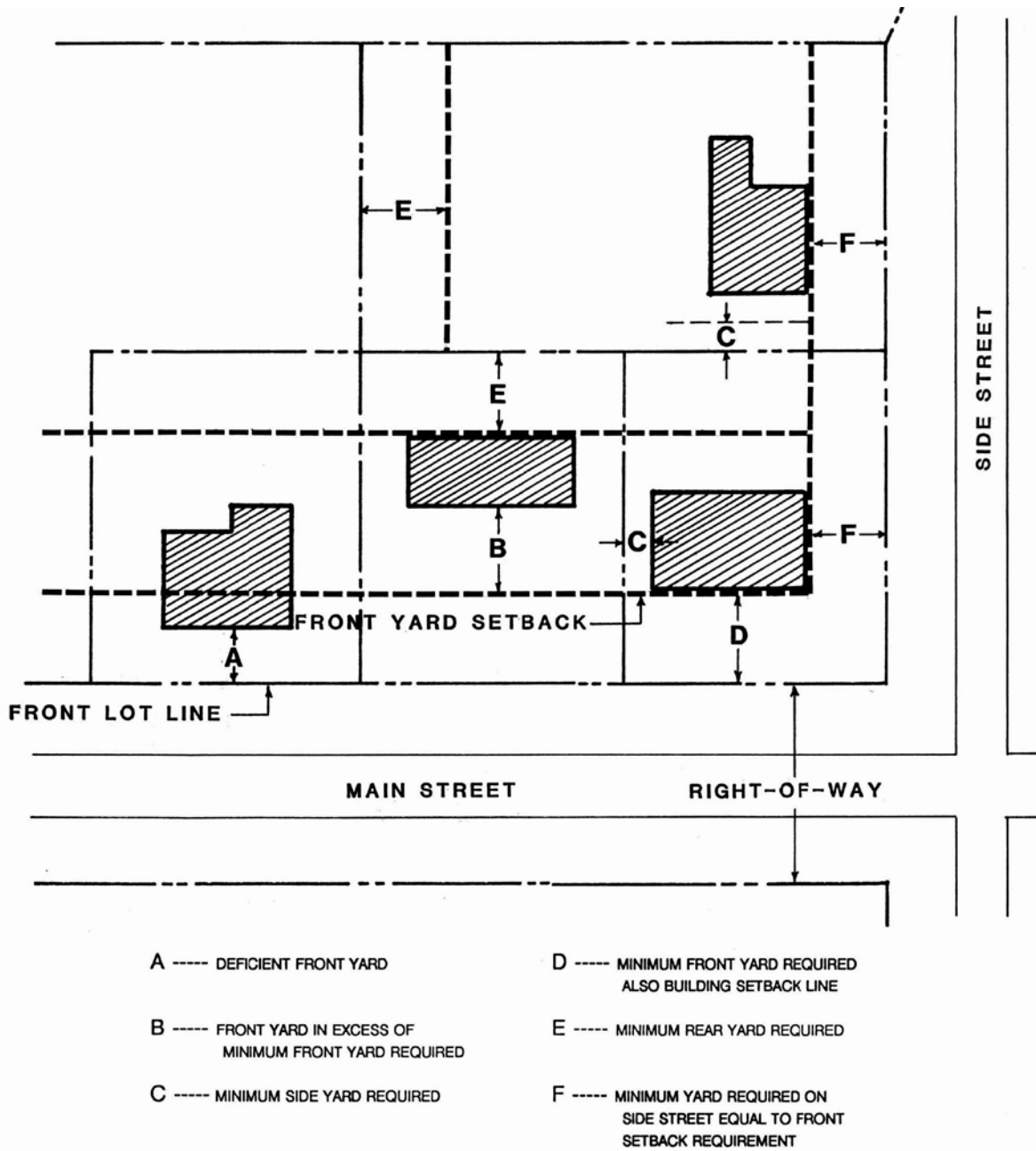
BODY SHOP: see VEHICLE REPAIR

BUFFER: Open space, landscaped areas, fences, walls, berms or any combination thereof to physically separate or screen one use or property from another so as to visually shield or block noise, lights or other nuisances. A greenbelt is considered a buffer.

BUILDING: A structure erected on-site, a manufactured home, a mobile home or mobile structure, or a premanufactured or precut structure that is above or below ground and is designed primarily for the use or intended use of shelter, support, or enclosure of persons, animals, or property of any kind.

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

BUILDING SETBACK LINE: The line which pertains to and defines those minimum (building) setback lines which are established parallel to the front street or right-of-way line and within which setback area no part of a building shall project or be located, except as otherwise provided for by this Ordinance. Such line when adjacent to a building is normally formed by the junction of the outer surface of the building or enclosure wall with the finish grade or surface of the adjoining ground.



Building Line

BUSINESS SERVICES: Establishments primarily engaged in rendering services to business establishments for a fee or on a contract basis, such as advertising and mailing, building maintenance, employment services, management and consulting services, protective services, equipment rental and leasing, commercial research, development and testing, photo finishing, and personal supply services.

CAMPGROUND: see RECREATIONAL VEHICLE RV PARK/CAMPGROUND.

CAR RENTAL AND LIMO SERVICES: see AUTO SALES AND SERVICE.

CELLULAR TOWER: see WIRELESS COMMUNICATION FACILITY

CEMETERY: Any publicly or privately owned place for the interment of human or pet remains.

CHILDCARE ORGANIZATION: A facility for the care of children under 18 years of age, as licensed and regulated by the State under [Act No. 116 of Public Acts of 1973](#) and the associated rules promulgated by the State Department of Social Services. Such organizations shall be further defined as follows:

- a. **CHILDCARE CENTER** or **DAY CARE CENTER** means a facility, other than a private residence, receiving one or more preschool or school age children for group care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility that provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a childcare center, day care center, day nursery, nursery school, parent cooperative preschool, pay group, or drop-in center. **CHILDCARE CENTER** or **DAY CARE CENTER** does not include a Sunday school conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.
- b. **FOSTER FAMILY HOME** is a private home in which one but not more than four minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.
- c. **FOSTER FAMILY GROUP HOME** means a private home in which more than four but less than seven children, who are not related to an adult member of the household by blood, marriage or adoption, are provided care for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.
- d. **FAMILY DAY CARE HOME** means a private home in which one but less than seven minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.
- e. **GROUP DAY CARE HOME** means 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, except children related to an adult member of the family 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.

CHURCHES/SYNAGOGUES/MOSQUES: see INSTITUTION, RELIGIOUS

CLUB/LODGE: see INSTITUTION, SOCIAL

COLOCATION: The use of a single mount on the ground by more than one telecommunications carrier (vertical colocation) and/or several mounts on an existing building or structure by more than one carrier.

COMMERCIAL SCHOOL: A school or facility offering training to perform any of the uses by right in the district in which a Commercial School is permitted either by right or by special

use permit. A Commercial School is a distinct use, not to be confused with an Institution, Educational.

CONDOMINIUM: A condominium is a system of separate ownership of individual units in multi-unit projects. Such as condominium apartments, site condominiums, mobile home condominiums, campground and boat dock condominiums. For the purposes of this Ordinance, condominium terms shall be defined in the [Public Act 59 of 1978](#), as amended.

CONTRACTOR'S STORAGE YARD: An unenclosed portion of the lot or parcel upon which a construction contractor maintains its principal office or a permanent business office. Designation of the lot or parcel as a contractor's storage yard would allow this area to be used to store and maintain construction equipment and other materials customarily used in the trade carried on by a construction contractor. If permitted to be used in this manner, the entire lot or parcel would then be classified as a "contractor's storage yard" and will be required to conform to all applicable Zoning District standards and other legislative regulations.

CONVALESCENT OR NURSING HOME: see INSTITUTION, HUMAN CARE

CORNER LOT: see LOT, CORNER.

COTTAGE INDUSTRY: see HOME OCCUPATIONS. An establishment primarily engaged in the on-site production of goods by hand manufacturing which involve only the use of hand tools or which have a limited impact on adjoining development by virtue of either low development densities or more stringent review and standards. Examples of Cottage Industries include: mail order businesses, custom manufacturing, or light automotive and equipment repair.

DAY CARE: see CHILDCARE.

DAY CARE FACILITY: see CHILDCARE CENTER.

DAY NURSERIES: A private residence, licensed by the state, receiving one but fewer than seven preschool or school age children for group care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. see CHILDCARE CENTER.

DENSITY: The intensity of development in any given area, measured in this Ordinance by the number of dwelling units per acre.

- a. HIGH RESIDENTIAL: More than fifteen (15) dwelling units per acre.
- b. LOW RESIDENTIAL: Fewer than five (5) dwelling units per acre.
- c. MEDIUM RESIDENTIAL: Five to fifteen (5-15) dwelling units per acre.

DISH SATELLITE SIGNAL-RECEIVING ANTENNAE: Also referred to as "Earth stations" or "ground stations" shall mean one, or a combination of two or more of the following:

- a. A signal-receiving device (antenna, dish antenna or dish-type antenna), the purpose of which is to receive communication or other signals from satellites in Earth orbit and other extra-terrestrial sources.

- b. A low-noise amplifier (LNA) that is situated at the focal point of the receiving component and the purpose of which is to magnify, store, transfer and/or transmit electronic or light signals.
- c. A coaxial cable, the purpose of which is to carry or transmit said signals to a receiver.

DISPLAY PUBLICLY: The act of exposing, placing, posting, exhibiting, or in any fashion displaying in any location, whether public or private, an item in such a manner that it may be readily seen and its content or character distinguished by normal unaided vision viewing it from a street, highway, or public sidewalk, or from the property of others, or from any portion of the premises where items and material other than adult media are on display to the public.

DISTRIBUTION CENTER: A use where goods are received and/or stored for delivery to the ultimate customer at remote locations.

DOG CLUBS: see KENNEL

DRIVE-IN RESTAURANT/FAST FOOD: See RESTAURANT, DRIVE-IN/DRIVE-THROUGH/FAST FOOD.

DRY CLEANER/LAUNDRY: An establishment that cleans clothes or other fabrics through a process that uses solvents and specialized equipment instead of using water.

DWELLING: Any building or portion thereof usable exclusively for residential purposes with one or more habitable rooms occupied or intended for occupancy with facilities for living, sleeping, cooking and/or eating. A dwelling is classified as one of the following:

- a. **SINGLE-FAMILY DWELLING:** A building containing not more than one dwelling unit designed for residential use.
- b. **TWO-FAMILY DWELLING (Duplex):** A building containing no more than two separate dwelling units designed for residential use
- c. **MULTIPLE-FAMILY DWELLING:** A building containing three or more dwelling units designed for residential use
- d. **GROUP DWELLINGS (Congregate Living):** A building or group of buildings, designed and used for residential habitation where joint and/or separate sleeping rooms share common living, kitchen, eating and bathroom facilities, housing persons unrelated by blood or marriage.

DWELLING, ACCESSORY APARTMENT: A dwelling unit that is accessory to and typically contained within a conventional single-family dwelling, and which is occupied by:

- a. persons related to the occupant of the principal residence by blood, marriage or legal adoption, or
- b. domestic servants or gratuitous guests.

An accessory apartment commonly has its own kitchen, bath, living area, sleeping area, and usually a separate entrance. Such dwellings may also be referred to as an in-law apartment or granny flat.

DWELLING UNIT: One (1) room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically independent of any other group of rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities. But in no case shall a travel trailer, automobile chassis, or tent be considered a dwelling.

ELDERLY HOUSING: see SENIOR HOUSING

ENGINEERED HOME: see MANUFACTURED HOME

EQUIPMENT RENTAL/SALES: A business that provides construction, household and other similar equipment for rent to the general public or contractors for a limited period of time. Used equipment and a limited proportion (up to 10%) of new items in the inventory of the business may be advertised for sale.

ESSENTIAL SERVICES: The erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground, surface, or overhead gas, electrical, steam, or water transmission, distribution or collection systems, communication, supply, or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, electric sub-stations, telephone exchange buildings, gas regulator stations, and other similar equipment and accessories in connection therewith. Essential Services are those that are reasonably necessary to furnish adequate service by the public utilities or municipal departments or commissions or for the public health or safety or general welfare, but do not include buildings other than the buildings that are primarily enclosures or shelters of the mentioned equipment in this definition. Private wireless communication facilities are not considered Essential Services. see PUBLIC UTILITY

EXOTIC ANIMAL: see ANIMAL, WILD OR EXOTIC.

EXPLICIT SEXUAL MATERIAL: Any hard-core material.

FAMILY: A person living alone, or two or more persons related by blood, marriage, or adoption, customarily living together as a single housekeeping unit in a dwelling unit as distinguished from a group occupying a hotel, club, religious or institutional building, boarding or lodging house, or fraternity or sorority house.

FAMILY DAY CARE HOME: see CHILDCARE ORGANIZATION

FARM, FARMING: The act or business of cultivating or using land and soils for the production of crops for the use of animals or humans, and includes, but is not limited to, purposes related to agriculture, farming, dairying, pasturage, horticulture, floriculture, viticulture, and animal and poultry husbandry. See AGRICULTURE & FORESTRY ACTIVITIES.

FAST FOOD RESTAURANT: see RESTAURANT/DRIVE-IN/DRIVE-THROUGH/FAST FOOD

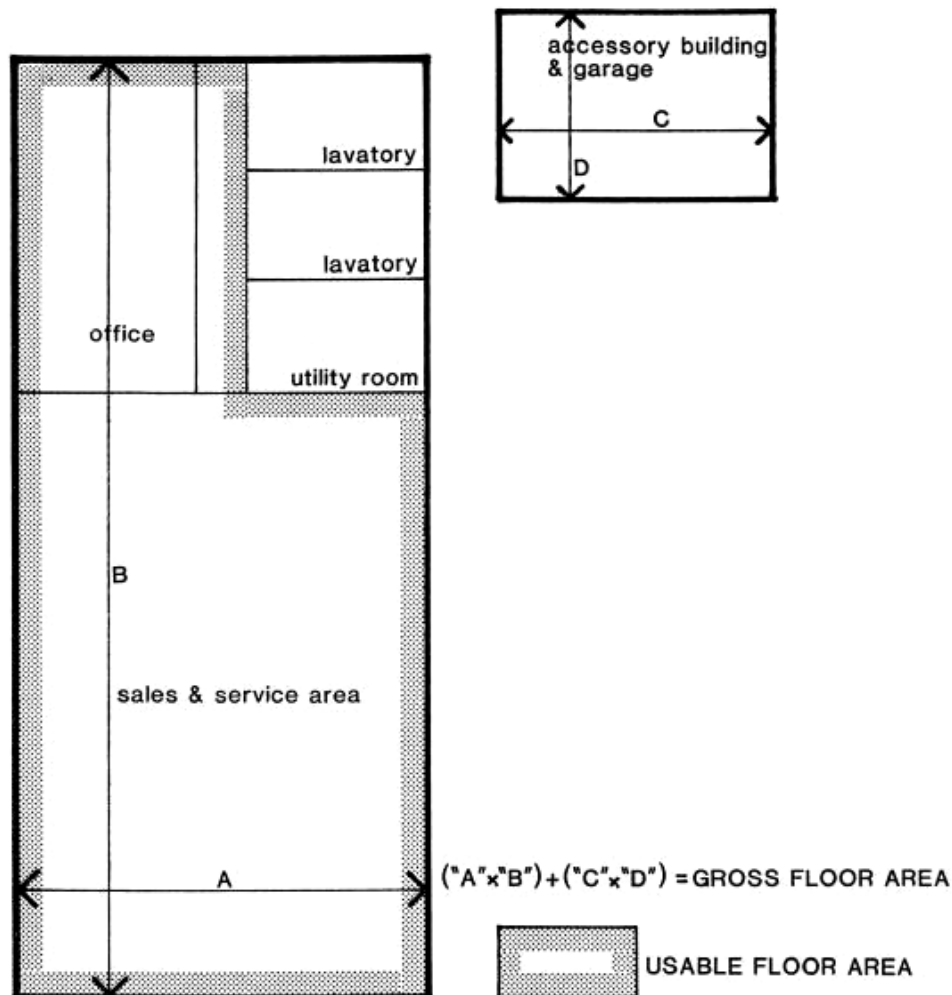
FENCE: A fence is an enclosing barrier, which is constructed or planted, in whole or in part, for purpose of denoting a boundary line between parties or to visually create a barrier between adjacent parcels. A fence is a privacy fence, if it shall be so constructed or planted such that more than fifty percent (50%) of the surface area, measured perpendicular to the sides, consists of material which is solid or opaque.

FLAG LOT: A lot not fronting entirely on or abutting a public road and where access to the road is a narrow, private right-of-way.

FLEA MARKET: see OUTDOOR USE, TEMPORARY; YARD SALE

FLOOR AREA: The area of all floors computed by measuring the dimensions of the outside walls, excluding attic and basement floors, porches, patios, breezeways, carports, and garages, or portions of rooms with less than seven feet of space between the floor and ceiling.

FLOOR AREA, USABLE: That area of a nonresidential building used for or intended to be used for the sale of merchandise or services. Such floor area that is used for or intended to be used primarily for the storage or processing of merchandise which may include hallways, breezeways, stairways, and elevator shafts, or for utilities and sanitary facilities, shall be excluded from the computation of useable floor area.



Floor Area Terminology

FOSTER FAMILY GROUP HOME: see CHILDCARE ORGANIZATION

FOSTER FAMILY HOME: see CHILDCARE ORGANIZATION

FRATERNAL ORGANIZATION: see INSTITUTION, SOCIAL

FUEL SALES, BULK: An establishment for the purpose of storage or sale of petroleum products, in bulk or in packages, distribution by tank car, tank vehicle, or motor truck.

FUNERAL HOME/MORTUARY: A building used for the storage and preparation of the deceased for burial and display, and for ceremonies connected therewith before burial or cremation.

GARAGES: Includes the following:

- a. **ATTACHED.** An attached outbuilding customarily used for the storage of vehicles, and is attached to a residential dwelling as either an integral part thereof, or, at a minimum, connected to the dwelling by a completely enclosed breezeway.
- b. **PRIVATE GARAGE.** A detached accessory building or portion of a main building used for the storage of vehicles without provision for repair or servicing such vehicles for profit.
- c. **SERVICE GARAGE.** Any building or structure designed or used for the hire, sale, storage, service, repair, or refinishing of motor vehicles or trailers, but not for the storage of dismantled vehicles or parts thereof for purposes of reuse or resale.

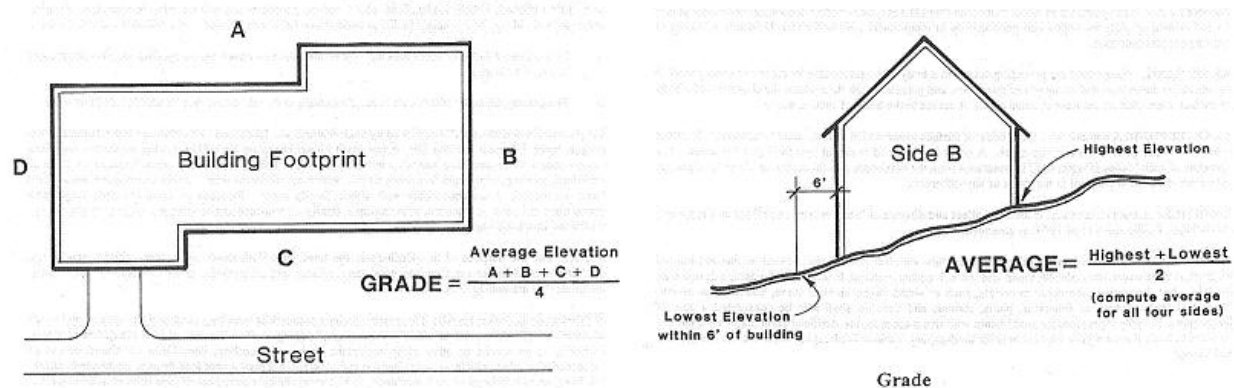
GARAGE SALE: see OUTDOOR USE, TEMPORARY/YARD SALE.

GARBAGE: Animal, vegetable and mineral waste resulting from the handling, storage, sale, preparation, cooking and serving of foods.

GAS STATION/SERVICE STATION: A place where gasoline, kerosene, or any other motor fuel or lubricating oil or grease for operation of motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, including sale of accessories, greasing, oiling, and light motor service on the premises, but in no case to include automobile or truck mechanical repair. Convenience food sales and/or fast food restaurants may also be provided on the premises.

GOLF COURSE: A tract of land for playing golf, improved with trees, greens, fairways, hazards, and which may include clubhouses or shelters.

GRADE: For purposes of this Ordinance, the level of the ground adjacent to the exterior walls of a building or structure. In the case of lots with a sloping terrain, the grade shall be the average elevation of the ground adjacent to the walls.



GRAIN AND SEED ELEVATORS: A structure designed and constructed to house hay, grain, or other horticultural products and that is clearly incidental to agricultural activity, excluding the business of retail trade.

GREENHOUSE: A temporary or permanent 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 personal enjoyment.

GROSS PUBLIC FLOOR AREA: The total area of the building accessible or visible to the public, including showrooms, motion picture theaters, motion picture arcades, service areas, behind-counter areas, storage areas visible from such other areas, restrooms (whether or not labeled “public”), areas used for cabaret or similar shows (including stage areas), plus aisles, hallways, and entryways serving such areas.

GROUP DAY CARE HOME: see CHILDCARE ORGANIZATION

GUYED TOWER: A monopole or lattice tower that is tied to the ground or other surface by cables.

HARD CORE MATERIAL: Media characterized by sexual activity that includes one or more of the following: erect male organ; contact of the mouth of one person with the genitals of another; penetration with a finger or male organ into any orifice in another person; open female labia; penetration of a sex toy into an orifice; male ejaculation; or the aftermath of male ejaculation.

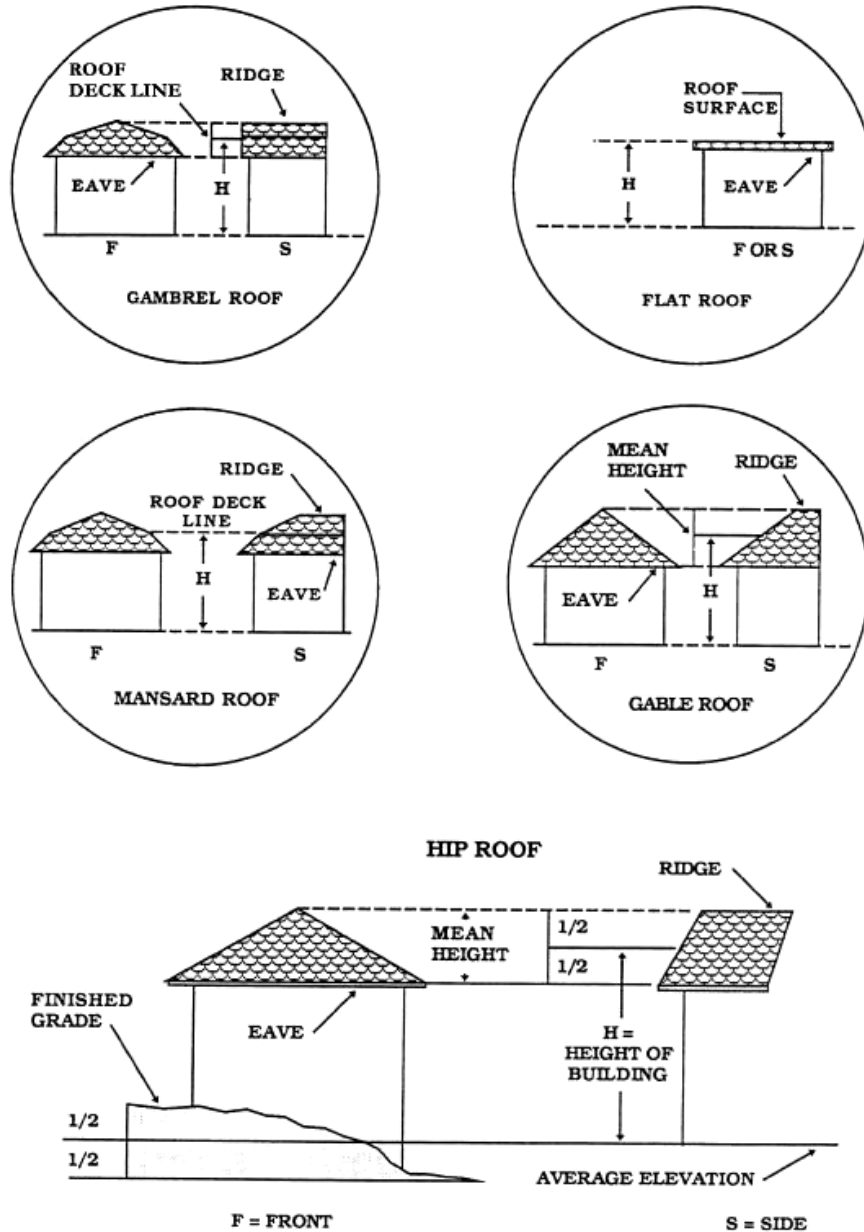
HEALTH CARE (SERVICES) FACILITIES: see INSTITUTION, HUMAN CARE

HEAVY VEHICLE, EQUIPMENT REPAIR AND SALES: An establishment providing sales and major and minor repair services to heavy load vehicles, including trucks, buses, trailers.

HEIGHT OF BUILDING: The vertical distance, measured from the adjoining curb level, to the highest point of the roof of the top story in the case of a flat roof; to the deck line of a mansard roof; and to the mean height level between eaves and ridge of a gable, hip, or gambrel roof. However, where buildings are set back from the street line, the height of the

building may be measured from the average elevation of the finished lot grade at the front of the building.

BUILDING HEIGHT



HOME OCCUPATIONS: Examples of Home Occupations include bed and breakfasts, personal services, professional services and small item repair among others but may include any business carried on by one or more members of a family residing on the premises, provided:

- a. The majority of activities are carried on indoors.
- b. It does not have a separate entrance from outside the building;

- c. It does not display or create outside the structure any external evidence of the operation of the home occupation, including additional traffic, except for one (1) unanimated, nonilluminated wall sign having an area of not more than two (2) square feet;
- d. It does not employ any persons other than family members residing on the premises.
- e. The hours of operation shall be limited to 8:00am – 8:00pm.

HOMELESS SHELTER/TRANSITIONAL HOUSING: A facility and administrative functions providing temporary overnight shelter for one or more individuals who are otherwise temporarily or permanently homeless. Transitional Housing may include provision of food and clothing and support services such as counseling, education and transportation. “Transitional Housing” includes homeless shelters, missions and religious organizations with overnight stay, other forms of temporary emergency housing or shelter and similar facilities.

HOSPITAL: see INSTITUTION, HUMAN CARE

HOTEL: see MOTEL

HUNTING AND GAME PRESERVES: Areas reserved for public or private hunting of wildlife, fishing and accessory structures in support of these activities.

INCINERATOR: A device used to burn waste substances and in which all the combustion factors, temperature, retention, time, turbulence and combustion air can be controlled.

INDUSTRIAL PARK: A planned, coordinated development of a tract of land with two or more separate industrial buildings. Such development is planned, designed, constructed, and managed on an integrated and coordinated basis with special attention given to on-site vehicular circulation, parking, utility needs, building design, orientation, and open space.

INFRASTRUCTURE: Facilities and services needed to sustain Industrial, Residential and Business activities.

INSTITUTION, CULTURAL: see MUSEUM, LIBRARY, EDUCATIONAL INSTITUTIONS

INSTITUTION, EDUCATIONAL: A school for kindergarten through twelfth grade or any colleges or universities authorized by the State to award degrees.

INSTITUTION, HUMAN CARE; ADULT FOSTER CARE: A public or private facility for physical, as opposed to mental, care. A human care institution may include hospitals, convalescent, assisted care facilities, nursing homes and senior housing. It does not include substance abuse rehabilitation facilities. See [Act 218, of 1979](#) as amended, for definitions of Adult Foster Care.

INSTITUTION, INCARCERATION: Any jail or other place of confinement including work camps, jails, reformatories, penitentiaries, and correctional institutions.

INSTITUTION, REHABILITATION: A public or private facility for mental or substance abuse rehabilitation. A rehabilitation institution may include inpatient or outpatient hospitals, halfway houses, and similar facilities.

INSTITUTION, RELIGIOUS: A structure or place in which worship, ceremonies, rituals and education pertaining to a particular system of beliefs are held.

INSTITUTION, SOCIAL: Any profit or nonprofit use or facility in which activities for pleasure or philanthropy are carried out. Such institutions may include service clubs, scout organizations, hobby clubs and veteran's organizations, churches, schools, hospitals, convalescent or nursing homes, public or quasi-public non-profit uses, community facilities, retreats, parks and playgrounds.

INSTITUTION, SUBSTANCE ABUSE: A public or private facility designed to provide medical treatment and psychological therapy to those individuals who suffer from drug or alcoholic addiction.

INTENSIVE LIVESTOCK OPERATIONS: A confined area or structure used for feeding, breeding, or holding livestock as part of a commercial operation for eventual sale in which animal waste may accumulate but not including barns, pens, or other structures used in a dairy farm operation, pig and hog farms. See the Michigan Generally Accepted Agricultural Management Practices. ([GAAMPS](#))

JUNK MOTOR VEHICLE: An automobile, truck, or other motor vehicle which has been damaged to such an extent that it cannot be operated under its own power, and will require major repairs before being made usable; or such a vehicle which does not comply with State or County laws or Ordinances.

JUNK/SALVAGE YARD: A place where waste or discarded or salvaged materials are bought, sold, exchanged, stored, baled, packaged, disassembled, cleaned, or handled, including house and vehicle wrecking yards, used lumber yards, and places or yards for use of salvaged house and vehicle parts, and structural steel materials and equipment. A junk or salvage yard shall not include uses conducted entirely within a completely enclosed building; pawn shops and establishments for the sale, purchase, or storage of used cars in operable condition, salvaged machinery, used furniture, and household equipment; and the processing of used, discarded, or salvaged materials as part of manufacturing operations.

KENNEL: Any building or land used for the sale, keeping, boarding, treatment, or breeding of more than three (3) dogs or three (3) cats or other household pets as a business.

LABORATORY:

- a. Medical or dental: A laboratory that provides analytical or diagnostic services to physicians and dentists. No fabrication is conducted on the premises except the custom fabrication of dentures or surgical supports.
- b. Experimental: A building or part of a building devoted to the testing and analysis of any product or animal.

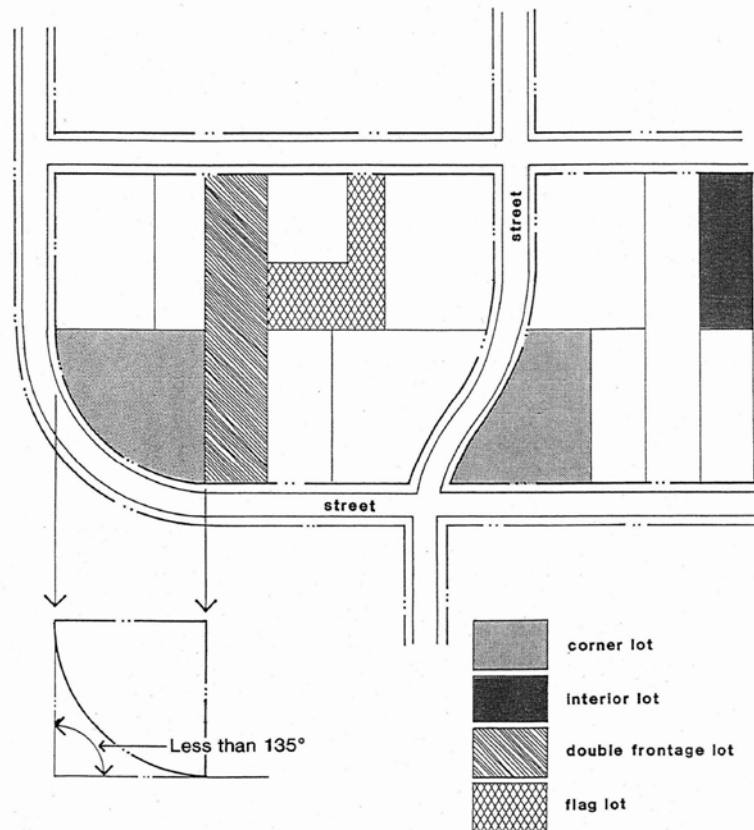
LAND USE: A use of land which may result in an earth change, including, but not limited to, subdivision, residential, commercial, industrial, recreational, or other development, private and public highway, road and street construction, drainage construction, agricultural practices and mining.

LINGERIE MODELING STUDIO: An establishment or business that provides the services of live models modeling lingerie to individuals, couples, or small groups in a room smaller than 600 square feet.

LIVESTOCK: Domesticated animals intentionally reared in an agricultural setting to make produce such as food or fiber, or for its labor. Does not include poultry or farmed fish.

LOT: A lot is the parcel of land upon which the principal building, including any accessories are placed together with the required yards of open space, the legal description of which is on file at the Register of Deeds. A lot is not limited to a recorded subdivision plat.

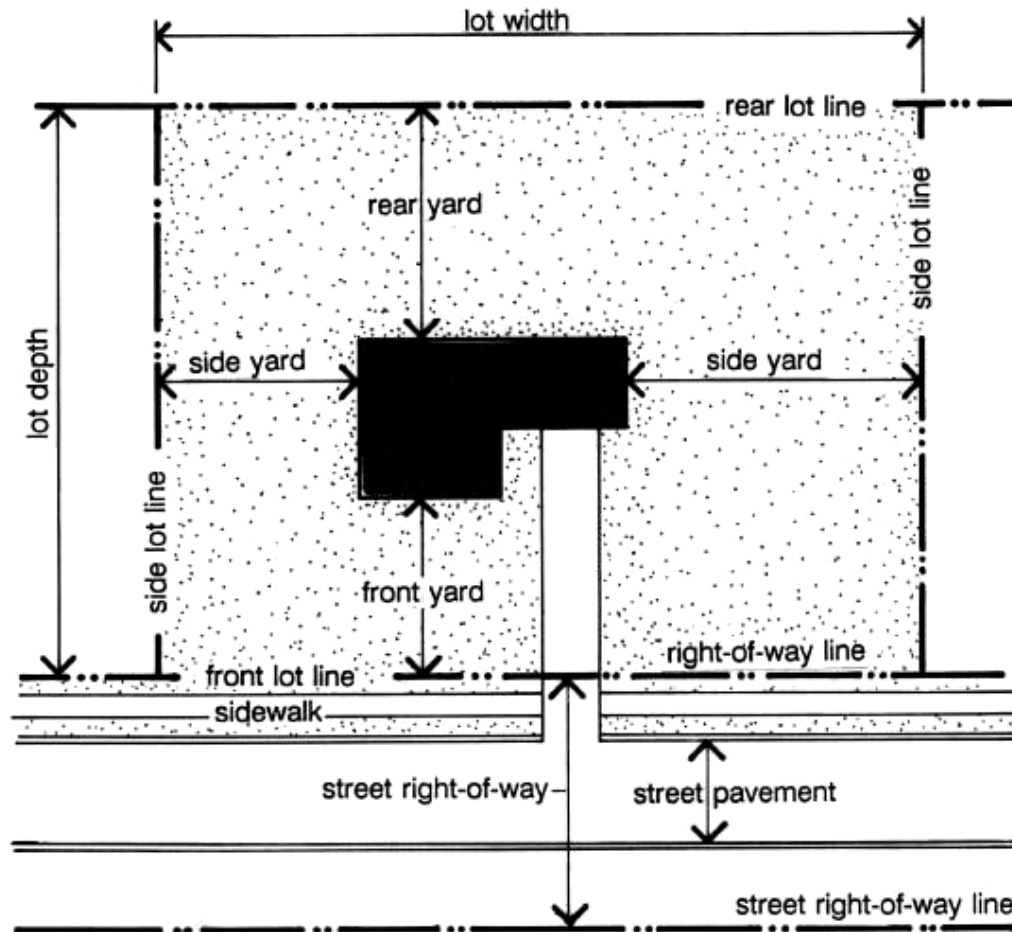
LOT AREA: The total horizontal area included within lot lines. Where the front lot line is the centerline of a street or lies in part or in whole in the street area, the lot area shall not include that part of the lot in use or to be used as the street.



Interior & Corner Lots

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

LOT COVERAGE: The part or percent of the lot occupied by buildings, including accessory buildings.



Lot Lines

LOT DEPTH: The mean horizontal distance from the front street line to the rear lot line.

LOT, INTERIOR: Any lot other than a corner lot. See graphic for Corner Lot.

LOT LINES: Any line bounding a lot, including the following:

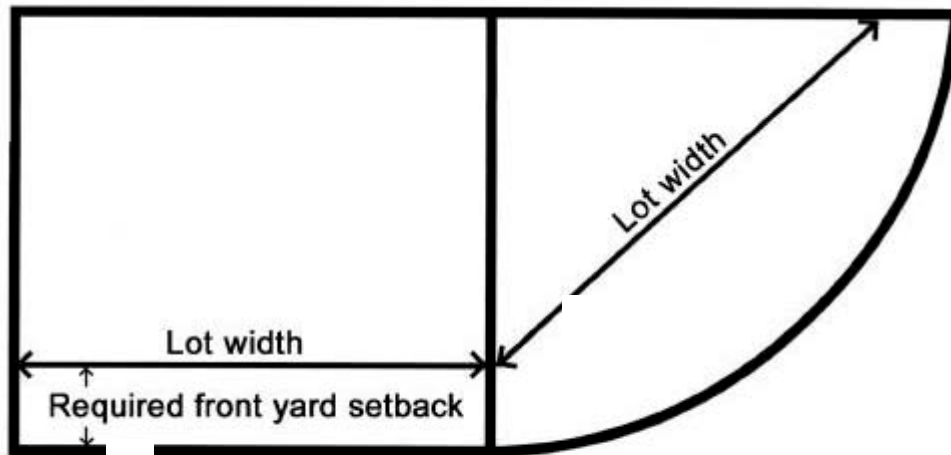
- a. **FRONT LOT LINE.** The line separating the lot from the right-of-way of the street; in the case of a corner line, the address of record is the front lot line.
- b. **REAR LOT LINE.** The line opposite to and most distant from the front line; in irregularly shaped lots, it shall be the straight line entirely within the lot, ten feet long, parallel to and most distant from the front lot line.
- c. **SIDE LOT LINE.** Any line other than front or rear lot lines.

LOT, THROUGH: Is any interior lot having frontage on two (2) more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all sides of said

lots adjacent to streets shall be considered frontage, and front yards shall be provided as required. See graphic for Corner Lot.

LOT OF RECORD: A parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or in common use by City officials, and which actually exists as so shown, or any part of such parcel held in separate recorded ownership at the time of adoption of this ordinance.

LOT WIDTH: The lot width shall be considered the average of the width between side lot lines.



Lot Width

LOT, ZONING: A single tract of land that, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control.

LOUNGE: see BAR

LUMBER YARD: A commercial or wholesale facility where building materials are sold and where lumber and other construction materials are warehoused within an enclosed yard or building.

MANUFACTURED HOME: see MOBILE HOME.

MANUFACTURING: The manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing and custom manufacturing. The manufacturing or compounding process of raw materials. These activities or processes would necessitate the storage of large volumes of highly flammable, toxic matter or explosive materials needed for the manufacturing process. These activities may involve outdoor operations as part of their manufacturing process.

MESSAGE STUDIO: An establishment offering massage therapy and/or body work by a massage therapist or under the direct supervision of a licensed physician.

MEDIA: Anything printed or written, or any picture, drawing, photograph, motion picture, film, videotape or videotape production, or pictorial representation, or any electrical or electronic reproduction of anything that is or may be used as a means of communication. Media includes but shall not necessarily be limited to books, newspapers, magazines, movies, videos, sound recordings, CD, other magnetic media, and undeveloped pictures.

MEDIA SHOP: A general term, identifying a category of business that may include sexually oriented material but that is not subject to the special provisions applicable to adult media shops. In that context, media shop means a retail outlet offering media for sale or rent, for consumption off the premises provided that any outlet meeting the definition of adult media shop shall be treated as an adult media outlet. [See regulations in Section 7.14.](#)

MINISTORAGE/SELF STORAGE: A structure containing separate storage areas of varying sizes that are leased or rented on an individual basis.

MOBILE HOME, MANUFACTURED HOME: A structure, transportable in one or more sections, that is built on a chassis and designed for use as a dwelling with or without a permanent foundation, constructed according to the standards promulgated by the U. S. Department of Housing and Urban Development, and which includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. A mobile home does not include a recreational vehicle.

MOBILE HOME PARK, MANUFACTURED HOME DEVELOPMENT: An area of land upon which three (3) or more occupied trailer coaches or mobile homes are harbored either free of charge or for revenue purposes, and shall include any building structure, vehicle, or enclosure used or intended for use as part of the equipment of such mobile coach park, subject to A.N.S.I. code and Michigan Manufactured Housing Commission rules, [Public Act 96 of 1987](#), as amended.

MORTUARY: see FUNERAL HOME

MOTEL: A building or group of buildings, whether detached or in connecting units, used as individual sleeping or dwelling units designed primarily for transients traveling by automobile. The term "motel" shall include buildings designed as auto courts, tourist courts, motor hotels, hotels and similar names that are designed as integrated units of individual rooms under common ownership. For the purposes of this Ordinance, "motel" and "hotel" have the same meaning.

NONCONFORMING: Any building lot, sign or portion thereof lawfully existing at the time this Ordinance became effective and that does not comply with this Ordinance's regulations.

NUISANCE: An offensive, annoying, unpleasant, or obnoxious thing, or practice, a cause or source of annoyance, especially a continual or repeated invasion of a use or activity that invades the property line of another so as to cause harm or discomfort to the owner or resident of that property.

ON SITE WIND ENERGY SYSTEMS: An On Site Use Wind Energy System is intended to primarily serve the needs of the consumer.

OPEN SPACE: Is that part of a zoning lot, including courts or yards, which:

- a. Is open and unobstructed from its lowest level to the sky, and
- b. Is accessible to all residents upon the zoning lot, and
- c. Is not part of the roof of that portion of a building containing dwelling units, and
- d. Is comprised of lawn and landscaped area, and
- e. Is not part of the roof of an attached garage if said roof is used for a swimming pool deck or recreation deck; and is not higher than twenty-three (23) feet above grade; and is directly accessible by passageway from the residential building.

OUTDOOR SALES: Uses not conducted from a wholly enclosed building, operated for a profit, and including the following uses:

- a. Bicycle, mobile home, travel trailer, motor vehicle, boat or home equipment sale or rental services.
- b. Outdoor display and sale of garages, swimming pools, and similar uses.
- c. Retail sale of trees, fruits, vegetables, shrubbery, plants, seed, topsoil, humus, fertilizer, trellis, lawn furniture, playground equipment, and other home garden supplies and equipment.

OUTDOOR USE: A use, the majority of which is carried outside of a structure of any kind. These may include outdoor displays of merchandise, outdoor eating areas, outdoor storage and outdoor recreation under certain circumstances.

PARKING AREA: An area used for the parking, parking aisle, or access of motor vehicles for a fee or as an accommodation for clients, customers, residents, employees or the general public.

PERSONAL SERVICES FACILITIES: Establishments primarily engaged in providing services involving the care of a person or his or her apparel.

PET: A domesticated dog, cat, canary, parakeet, parrot, gerbil, hamster, guinea pig, turtle, fish, rabbit, or similar animals and customarily kept for pleasure or companionship.

POND: A permanent or temporary body of man-made open water that is more than 0.25 acres in size and less than 1.0 acre in size.

PRIMARY LIVE ENTERTAINMENT: On-site entertainment by live entertainers that characterizes the establishment, as determined (if necessary) from a pattern of advertising as well as actual performances.

PRINCIPAL BUILDING: A building in which is conducted the principal use allowed of the lot in the district in which it is situated.

PRINCIPAL USE: The primary and predominate use of the premises including customary accessory uses.

PROFESSIONAL SERVICES: Services offered to the general public such as law, medicine, engineering, accounting, and architecture.

PROCESSING: Any operation changing the nature of material or materials such as the chemical composition, physical qualities, or size or shape. Does not include operations described as fabrication, or assembly.

PUBLIC UTILITY (PUBLIC SERVICE UTILITY): Any person, firm, corporation, municipal department, or board, duly authorized to furnish and furnishing under federal, State, or municipal regulations to the public, electricity, gas, steam, communication, telegraph, transportation, or water, sanitary sewer or storm sewer.

RADIO TOWER: A signal-sending device, the purpose of which is to distribute radio signals from a radio transmitter or transmitters in the area.

RAISING AND KEEPING OF LIVESTOCK: see FARMING

RECREATION, INDOOR: A recreational land use conducted entirely within a building, including arcade, arena, art gallery and studio, art center, assembly hall, athletics and health clubs, auditorium, bowling alley, club or lounge, community center, conference center, exhibit hall, gymnasium, library, movie theater, museum, performance theater, pool or billiard hall, skating rink, swimming pool, and tennis court.

RECREATION, OUTDOOR: Recreational uses conducted almost wholly outdoors, including golf driving ranges (not associated with a golf course), miniature golf, firing ranges, water parks, amusement parks, and similar uses.

RECREATIONAL EQUIPMENT: Includes travel trailers, pickup campers, motor homes, ice fishing houses, tent trailers, tents, boats and boat trailers, personal watercraft, snowmobiles, off-road vehicles of any kind, and similar equipment and cases or boxes used for transporting recreational equipment, whether occupied by the equipment or not.

RECREATIONAL VEHICLE: A vehicle primarily designed and used as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle.

RECREATIONAL VEHICLE (RV) PARK/CAMPGROUND: A parcel of land reserved for the location of recreational vehicles, including building sites set aside for group camping and similar recreational vehicles.

REDUCTION, CONVERSION, DISPOSAL OF WASTE: Unwanted or discarded solid, liquid, semisolid or contained gaseous material, including, but not limited to, demolition debris, material burned or otherwise processed at a resource recovery facility or incinerator, material processed at a recycling facility and sludges or other residue from a water pollution abatement facility, water supply treatment plant or air pollution control facility.

RELIGIOUS INSTITUTION: see INSTITUTION, RELIGIOUS

RESEARCH AND DEVELOPMENT FACILITY: Any facility that is involved in the inquiry, examination, investigation or experimentation aimed at the discovery and/or interpretation of facts, revision of accepted theories or laws in the light of new facts, or practical application of such new or revised theories of laws and the development thereof. Development may include a limited number of test units of a given product resulting from such research and shall include limited production while a product is being test-marketed, which is the interim step between full research and development and ultimate full-scale production.

RESOURCE RECOVERY FACILITY: A fully enclosed building where waste is sorted and classified by type and material, such as ferrous metal, nonferrous metal, aluminum, paper, newsprint, boxed board, plastic and glass colors. The purpose of such a building is to reuse the recovered materials.

RESTAURANT: A business located in a building where, in consideration for the payment of money, meals are habitually prepared, sold and served to persons for consumption on or off the premises, having suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of goods that may be required for ordinary meals, and deriving the major portion of its receipts from the sale of food and complying with state and federal health regulations.

RESTAURANT, DRIVE-IN/DRIVE THROUGH/FAST FOOD: A restaurant developed so that its retail or service character is primarily dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle or to permit patrons to eat while in the motor vehicle, as well as within a building or structure, or primarily to provide self-service for patrons and food carry-out. Any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state for consumption either within the restaurant building or for carry-out with the consumption off the premises, and whose design or principal method of operation includes one or both of the following:

- a. Food, frozen desserts, or beverages usually served in edible containers or in paper, plastic, or other disposable containers;
- b. More than forty-five (45%) percent of the available floor space devoted to food preparation, related activities and other floor space not available to the public.

RETAIL BUSINESS: Establishments engaged in selling goods or merchandise to the general public for personal or household consumption, and rendering services incidental to the sale of such goods.

RIGHT-OF-WAY: A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation, and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, waterline, sanitary storm sewer, or other similar uses.

RIGHT-OF-WAY LINE: The boundary of a dedicated street, highway, or strip of land used or reserved for the placement or location of utilities and facilities. See graphic for Lot Lines.

ROAD FRONTAGE: The length of the lot line that borders a public or private road at the right-of-way line.

ROAD, PRIVATE: A way open to vehicular ingress and egress established as a separate tract for the benefit of certain, adjacent properties. This definition shall not apply to driveways.

ROAD, PUBLIC: All public property reserved or dedicated for street traffic.

ROADSIDE STANDS: A booth or stall located on a farm, from which produce and farm products are sold to the general public.

SADOMASOCHISTIC PRACTICES: Flagellation or torture by or upon a person clothed or naked, or the condition of being fettered, bound, or otherwise physically restrained on the part of one clothed or naked.

SALVAGE/SCRAP YARD: A place where waste or discarded or salvaged materials are bought, sold, exchanged, stored, baled, packaged, disassembled, cleaned, or handled, including house and vehicle wrecking yards, used lumber yards, and places or yards for use of salvaged house and vehicle parts, and structural steel materials and equipment. SALVAGE YARD shall not include uses conducted entirely within a completely enclosed building; pawn shops and establishments for the sale, purchase, or storage of used cars in operable condition, salvaged machinery, used furniture and household equipment; and the processing of used, discarded or salvaged materials as part of manufacturing operations.

SANITARY LANDFILL, SOLID WASTE TRANSFER STATION: Any operation that is licensed by the State of Michigan or its agencies as a sanitary landfill or is subject to the requirement of having such a license.

SAWMILL, LUMBERING: The cutting and storing of forest products and the operation of portable sawmills and planers.

SCHOOL: see INSTITUTION, EDUCATIONAL

SCREENING: A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.

SEASONAL BUSINESS: A retail business or service business that is not normally used as a business for more than six (6) months during any one calendar year.

SENIOR HOUSING: A residential complex containing multiple family dwellings designed for and principally occupied by senior citizens. Such facilities may include a congregate meals program in a common dining area, but exclude institutional care such as medical or nursing care where patients are confined to bed. see INSTITUTIONS: HUMAN CARE

SETBACK: The minimum required horizontal distance measured from the front, side or rear lot line, whichever is applicable, of a lot of record for purposes of determining the minimum amount of open space surrounding the main structure on that lot. See graphic for Lot Lines.

SEWAGE TREATMENT PLANT: A facility designed for the collection, removal, treatment, and disposal of waterborne sewage generated within a given service area.

SEX SHOP: An establishment offering goods for sale or rent and that meets any of the following tests:

- a. The establishment offers for sale items from any two of the following categories:
 - 1) Adult media:
 - 2) lingerie
 - 3) leather goods marketed or presented in a context to suggest their use for the sadomasochistic practices

and the combination of such items constitutes more than 10 percent of the stock-in-trade of the business or occupies more than 10 percent of its floor area.

- b. More than 5 percent of the stock-in-trade of the business consists of sexually oriented toys or novelties.
- c. More than 5 percent of the gross public floor areas of the business is devoted to the display of sexually oriented adult toys or novelties.

SEXUALLY ORIENTED BUSINESS: An inclusive term used to describe collectively: adult cabaret, adult motion picture theater; adult media store; bathhouse; massage shop; modeling studio and/or sex shop. This collective term does not describe a specific land use and should not be considered a single-use category.

SEXUALLY ORIENTED TOYS OR NOVELTIES: Instruments, devices, or paraphernalia either designed as representations of human genital organs or female breasts, or designed or marketed primarily for use to stimulate human genital organs.

SHADOW FLICKER: Alternating changes in light intensity caused by the moving blade of a wind energy system casting shadows on the ground and stationary objects, such as a window at a dwelling.

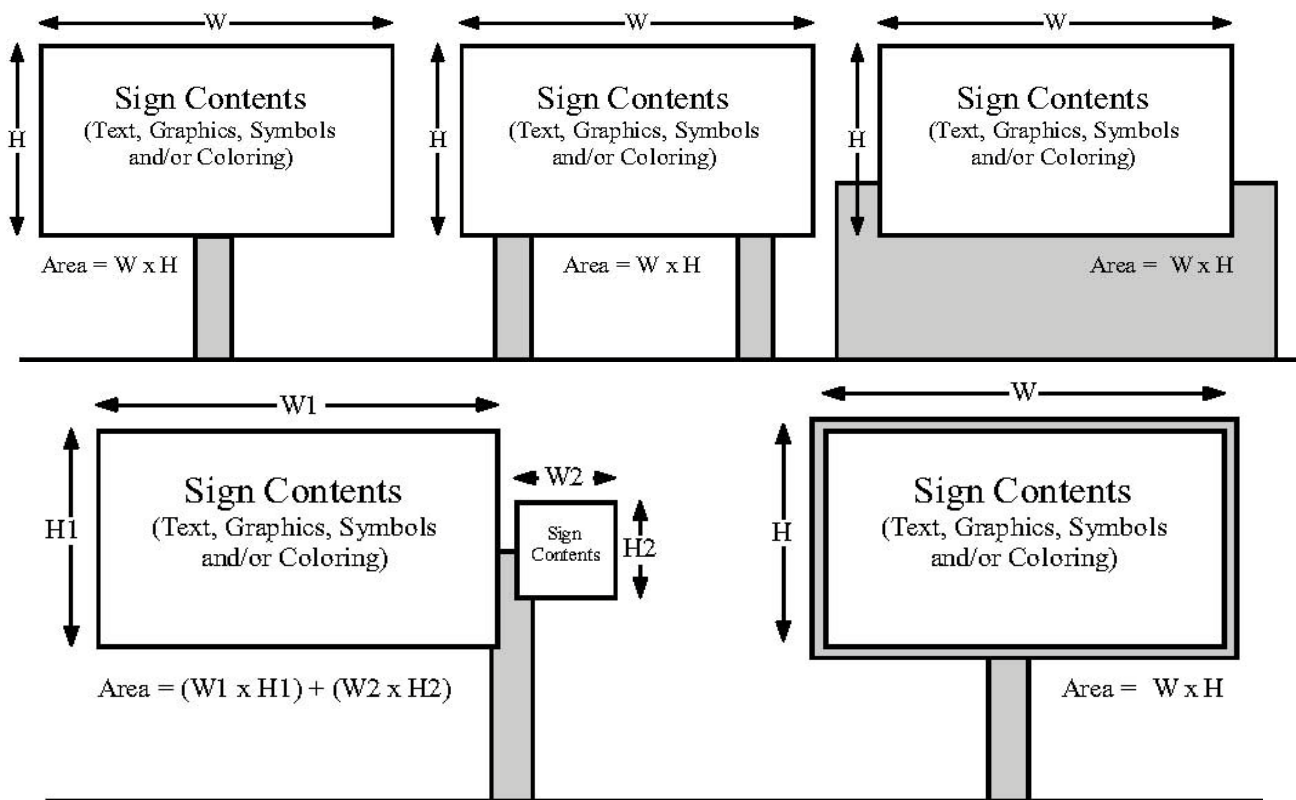
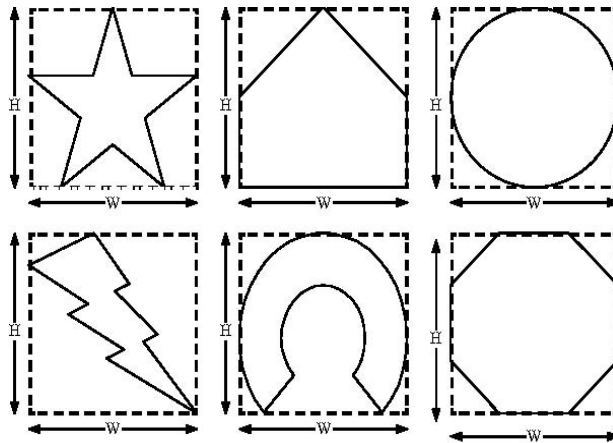
SHED: See **ACCESSORY STRUCTURE**

SIGNS: A structure which includes the name, identification, image, description, display or illustration which is affixed to, painted or represented directly or indirectly upon a building, structure or parcel of land, and which directs attention to an object, product, place, activity, facility, service, event, attraction, person, institution, organization or business, or idea and which is visible from any street, right of way, sidewalk, alley, park or other public property. This definition includes the base, frame, and support members of the Sign. Customary displays of merchandise or objects and material within an enclosed building or placed behind a store window are not Signs. A Sign shall not include any display of official court or public office notices nor shall it include the flag of a political unit or school.

For the purpose of this Ordinance, the following sign or sign related terms are here defined:

- a. **Abandoned**: A sign shall be deemed Abandoned if:
 - 1) It does not display a well-maintained structure or sign face for a consecutive one hundred twenty (120) day period;
 - 2) The owner of the sign cannot be located at the owner's last known address, as reflected on the records of the department; or
 - 3) A structure designed to support a sign no longer supports the sign for a period of one hundred twenty (120) consecutive days.
 - 4) Any sign not repaired or maintained properly, after notice, pursuant to the terms of this section.
- b. **Area/measurement of Sign**. The entire area within a circle, triangle, parallelogram, or other geometric configuration enclosing the extreme limits or writing, representation, emblem or any figure or similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed; excluding the necessary supports or uprights on

which such sign is placed and any numbers displaying the address of the use. Only one side of a sign with two faces is used to calculate the area of the sign.



- c. **Awning Sign.** Any Sign attached to or constructed on a canopy or awning. A canopy is a permanent roof-like shelter extending from part of or all of a building face.

- d. **Clear Vision Area.** The area bounded by the street property lines of corner lots and a line intersecting the street property lines, thirty (30') feet from their point of intersection.
- e. **Construction Sign.** A Sign containing identifying information concerning construction activity in progress on the premises on which the Sign is located, such as the name of the future occupant or business, development name, type of development, name of the developer, and names of architects, engineers, contractors and lenders involved in the construction activity.
- f. **Directional Sign:** A Sign on private property the primary purpose of which is to direct traffic movement onto or off of a premises. Such signs include entrance, exit, or street number.



Electronic Message Board

braces, pylons, or foundation elements located in or upon the ground and not attached to a building.

- g. **Electronic Message Board.** Video terminal or electronic changeable copy Sign in which the copy or animation consists of an array of lights activated and deactivated simultaneously with a frequency of message change of not less than five (5) seconds.

- h. **Freestanding Sign:** A Sign supported by one or more uprights,



Freestanding Sign

- i. **Governmental Sign:** A Sign authorized by this municipality, a governmental agency, the state of Michigan, or the federal government, for the benefit of the public. Such Signs may include safety Signs, danger Signs, trespassing Signs, street direction Signs, destination Signs, hazardous condition Signs, or Signs for traffic control purposes.

- j. **Ground Mounted.** See Monument Sign.

- k. **Integral Sign:** Signs made an integral part of the walls of the structure or roof for farm buildings, or when carved into stone, concrete, or similar material or made of bronze, aluminum or other permanent type construction.



Marquee Sign



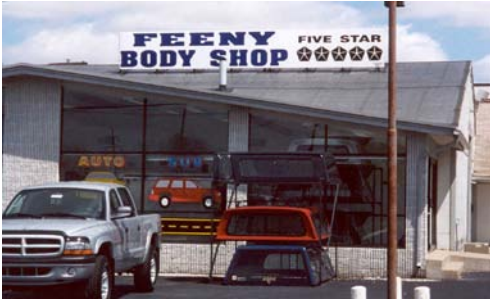
Monument Sign

- l. **Marquee:** Any hood, canopy, awning, or permanent construction that projects from a wall of a building, usually above an entrance.
- m. **Monument Sign:** A Freestanding Sign where the base of the Sign structure is permanently in the ground or integrated into landscaping or other solid structural features.
- n. **Nonconforming Sign.** Any advertising structure or Sign which was lawfully erected and maintained prior to the effective date of this ordinance, and any amendments thereto, and which fails to conform to all applicable regulations and restrictions of this ordinance, or a Sign for which a permit was previously issued that does not comply with the provisions of this ordinance.
- o. **Nondwelling Use sign:** A sign associated with a permitted nonresidential use in a residential district. Examples of these signs include subdivision entrance signs, educational and religious institution signs.
- p. **Owner:** A Person owning the Sign and/or the property owner upon which the Sign is located.
- q. **Parcel:** Contiguous real estate taxed as a single parcel on one side of a public road.
- r. **Permit:** The authorization for the installation of a Sign issued by the department.
- s. **Person:** Any individual or entity, including a firm, partnership, association, corporation, limited liability company, trustee, and their legal successors.
- t. **Portable/Temporary Sign:** A Sign that is not permanently anchored or secured to a building and not having supports or braces permanently secured in the ground, included but not limited to “sandwich” signs and signs mounted on wheels so as to be capable of being pulled by a motor vehicle from one location to another. Banners, pennants, pinwheels, ribbons, streamers, strings of light bulbs, inflatables or similar devices intended for a limited period of display shall also be considered a portable sign. This definition does not include specified exceptions for grand opening type signs.
- u. **Projecting Sign:** A Sign affixed to any part of a building or structure that extends beyond the building or structure by more than twenty (20”) inches.
- v. **Property Sign:** A sign related to the property on which it is located and offering such property for sale or lease, advertising contemplated improvements, announcing the name of the builder, designer, owner, or developer of a project, or warning against trespass.
- w. **Replacing Copy.** Any change to a Sign's face or display other than changing letters and numbers designed to be removed on a daily or weekly basis for a temporary advertisement or sale.



Projecting Sign

- x. **Roof Line.** The highest point on any building where an exterior wall encloses usable floor space. The term “roof line” includes the top of any parapet wall, providing said parapet wall extends around the entire perimeter of the building at the same elevation. The façade of a building is not defined as part of the roof line.
- y. **Roof Sign:** A Sign erected, constructed, or maintained upon, or which projects above, the Roof Line of a building.



Roof Sign

- z. **Sandwich Sign: See** Portable/Temporary signs.
- aa. **Special Event Sign: See** Portable/Temporary Sign. A Sign advertising display that is temporary in nature, is not permanently attached to the ground or Sign surface, and is used for special events, such as, but not limited to grand openings, seasonal sales, liquidations, going out of business sales, fire sales and promotions.
- bb. **Street Banner: See** Portable/Temporary Sign. Fabric Signs, suspended across public streets advertising a public entertainment or event. The location and contents of each street banner must be specially approved by the Michigan Department of Transportation.
- cc. **Structural Alteration.** Any change other than incidental repairs and maintenance that would prolong the life of the supporting members or face(s) of the Sign.
- dd. **Temporary Sign: See** Portable/Temporary sign
- ee. **Wall Sign:** A Sign attached to, painted upon, placed against, or supported by the exterior surface of any building. Wall signs also include Marquees and Canopy Signs.

SITE CONDOMINIUM: see CONDOMINIUM.

SPECIFIED ANATOMICAL AREA:

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

SPECIFIED SEXUAL ACTIVITY: Human genitals in a state of sexual stimulation or arousal or acts of human masturbation, sexual intercourse, sodomy, or fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

STABLE, PUBLIC: An establishment used for the breeding, rearing and housing of more than two (2) horses, ponies, and similar animals, and including riding academies and stables to which the public is admitted for a fee to ride and/or board horses.

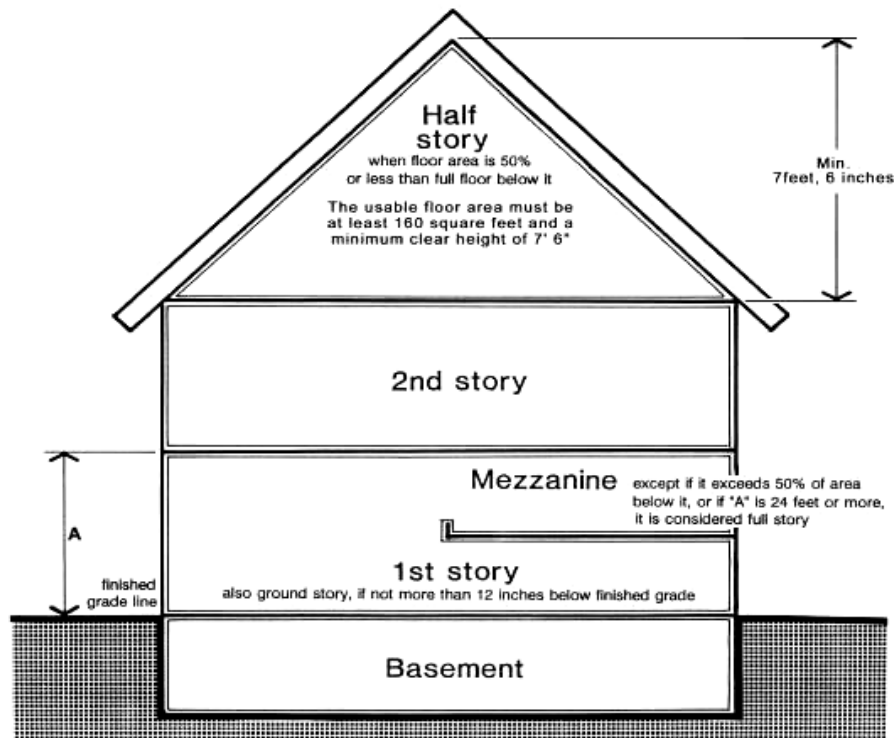
STABLE, PRIVATE: Any building or structure and adjacent lands used for or designed for the boarding, breeding, or care of not more than two (2) horses, ponies and similar animals, other than horses used for farming or other agricultural purposes. A private riding stable may include areas and facilities for training, riding, or driving of horses and for offering of

lessons to teach the riding and driving of horses for a fee to a limited number of persons having a direct interest in said horses.

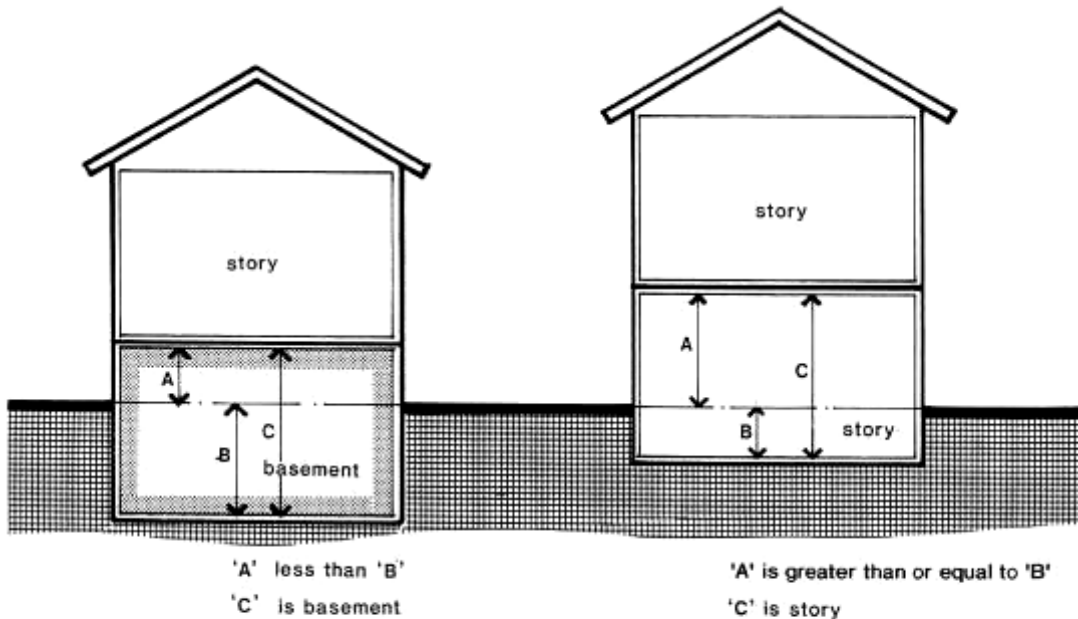
STATE LICENSED RESIDENTIAL FACILITY: A private home licensed by the State Department of Social Services for care of sick, elderly or handicapped adults. A family home is defined as having 1 to 6 adults; a group home has 7 to 20.

STORAGE, INDOOR: see WAREHOUSE

STORY: That portion of a building included between the surface of any floor above the average elevation or ground at the foundation wall and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.



Basic Structural Terms



Basement and Story

STORY, HALF: Is an uppermost story lying under a sloping roof having an area of at least two hundred (200) square feet with a clear height of seven feet six inches (7' 6"). For the purposes of this Ordinance, the usable floor area is only that area having at least four (4') feet clear height between floor and ceiling.

STREET/ROAD, PRIVATE: A street or road that is not public as defined by this Ordinance.

STREET/ROAD, PUBLIC: Any public right-of-way, conforming to Montcalm County standards, that provides vehicular access to adjacent properties.

STRUCTURE: see BUILDING

STRUCTURE CHANGES OR ALTERATIONS: Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders, or any substantial change in the roof.

SUBDIVISION OR SUBDIVIDE: The division of single lot or parcel of land, or part thereof, into two or more lots, tracts, or parcels of land for the purpose, whether immediate or future, of transfer of ownership for residential, commercial, or industrial purposes; or the division of a single lot, tract, or parcel of land, or a part thereof, into two or more lots, tracts, or parcels by means of buildings, building groups, streets, alleys, parking areas, or leaseholds, for the purpose, whether immediate or future, of building development for residential, commercial or industrial purposes, provided, however, that divisions of land for agricultural purposes only, not involving any new street or easement of access, shall not be included.

SUBSTANCE ABUSE REHABILITATIONS CENTER: see INSTITUTION, REHABILITATION

SYSTEM BUILT HOME: see MANUFACTURED HOME

TATTOO/BODY PIERCING PARLOR: An establishment whose principal business activity, either in terms of operation or as held out to the public, is the practice of one or more of the following:

- a. Placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin;
- b. Creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

TAVERN: see BAR

TEMPORARY BUILDING AND STRUCTURES: A use in a temporary building or structure, established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period granted in the special use permit.

TEMPORARY DWELLING: Includes, but is not limited to travel trailer, pop-up campers, modified trailers and tents, but does not include mobile homes as defined in the [Michigan Mobile Home Commission Act](#) (Manufactured Housing Commission).

TEMPORARY INDOOR AND OUTDOOR USES: A use carried out in an open area or uncovered or temporary structure, which is disbanded when the designated time period, activity or use for which the temporary structure was erected, has ceased.

THEATER: A building, or part of a building, devoted to showing motion pictures, or dramatic, musical, or live performances.

TOOL AND DIE SHOPS: see MANUFACTURING.

TOWING OPERATIONS: see VEHICLE REPAIR.

USE, CHANGE OF: Any use which substantially differs from the previous use of a building or land, or which imposes other special provisions of law governing building construction, equipment, egress or ingress.

USE, LAWFUL: The legal use of any structure or land that conforms with all of the regulations of this code or any amendment that exists at the time of the enactment of this code or any amendment thereto. All other uses are considered nonconforming uses that may be deemed legal or illegal.

USED, OCCUPIED: These words are intended to include INTENDED, DESIGNED or ARRANGED to be used or occupied.

USE, TEMPORARY: A use in a temporary building or structure on a parcel, established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period granted in the administrative permit. An outdoor temporary use has fewer than 250 people in attendance at one time and may require a special use permit if determined by the Zoning Administrator.

USED CAR LOT: see VEHICLE SALES

UTILITY GRID WIND ENERGY SYSTEMS: A Utility Grid wind energy system is designed and built to provide electricity to the electric utility grid.

UTILITY OR PUBLIC SERVICE BUILDINGS: Any person, firm, corporation, municipal department or board, duly authorized under state or municipal regulation to furnish, and furnishing: transportation, water, gas, electricity, telephone, steam, telegraph, or sewage disposal and other services to the public.

VEHICLE, MOTOR: A self-propelled device used for transportation of people or goods over land surfaces, and licensed as a motor vehicle.

VEHICLE REPAIR: General repair, rebuilding, or reconditioning of engines, motor vehicles or trailers; collision service, including body frame or fender straightening or repair; overall painting or paint shop; vehicle steam cleaning and oil change. Vehicle repair also includes an establishment that provides for the removal and temporary storage (7 days) of vehicles but does not include disposal, permanent disassembly, salvage or accessory storage of inoperable vehicles.

VEHICLE SALES: An area used for the display, sales, service and rental of new and used motor vehicles, boats, trailers, farm equipment, construction equipment or mobile homes all in such a condition that they can be driven off the lot. A USED CAR LOT shall not be used for the storage of wrecked automobiles, the dismantling of automobiles, or the storage of automobile parts.

VEHICLE WASH: A structure containing facilities for washing automobiles using a chain conveyer or other method of moving the cars along, or machinery that moves around a stationary vehicle, and automatic or semiautomatic application of cleaner, brushes, rinse water and heat for drying.

VETERINARY HOSPITAL: 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.

VIDEO-VIEWING BOOTH OR ARCADE BOOTH: Any booth, cubicle, stall, or compartment that is designed, constructed, or used to hold or seat patrons and is used for presenting motion pictures or viewing publications by any photographic, electronic, magnetic, digital, or other means or media (including but not limited to, film, video or magnetic tape, laser disc, CD, books, magazines, or periodicals) for observation by patrons therein. A video-viewing booth shall not mean a theater, movie house, playhouse, or a room or enclosure or portion thereof that contains more than 600 square feet.

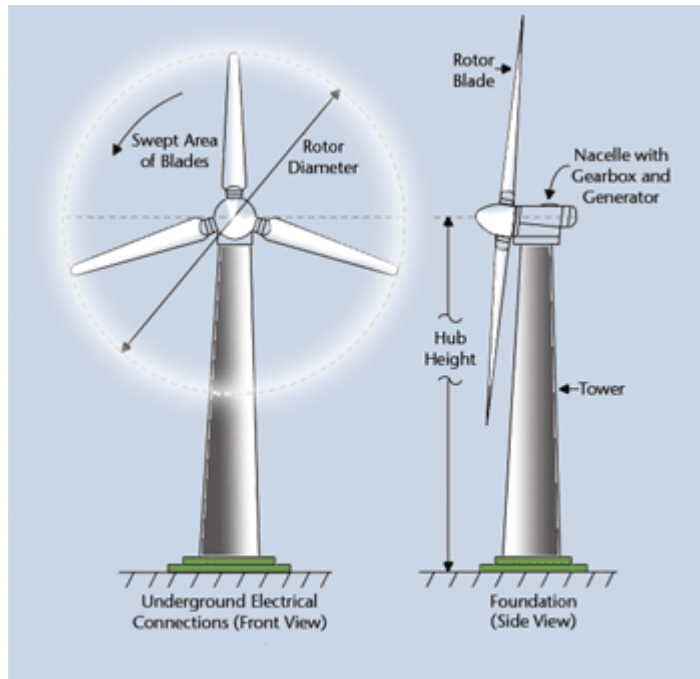
WAREHOUSE: A building primarily used for the storage of goods and materials. See MINISTORAGE.

WAREHOUSING/DISTRIBUTION: The storing of different types of equipment and merchandise to be shipped or sold for resale.

WHOLESALE SALES:

Establishments or places of business primarily engaged in selling 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.

WIND ENERGY SYSTEM: A wind energy conversion system which converts wind energy into electricity through the use of a wind turbine generator and includes the turbine, blades, and tower as well as related electrical equipment. This does not include wiring to connect the wind energy system to the grid.



Drawing of the rotor and blades of a wind turbine, courtesy of ESN

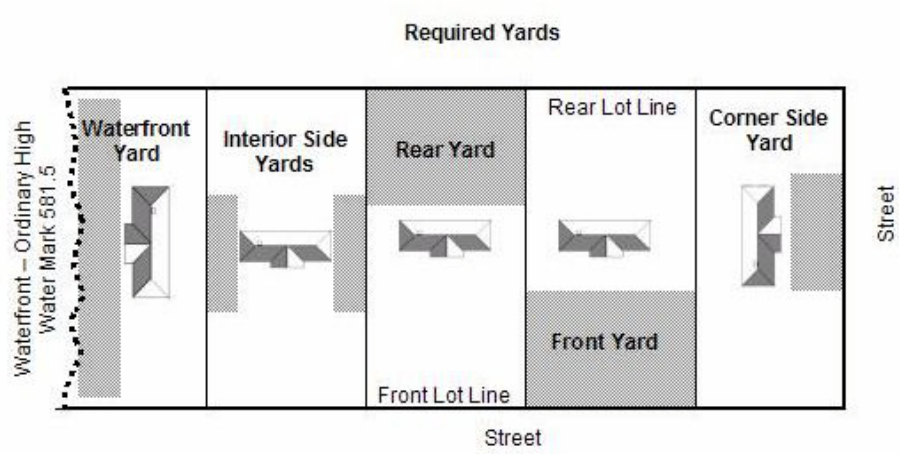
WIND SITE ASSESSMENT: An assessment to determine the wind speeds at a specific site and the feasibility of using that site for construction of a wind energy system.

WIND POWER GENERATING FACILITIES: Wind generating facilities which generate original power on site to be transferred to a transmission system for distribution to customers. The definition of wind power generating facilities shall not include individual wind power generating facilities erected and used primarily for private use.

WIRELESS COMMUNICATION FACILITY: Any device, including cellular towers, used for transmitting and receiving radio waves, microwaves, and other similar frequencies.

YARDS: Yard is the open ground space on a premises unoccupied by buildings and includes the following:

- a. Front yard is defined as the yard extending across the full width of a premises between the nearest line of the main building or accessory structure and the front line or highway right-of-way, as the case may be.
- b. Side yard is defined as the yard extending the full depth (extending from the lot line or highway right-of-way line to the rear line of the premises) of a premises between the nearest line of the main building or accessory structure and adjacent lot line.
- c. Back yard is defined as all open, unoccupied spaces on the same premises with the building, between the building and rear lot line.
- d. Required yard is a yard, as defined, that occupies the area of a required setback.



YARD SALE: A sales activity that takes place on an agriculturally or residentially zoned parcel for no more than 5 consecutive days, twice in a calendar year. Sales that exceed this duration are TEMPORARY OUTDOOR USES.

ZERO LOT LINE: The location of a building in such a manner that one or more of the building's sides is directly on a lot line.

Chapter 3 ■ District Regulations

For the purpose of this Ordinance, certain terms are herewith defined.

SECTION 3.1 DIVISION OF THE CITY

For the purposes of this Ordinance, all land within Carson City, except streets, is divided into the following Zoning Districts:

AG	Agricultural
R-1	Single Family Residential
R-2	Multiple Family Residential
B-1	Business - Downtown
B-2	Business - General
I	Industrial

SECTION 3.2 OFFICIAL ZONING MAP

The boundaries of Zoning Districts are defined and established as shown on a map, entitled "Carson City Zoning Map,". This map, with all explanatory text, is a part of this Ordinance. The official Zoning Map shall be kept and maintained by the City Comptroller or his/her designee and is available to view and purchase in the Zoning Administrators office.

SECTION 3.3 INTERPRETATION OF BOUNDARIES

Where uncertainty exists with respect to the boundaries of any of the districts indicated on the official Zoning Map, the following rules shall apply:

- a. Boundaries indicated as approximately following streets or highways shall be presumed to follow the centerline of said roadways.
- b. Boundaries indicated as approximately following City boundary lines or property lines shall be presumed to follow said lines.
- c. Boundaries indicated approximately parallel to the center lines of streets or highways shall be interpreted as being parallel to and at such distance from as indicated by given distance or scaled dimension.

SECTION 3.4 SCOPE OF REGULATIONS

- a. No building or structure or part thereof shall be erected, moved, constructed, or altered, and no new use or change in use of a parcel shall be made unless it conforms to the provisions of this Ordinance, including the regulations for the Zoning District in which it is located.
- b. The regulations applying to Zoning Districts include specific limitations on the use of land and structures, height and bulk of structures, parcel area and dimensions, setback of

structures from public thoroughfares and neighboring properties, and area of a parcel that can be covered by structures.

- c. The Zoning Board of Appeals shall have the power to classify a use that is not specifically mentioned by this Ordinance. Said use shall be treated in a like manner with a comparable permitted or prohibited use for the purpose of clarifying the District Regulations of any Zoning District.

SECTION 3.5 ROAD RIGHTS-OF-WAY

All roads and rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such roads. Where the center line of a road serves as a district boundary, the zoning of such road, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such center line.

SECTION 3.6 DISTRICT REGULATION TABLES

Regulations for all Zoning Districts are contained together in the following tables. Each table specifies a related set of information for all Zoning Districts. These tables do not include general requirements of this Ordinance. The reader is urged to become familiar with all Ordinance provisions before making any decision regarding use of a parcel or structure in Carson City.

- a. **INTENT AND PURPOSE**— This table lists the intent and purpose of each Zoning District.
- b. **CONSOLIDATED USES**— This table lists all of the uses – either permitted or special land use – for all districts.
- c. **USES for each ZONING DISTRICT** –These tables describe permitted activities for the various Zoning Districts. Each Zoning District may be host to several types of activity, but only the activities specified for a given Zoning District will be permitted there. Uses permitted by right may be allowed upon meeting all other requirements of this Ordinance. Uses permitted by Special Permit are subject to the process described in [Chapter 7, Special Use Permit Regulations](#).
- d. **DIMENSIONS**— This table specifies parcel dimensions and setback requirements for parcels in each Zoning District.

TABLE 1 ZONING DISTRICTS: INTENT AND PURPOSE

Zoning District	Stated Intent and Purpose
AG District: Agricultural	<p>This district is intended primarily for agricultural and single family residential uses associated with farming operations, together in a compatible environment. This district is also meant to encourage the preservation and enhancement of agricultural land and farming practices together with specified nonagricultural activity allowed by ordinance.</p>
R-1 District: Residential - Single Family	<p>This district is intended primarily for single family residential uses together with compatible uses. The purpose of this zone is to encourage a residential environment of low density dwellings.</p>
R-2 District: Residential - Multiple Family	<p>This district is intended to provide a variety of housing styles, design and cost to meet the needs of existing and potential residents while promoting the development and preservation of neighborhoods of higher density than in the R-1 district, but with equivalent quality. It is designed to permit a more intensive residential use of land with various types of multiple dwellings, including apartment structures and related institutional uses.</p>
B-1 District: Business, downtown	<p>This district is designed to provide for the great variety of retail stores and related activities which occupy the prime retail frontage by serving the needs of the entire municipal area as well as a substantial area of the adjacent and surrounding residential developments and agricultural area beyond the municipal limits. The district regulations are designed to promote convenient pedestrian shopping and stability of retail development by encouraging a continuous retail frontage and by prohibiting automotive related services and nonretail uses which tend to break up such continuity.</p>
B-2 District: Business, general	<p>This district is intended to provide for the regional community business and service needs of Carson City and for the orderly development and concentration of such uses. The district should be established along major roads which can satisfactorily accommodate the large volumes of vehicular traffic typically associated with such commercial concentrations.</p>
I District: Industrial	<p>This district is intended primarily for light manufacturing uses which possess few, if any, nuisance characteristics pertaining to the potential for explosion, radioactivity, smoke, dust, noxious or harmful wastes that would pollute streams or soil, vibration, noise, or odor. This district also contemplates uses of land which are not within the scope of uses permitted in the business and residential districts but are not detrimental to the public health, safety, or welfare in connection with the uses for which such districts are established.</p>

TABLE 2 USES BY DISTRICT

Use	Districts					
	AG	R-1	R-2	B-1	B-2	I
√= Permitted by Right S=Special Land Use Permit						
Accessory uses	√	√	√	√	√	√
Agricultural and forestry activities	√					
Agricultural bulk storage and processing	√					√
Assembly buildings					√	√
Bars/taverns				√	√	√
Bed and breakfasts	S	S		√	√	√
Cemeteries	√	√	√			
Childcare organizations	√	√	√	√	√	√
Commercial schools				√	√	√
Contractors storage yards						√
Distribution and terminals						√
Drive-through establishments					√	√
Dry cleaner/laundry				√	√	√
Dwellings above the first floor				√	√	√
Equipment, rental and sales					√	√
Flammable liquid production, refining, storage						S
Fuel sales, bulk						√
Funeral homes/mortuaries					√	√
Gas station/service station				√	√	√
Grain and seed elevators	√					√
Greenhouses	√				√	√
Heavy vehicle, equipment repair and sales					√	√
Home occupations	√	√	√			
Hotel/motel					√	√
Incinerators						S
Industrial parks						√
Institutions: Cultural				√	√	√

√= Permitted by Right S=Special Land Use Permit	Districts					
	AG	R-1	R-2	B-1	B-2	I
Institutions: Educational		S	S	√	√	√
Institutions: Human Care		S	S	√	√	√
Institutions: Incarceration						S
Institutions: Rehabilitation					S	√
Institutions: Religious		S	S	√	√	√
Institutions: Social		S	S	√	√	√
Institutions: Substance Abuse					S	√
Intensive livestock operations	S					S
Junkyards, scrap yards, salvage yards and landfills						S
Kennels	S				S	√
Laboratories						√
Lumber yards						√
Manufactured Home Developments			S			
Manufacturing						√
Ministorage						√
Multiple family dwellings			√			
Outdoor sales and use	S				√	√
Personal services				√	√	√
Production, processing, assembling, treatment or packaging of goods						√
Professional services				√	√	√
Public utility/service installations	S	S	S	S	S	√
Raising and keeping of small animals and livestock	√					
Recreation, indoor				√	√	√
Recreation, outdoor	S				√	√
Reduction, conversion and disposal of waste						S
Research and development						√
Resource recovery						S

Use	Districts					
	AG	R-1	R-2	B-1	B-2	I
Restaurants					√	√
Restaurants without drive through				√	√	
Retail business				√	√	√
Roadside stands	√					
Sawmill, lumbering	S					
Sewage treatment and disposal						S
Sexually oriented business						S
Single-family dwellings	√	√	√			
Stable, public or private	√					
State licensed residential facilities for 6 or fewer residents	√	√	√			
State licensed residential facilities for 7-20 residents			S			
Temporary buildings or trailers	√					
Temporary indoor and outdoor uses	S			S	S	√
Theaters, including drive-ins				√	√	√
Towing operations						√
Two-family dwellings		S	√			
Vehicle repair, sales and wash					√	√
Veterinary hospital	√				√	√
Warehousing and storage						√
Wholesale sales				√	√	√
Wireless communication facilities					√	√

TABLE 3 USES/DIMENSIONS: AGRICULTURAL DISTRICT

Agricultural District, AG	
Permitted Uses	Special Land Uses
Accessory uses	Bed and Breakfast
Agricultural and forestry activities, sod farming, agricultural storage, terminals and processing facilities	Intensive Livestock operations
Cemeteries	Kennels
Childcare organizations	Outdoor Sales
Grain and seed elevators	Public utilities/service installations
Greenhouses	Recreation, Outdoor
Home occupations	Sawmill, lumbering
Raising and keeping of small animals and livestock	Temporary Outdoor Use
Roadside stands	
Single family dwellings	
Stables, public, private.	
State licensed residential facility for 6 or fewer people	
Temporary buildings or trailers	
Veterinary hospital	

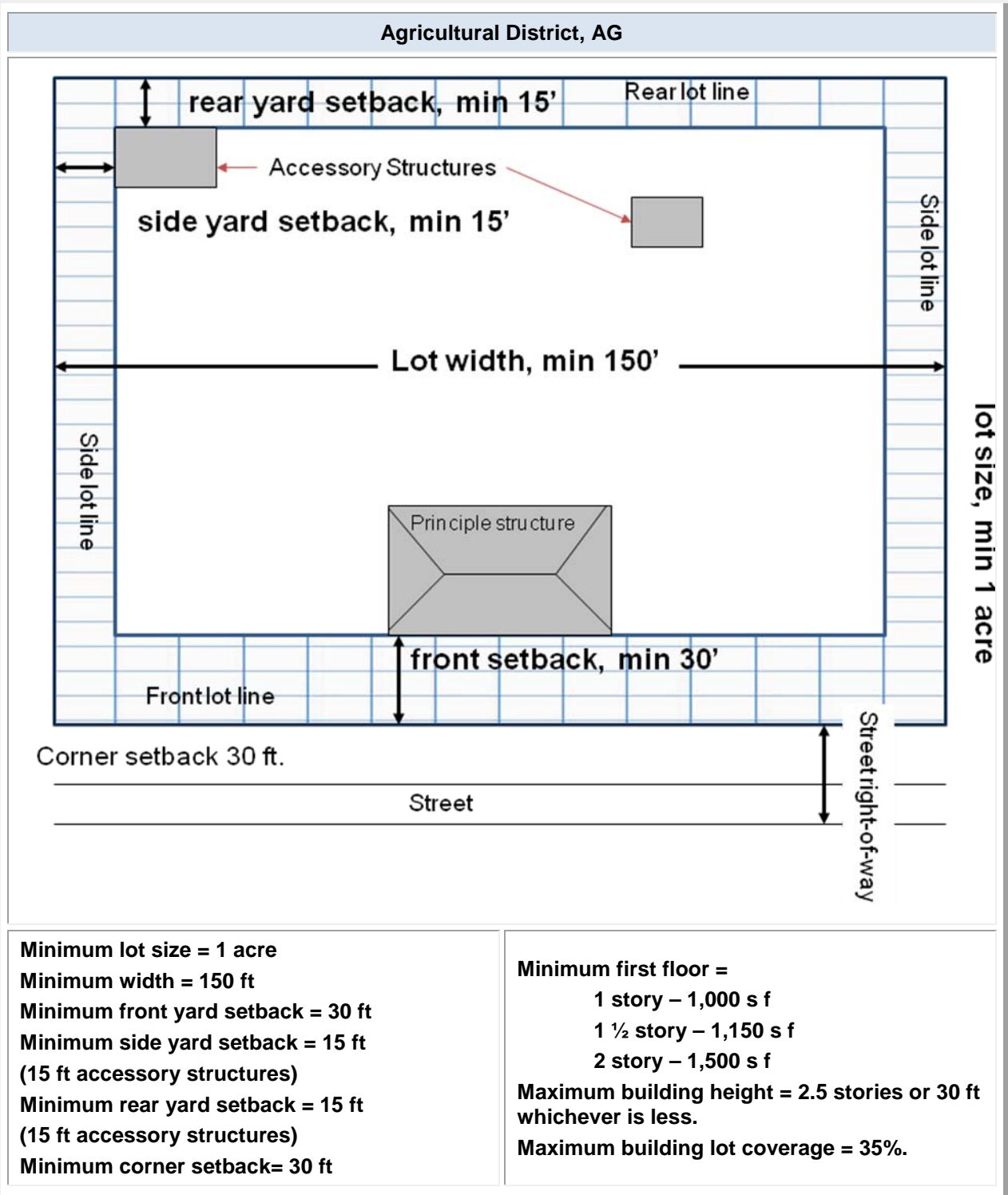


TABLE 4 USES/DIMENSIONS: SINGLE-FAMILY RESIDENTIAL DISTRICT

Single Family Residential District, R-1	
Permitted Uses	Special Land Uses
Accessory uses	Bed and Breakfast
Cemeteries	Institutions: Educational, Human Care, Social, Religious
Childcare organizations	Two family dwellings
Home occupations	Public utilities/service installations
Single-family dwellings	
State licensed residential facilities for 6 or fewer residents	

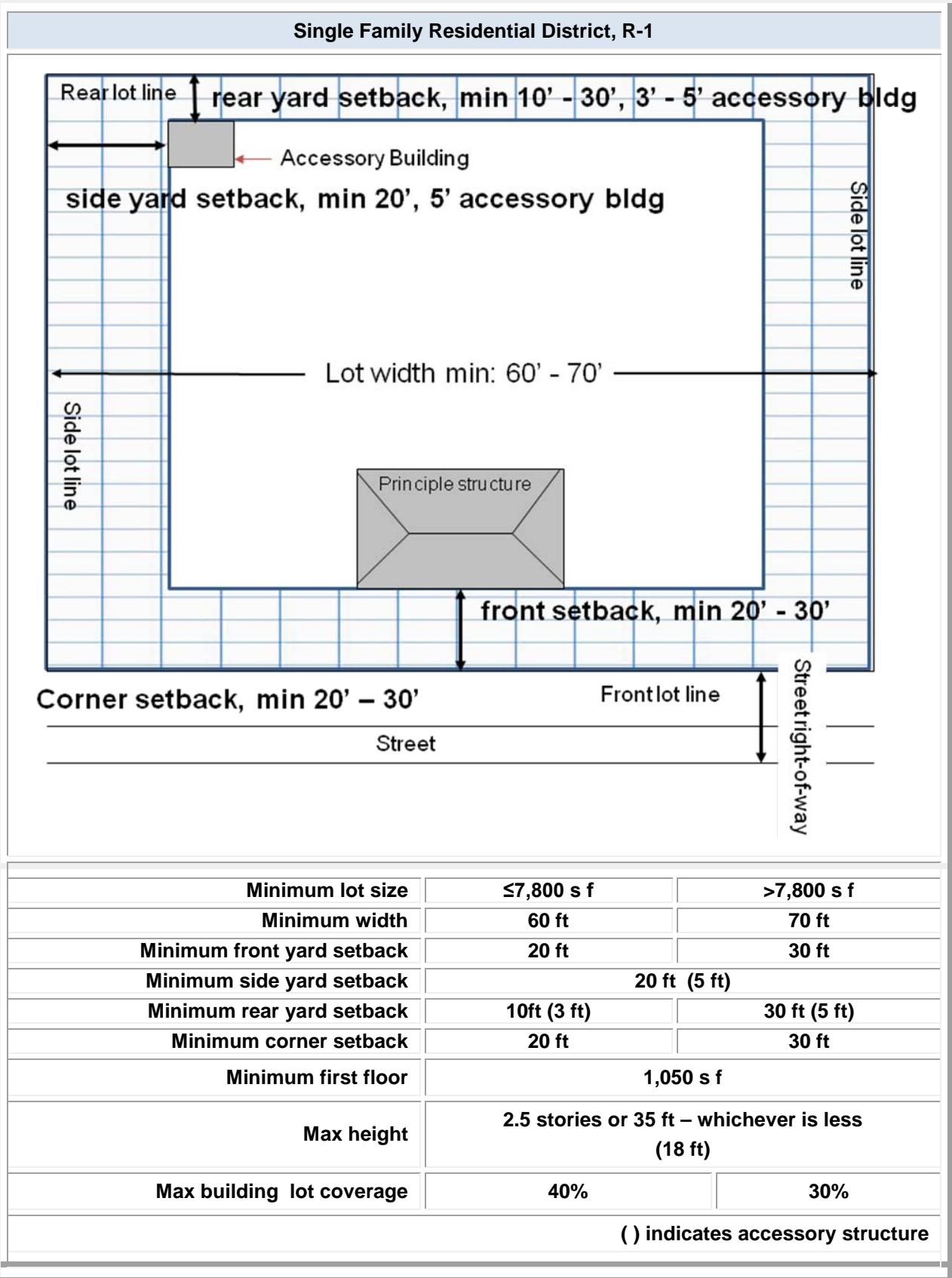


TABLE 5 USES/DIMENSIONS: MULTIPLE-FAMILY RESIDENTIAL DISTRICT

Multiple-Family Residential District, R-2	
Permitted Uses	Special Land Uses
Accessory uses	Institutions: Human Care, Adult Foster Care, Educational, Religious, Social
Cemeteries	Manufactured home development
Childcare organizations	Public utility/service installations
Home occupations	State licensed residential facilities for 7 - 20 residents
Multiple family dwellings	
Single family dwellings	
State licensed residential facilities for 6 or fewer residents	
Two family dwellings	

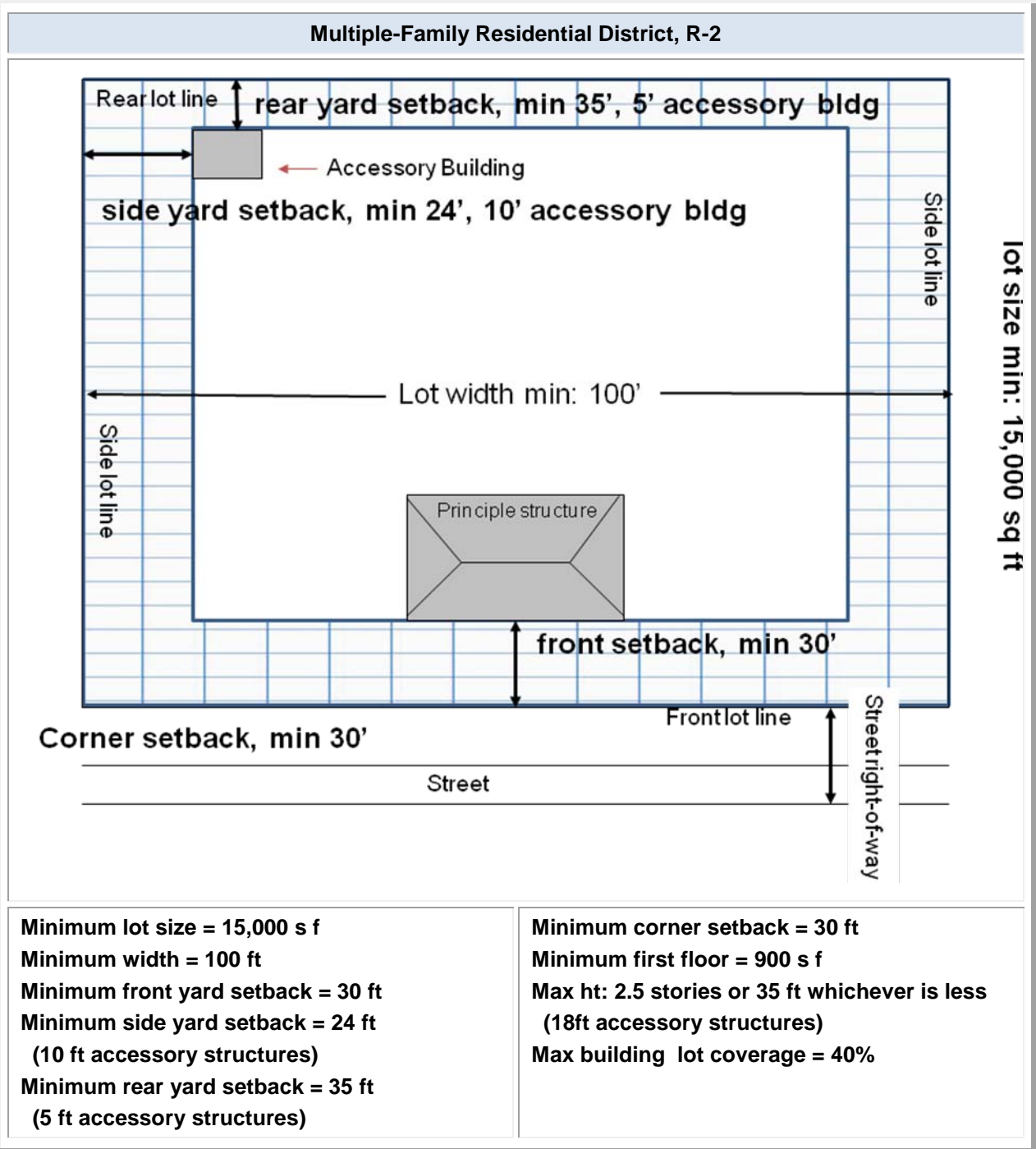
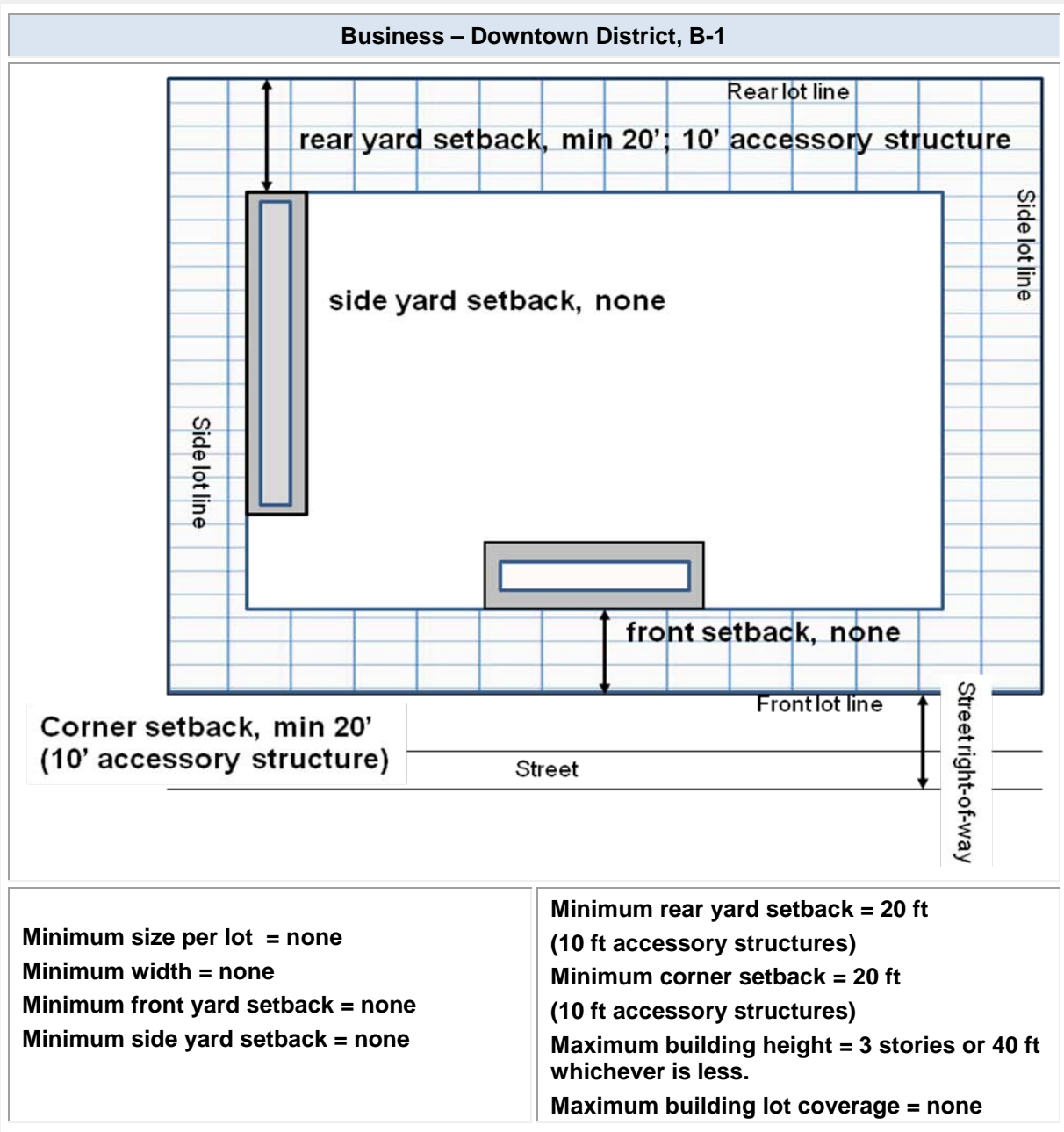


TABLE 6 USES/DIMENSIONS: BUSINESS - DOWNTOWN DISTRICT

Business – Downtown District, B-1	
Permitted Uses	Special Land Uses
Accessory Uses	Public utility/service installations
Bars and taverns	Temporary indoor and outdoor uses
Bed and breakfasts	
Childcare organizations	
Commercial schools	
Dry cleaners/laundry	
Dwellings above the first floor	
Gas/service stations	
Institutions: Cultural, Educational, Human Care, Religious, Social	
Personal Services	
Professional Services	
Recreation, Indoor	
Restaurants without drive through	
Retail business	
Theaters	
Wholesale sales	



Minimum size per lot = none
 Minimum width = none
 Minimum front yard setback = none
 Minimum side yard setback = none

Minimum rear yard setback = 20 ft (10 ft accessory structures)
 Minimum corner setback = 20 ft (10 ft accessory structures)
 Maximum building height = 3 stories or 40 ft whichever is less.
 Maximum building lot coverage = none

TABLE 7 USES/DIMENSIONS: BUSINESS - GENERAL DISTRICT

Business – General District, B-2	
Permitted Uses	Special Land Uses
All uses permitted in B-1	Institutions: Substance Abuse, Rehabilitation
Accessory uses	Kennels
Assembly buildings	Public utility/service installations
Drive-through establishments	Temporary indoor and outdoor uses
Equipment Rental and Sales	
Funeral Homes	
Greenhouses	
Heavy vehicle repair	
Hotel/motel	
Outdoor sales	
Recreation, Outdoor, Indoor	
Restaurants	
Vehicle sales	
Vehicle wash	
Veterinary hospitals	
Wireless communication facilities	

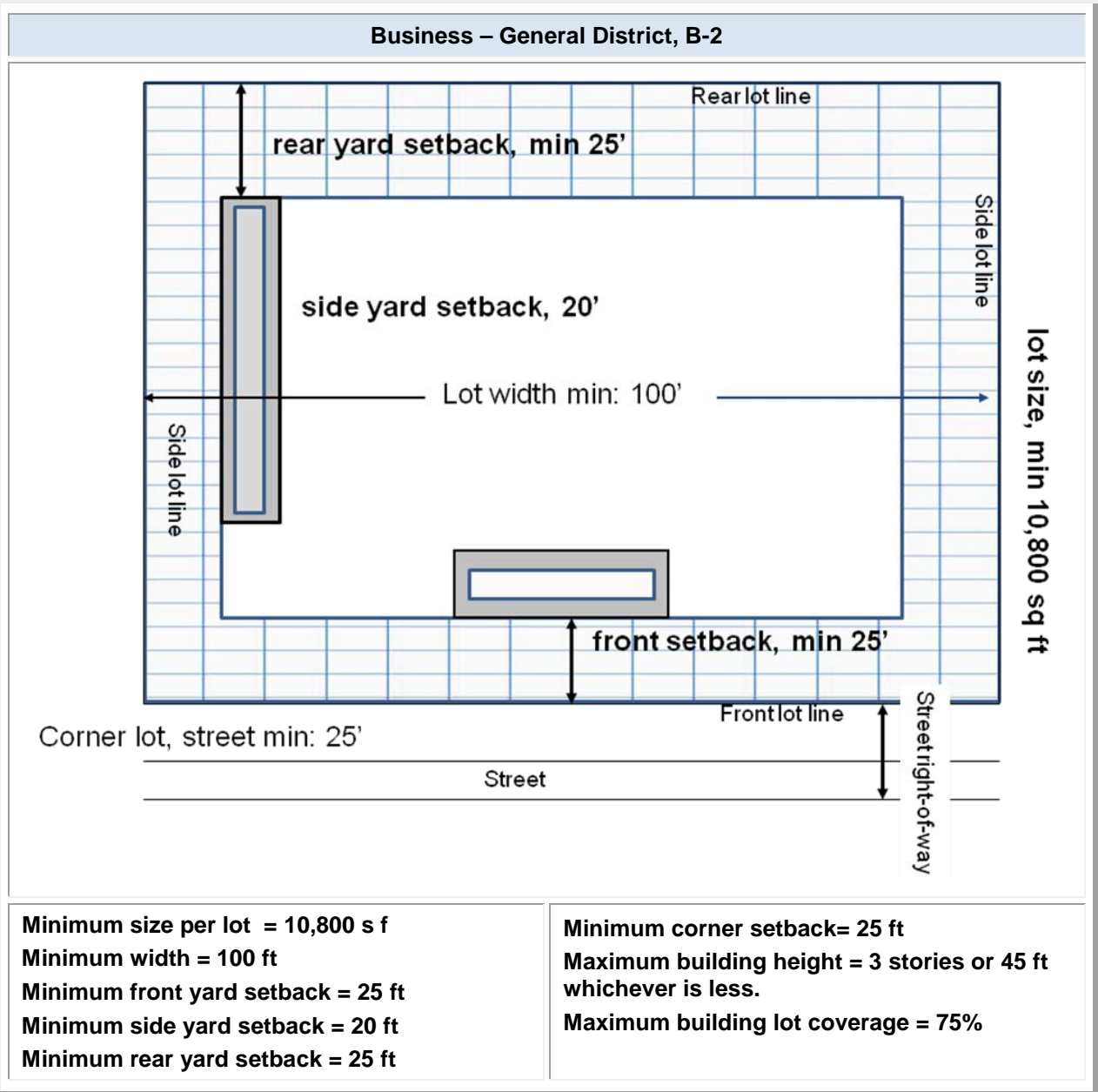


TABLE 8 USES/DIMENSIONS: INDUSTRIAL DISTRICT

Industrial District, I	
Permitted Uses	Special Land Uses
All uses allowed by right or SUP in Business districts	Flammable liquid production, refining, storage
Accessory uses	Incinerators
Agricultural bulk storage and processing	Institutions: Incarceration
Assembly buildings	Intensive Livestock Operations
Contractor storage yards	Junkyards, scrap yards, landfills
Distribution and terminals	Reduction, conversion and disposal of waste
Fuel sales, bulk	Resource recovery
Grain and seed elevators	Sewage treatment plant
Industrial parks	Sexually oriented business
Laboratories	
Lumber yard	
Manufacturing	
Mini storage	
Production, processing, assembling, treatment or packaging of goods	
Research and development	
Towing operations	
Warehousing/distribution	

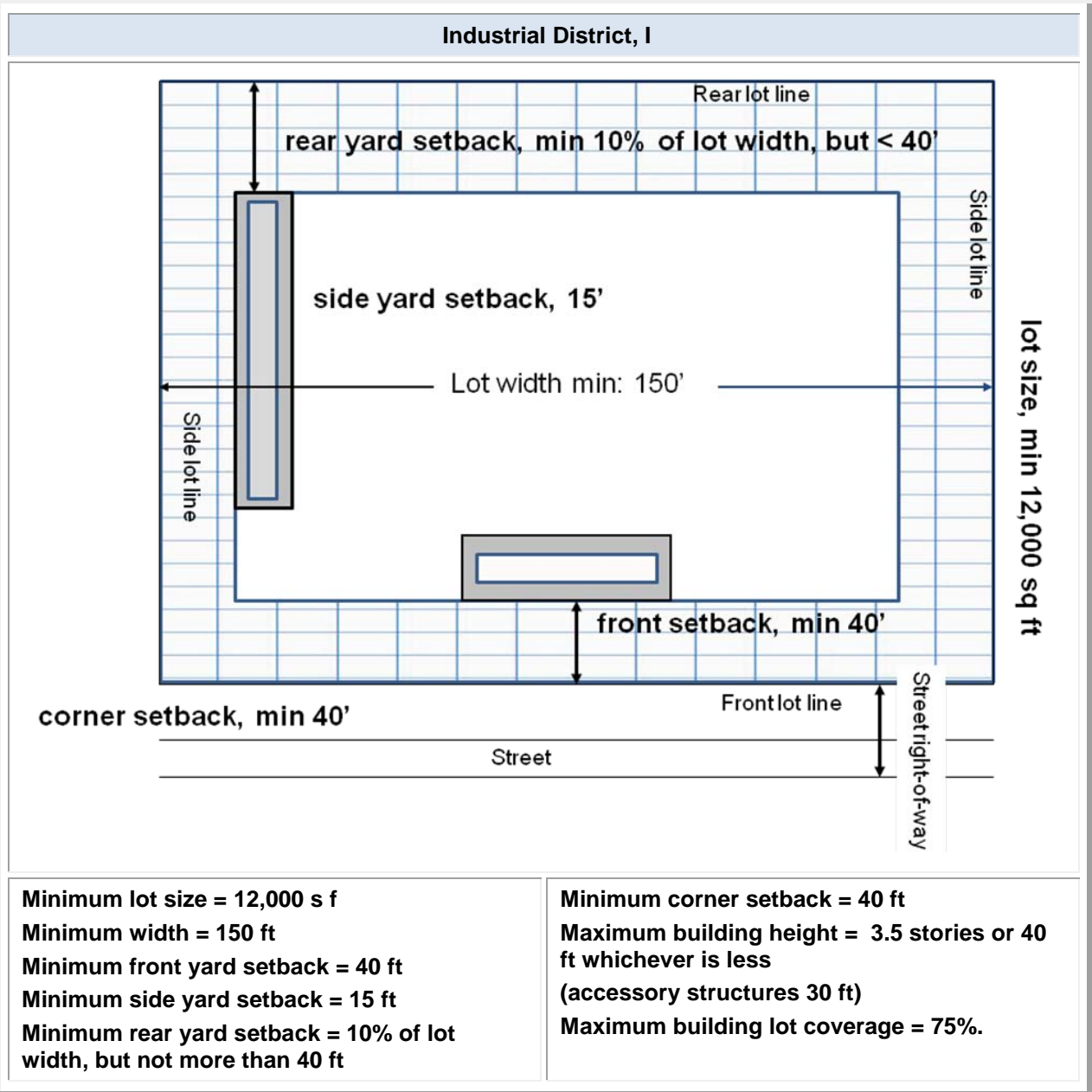
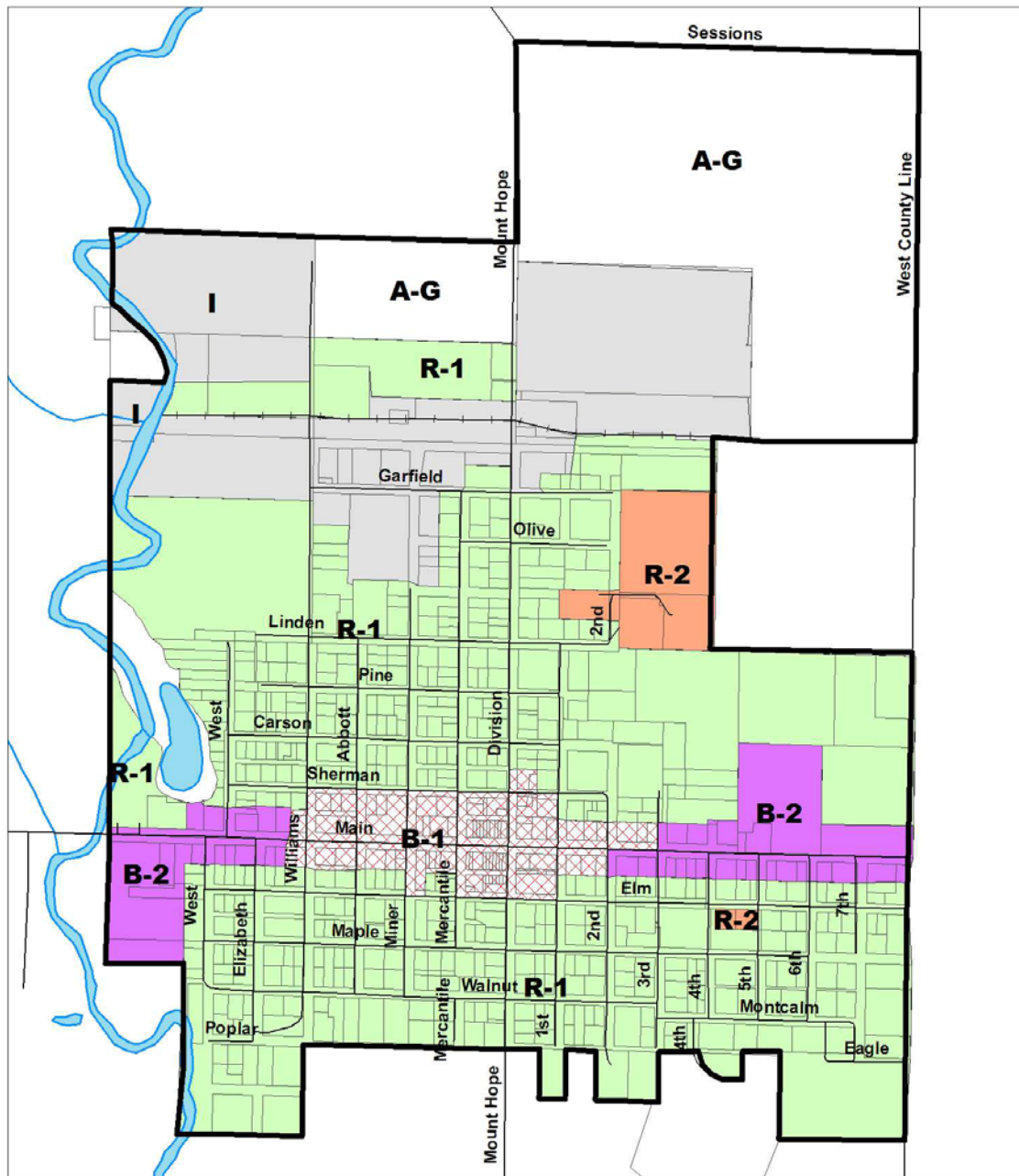


TABLE 9 DIMENSIONS BY DISTRICT

	AG	R-1		R-2	B-1	B-2	I
Min lot	1 acre	<=7,800 s f	>7,800 s f	15,000 s f	None	10,800 s f	12,000 s f
Min width	150 ft	60 ft.	70 ft	100 ft	None	100 ft	150 ft
Front yard setback	30 ft	20 ft.	30ft	30 ft	None	25ft	40 ft
Side yard setback	15 ft (15 ft.)	20 ft. (5 ft.)	20 ft (5 ft)	24 ft (10 ft)	None	20 ft	15 ft
Rear yard setback	15 ft (15 ft.)	10 ft. (3 ft.)	30 ft (5 ft)	35 ft (5 ft)	20 ft (10 ft)	25 ft	10% of lot width but no more than 40 ft
Corner setback	30 ft	20 ft.	30 ft.	30 ft.	20 ft. (10 ft.)	25 ft	40 ft.
Min 1st floor	1 story – 1,000 s f 1 ½ story – 1,150 s f 2 story – 1,500 s f	1,050 s f	1,050 s f	900 s f	None	None	None
Max Building height	2.5 stories or 30 ft whichever is less	2.5 stories or 35 ft whichever is less (18ft)	2.5 stories or 35 ft whichever is less (18ft)	2.5 stories or 35 ft whichever is less (18 ft)	3 stories or 40 ft whichever is less	3 stories or 45 ft whichever is less	3.5 stories or 40 ft whichever is less (30 ft)
Lot coverage	35%	40%	30%	40%	None	75%	75%

() indicates accessory structures

MAP 1 CARSON CITY ZONING 2010

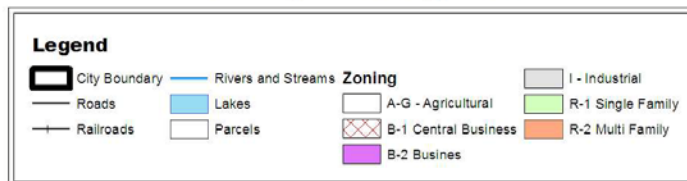


Carson City Zoning 2010

Map Prepared by:



Last Updated: 5/13/10
 Data Source: Crescent Consulting,
 Carson City, Michigan Geographic
 Data Library



1 inch = 900 feet



Chapter 4 ■ General Regulations

SECTION 4.1 DWELLING REGULATIONS

- a. **Accessory building not for dwelling use.** No portion of an accessory building in any zoning district is to be used as a dwelling.
- b. **Attached garage yard requirements.** Attached garages shall be considered part of the principal building for the purpose of computing required yards.
- c. **Maintenance.** A dwelling must be properly maintained and protected against deterioration and damage from the elements or the passage of time by prompt and appropriate repairs, surfacing, coating and any other necessary protective measures
- d. **Mobile homes, temporary.** One (1) Mobile Home may be placed temporarily on a Parcel. The Mobile Home may house only the owner(s) of the parcel and immediate family members during the repair of a Single Family Home. The Temporary Permit shall be valid for up to six (6) months and may be issued by the Zoning Administrator under emergency conditions. The permit may be renewed not more than once for the same period by the Building Inspector.
- e. **One single family dwelling per parcel.** Unless the structure is part of an approved Planned Unit Development, only one (1) single family detached dwelling will be allowed to be erected on a parcel.
- f. **Structures to be of uniform quality.** Any additions, rooms or other areas of a dwelling must be constructed using workmanship and materials similar or higher in quality than the original structure. Such additions, rooms or other areas must be permanently attached to the principal structure and must be supported by a foundation.

SECTION 4.2 STRUCTURE REGULATIONS

- a. **Abandoned buildings and structures.** Any building or structure not in continuous use as defined by Permitted, Special Land Use, or nonconforming uses in any district for a period greater than one year shall be considered abandoned and come under the provisions of this Ordinance and other City codes for buildings and structures. In order to obtain a certificate of occupancy as a use in the future, once one year has passed, the building or structure shall have to meet all the current standards of all applicable City codes.
- b. **Accessory buildings.**
 - 1) No portion of an accessory building in any zoning district is to be used as a dwelling.
 - 2) Accessory structures greater than 100 square feet are not permitted on lots without a principal structure.
 - 3) Attached garages shall be considered part of the principal building for the purpose of computing required yards.

- 4) Attached garages may be located in front of, behind or on the side of principal structures and must be located outside of the required yard for principal structures.
- 5) Detached garages may be located behind or on the side of principal structures and may be located within the required side or rear yard but must comply with minimum setbacks for accessory structures. Detached garages may not occupy any part of the required front yard.

c. Accessory uses

Nothing in this Ordinance shall be construed to prohibit the following accessory uses:

- 1) Customary refreshment and service uses and buildings that are incidental to the recreational use of any park or recreational area.
- 2) Gardens, garden ornaments and usual landscape features within required yard space.
- 3) Off-street parking for licensed automobiles, recreational vehicles and other motor vehicles not including trucks over one and one half (1.5) ton rated capacity.
- 4) Home occupations.
- 5) Use of premises as a voting place.
- 6) Storage sheds, playhouses, dog houses, detached garages and shelters for transit or school bus passengers.
- 7) Wind turbines for individual use.
- 8) Swimming pools – See applicable State laws.
- 9) Front yard handicap access facilities in residential districts, with proof of need.

d. Permitted height exceptions. The following exceptions shall be permitted to height limitations in the DIMENSIONS lists of the DISTRICT REGULATIONS chapters, subject to an approved site plan. These permitted exceptions shall not be for human occupancy or dwelling.

- 1) Appurtenances to mechanical or structural functions, such as elevator and stairwell penthouses, ventilators, heating or air conditioning equipment, water storage tanks, and safety equipment shall be permitted to a maximum height of fifty-five (55') feet in the Commercial Zoning District and sixty (60') feet in the Industrial Zoning District.
- 2) Special structures, such as chimneys or smoke stacks, radio or television transmitting towers or antennas, or microwave relay towers shall be permitted to a maximum height of one hundred seventy five (175') feet in the Commercial Zoning District or in any Industrial Zoning District.
- 3) Structures for purely ornamental purposes such as religious spires, belfries, cupolas, domes, ornamental towers, flagpoles and monuments shall not exceed seventy-five (75') feet in height.
- 4) Residential television antennae, wind turbines or flagpoles shall be permitted to a maximum height of sixty-five (65') feet in any Residential Zoning District.

- e. **Permitted yard encroachments.** The following items shall be considered to be accessory structures, even though they may be attached to a principal building, and may project into required side or rear yards for the principal building. Setbacks for accessory structures, as defined in the DIMENSIONS list of the DISTRICT REGULATIONS chapter, must be adhered to, as well as any requirements listed herein.
- 1) Open porches, paved terraces and patios. NOTE: Enclosed porches are considered to be part of the principal building, subject to all yard, setback and area requirements.
 - 2) Structural elements such as cornices, sills, chimneys, gutters, and similar features projecting a maximum of two and one half (2.5') feet.
 - 3) Fire escapes, outside stairways, and balconies, if of open construction, projecting a maximum of five (5') feet.
 - 4) Signs, subject to provisions of [Chapter 6](#).
- f. **Walls and fences.** Retaining walls and fences not more than 3' in height are permitted in all required yards. **Fences up to 4' in height are permitted** provided the fence is not more than 25% solid. Walls and solid fences of up to 6' in height may be permitted only in side yards or rear yards, except where the sight line of traffic is obstructed. A wire protective fence of any height is permitted in any yard in the I-Industrial Zone except where the sight line of traffic is obstructed. No fence or wall of more than 3' in height is permitted in any required side street side yard.

SECTION 4.3 USE REGULATIONS

- a. **Corner clearance.** No fence, wall, shrubbery, sign or other obstruction to vision above the height of three (3') 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 thirty (30') feet from their point of intersection.
- b. **Dumpsters.** All dumpsters must be screened by fencing or a wall so as to completely obscure the dumpster. Dumpsters are required to be screened in all districts except agriculture.
- c. **Inoperative or dismantled vehicles.** The storage of dismantled, wrecked and/or unlicensed vehicles within any district is regulated according to the Carson City Blight Ordinance, #22.
- d. **Prior building permits.** Any building permit issued prior to the effective date of this Ordinance shall be valid, even though not conforming to the provisions of this Ordinance, provided that construction is commenced within ninety (90) days after the date the permit was issued and that the building is completed according to the plans filed with the permit application within one (1) years of the date of issuance.
- e. **Water supply and sanitary sewerage facilities.** No structure shall be erected, altered, or moved upon any parcel for regular occupation or use by humans or animals unless it is provided with a safe, sanitary, and potable water supply and with a safe and effective means of collection, treatment, and disposal of human, domestic, commercial, and industrial waste. All such installations and facilities shall conform to all requirements of the Montcalm County Health Department and applicable State agencies.

- f. **Wild or exotic animals.** No wild, exotic or vicious animal shall be kept permanently or temporarily in any district in the City except in an accredited American Association of Zoologies Parks and Aquariums facility.

SECTION 4.4 PARKING AND STORAGE OF TRAVEL TRAILERS AND BOATS

Travel trailers, motorized homes, snowmobiles, boats and trailers of any type with a valid current license plate, legal for use in the State of Michigan, may be parked or stored outdoors in any residential zoning district or lot where a dwelling has been established subject to the following requirements:

- a. No more than three (3) recreational vehicles may be parked on a lot of record. Ownership of same must be in the name of a member of the immediate family of the lot's owner, tenant or lessee.
- b. Recreational vehicles must be parked in the rear or side yards, on a hard surfaced driveway and outside the required front yard.

SECTION 4.5 NONCONFORMITIES

- a. **Intent.** It is the intent of this section to permit the continuation of any lawful use of a building or land existing as of the effective date of this Ordinance. However, it is hereby declared that nonconformance with the provisions of this Ordinance is not in the best interests of the City and ought to be discontinued as circumstances permit. Any nonconforming building, structure or use shall not be enlarged or expanded and may be changed, repaired, or reconstructed only as prescribed by this Section.
- b. **Changing uses.** If no structural alterations are made, the Board of Appeals may authorize a change from one nonconforming use to another nonconforming use, PROVIDED the proposed use would be more suitable to the zoning district in which it is located, than the nonconforming use which is being replaced. Whenever a nonconforming use has been changed to a more nearly conforming use or to a conforming use, such use shall not revert or be changed back to a nonconforming or less conforming use.
- c. **Expansion of nonconformity prohibited.** No structure may be enlarged or structurally altered in such a way as to increase its nonconformity. A reduction of the degree of nonconformance in one respect is not permitted to offset an increase in the degree of nonconformance in another respect. Thus, square footage may not be "traded" from one portion of a building to another. Nor may one nonconforming use be replaced by another unless the degree of nonconformance is reduced in some way. This regulation excludes single family homes in the commercial and industrial districts.
- d. **Historic properties.** Any nonconforming property in Carson City which is listed on the State or National Register of Historic Places is specifically excluded from any requirement of this Section which would damage the historic character of the property. When any such property is the subject of any administrative decision, the input of Michigan's State Historic Preservation Officer shall be requested in writing not less than 30 days before any regulatory action may take effect.

Historic buildings and structures built or located in 1930 or before may be enlarged, increased or extended to occupy a greater area of land than was occupied at the effective date of this Ordinance, provided such expansion, enlargement, extension or location is approved by the Planning Commission and further subject to site plan approval in

accordance with [Chapter 8 - Site Plan Review](#). In approving or disapproving site plans, the Planning Commission shall consider off-site impacts of the structure on abutting and surrounding uses, especially residences

- e. **Inventory of nonconforming uses.** The City Zoning Administrator is hereby required to establish and maintain an Inventory of Legal Nonconformities known to exist in Carson City. This inventory should not list illegal nonconformities. Illegal nonconformities are violations of the ordinance and should be kept in the active files of the Code Enforcement Officer. In theory, the inventory of legal nonconformities should only expand if a Board of Appeals action allowing the nonconformity is issued. All listed properties shall also be identified on a large scale map of the City which shall be available for public inspection. Each listing in the Inventory of Nonconformities shall include the following information.
- 1) Date each parcel listed on inventory.
 - 2) Parcel identification number.
 - 3) Property address.
 - 4) Property description.
 - 5) Parcel dimensions.
 - 6) Sketch with dimensions and setbacks of buildings, structures, and parking areas on the parcel if a dimensional issue is in nonconformance.
 - 7) Current zoning district.
 - 8) Current use of property.
- f. **Legality of nonconformities.** Nonconformities will be classified as "legal" or "illegal" based on the following guidelines. Regulation of nonconformities will vary based on their legality.
- 1) ILLEGAL nonconformities are those that have been developed in conflict with zoning regulations.
 - 2) LEGAL nonconformities are those that meet each applicable criterion, listed below. Note that temporary signs are not considered legal nonconforming structures.
 - a) The nonconformity existed legally before the effective date of this Ordinance.
 - b) The nonconformity complied with the District Regulations of the previous zoning ordinance, or existed legally through a special use permit or variance.
 - c) Nonconforming Setback or Lot Size only: The nonconformity resulted from land acquisition by a government agency, such as for a road right-of-way.
 - d) Nonconforming Buildings or Structures only: The building or structure does not extend into a public right-of-way, or over a neighboring property line.
- g. **Loss of legal nonconforming status.** If a nonconforming use of land or structure ceases for any reason for a period of one year or more, any reuse of the land or structure must conform to all requirements of this Ordinance.

- h. **Nonconforming lots.** In any district in which single family dwellings are permitted, a single family dwelling and the accessory buildings may be erected on any single legal lot of record at the effective date of adoption or amendment of this Ordinance. Yard dimensions shall conform to the regulations for the district in which the lot is located.
- i. **Reconstruction and restoration.** Any lawful nonconforming use damaged by fire, explosion or act of God, or by other causes may be restored, rebuilt or repaired provided that the reconstruction or restoration work does not increase the footprint of the existing structure. If the damage includes greater than 40% of the structure, the entire structure must be brought up to the current building code.

All such restoration must be started within a period of one year of the time of such damage and diligently pursued to completion. The Board of Appeals may extend the period of time for restoration of any such building or structure when a bona fide emergency renders it impossible to make the restoration of the building or structure within the required time period. No fee shall be charged for an appeal to the Board of Appeals under the provisions of this section. Any basements, large holes, etc. remaining on the site after removal of the structure shall be filled in and leveled within ninety (90) days of removal of the structure. Residential structures in the commercial district are exempt from these requirements. Residential structures undergoing reconstruction or restoration for purposes of providing handicapped facilities are exempt from these requirements.

- j. **Repair.** Nothing in this Ordinance shall prohibit the repair, improvement, or modernizing of a lawful nonconforming building to correct deterioration, obsolescence, depreciation, or wear. No repair may enlarge or structurally alter the structure in such a way as to increase the nonconformity. Residential structures undergoing repair for purposes of providing handicapped facilities are exempt from these requirements.

Chapter 5 ■ Parking

SECTION 5.1 INTENT

This Section is intended to provide efficient and safe access management and adequate parking area for specific uses as well as promote the efficient use of land. It also seeks to prevent adverse environmental impacts of large paved areas.

SECTION 5.2 CONSTRUCTION AND DESIGN

Regulations in this section apply to all nonresidential uses in all districts.

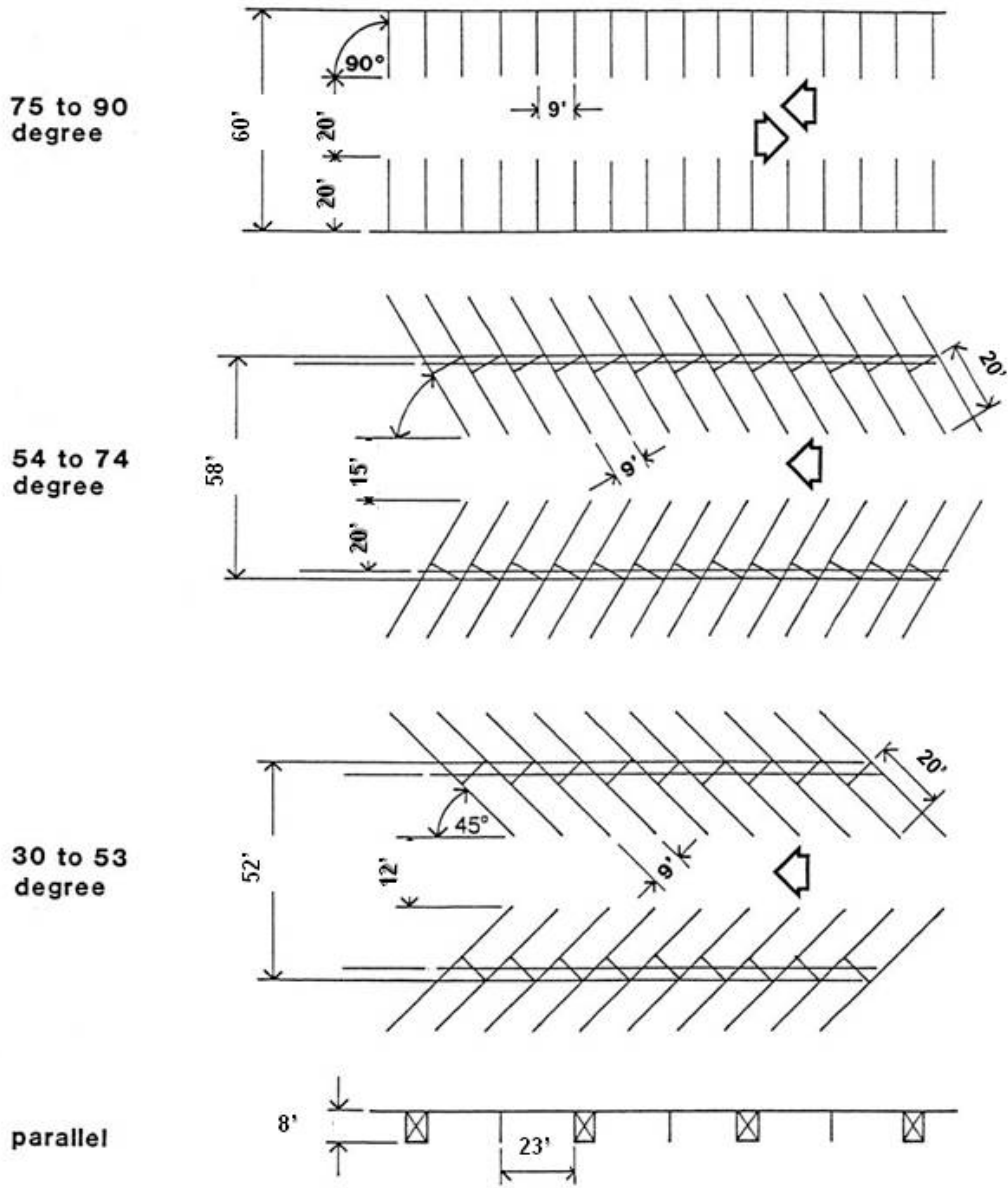
- a. APPLICATION. All developers of new or revised parking areas shall submit plans to the City Zoning Administrator showing the location, design, size, shape, landscaping, surfacing, marking, lighting, drainage, curb cuts, entrances, exits, and any other features of the parking lot. The site plan for any new or revised parking areas shall be presented for site plan approval to the Planning Commission and drainage approval to the County Drain Commissioner.
- b. STANDARDS. The design and construction of parking areas shall conform to the following requirements:
 - 1) Parking spaces shall be at a minimum nine (9') feet by twenty (20') feet in size for perpendicular parking. This does not include access drives and aisles. Designated handicapped spaces must be twelve (12') feet wide by twenty (20') feet long.
 - 2) HANDICAPPED SPACES – All parking areas shall meet the requirements of all current Barrier Free Design specifications for Michigan.
 - 3) LIGHTING. Any lighting fixtures used to illuminate any off-street parking area shall be so installed as to divert the light away from any adjoining premises and public roads, and no source of light shall spill beyond the lot lines of the property upon which it is located. Off-street parking areas provided for any multiple family housing, business, industrial or institutional use must be provided with sufficient lighting to allow safety for users at any time. Lighting fixtures shall not exceed twelve (12') feet in height.
 - 4) DRAINAGE. All off-street parking areas shall be drained so as to prevent any increase in drainage to abutting properties and the drainage area shall be constructed of graded aggregate materials which will have a dust-free surface resistant to erosion by wind and water.
 - 5) DRIVEWAY OPENING. Each off-street parking driveway opening to a public street must be approved by the agency having jurisdiction over the street following site plan review by the Planning Commission. If the public street is paved, the driveway must be paved for at least the length required for stacking area as defined below. Lanes for entering and exiting traffic shall be clearly marked on the pavement. Each driveway shall intersect a public street at a ninety (90°) degree angle where possible.
 - 6) CLEAR VISION AREA. All off-street parking driveways shall have a CLEAR VISION AREA unobstructed by Accessory Structures or plantings, within twenty (20') feet of any

Public Street Right-of-Way, for a sight distance of fifty (50') feet along the near edge of the pavement in either direction.

- 7) STRIPING. Except for parallel parking, all parking spaces on paved surfaces shall be clearly marked with STRIPING that shall be maintained.
- 8) LANDSCAPING. Off-street parking shall be permitted to occupy required front, side and rear yards after approval of the parking plan layout, provided that there shall be maintained a minimum landscaped setback of ten (10') feet between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest right-of-way line.
- 9) LAYOUT. Plans for the layout of parking facilities shall be in accordance with the following minimum requirements:

Parking Pattern	Maneuvering Lane (Aisle) Width, ft.	Parking Space Width, ft.	Parking Space Length, ft.	Total Width of One Tier of Spaces Plus Maneuvering Lane, ft.	Total Width of Two Tiers of Spaces Plus Maneuvering Lane, ft.
0° (parallel parking)	12	8	23	20	28
	24	8	23	32 – one-way	40 – two-way
30° to 53°	12	9	20	32	52
54° to 74°	15	9	20	36 ½	58
75° to 90°	20	9	20	40	60

- 10) SCREENED. Off-street parking areas shall be effectively SCREENED on any side that abuts a residential use or institutional use, by a screening of evergreen hedge or other natural landscaping. If the owners of adjacent residential properties request, in writing, this screening shall be done by a solid uniformly painted fence or wall not less than four (4') or more than six (6') feet in height and maintained in good condition.
- 11) SURFACE. In cases where the Planning Commission determines that the level of traffic using a parking are or the nature of traffic in the parking area requires a hard surface for safe and efficient operation, the parking area shall be paved surface with an asphalt, concrete, or similar durable and dustless surface, and shall be graded and drained to dispose of all surface water.
 - a) GRAVEL. Gravel surfaces are permitted for all uses in the agricultural and residential districts. This surface must be of a material that provides a durable, smooth and dustless parking lot which is graded to properly drain and dispose of storm water.
 - b) PAVED (HARD SURFACED). Paved surfaces are required in all multifamily and business and manufacturing districts. Pavement must consist of at least six inches (6") of reinforced concrete or two inches (2") of bituminous surface laid over six inches (6") of compacted crushed stone, paver tiles or similar materials. Hard surface must be in place within one year of occupancy.



PARKING LAYOUTS

- c. **SHARED ACCESS.** The Planning Commission must require shared access between and among uses where feasible, excluding agricultural single family residential uses. Feasibility is determined with respect to the physical design of the site and not the effort or costs involved with achieving joint access. This requirement applies to driveways and access drives associated with site redevelopment or new construction. In the case of new development, a joint driveway agreement must be signed by all property owners involved prior to a construction permit being issued. Driveways must be designed to allow joint access in the future, where feasible, and an agreement to allow future use of the drive for joint access must be signed at the time of site plan approval. Shared drives must be shown on site plans at the time of review by the Planning Commission. Refusal to design a site with provisions for joint access or refusal to participate in a joint access agreement is justification for site plan denial by the Planning Commission.
- d. **DRIVEWAY CLOSURE.** Nonconforming driveways, per this Ordinance, shall be made to be less nonconforming at the time a site is redeveloped. Lessening the degree of driveway nonconformance may include the Planning Commission requiring closing a driveway or combining driveways or access points at the time of site plan review in instances where there is redevelopment or a change in use.
- e. **BONUS FOR COMBINED PARKING:** In case of a situation where there is more than one use in a single structure the following off-street parking regulations may apply:
 - 1) For two (2) uses per structure, eighty (80%) percent of the otherwise combined required parking.
 - 2) For three (3) uses, seventy-five (75%) percent.
 - 3) For four (4) uses, seventy (70%) percent.
 - 4) For five (5) or more, (65%) percent.
 - 5) In no case shall less than sixty-five (65%) percent be allowed.
- f. **OTHER PARKING:** Parking within 500' of the off street parking may be counted toward the required parking.
- g. **EMPLOYEE PARKING:** Employee parking shall consist of one (1) off street parking space for every one (1) employee on the largest shift. Handicapped parking shall be required.

SECTION 5.3 RESIDENTIAL DISTRICTS

- a. **APARTMENTS.** Apartments require two (2) spaces per dwelling unit. Parking areas must be on an approved surface of asphalt, concrete.
- b. **OTHER USES.** For all institutional, public, or essential services in a residential district, the required parking area shall be provided on the same lot with the buildings or on a lot immediately adjacent, under the same ownership and shall be paved.
- c. **REPAIR WORK.** No commercial repair work, commercial servicing, or selling of any kind except for periodic garage or yard sales shall be conducted on parking areas in residential districts, and no sign of any kind other than those indicating entrances, exits, and conditions of use shall be erected thereon.

SECTION 5.4 COMMERCIAL DISTRICTS

a. OFF-STREET WAITING AREA FOR DRIVE-THROUGH FACILITIES.

- 1) An off-street waiting space is defined as an area with a minimum width of ten (10') feet and a minimum length of twenty (20') feet and shall not include the use of any public space, street, alley or sidewalk and shall be located entirely within any commercial district.
- 2) Drive-through lanes shall have a minimum centerline radius of twenty-five (25') feet.
- 3) Drive-through lanes shall be striped, marked, or otherwise distinctively delineated.
- 4) No space shall be located closer than fifty (50') feet to any lot in any residential district, unless enclosed on all sides facing residential zones, by a wall or uniformly painted solid board or masonry fence of uniform appearance which is not less than six (6') feet in height.

USE SERVED BY DRIVE-THROUGH LANE	MINIMUM STACKING REQUIREMENTS (PER LANE)
Restaurant	The distance between the order board and the pick-up window shall store four (4) vehicles, and storage shall be provided for four (4) vehicles in advance of the menu board (not including the vehicles at the pick-up window and menu board)
Financial Institution	Six (6) vehicles per lane inclusive of the vehicle at the window.
Car Wash and Quick Oil Change	Four (4) times the maximum capacity of the car wash in advance of the tunnel and three (3) vehicles beyond the tunnel for drying areas.
Childcare Center	One (1) vehicle per fifteen (15) children inclusive of the vehicle at the drop-off point. No parking area or maneuvering lanes shall be permitted between the drop-off point and the principal entrance to the building.
Other Uses	For uses not listed above, the Planning Commission shall make a determination of minimum required vehicle stacking at the time of site plan review, based upon analysis by the Traffic Engineer and City Administrator.

Source: American Planning Association Parking publications

- b. USE OF PARKING AREAS. No commercial repair work, servicing or selling of any kind shall be conducted on any required parking area except that which is specifically permitted by this ordinance.

SECTION 5.5 NUMBER OF PARKING SPACES REQUIRED

Parking or storage of motor vehicles shall be provided for in all districts in connection with all industrial, commercial, business, trade, institutional, recreational, or dwelling uses and similar uses. If a use is not specifically listed, the parking requirements of a similar or related use shall apply as determined by the Zoning Administrator. Handicapped parking shall be provided.

- a. **FLOOR AREA.** In the case of uses where floor area is the unit for determining the required number of off-street parking spaces, said unit shall mean the total floor area, except that such floor area need not include any area used for incidental service, storage installations of mechanical equipment, penthouses, housing ventilators and heating systems, and similar uses.
- b. **SINGLE USES.** In cases where there is a single specified use, the following regulations shall apply:

TABLE 10 PARKING SPACES BY USE

Use	Parking Spaces
Barber and beauty shops.	Two (2) parking spaces for each chair or booth.
Bowling alleys.	Four (4) parking spaces for each bowling lane. If in addition to alleys, patrons are provided with assembly halls, bars, restaurants, or other businesses, additional off-street parking spaces will be required in accordance with regulations of this section for the uses.
Commercial recreation (outdoor).	Twenty-five (25%) percent of lot area, but in no case less than ten (10) parking spaces.
Commercial recreational (indoor).	One (1) parking space for each one hundred (100) square feet of building floor space.
Dance hall, roller rink, assembly hall.	Without fixed seats, five hundred (500%) percent of the building floor area used for dancing or assembly. One (1) for each three (3) seats or one (1) for each one hundred (100) square feet of gross floor area.
Funeral homes.	Four (4) spaces for each slumber room or one (1) space for each fifty (50) square feet of gross floor area, whichever is greater, plus one (1) space for each fleet vehicle.
Furniture sales, retail.	One (1) parking space for each five hundred (500) square feet of building floor area.
Gasoline/vehicle service stations.	One (1) parking space for each employee on the largest shift, plus one for each service bay.
Hospitals and convalescent homes.	One (1) parking space for each hospital bed and one (1) parking space for each three (3) convalescent home beds.
Laundromats.	One (1) parking space for every two (2) washing machines or two hundred (200) square feet of gross building floor area, whichever is greater.

Use	Parking Spaces
Libraries and Museums.	One (1) parking space for each eight hundred (800) square feet of floor area, plus one (1) parking space for each employee working during maximum employment hours.
Livestock Auction.	One (1) space for each one hundred (100) square feet of building, pens, and all enclosed areas on the premises of the auction facility.
Motels, hotels, and clubs	. One parking space for each sleeping room. If, in addition to sleeping rooms, patrons are provided with assembly halls, bars, restaurants, retail shops or other businesses, additional off-street parking spaces shall be required for the other uses in accordance with the regulations of this section for those uses. Parking reductions may apply.
Office buildings, including banks, business and professional offices.	One (1) parking space for each four hundred (400) square feet of building floor area, but in no case less than five (5) spaces.
Places of public assembly.	One (1) parking space for each three (3) seats or where those in attendance occupy benches, pews, or other similar seating facilities; each eighteen (18) inches of such seating facilities shall be counted as one (1) seat.
Private clubs and lodges.	One (1) for each three (3) active members and one (1) for each employee normally engaged in and about the premises, with a minimum of one (1) for each one hundred (100) square feet of floor space.
Restaurants, taverns, bars, cocktail lounges, and similar eating establishments.	One (1) parking space for each four (4) seats provided for patron use.
Retail sales and personal services self-serve food market or supermarket.	Parking area equivalent to one (1) space per one hundred fifty (150) square feet of the public floor area. In addition, for uses over 100,000 square feet of retail use, a maximum of 1 space per 150 square feet shall be permitted.
Schools: Private or Public Elementary, Middle and High Schools.	One (1) space for each thirty (30) students of maximum enrollment capacity and one (1) for each eight (8) auditorium seats.
Senior High School and Institutions of Higher Learning, Private or Public.	One (1) parking space for each employee plus one (1) for each five (5) students, plus the parking requirements for an auditorium, a gymnasium and an athletic field if they are included.

Use	Parking Spaces
Theaters, auditoriums, stadiums.	One (1) parking space for each four (4) seats.
Vehicle sales.	One parking space per each five hundred (500') square feet of sales floor area.
Warehouses, storage buildings, lumber and supply yards, wholesale sales.	Two (2) parking spaces for each employee. If retail sales exist, required parking spaces shall be determined by using retail floor space requirements for the building floor area used for retail in conjunction with the employee requirement.

Chapter 6 ■ Signs

SECTION 6.1 SCOPE

These standards are adopted to:

- a. Enhance pedestrian and traffic safety, minimize driver distraction.
- b. Preserve public health, safety, and welfare.
- c. Avoid excessive signage.
- d. Protect and enhance the scenic views and natural landscapes.
- e. Protect and enhance economic viability by assuring aesthetic appeal for visitors and residents.
- f. Promote the use of aesthetically pleasing sign materials, colors and landscaping.
- g. Enhance the effectiveness of necessary directional and warning signs.
- h. Preserve property values.
- i. Provide for the effectiveness of permitted signs.

SECTION 6.2 PERMIT PROCEDURE

Prior to construction or establishment of any sign, except as otherwise specifically noted in this Ordinance, a permit shall be obtained from the City Zoning Administrator. A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of 6 months after the date of the permit:

- a. **ACTIONS EXEMPT FROM PERMITTING.** The following operations shall not be considered as creating a sign and therefore shall not require a sign permit.
 - 1) **REPLACING COPY.** The changing of the advertising copy of an approved painted or printed sign or on a theater marquee and similar approved signs which are specifically designed for the use of replaceable copy.
 - 2) **MAINTENANCE.** Painting, repainting, cleaning, light bulb replacement, and other normal maintenance and repair of a sign or a sign structure unless a structural change is made.
- b. **APPLICATIONS.** Application for a permit to construct or locate a permanent sign shall be obtained from the City Zoning Administrator. Review of applications can be done through the site plan review process in instances where a site plan is required. The application shall include the following information:
 - 1) Name, address, telephone number of the landowner, developer, or petitioner.
 - 2) A map of the property at a scale of 1"=25' showing the location and type of existing structures on the site, property boundaries, location and type of structures or adjacent properties, road rights-of-way, entrances and exits onto the subject property and exact location of the proposed sign(s) with setback from all structures and property lines. The

drawings submitted for sign permits must comply with all pertinent aspects of the approved site plan in instances where a site plan is required.

- 3) An elevation drawing of the proposed sign(s) depicting its design, lettering, method of illumination and other relevant information. The dimensions of the height and length, and width of the sign(s) and height between ground elevation and the bottom of the sign, shall be noted.
 - 4) In the case of a wall sign, an elevation of the wall of the building on which the sign is to be placed, including a depiction of the wall sign at scale, shall be shown. The dimension of the building wall and the sign shall be depicted.
 - 5) The proposed dates of construction and completion of the sign.
 - 6) Structural information necessary to comply with all current building codes.
 - 7) In the case of a portable sign, the length of time the proposed sign will be on the site.
 - 8) A fee shall be paid to the City for each sign permit. A schedule of fees shall be established and amended from time to time by the City Council.
- c. **DURATION OF PERMIT FOR PORTABLE/TEMPORARY SIGNS.** Each portable sign shall require a permit if it is to be posted more than 5 days. Portable or temporary signs are permitted 4 times each year per parcel for a maximum of 30 days each time the sign is displayed. This time period may run consecutively.
- d. **SANDWICH SIGNS.** A permit shall be granted and remain in effect for sidewalk sandwich signs that meet the following conditions:
- 1) Two-sided.
 - 2) Securely hinged at top and properly stabilized with 36" of chain or the equivalent and properly screened weighting mechanism.
 - 3) Does not exceed a total height, 64" or a total width of 28".
 - 4) Does not exceed a display area 48" by 28".
 - 5) Placed so that no part of the traveled sidewalk is blocked.
 - 6) The sign must be removed when business is not open.
 - 7) Signs in violation of any of the provisions of this ordinance shall be removed upon request by the City Manager or the duly designated representative.



SECTION 6.3 SIGNS PERMITTED**TABLE 11 TABLE OF SIGNS PERMITTED**

District	Type	# per Parcel	Maximum square footage per sign	Placement	Height
Agricultural	•Non dwelling use sign	1	24 sq. ft.	Within required yard	5 ft.
	•Small sign	1	6 sq. ft.	Within required yard	5 ft.
	•Wall sign	1	no limit	Anywhere on bldg.	Height of wall
	•Portable/Temporary	1	32 sq. ft.	Within required yard	5 ft.
Residential	•Non dwelling use sign	1	24 sq. ft.	Within required yard	5 ft.
	•Wall sign	1	2 sq. ft.	Any wall	Height of wall
	•Portable/Temporary	1	32 sq. ft.	Within required yard	5 ft.
Commercial	•Wall	Total wall signage may not exceed 64 sq. ft.		Anywhere on bldg.	Height of wall
	•Monument/freestanding	1	64 sq. ft.	Within required yard	8 ft.
	•Marquee or canopy	1 per street or alley	16 sq. ft.	Bottom of 2 nd story window	8' from ground 48" from bldg.
	•Portable/Temporary	1	32 sq. ft.	Within required yard	8 ft.
	•Electronic Message Board	1	32 sq. ft.	Within required yard or on wall	8 ft.
	• Sandwich sign	1	28" x 64"	Sidewalk outside of travelled area	64"
Industrial	•Wall	1	4 sq. ft.	Anywhere on wall	Height of wall
	•Monument/freestanding	1	64 sq. ft.	Within required yard	12 ft. at grade of lot line
	•Portable/Temporary	1	32 sq. ft.	Within required yard	5 ft.

NOTES TO TABLE

- 1) In the case of through lots and corner lots, excluding through lots on a corner, (a lot or lots held under one ownership fronting on two streets), on a street, one sign may be allowed per access.
- 2) Only one (1) monument sign shall be permitted on each lot, except that a business center shall be permitted one (1) monument sign for each major street frontage. A business center shall be allowed one (1) sign not exceeding one (1) foot by four (4) feet for each business within the business center. The entire sign shall not exceed twenty-five (25) feet in height. If more than five (5) businesses are located in one center, additional monument signs will be allowed using the same one (1) foot by four (4') foot

signs. One (1) wall sign is allowed per individual business of sixty-four (64) square feet in a strip mall or mini mall.

- 3) Each business occupancy other than the ground floor shall be entitled to one (1) additional sign of the wall or flat type on the structure or incorporated within a permitted projecting sign. These wall signs shall not be larger than two-thirds (66%) of the permitted wall sign for the first floor business.
- 4) One (1) sign not exceeding four (4) square feet may be permitted per additional building entrance, exit or service window.
- 5) Parcels with greater than four hundred (400) lineal feet of frontage may be granted additional signage at the site plan review phase.
- 6) In the Multi-Family districts, only nondwelling use signs may be illuminated provided that the light is not visible from any street or adjoining property.

SECTION 6.4 SIGNS EXEMPT FROM PERMIT REQUIREMENTS

The following exempt Signs are allowed in all zoning districts within the City. All exempt signs shall comply with setback provisions for the Zoning District in which they are located.

- a. Historical or Memorial Signs or tablets, not to exceed eight (8) square feet in area, containing the name of the building and date of erection, when cut into any masonry surface or constructed of bronze or other incombustible material and affixed to the exterior wall of the building.
- b. Signs painted on or permanently attached to legally licensed vehicles that are used upon the highways for transporting persons, goods or equipment.
- c. Traffic or other municipal Signs including, but not limited to, the following, legal notices, historic site designations, municipal facility directional Signs, street or traffic Signs, railroad crossing Signs, danger and other emergency Signs as may be approved by the City Council or any Federal, State or County agency having jurisdiction over the matter of the Sign. Such Signs may be located in any zoning district. However, all Signs on governmental property on which a municipal building is located shall meet the commercial zoning district requirements state herein at the discretion of the Zoning Enforcement Officer.
- d. Community special event Signs approved by the City Council or City Manager.
- e. One Sign advertising parcels of land or building for rent, lease or sale, when located on land or building intended to be rented leased or sold, not exceeding six (6) square feet in area, four (4) feet in height in residential districts and twenty-four (24) square feet in area, six (6) feet in height in office, commercial and industrial districts.
- f. Signs of a decorative nature, not used for any commercial purpose and commonly associated with any national, local or religious holiday; provided that such Signs shall be displayed for a period of not more than sixty (60) consecutive days, nor more than sixty (60) days in any one year.
- g. Political campaign Signs, not to exceed one sign per candidate or issue, and not to exceed six (6) square feet of area per Sign, shall be permitted on all occupied lots, regardless of zoning. Political campaign Signs may not be displayed more than ten (10) days after an election for which they are related. [Attorney General Opinion on Political Campaign Signs](#)

- h. Garage sale signs not exceeding five (5) square feet in area and not displayed in excess of three (3) days.
- i. One Sign identifying on site construction activity, during the time of construction, not exceeding twenty four (24) square feet in area. Such Signs shall not exceed eight (8') feet in height.
- j. Help wanted Signs not exceeding six (6) square feet in area and four (4') feet in height may be displayed on private property for a period of up to four (4) weeks at a time and not more than four (4) times within each calendar year.
- k. Painting, re-painting, cleaning, maintenance, repair, and change of Sign message or graphics shall not be considered erection or alteration of a Sign which requires issuance of a Permit, provided that no structural alterations or additions to the display area are made.
- l. Private traffic control on private property such as directional Signs. Such Signs may not exceed one and one half (1½) square feet or three (3') feet in height.

SECTION 6.5 PROHIBITED SIGNS

Signs are prohibited that:

- a. Are of a size, location, movement, content, coloring, or manner of illumination that may be confused with or construed as a traffic control device or emergency vehicle.
- b. Obstruct a motorist's view of any traffic signs, street sign, or traffic signal.
- c. Are not properly anchored or secured to a building or the ground.

SECTION 6.6 ILLUMINATION

There shall be no flashing, oscillating, or intermittent illumination of any sign located. All illuminated signs shall be designed and located to prevent the light from being cast upon adjoining residences and shall be located at least one hundred fifty (150') feet from any residential use. The illumination of any sign shall not be detrimental or annoying to surrounding property nor constitute a safety hazard, as determined by the Zoning Administrator.

SECTION 6.7 CONSTRUCTION AND MAINTENANCE

The construction of any sign shall be such that it will withstand all wind and vibration forces that can be normally expected to occur in the vicinity. All signs shall be properly maintained and shall not be allowed to become unsightly through disrepair or action of the elements. No sign permit shall be issued until the Building and Zoning inspectors are satisfied the sign to be constructed complies with the provisions of this Ordinance and will be constructed in a safe, sturdy and durable manner with proper bracing, anchorage and foundation. A sign shall not be erected or installed until a permit is first obtained from the City Zoning Administrator and from the City Building Inspector.

SECTION 6.8 VIOLATIONS AND REMOVAL

- a. Any sign erected, altered, or converted subsequent to the passage of this Chapter and in violation of any of the provisions thereof is hereby declared to be a nuisance per se.
- b. Upon discovery of a violation of this Chapter the Zoning Administrator shall provide written notice to the person in possession of the premises upon which the sign is erected as is

reasonably available and to the owner of the premises upon which the sign is erected as shown by the records of the City Assessor. Such notice shall state the defects found upon inspection of the sign and order the sign to be brought into compliance with this Chapter or removed.

- c. The Zoning Administrator or his representative shall also post a copy of such notice upon the violating sign or upon the premises upon which the sign is erected. Such notice shall be sufficiently weatherproof to withstand normal exposure to the elements and shall be readily visible from the nearest public thoroughfare.
- d. If the violating sign has not been removed or brought into compliance with this Article within thirty (30) days from the issuance of the order specified in B. above, the Zoning Administrator or his deputies shall provide notice to the person in possession of the premises upon which the violating sign is erected and to the owner of premises upon which the sign is erected. The owner may request an interpretation of the Ordinance or an administrative decision at the Zoning Board of Appeals. Notice shall be provided in the same manner as in B. and C. above.
- e. If the Zoning Board of Appeals determines that the sign involved is in violation of this Article they shall order the action necessary to bring the sign into compliance. Based upon competent evidence and testimony, the Board of Appeals shall also establish a reasonable time by which the requirements of the order shall commence and shall be completed.
- f. If the decision and order provided for in E. above are not complied with in the specified time, the Zoning Administrator may cause the violating sign to be removed and destroyed. The cost of removal, destruction, and disposal of the sign may be charged against the premises.
- g. Nothing in this Section shall prevent the Zoning Administrator or City Building Inspector from ordering the complete removal of any sign presenting an immediate threat to the safety of the public.

SECTION 6.9 ABANDONED SIGNS

A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business is no longer conducted on the premises. If the owner or lessee fails to remove it within 30 days of the termination of business, the Zoning Enforcement Officer, or a duly authorized representative, may remove the sign at cost to the property owner. When a successor to a defunct business agrees to maintain the signs as provided in this code, this removal requirement shall not apply.

Chapter 7 ■ Special Use Permits

SECTION 7.1 INTENT, PURPOSE AND PROCESS

- a. **INTENT/PROCESS.** Regulation of Special Uses may include up to three separate steps. First is the possibility of a rezoning being required to accommodate the special use. Second is the review of the Site Plan for the proposed use. Third is the decision of whether a Special Use Permit will be granted.



- 1) **STANDARDS.** During the Special Use Permit process, various considerations will be explored before approval of the Site Plan or the Special Use Permit. Some of these are defined in this Chapter as additional site plan review standards for various Special Uses. These standards are intended to reduce the impact of a Special Use on surrounding properties. They are minimum requirements that must always be met.
- 2) **CONDITIONS.** The Planning Commission may attach additional conditions to the approval of the Site Plan or the Special Use Permit. These conditions must be based on requirements or concerns defined by this Ordinance.
- 3) **PERMANENCE.** Note that once a Special Use Permit has been granted, it may only be revoked if the conditions mentioned above, or other requirements of this Ordinance, have been violated. Otherwise, the Special Use Permit "runs with the land" and is one of the rights that transfers when the parcel is rented or sold. Therefore, this Ordinance does not provide for placement of any time limit on a Special Use Permit, except that the Special Use Permit may expire or be revoked.

SECTION 7.2 HOW A SPECIAL USE PERMIT IS REVIEWED

- a. **SUBMISSION OF APPLICATION.** The application package is to be submitted to the City Zoning Administrator.
- 1) **CONTENTS.** The application package consists of a Special Use Permit Application form completed in full by the applicant, accompanied by a fee as established by the City Council.
 - 2) **APPLICATION DEADLINE.** The complete application package must be submitted to the Zoning Administrator at least thirty (30) days before the Planning Commission meeting at which it will be considered.
- b. **CONSIDERATION OF REZONING AND SPECIAL USE PERMIT.** In the event that allowance of a desired use requires both a rezoning (change in Zoning District designation for the parcel) and a Special Use Permit, both requests may be submitted jointly and considered at a single meeting of the Planning Commission, subject to the following requirements.

- 1) SEPARATE. The rezoning shall be considered separately & prior to the Special Use Permit.
 - 2) PROCEDURES. The Ordinance procedures for each decision shall be followed as specified. Any Special Use Permit approval must be conditioned upon adoption of the rezoning by the City Council.
 - 3) STANDARDS. All standards required by this Ordinance shall be observed for each action.
 - 4) PUBLIC HEARINGS. The public shall be given the opportunity for input on both the rezoning and Special Use decisions. Thus, two (2) separate public hearings shall be held at the same meeting.
- c. PLANNING COMMISSION REVIEW AND HEARING. The Special Use Permit application package shall be the subject of both a Site Plan Review and a public hearing conducted by the Planning Commission. If the applicant wishes to have the Site Plan Review and Special Use Permit considered at a single Planning Commission meeting, the following process occurs:
- 1) PUBLIC HEARING ON SPECIAL USE. The Planning Commission shall hold a public hearing on the application as part of the meeting in which the Special Use Permit is considered.
 - a) NOTICE. A notice of public hearing shall be mailed to all parties specified in the Administration chapter and published in a newspaper of general circulation in the City not less than fifteen (15) days before the date of such hearing.
 - b) DELAY AT APPLICANT'S REQUEST. If a site plan for a Special Use has been denied, the applicant may ask that the Special Use Permit, including the public hearing, be postponed. However, postponing the hearing prior to the hearing taking place, requires an additional notification of neighboring property owners and newspaper publication of another notice. Therefore, the applicant will be required to pay an additional application fee to offset the Commission's added cost.
 - 2) SITE PLAN REVIEW. The Planning Commission shall conduct a Site Plan Review for the proposed use, using the procedure and standards presented in the Site Plan chapter and any specific standards identified for the Special Use by this Chapter. The Planning Commission may approve the site plan as presented, approve it with conditions, deny it, or table approval of it to a specific meeting date.
 - a) PUBLIC INPUT. The Site Plan Review may be completed before public input is heard on the question of granting the Special Use Permit. This is because the Site Plan Review process is intended to be an objective review of factual information to determine whether precise standards have been met. However, the Planning Commission may choose to accept public comments or questions relating only to design considerations of the site plan.
 - b) IF THE SITE PLAN IS DENIED. In the event the site plan is denied, consideration of the Special Use Permit shall still occur, including the public hearing. The Special Use Permit may still be approved with the condition that site plan approval must be obtained before the Special Use Permit is valid.

- 3) **CONSIDERATION OF SPECIAL USE PERMIT.** Following the close of the public hearing, consideration of the Special Use permit shall take place.
 - a) **OPEN MEETING.** Note that the Open Meetings Act requires this vote to take place in an open public meeting.
 - b) **PROMPT DECISION.** In the interest of fairness and a timely response for all concerned parties, the Planning Commission shall render their decision on the Special Use Permit during the same meeting in which the public hearing is held, unless further information must be obtained before a decision can be made. In such cases, action upon the Special Use Permit may be tabled to a public meeting of the Planning Commission to be held on a specific date which is identified in the motion to table.
- d. **REAPPLICATION.** An application for a Special Use Permit that has been denied, may not be resubmitted until one (1) year after the date of denial has passed.
- e. **TERMS OF PERMIT.** A Special Use Permit consists of a permit that specifies the Special Use which is to be allowed and any conditions which were attached by the Planning Commission. If a use established under a Special Use Permit is discontinued for a period of one (1) year, the Special Use Permit shall expire. To reestablish the use after such expiration will require granting a new Special Use Permit, starting with a new application.
- f. **REVOCAION.** The privilege of a Special Use Permit is subject to all the conditions that have been attached to it during the process described above. Except as noted in item e – Terms of Permit, the permit remains valid as long as all of those conditions are met and is transferable from owner to owner or “runs with the land.” However, the Planning Commission shall revoke any Special Use Permit after it has been proven that the permit conditions have been violated.
 - 1) **FIRST NOTICE.** The Zoning Administrator shall send written notice of a violation to the holder of the permit by certified mail. The notice shall state that correction must be made within thirty (30) days or the Planning Commission will revoke the Special Use Permit and order the use to cease.
 - 2) **CONSIDERED NONCONFORMING.** From the time the Zoning Administrator's notice of violation is issued, until compliance with all Special Use Permit conditions is restored, the use in question shall be treated as an unacceptable Nonconforming Use.
 - 3) **PLANNING COMMISSION ACTION.** The Zoning Administrator shall notify the Planning Commission of the violation of conditions of the Special Use Permit at the next regular Planning Commission meeting, and revocation of the Special Use Permit shall be considered then. The Planning Commission's meeting will usually take place before the thirty (30) day period for the first notice has expired. In that case, the resolution to revoke the Special Use Permit should be worded so that it takes effect only if compliance with all requirements is not restored. It shall also include authorization for the Zoning Administrator to order the permit holder to cease the permitted use if the violations are not corrected by the end of the first notice period.
 - 4) **SECOND NOTICE AND ORDER.** After expiration of the thirty (30) day period, the Zoning Administrator shall notify the permit holder by certified mail that the Special Use Permit has been revoked, and the use for which the permit was granted must cease within sixty (60) days from the date of this second notice.

- 5) ENFORCEMENT OF ORDER. Failure to comply with the order to cease an activity for which a Special Use Permit has been revoked is a violation of this Ordinance, subject to all penalties thereof.
- g. STANDARDS TO CONSIDER WHEN REVIEWING A SPECIAL USE PERMIT.
- 1) STANDARDS ATTACHED TO SITE PLAN REVIEW. Before approving or denying a Special Use Permit Application, the Planning Commission reviews the site plan for said use, to establish that all applicable standards are satisfied. The Site Plan review shall determine compliance with the applicable District Regulations, the Site Plan Review Standards and any applicable standards from this Chapter.
 - 2) ADDITIONAL CONDITIONS. The Planning Commission may stipulate any additional conditions or safeguards deemed necessary to achieve the objectives of this Ordinance. These conditions may include but are not limited to changing the parking, lighting or building configuration to promote compatibility on the site. These may be defined during the Site Plan Review process or during consideration of whether to grant the Special Use Permit. All conditions attached to the approval of the site plan are also conditions of the Special Use Permit. These conditions, and the reasoning behind them, must be documented in the Planning Commission's minutes, written on the site plan itself, communicated to the applicant in writing, and based directly on the intent of this ordinance. The permit will not take effect until the conditions of approval are accepted by the applicant, signified by the signatures on the site plan itself, of both the applicant and the Planning Commission chairman.
 - 3) ENFORCEMENT OF CONDITIONS. The breach of any condition shall be cause for the Planning Commission to revoke a Special Use Permit.

SECTION 7.3 BED AND BREAKFAST

- a. A Bed and Breakfast must be licensed by the City according to current licensing regulations.
- b. Each premise must have been originally designed and constructed as a single-family residence and must be occupied and operated by its owner. The structure shall remain a residential structure; i.e. the kitchen shall not be remodeled into a commercial kitchen.
- c. No bed and breakfast sleeping rooms shall be located in a basement or attic.
- d. Cooking for bed and breakfast guests shall take place in the same kitchen as used by the property owner. There shall be no separate cooking facilities in the rented rooms for bed and breakfast stay. Breakfast is the only meal that may be served to guests.
- e. Bed and breakfast bedrooms shall contain a minimum of one hundred twenty (120) square feet for the first two (2) occupants, with an additional thirty (30) square feet for each additional occupant.
- f. Bed and breakfast occupants shall be limited to four (4) in (1) room at any one (1) time.
- g. The stay of bed and breakfast guests shall be no more than fourteen (14) consecutive days and not more than thirty (30) days in any one (1) calendar year.
- h. A maximum of six (6) persons per each restroom will be permitted.

- i. All parking shall be off the street, in the side or back (not front) yard. Two (2) parking spaces plus one (1) additional space per room to be rented must be provided. All parking spaces shall be paved or graded to City standards with materials which maintain the historical character of the neighborhood. Natural screening by use of plant materials or other screening may be required to screen parking areas from adjoining residential properties.
- j. No additions to existing structures will be approved for the purpose of adding bed and breakfast space. New construction in residential zones will be permitted subject to review and approval of the Planning Commission.
- k. Bed and breakfast guests shall have access to all common areas, including but not limited to, dining rooms, parlors, screened-in porches, etc.

SECTION 7.4 HIGH INTENSITY USES, WASTE TREATMENT AND DISPOSAL

Standards in this section shall apply to all of the following uses in Zoning Districts where they are identified as Special Uses in the District Regulations for each zone. These uses are:

- Sewage Treatment and Disposal
- High Intensity Food Processing
- Reduction, conversion & disposal of waste goods and materials, Incinerators
- Salvage Yard, Scrap Yard, Junk Yard, Landfill
- Petroleum or flammable liquid production, refining and storage
- Sawmills

- a. **GENERAL.** All uses shall be established and maintained in accordance with all applicable State of Michigan statutes. If any of the requirements of this subsection are less than those in applicable state statutes, the state requirements shall prevail. All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property and individual, or to the community in general.
- b. **CONTRACTUAL AGREEMENTS.** The provisions of this section are not intended to diminish or alter the enforceability or application of any separate contractual agreements between the City and any individual or company which owns a landfill or is involved with landfill operations.
- c. **TREE BUFFERS FOR LANDFILLS AND JUNKYARDS.** Buffers of tree cover shall be provided on the periphery of the property. The buffer shall be no less than fifty (50) feet in width, and may be natural vegetation or planted evergreens if the existing cover is destroyed.
- d. **NO HAZARDOUS OR TOXIC WASTE.** No hazardous or toxic wastes, as defined by the Department of Environmental Quality, may be deposited or stored by any use in this group.
- e. **TRUCK ACCESS.** Routes for truck movement to and from the site shall be identified by the Road Commission. Wear on public roads, traffic hazards, and encroachment of noise, dust, and other nuisances upon adjacent uses must be considered.
- f. **ACTIVITY RESTRICTIONS.** No open burning shall be permitted and all industrial processes involving the use of equipment for cutting, compressing (other than landfill

compaction operations), or packaging shall be conducted within a completely enclosed building.

g. **PERFORMANCE STANDARDS.** Where uses are within 200' of a residentially zoned area, excessive noise shall be contained through means established by the applicant and approved by the Planning Commission.

h. **FENCE REQUIREMENTS:**

1) **AROUND LANDFILL OR INCINERATOR.** Berms and fences shall be constructed around any landfill or incinerator as required by the Regulations promulgated by solid waste laws of the State of Michigan. The berms and fences shall be placed on the interior of the vegetated buffers mentioned above and shall not decrease their width. Fences shall have a gate entrance which shall be locked during hours when no operation is taking place.

2) **AROUND JUNK YARD OR RESOURCE RECOVERY.** Storage of junk should be screened by a solid fence or wall at least eight (8) feet in height. Such fence or wall shall be of sound construction, painted, or otherwise finished neatly and inconspicuously. All activities shall be confined within the fenced-in area. There shall be no stacking of material above the height of the fence or wall, except that moveable equipment used on the site may exceed the wall or fence height. No equipment, material, signs, or lighting shall be used or stored outside the fenced-in area. Aesthetic and structural qualities of fencing shall be regulated by the Planning Commission at the time of site plan review.

3) **AROUND SEWAGE TREATMENT OR DISPOSAL FACILITY.** All operations shall be completely enclosed by a wire link fence not less than eight (8) feet high.

i. **RESTORATION OF LANDFILL SITES.** Grading or reseeding upon completion of operations in a portion of a landfill site is required. Each used portion of the site must be restored with topsoil, graded and revegetated to promote proper drainage. The restoration shall eliminate all hazards and be blended to the general surrounding ground form.

SECTION 7.5 INSTITUTIONS: CULTURAL, EDUCATIONAL, HUMAN CARE, RELIGIOUS, RETREATS, SOCIAL, STATE LICENSED RESIDENTIAL FACILITIES FOR 7-20 ADULTS

Institutions are subject to the following conditions:

- a. Direct ingress and egress shall be from a paved road unless determined to be unnecessary by the Planning Commission.
- b. The buildings on the site shall be set back from abutting properties zoned and used for residential use not less than fifty (50) feet.
- c. Buildings of greater than the maximum height allowed in the zoning district that a religious institution is located in may be allowed, provided that front, side and rear yards are increased above the minimum requirements by one (1) foot of building that exceeds the maximum height allowed.

SECTION 7.6 INSTITUTIONS: INCARCERATION, SUBSTANCE ABUSE REHABILITATION, HOMELESS SHELTERS

- a. Frontage and Access. Such uses shall front onto a county primary road. The main means of access to the facility for patients, visitors and employees shall be via the primary road. In no case shall access be off of a residential street.
- b. The principle building shall be setback at least seventy-five (75') feet from side and rear property lines. The front yard setback shall meet the requirements of the district in which the facility is located.
- c. Open space will be required and will be site specific.
- d. Screening will be required and will be site specific.
- e. All Institutions shall maintain a minimum distance of 1500' from educational and religious institutions.

SECTION 7.7 INTENSIVE LIVESTOCK OPERATIONS

It is the intent of this Section to allow for intensive livestock operations while providing additional protection to the City and neighboring land uses in order to minimize noise and odors and prevent surface water and groundwater contamination, and further subject to the following conditions:

- a. The [Michigan Right to Farm Act](#) shall control minimum site area.
- b. There shall be adequate fencing, or other restraining devices, for the purpose of maintaining animals within a restricted area. See the Michigan Right to Farm Act, [Generally Accepted Agricultural and Management Practices](#) for the Care of Farm Animals.
- c. The refuse and wastes resulting from the feeding and maintenance of animals shall be controlled upon the premises, and shall be subject to the Michigan Right to Farm Act, Generally Accepted Agricultural and Management Practices for Site Selection and Odor Control for New and Expanding Livestock Production Facilities.
- d. All feed and other materials used for the maintenance of animals shall be appropriately stored so as not to attract rats, mice, or other vermin.
- e. For the location of new or expanding intensive livestock operations see The Michigan Right to Farm Act, Generally Accepted Agricultural and Management Practices for Site Selection and Odor Control for New and Expanding Livestock Production Facilities.
- f. The storage of manure, odor or dust producing materials is also prohibited within one hundred (100) feet of any property line pursuant to the Right to Farm Act.
- g. Proper disposal of deceased animals shall be in accordance with State laws.

SECTION 7.8 KENNELS

Kennels are subject to the following conditions:

- a. Compliance with all County and State Regulations
- b. All activities shall be conducted within a completely enclosed structure.

- c. Structures or pens shall not be located less than one hundred (100) feet from a public right-of-way or less than fifty (50) feet from a side or rear lot line.
- d. The kennel shall be established and maintained to eliminate objectionable odors, noise and other conditions
- e. Kennel facilities shall be designed as follows
 - 1) Constructed of masonry or comparable sound-proofing material.
 - 2) Mechanical ventilation shall be provided in all areas.
 - 3) Floor drains are to be directly connected to a sanitary sewer system approved by the Health Department.
- f. Operating standards:
 - 1) Animal odors and habitual barking noises shall not be detectable beyond the lot lines of the property in which the kennel is located.
 - 2) Dust and drainage from the kennel operation shall not create a nuisance or hazard to adjoining property uses.
 - 3) The premises shall be kept clean and sanitary manner, including the proper disposal of refuse, to prevent the spread of disease or offensive odor.
 - 4) Refuse shall not include animal waste.
 - 5) Animal waste shall be disposed of through a sewage disposal system.
 - 6) Such facilities shall be subject to any other reasonable conditions and requirements necessary to ensure against the occurrence of any possible nuisance (i.e., fencing, sound-proofing, sanitary requirements, buffering).

SECTION 7.9 MANUFACTURED HOME DEVELOPMENT

a. PERMITTED USES:

- 1) Manufactured home parks, subject to the requirements established and regulated by the Mobile Home Commission rules, and the provisions of this section.
- 2) Clubhouse, swimming pool, playgrounds, common areas and recreation facilities for the use of mobile home park residents.
- 3) Accessory uses or structures such as manufactured home park business office, laundry facilities, and home occupations otherwise permitted in residential districts under this article.
- 4) Public Service Installations

b. INTERNAL ROADS.

- 1) Internal roads shall have access to a public thoroughfare or shall be connected to a public thoroughfare by a permanent easement. The easement shall be recorded before an internal road is approved by the department. Sole access by an alley is prohibited.

- 2) Dead end internal roads shall terminate with a turning radius of fifty (50) feet. Parking shall not be permitted within the turning area, which shall be posted within the turning area.
- 3) A safe-sight distance of two hundred fifty (250) feet shall be provided at intersections.
- 4) Offsets at intersections, or intersections of more than two (2) internal roads are prohibited.
- 5) Internal roads shall have driving surfaces with widths not less than the following:
 - a) No parking, twenty-one (21) feet.
 - b) Parallel parking, one (1) side, thirty-one (31) feet.
 - c) Parallel parking, two (2) sides, forty-one (41) feet.
- 6) All entrances to new communities or new entrances to expanded communities shall be a minimum of thirty-three (33) feet in width. The entrance shall consist of an ingress lane and a left and right egress turning lane at the point of intersection between a public road and the community's internal road and shall be constructed as follows:
 - a) All turning lanes shall be a minimum of eleven (11) feet in width and sixty (60) feet in depth measured from the edge of the pavement of the public road into the community.
 - b) The turning lane system shall be tapered into the community internal road system commencing at a minimum depth of sixty (60) feet.
 - c) The ingress and right egress turning lanes of the ingress and egress road shall connect to the public road and shall have a radius determined by the local public road authority. The intersection of the public road and ingress and egress road shall not have squared corners.
 - d) Alternative designs that provide for adequate ingress and egress shall be approved by the Department of Labor and Economic Growth, Manufactured Housing Commission, www.michigan.gov/dleg.
- 7) An internal road shall be constructed of concrete, bituminous asphalt, or, where permitted by local regulations, compacted road gravel in compliance with the standards of the American Association of State Highway and Transportation Officials (AASHTO), which is available from the American Association of State Highway & Transportation Officials, 444 North Capitol Street N.W., Suite 249, Washington, DC 20001, <https://bookstore.transportation.org/support.aspx>
- 8) The community developer may use other suitable material of equal quality if approved by the Department of Labor and Economic Growth, Manufactured Housing Commission, www.michigan.gov/dleg.
- 9) A developer may install curbing on all internal roads. If curbing is used, it shall be constructed of concrete or asphalt.
- 10) Speed limits on community internal roads shall be posted at a minimum at all community entrances intersecting public roads within one hundred (100) feet of the entrance or

before the first intersection, and shall be enforced in compliance with the requirements of [Michigan Vehicle Code Act](#), 1949 PA 300, MCL 257.1 et seq.

- 11) All internal roads may be clearly marked with appropriate traffic signs, except that all community egress roads shall be clearly marked with a regulation stop sign at the point of intersection with a public road.
- 12) Internal roads shall be named and so identified by signs located at all internal road intersections.
- 13) Signs bearing the words "Children Playing" shall be appropriately located on all internal roads adjacent to recreational and playground areas.
- 14) Vehicle Parking.
 - a) All home sites shall be provided with two (2) parking spaces at the home site. Vehicle parking shall be in compliance with both of the following provisions:
 - (1) The parking spaces may be either in tandem or side by side. If spaces are in tandem, then the width shall not be less than ten (10) feet and the combined length shall not be less than forty (40) feet. If spaces are side by side, then the combined width of the two (2) parking spaces shall not be less than twenty (20) feet and the length shall not be less than twenty (20) feet. In either method, the length shall be measured from the closest edge of the back of the curb, the paving surface, or the common sidewalk, if provided.
 - (2) A parking space shall be hard-surfaced.
 - b) Additional parking facilities.
 - (1) A minimum of one (1) parking space for every three (3) home sites shall be provided for visitor parking. Visitor parking shall be located within five hundred (500) feet of the home sites the parking is intended to serve. The five hundred (500) feet shall be measured along a road or sidewalk.
 - (2) If parking bays are provided, then they shall contain individual spaces that have a clear parking width of ten (10) feet and a clear length of twenty (20) feet.
 - c. ILLUMINATION. All streets and sidewalk and areas open to travel by mobile home park residents shall be illuminated as follows:
 - a) Access points to public thoroughfares shall be lighted. If the public thoroughfare is lighted, the illumination level shall not exceed the average illumination level of an adjacent illuminated public thoroughfare.
 - b) At all street intersections and designated pedestrian crosswalks the minimum illumination shall be not less than 0.15 foot candles.
 - c) All streets, parking bays and sidewalks shall be illuminated at no less than 0.05 foot candles.
 - d) If a central park, mail box, or park directory, or both are provided they shall be illuminated by not less than 3.15 horizontal foot candles.

- e) All lighting shall be located and shielded so as to direct the light away from premises abutting the mobile home park.
- d. MOBILE HOME INSTALLATION. Installation of mobile homes upon each mobile home site shall be accomplished in accordance with Part 6 of the Manufactured Housing Commission rules. All mobile homes shall be connected to utilities and shall be skirted and anchored in accordance with Part 6 of the [Manufactured Housing Commission rules](#).

SECTION 7.10 OUTDOOR ASSEMBLY, TEMPORARY OUTDOOR USE

- a. USES NOT REQUIRING AN OFFICIAL SITE PLAN OR PLANNING COMMISSION APPROVAL. Private garage and yard sales, as defined in this ordinance, in the Agricultural or any Residential districts are exempt from the special use permits requirements of this section. Private temporary outdoor uses and those associated with nonprofit organizations may be granted temporary use permits by the Zoning Administrator, at no cost to the organization if,
 - 1) The use is for five (5) days or less within a one hundred and eighty (180) day period,
 - 2) A drawing of the site and description of activity is provided and,
 - 3) No structures for display, sale or storage remain on the site other than during the hours of operation,
 - 4) The organization agrees by signature, to consent to the conditions outlined by the Zoning Administrator for this temporary outdoor use.
 - 5) As a result of the addition of a temporary use, the number of parking spaces shall not be reduced below the required number of parking spaces for the temporary use and permanent use combined.
 - 6) The temporary use location must meet all yard requirements of the zone in which it is located.
- b. USES REQUIRING AN OFFICIAL SITE PLAN AND PLANNING COMMISSION REVIEW. If the use is for greater than five (5) days, within a one hundred and eighty (180) day period, a site plan must be submitted to the Planning Commission, and all other provisions of this section must be followed, but no fee is required. The owner of the property on which the Temporary use is located is responsible for providing the site plan showing the temporary indoor or outdoor use and its conformance with ordinance requirements. This site plan may be an addition to the original plan for the property. Any violations of the Temporary Use are the responsibility of the owner of the property on which it is located.
- c. EVIDENCE OF OWNERSHIP OR PERMISSION. Evidence of ownership, lease, or permission for use of any site for which a Temporary Permit or approval is sought, must accompany all permit requests.
- d. LENGTH OF PERMIT. A temporary permit may be granted by the Planning Commission for a maximum of three (3) consecutive months. Additional temporary permits for the same proponent on the same site may be granted no sooner than one (1) month following the expiration of the previous permit. The total time period for all temporary permits granted to one applicant shall not exceed six (6) months in one calendar year.

- e. **STRUCTURES-OUTDOOR USES.** Structures for the display of outdoor sales items are allowed provided they are not used for human shelter. Structures may not be used for an indoor sales area. One structure for storage of sales items is allowed under the following conditions:
- 1) It is no larger than one hundred and fifty (150) square feet,
 - 2) There is no foundation,
 - 3) No portion of the structure may become unattached or move as a result of wind,
 - 4) It is anchored to withstand thirty (30 lbs.) pounds per square foot wind stress factor.
 - 5) Structures of any kind must be removed PRIOR to expiration of the permit.
- f. **STRUCTURES-INDOOR USES.** Structures, such as tents, for the display of indoor sales items or activities are allowed provided they are not used for human shelter. One structure for sales items is allowed under the following conditions:
- 1) There is no foundation,
 - 2) No portion of the structure may become unattached or move as a result of wind,
 - 3) It is anchored to withstand thirty (30) pounds per square foot wind stress factor.
 - 4) Structures of any kind must be removed PRIOR to expiration of the permit.
- g. **OVERNIGHT RESIDING ON TEMPORARY SITE PROHIBITED.** The temporary site may not be occupied for more than twelve (12) hours per day. In no event shall overnight occupation be permitted.
- h. **TEMPORARY SIGNS.** Temporary signs shall be allowed, by permit, for a total of thirty (30) days in any six (6) month period. A total of two (2) temporary sign permits may be granted for (1) one parcel in a year.
- i. **SANITARY FACILITIES.** Sites selling items for human consumption must have access to hand washing and toilet facilities. Sites selling items not for human consumption must have access to toilet facilities only.
- j. **DISPLAY OF GOODS.** Display and sale of goods may not be within the required yards for the zoning district.

SECTION 7.11 OUTDOOR SALES

The display and sales of products and services primarily outside of a building or structure, including vehicles, garden supplies, boats and aircraft, farm equipment, motor homes, burial monuments, manufactured housing, recreational vehicles, building and landscape materials and lumber yards.

- a. Lot area, lot width, and other dimensional requirements of the zoning district shall be complied with, provided that no item or items displayed outdoors shall be greater than thirty-five (35) feet in height.

- b. All exterior lighting shall be no greater than 10' in height, be directed downward and away from all adjacent property. Lighting shall be turned off or reduced to a minimum necessary for safety when the business is not open.
- c. The Planning Commission may establish, as a condition of approval, hours of operation for the Outdoor Sales Facility.
- d. The Planning Commission may establish, as a condition of approval, buffering mechanisms, including, but not limited to, evergreen landscaping, berms, and fencing; and such conditions may be in addition to any landscaping and buffering standards contained in this Zoning Ordinance to mitigate the visual impact of an Outdoor Sales Facility,
- e. The Planning Commission may make reasonable inquiries of the applicant, including, but not limited to, what types of items will be for sale. Certain items, as determined by the Planning Commission, may be restricted for display to rear or side yards and with adequate screening or fencing.
- f. The application shall provide for measures acceptable to the Planning Commission to prevent any noise in excess of 60 decibels at any property line. Unless specifically approved by the Planning Commission, the use of amplifiers, banners, and other attention gathering devices shall be prohibited.
- g. The outdoor sales area shall be paved, or mechanisms to prevent the creation of dust shall be implemented. The site plan shall include measures satisfactory to the Planning Commission to contain blowing dust, trash, and debris on the site.

SECTION 7.12 PUBLIC BUILDINGS, SERVICE AND UTILITY BUILDINGS AND INSTALLATIONS.

- a. All public and private utilities, services and installations shall be located behind the front building line of the principal building on the property. Where possible, utilities shall be buried.
- a. All above ground utilities and installations must be screened from view of the road and adjacent properties whether installed on the ground or on structures. All buildings shall be harmonious in appearance with the surrounding residential area and shall be similar in design and appearance to any other buildings on the same site development.
- b. Where mechanical equipment is located in the open air, it shall be screened from the surrounding residential area by suitable plant material. On residential lots, electrical, gas and cable boxes shall be located behind the front line of the principal structure in the side or rear yard and in some cases may be required to be fenced for safety.
- c. Where fencing is required or desirable, fencing shall be consistent in design with the surrounding environment. In no case shall chain link fencing with inserted privacy slats be used. Use of barbed wire is prohibited in residential districts and in other districts where residential uses are within view.
- d. All buildings housing mechanical equipment in commercial districts shall be landscaped and maintained to harmonize with the surrounding area.

SECTION 7.13 RECREATION, INDOOR AND OUTDOOR

- a. **INDOOR RECREATION.** Indoor Recreation uses included, but are not limited to: putt putt courses, batting cages, bowling alleys, ice or roller rinks, firearm ranges, indoor fields and racquet courts, and athletic clubs.
- 1) The sites shall be located on, or shall have principal access from a state highway or county primary road.
 - 2) No building shall be located within fifty (50) feet of a lot line of adjoining residentially planned, zoned, or currently being used for residential purposes.
 - 3) Whenever parking areas are adjacent to land in a residential district, a minimum of a five (5) foot high wall shall be provided along the side of the parking area adjacent to the residentially planned, zoned, or used land.
 - 4) Based on the nature of the use and nuisance potential to adjoining property owners, the Planning Commission and the City Council may stipulate noise standards beyond those stipulated otherwise in this Ordinance
 - 5) Operating hours for all uses shall be determined by the Planning Commission and the City Council based on the nature of the use and the nuisance potential to adjoining property owners. The maximum range of hours for all establishments is Monday through Sunday, 7:00am to midnight.
- b. **OUTDOOR RECREATION:** Outdoor Recreation uses shall include, but may not be limited to: archery, rifle ranges, miniature golf, animal racing, go-carts, automobile or motorcycle track, off-road or mud bogging, amphitheater, amusement and water park, drive-in theater, air gun or survival games, amusement park, golf driving range, fairground, batting cages, ski slope, and skate board park.
- 1) The site shall be located on, or shall take principal access from a state highway, or county primary road.
 - 2) All points of entrance or exit shall be no closer than two hundred (200) feet from the intersection of any two (2) streets or highways.
 - 3) No drive shall be closer to another drive by less than seventy-five (75) feet and the maximum number of drives shall be two (2).
 - 4) Minimum site area shall be based on the underlying district. However, the Planning Commission and the City Council may increase the minimum required site area depending upon the described use and anticipated extraneous impacts on adjoining properties. Such an increase will be for the purpose of buffering, screening, and otherwise negating or limiting the potential nuisance to adjacent properties caused by noise, dust, odor and the like. To this end, the Planning Commission and the City Council may require additional information concerning the proposed use and the potential for nuisance.
 - 5) Buffering and screening shall provide safety screening as deemed reasonable and necessary by the Planning Commission and City Council.
 - 6) Not more than sixty-five (65) percent of the land area shall be covered by recreation uses.

- 7) Central loudspeakers/ paging systems are prohibited within two hundred (200) feet of residentially planned, zoned, or used property. Such systems shall not be directed toward a residential area even if outside the 200 foot setback.
- 8) Operating hours for all uses shall be determined by the Planning Commission and the City Council based on the nature of the use and the nuisance potential to adjoining property owners. The maximum range of hours for all establishments is Monday through Sunday, 7:00 am to Midnight.

SECTION 7.14 SEXUALLY ORIENTED BUSINESS AND ADULT MEDIA STORES

- a. **INTENT.** There are some uses that because of their very nature are recognized as having serious objectionable operational characteristics, particularly when several of them are grouped. Such uses may have deleterious effects upon the adjacent areas. Special regulation of these uses is necessary to insure that these adverse affects will not contribute to blighting or downgrade the surrounding neighborhood. These special regulations are itemized in this Section. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area or next to residential zones or certain institutional uses.
- b. **DISTANCE RESTRICTIONS.**
 - 1) Sexually Oriented Businesses or Adult Media Stores shall not be permitted to be established within one thousand (1,000) feet of each other. This distance shall be measured from the property lot line of one Sexually Oriented Business or Adult Media Store to the property lot line of the other Sexually Oriented Business or Adult Media Store.
 - 2) It shall be unlawful to hereafter establish any Sexually Oriented Business or Adult Media Store, as defined, within one thousand five hundred (1,500) feet of any residentially zoned property or within one thousand five hundred (1,500) feet of any religious or educational institution, library, day care centers, public park or recreational land use. This distance shall be measured from the property lot line of the sexually oriented business to the property lot line of the agriculturally or residentially zoned property or the property lot line of any religious or educational institution, public park or recreational land use.
- c. **SIGNS AND PUBLIC OR EXTERIOR DISPLAY.** Window displays, signs, decorative or structural elements of buildings shall not include or convey specific examples of actual adult uses, and are limited to the sign provisions of this Ordinance.

No Sexually Oriented Business or Adult Media Store shall be conducted in any manner that permits the observation of any material depicting, describing or relating to "specific sexual activities," "specified anatomical areas," or "sexually oriented toys or novelties," (as defined in this Ordinance) from any public way or from any property not licensed as a Sexually Oriented Business or Adult Media Store. This provision shall apply to any display, decoration, sign, show window, structural elements or other opening.
- d. **PARKING AND LIGHTING.** All parking shall be situated in the front yard, adjacent to and visible from a public road and shall be lighted. All entrances and exits to the structure shall be lighted during the hours of operation.

- e. PRECAUTIONARY NOTE TO THE ZONING BOARD OF APPEALS. When considering any appeal from a Sexually Oriented Business or Adult Media Store for reduction of spacing or separation standards established herein, the Zoning Board of Appeals shall address each of the following issues and include the findings regarding each point in their minutes.
- 1) ORDINANCE INTENT. The proposed use shall not be contrary to the intent and purpose of this Ordinance, or injurious to nearby properties.
 - 2) BLIGHTING INFLUENCE. The proposed use shall not enlarge or encourage the development of a concentration of such Uses or blighting influences.
 - 3) NEIGHBORHOOD CONSERVATION. The proposed use shall not be contrary to any program of neighborhood conservation, revitalization or urban renewal.
 - 4) OTHER STANDARDS. The proposed use, and its principal building, shall comply with all other regulations and standards of this Ordinance.

SECTION 7.15 TWO FAMILY DWELLINGS IN THE R-1 DISTRICT

Two family dwellings may be approved in the R-1 district when they meet the following conditions:

- a. Lots for Two Family structures shall be a minimum of one hundred (100') feet in width. Each unit shall be at least twelve hundred (1,200) sq.ft. in size.
- b. Each unit shall provide sufficient parking for two vehicles on a hard surface outside the required yard, exclusive of the driveway. Parking shall be located on any nonhard surface, or in front of the principle structure, exclusive of the driveway and garage.
- c. Waste storage and disposal is handled in the same manner as a single unit. A Two family unit shall share one waste receptacle(s). Dumpsters and oversized containers are not permitted. All waste must be disposed of through curb side trash collection.
- d. A separate entrance, mail box, and utility meters must be provided for each unit.
- e. All units must contain independent cooking facilities, sleeping space and completely separated access to the unit from the outside. No shared internal stairs are permitted.

Chapter 8 ■ Site Plan Review

SECTION 8.1 SITE PLAN REVIEW

a. Various provisions of this Ordinance require review of site plans before certain types of administrative approval may be granted. This Section defines the procedures and standards to be used for such a review.

1) **SITUATIONS REQUIRING A FORMAL SITE PLAN REVIEW.** The City Planning Commission must review and approve site plans before granting approval to Special Use Permits.

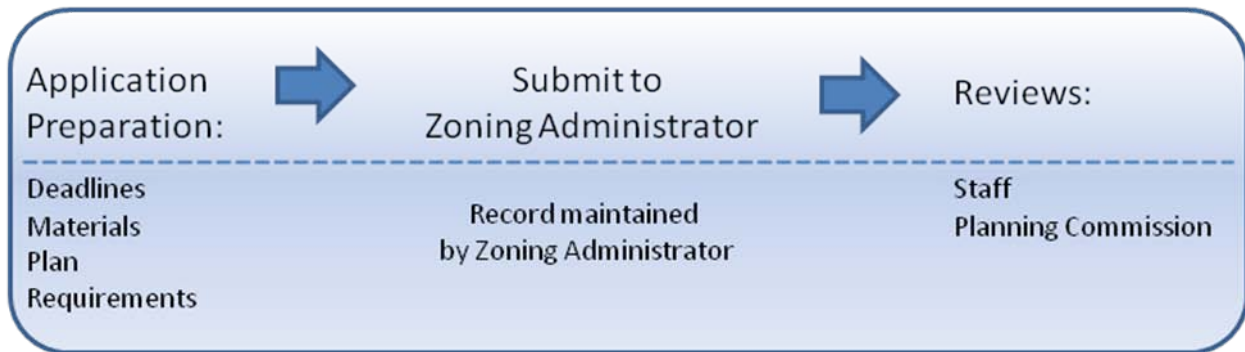
In addition, and in the case of new development, Site Plan Review before the City Planning Commission is required for any project meeting one of the following conditions:

- a) The proposed project will have more than two (2) dwelling units.
- b) The proposed project is in a Commercial Zoning District.
- c) The proposed project is in an Industrial district.
- d) The project is a Special Use.

At no time shall a Site Plan review be required as a part of the decision process for rezoning. This is because the decision to rezone property should be based on consideration of its effects on long-range plans for the City, and on the merits of the proposed Zoning District, and the uses it would allow, as they relate to the subject property and surrounding area.

b. **SITE PLAN REVIEW PROCESS.**

Site Plan Review Process



1) **APPLICATION DEADLINES.** If a zoning application requires a Site Plan Review by the Planning Commission, a complete application package must be received at least thirty (30) days before the date of a Planning Commission meeting in order to be reviewed at said meeting. If a Site Plan Review is being conducted for a Special Use Permit or subdivision plat, the application timetable specified for that process applies. A preapplication meeting is encouraged.

2) **APPLICATION MATERIAL.** [Applications](#) requiring Site Plan Review must be accompanied by a fee as established by the City Council and by at least ten (10) 11" x

17" copies of a site plan that meets the following requirements stipulated below. The application will not be reviewed until the complete application package has been submitted, including the fee.

- 3) **SITE PLAN REQUIREMENTS.** All applicants shall complete the site plan review checklist. The [site plan review checklist](#) is available at the City offices. Site plans shall conform to the provisions approved on the checklist. All site plans must be prepared in a complete and accurate manner so that the plan can be used by the building inspector for all other necessary permits. An engineered site plan, stamped by an engineer, surveyor or architect may be required in instances where the Planning Commission deems that an engineered site plan is required to meet the requirements of this ordinance.

Note that any proposed construction, landscaping, retention of natural features or other property conditions depicted in the site plan submission will be relied upon by the Planning Commission in its review. Therefore, these conditions become requirements for approval of the site plan. Failure to abide by such conditions constitutes a violation of the terms of the site plan approval.

- a) **SCALE.** The site plan must be drawn to a consistent scale of not less than one-inch-equals-fifty (1" = 50') feet for sites of three acres or less, or one-inch-equals-two hundred (1" = 200') feet for larger sites.
- b) **IDENTIFICATION.** The applicant's name, address and telephone number and the name and address of the firm(s) responsible for preparation of the site plan must be included. If the applicant does not own the property, the owner must be identified and must sign a statement certifying that the applicant is acting in the owner's behalf.
- c) **PROPERTY INFORMATION.** The site plan must accurately depict the subject property and land adjacent to and across any thoroughfare from it, including all existing and proposed easements or rights-of-way. Zoning of the site, and of adjacent properties, must be identified. A legal description and computation of the area of the property must accompany the site plan. Where more than one description exists for a parcel of land, the legal description on file with the Montcalm County Register of Deeds will be the legal description upon which a site plan decision is based.
- d) **SITE FEATURES.** The site plan should depict existing environmental conditions, topography, drainage features showing the type and direction of flow, wetlands, any existing structures, including those proposed for removal, and other significant conditions. The approximate location and use of structures and the location of the nearest driveways on adjacent or opposing parcels should be shown.
- e) **TRANSPORTATION FEATURES.** The site plan must show the location and surface type of all existing and proposed public and private roads, access drives, internal vehicle circulation areas, parking lots (including number and location of handicapped parking spaces), sidewalks (required for all development), loading areas or docks, truck bays, and refuse pickup stations.
- f) **SHARED ACCESS.** The Planning Commission must require shared access between and among uses where feasible, excluding single family residential uses. Feasibility is determined with respect to the physical design of the site and not the effort or costs involved with achieving joint access. This requirement applies to

- driveways and access drives associated with site redevelopment or new construction. In the case of new development, a joint driveway agreement must be signed by all property owners involved prior to a construction permit being issued. Driveways must be designed to allow joint access in the future, where feasible, and an agreement to allow future use of the drive for joint access must be signed at the time of site plan approval. Shared drives must be shown on site plans at the time of review by the Planning Commission. Refusal to design a site with provisions for joint access or refusal to participate in a joint access agreement is justification for site plan denial by the Planning Commission.
- g) **UTILITIES.** The site plan must show the location and size of all existing and proposed public utilities. Water line information shall include locations of existing and proposed fire hydrants and valves. Sanitary sewer information shall include location of any pumping stations and approximate location of manholes. Storm drainage information shall include any enclosed drains, flow restrictors and on-site retention. The site plan must also include any existing or proposed private utilities, such as natural gas, electricity, telephone and cable television.
- h) **STRUCTURES.** The site plan must show the location and dimensions, including height, of all proposed buildings, accessory structures and related features. For multifamily housing developments, the number of units in each building must be identified. Schematic plans and elevations of all structures exceeding five thousand (5,000) square feet of total floor area must be included. The site plan should also show the location, arrangement, dimensions and type of proposed signs, lighting, landscaping, dumpsters, screening, fences, and decorative walls.
- i) **SUPPLEMENTARY MATERIAL.** The site plan shall be complemented by any additional information that, in the Zoning Administrator's discretion, is important for the Site Plan Review process. This could include, but not be limited to, an assessment of the proposed project's impact on environmental, historic, social or economic conditions; traffic studies; or proposed measures to control or mitigate such impacts as noise, smoke, particulates, vibration, odors, or fire hazards.
- j) **PERFORMANCE BOND.** Further, the Planning Commission is empowered to require and at its option may require a [performance bond](#) or certified check in an amount equal to the estimated cost of improvements associated with the project. Such performance guarantee shall be deposited with the City Comptroller at the time of the issuance of the permit authorizing the activity or project to insure faithful completion of the improvements indicated with the approved site development plan; if not, the performance bond shall be forfeited. The City shall rebate a proportional share of the deposit, when requested by the depositor, based on the percent of improvements completed, as attested to by the depositor and verified by the City Administrator. The City Administrator may, at his/her discretion, call upon professional assistance from the City Engineer, or building inspectors. In cases where the provisions above have not been met, the amount of the aforementioned performance guarantee shall be used by the City to return the property to a safe and healthy condition and the balance, if any, shall be returned to the applicant.
- 4) **STAFF REVIEW OF SITE PLAN.**
- a) **PERSONS INVOLVED.** Before the site plan is reviewed by the Planning Commission, the County Building Inspector, Engineer, or contracted engineering

- services, County Drain Commission and Fire Chief, or their designees, may be given an opportunity to review and comment upon it. In addition, the Zoning Administrator may submit the site plan to any other Department of City government that he or she believes would have an interest in some aspect of the proposed project. Staff members wishing to comment upon the site plan must transmit their comments in writing to the Zoning Administrator at least five (5) days before the Planning Commission meeting at which the site plan is to be reviewed. A preapplication meeting with the applicant and Zoning Administrator is encouraged.
- b) **STANDARDS TO BE USED.** Reviewers shall address the considerations identified by the Review Standards in this Chapter. If a Site Plan Review is being conducted for a proposed Special Use Permit, the additional Special Use Permit Review Standards listed for the particular use and Zoning District shall be considered also.
- 5) **PROFESSIONAL REVIEW OF SITE PLAN.** If a professional assessment for any portion of the site plan is determined to be necessary or desirable by the City, an estimate of costs shall be obtained by the City for the review(s). The applicant shall pay the cost of the assessment if he/she agrees to have a professional review completed. The applicant may suggest an alternative professional if he/she chooses. If a site plan is unable to be acted upon without professional review, the Planning Commission may choose to deny the site plan.
- 6) **PLANNING COMMISSION REVIEW OF SITE PLAN.** The Planning Commission shall address the Site Plan Review at a public meeting. A public hearing will be held only if any party submits a written request to the City Comptroller prior to the Planning Commission meeting at which the site plan is to be considered. In such cases, the public shall be heard before the Planning Commission acts upon the site plan. However, a Site Plan Review does not require either a public hearing or special notification of anyone. The findings of a staff review of the site plan and any public comments shall be taken into consideration by the Planning Commission, but are not binding upon it in any way. In the interest of providing a timely response to the applicant, the Planning Commission must take one of the following actions at the meeting during which the Site Plan Review is conducted:
- a) **RECOMMEND APPROVAL TO THE CITY COUNCIL.** An affirmative vote of the majority of Planning Commission members present at the meeting is necessary to approve a site plan.
- b) **RECOMMEND CONDITIONAL APPROVAL TO THE CITY COUNCIL.** The Planning Commission may elect to attach conditions to its approval of a site plan. Conditions must be justified by one (1) or more requirements of this Ordinance, or by provisions of other local, State or federal laws. These conditions, together with the regulatory authority and reasoning that justifies them, must be identified in the motion for site plan approval and communicated to the applicant in writing. The conditions shall become a part of the site plan, as inseparably as if they were part of the applicant's original submission. At this point in the site plan process any approval is considered preliminary until all conditions are met.

Approval of any proposed site plan that must also receive approvals from other public agencies must obtain approvals from those agencies before seeking site plan review. This shall include any variances that must be issued by the Carson City Zoning Board of Appeals. Approval of a variance for conditions that differ from those

depicted on the site plan must be obtained prior to site plan review by the Planning Commission. When these conditions have been met the site plan is considered to have final approval.

- c) **RECOMMEND DENIAL TO THE CITY COUNCIL WITH EXPLANATION.** Failure to comply with one or more of the Review Standards is the only justification for denial of a site plan. The vote of a majority of Planning Commission members present at the meeting in which the site plan is reviewed is required to deny it. The motion to deny must state which of the Review Standards was not met by the site plan, and how the plan failed to meet the standard. The motion to deny may also suggest methods by which the shortcoming might be corrected. The applicant shall be notified in writing of the Planning Commission's denial of the site plan, with the full text of the motion to deny reproduced in the communication.
- 7) **CITY COUNCIL.** Recommendations from the Planning Commission shall be acted upon by the City Council at their next regular meeting.
- 8) **DEVIATIONS FROM APPROVED SITE PLAN.** It is recognized that unforeseen circumstances can necessitate changes in a project during its development. Therefore, minor deviations from an approved site plan are permitted if the Zoning Administrator determines that all Site Plan Review Standards have been complied with.

However, if the Zoning Administrator finds that a deviation from the approved site plan does not comply with the Review Standards, he or she shall notify the permit holder within one week, the City Building Inspector, and the Planning Commission, in writing that the site plan approval has been suspended. The permit holder's notice shall be delivered by certified mail. If construction has begun, a Stop Work Order shall be issued by the Building Inspector, affecting that portion of the project that is not in compliance with the Site Plan Review Standards.

Once a site plan approval for a project has been suspended, the permit holder has the option of changing the project plans to conform to the Review Standards, or of restarting the Site Plan Review process. When the issue has been resolved, the Zoning Administrator shall send a written notice to the permit holder, the Building Inspector and the Planning Commission that the project's site plan has again been approved.

This provision should not be construed to prohibit phased development of a project, provided that each phase complies with the requirements of the Review Standards and with the approved site plan.

If any deviations from an approved site plan are made, an "as built" version of the site plan shall be provided to the Zoning Administrator before the Building Inspector issues final approval for the project and before any performance guarantee may be fully refunded.

- 9) **RECORD TO BE MAINTAINED.** The record relating to any approved site plan shall be maintained by the Zoning Administrator. This record shall include an official copy of the final site plan as it was approved by the Planning Commission, dated and signed by the permit holder, the Planning Commission Chairperson and the Zoning Administrator. The record shall also include documentation of any conditions attached to the site plan approval and evidence of the satisfaction of these conditions. It shall also include

documentation of any allowed deviations from the approved site plan, dated and signed by the permit holder and the Zoning Administrator.

- c. **SITE PLAN REVIEW STANDARDS.** All Site Plan Reviews shall use only the following set of standards to judge whether the site plan should be approved or denied.

No off-site improvements can be required as conditions for site plan approval, unless the applicant had volunteered to construct such improvements as documented by his or her original site plan drawing(s). However, if the lack of such off-site improvements will create unacceptable conditions, said lack is sufficient justification for denial of a site plan.

- 1) **DISTRICT REGULATIONS.** The project must comply with the applicable District Regulations regarding use, dimensions, off-street parking and any other aspects. (When the Site Plan Review is being conducted as part of the consideration process for a Special Use Permit or a Planned Unit Development, the use of the site will be addressed after the Site Plan Review. Therefore, it must be presumed for this purpose that the use of the site will conform to the District Regulations.)
- 2) **SUPPLEMENTARY REGULATIONS.** The project must comply with any and all of the Supplementary Regulations that may apply to it.
- 3) **SPECIAL USE STANDARDS.** If the Site Plan Review is being conducted for a proposed Special Use Permit, any Special Use Standards relating to the proposed use must be satisfied.
- 4) **BUILDING ARRANGEMENTS.** Site plans will be evaluated on the basis of scale, circulation of air, provisions of adequate access to and around buildings for police and fire protection services, establishment of pleasant vistas, arrangements conducive to enhancing the environmental quality of the site when developed, minimizing the extent of impervious ground cover and minimizing the destruction of natural features that contribute to environmental quality.
- 5) **TRANSPORTATION.** Transportation facilities serving the parcel must be sufficient to provide safe and efficient access to the parcel and circulation within it. Consideration shall be given to road rights-of-way, surface type, number of lanes, driveway design and location, vehicular circulation within the parcel, parking, snow removal from transportation facilities, public transit, pedestrian circulation, emergency vehicle access, and accessibility for handicapped persons. All new subdivisions must have sidewalks on at least one side of the road.
- 6) **DRIVEWAYS.** All driveways serving customer or employee parking lots shall provide two-way traffic, unless otherwise part of a one-way entrance and exit system. All driveways shall be a minimum of twenty (20') feet wide. A lesser width may be permitted if it can be proven that the driveway will be increased to twenty (20') feet due to a joint arrangement with an adjacent property owner. Except for large parking lots, driveways shall be limited to one (1) per development.
- 7) **UTILITIES.** Utilities, including water, sewer and storm drainage facilities, must be adequate to serve the proposed use, or sufficient provisions shall be made to provide these services on the site. Private utility services, including electricity, telephone, natural gas, and cable television, must also be sufficient to serve the needs of the project. When the adequacy of any public utility service to the site is in question, the

input of the appropriate public utility provider shall be sought. All utilities for new subdivisions must be installed underground.

8) LANDSCAPING

- a) In all Commercial and Industrial Districts the front yard setback area of each site shall be landscaped with an effective combination of trees, ground cover and shrubbery. All unpaved areas not utilized for parking shall be landscaped in a similar manner. The entire area between the right-of-way and a point ten (10') feet in back of the front property line shall be landscaped, except for any access driveway.
- b) Side and rear yard setback areas not used for parking or storage shall be landscaped utilizing ground cover and/or shrub and tree materials.
- c) Undeveloped areas proposed for future expansion shall be maintained in a weed free condition.

9) BUFFERING. All uses abutting agricultural and residential districts must provide sufficient buffering to achieve visual, noise, and pedestrian traffic from crossing into the residential or agricultural site.

10) SIGNS AND LIGHTING. Lighting is intended to illuminate parking and vehicular areas for the purpose of increasing the safety of the users. Appropriate lighting standards should be located on separate ground-mounted standards adjacent to or the parking lot or vehicular use areas. Lighting must only be in operation during the hours the use is in operation. All entrance doors for the public and employees must be illuminated. No lighting may exceed 12' in height nor may bleed onto neighboring properties.

11) FIRE PROTECTION. The proposed project must comply with applicable fire safety regulations. Also, current local Fire Department personnel and equipment must be sufficient to serve the project. Finally, location, number, and capacity of fire hydrants must be adequate to serve fire suppression needs.

12) ENVIRONMENT. Natural features of the landscape should be retained wherever practicable to furnish a buffer between the project and adjoining property(ies) or help to control erosion, contain storm water runoff, absorb noise, deflect wind currents, reduce glare, or otherwise benefit the general health, safety or appearance of the neighborhood. Any buildings, fences, lighting, vegetation, or other features that are introduced into the landscape should be designed to complement the site's surrounding environment and enhance the positive features of the project. The site plan should be developed with the goal of controlling any negative impacts the project may have, such as noise, smoke, vibration, odor, glare, heat or dust so that they will not be discernible beyond the property boundaries. Further, projects shall fully adhere to applicable environmental regulations promulgated by the Michigan Department of Natural Resources or other agencies.

13) STORM DRAINAGE. Surface drainage, otherwise referred to as sheet drainage, to the right-of-way, or adjacent properties is unacceptable.

14) CONSISTENCY WITH ORDINANCE INTENT. The site plan should be generally consistent with the purpose and objectives of this Ordinance, as stated in [Chapter 1](#), and with the purpose of the District in which the subject parcel is located, as expressed in the Intent and Purpose Table in [Chapter 3](#).

Chapter 9 ■ Administration & Enforcement

SECTION 9.1 PEOPLE INVOLVED IN THE ZONING PROCESS

The provisions of this Ordinance shall be carried out by the Carson City Planning Commission, the Zoning Board of Appeals, the City Council and the City Zoning Administrator in conformance with applicable State of Michigan enabling legislation.

a. ZONING ADMINISTRATOR:

The City Council, with the recommendation of the Planning Commission, may employ a Zoning Administrator to carry out day-to-day administration and enforcement of this Ordinance. The City Council may designate the Zoning Administrator as the Building Inspector. Conditions of the Zoning Administrator's employment, including compensation, shall be established by the City Council. Additional staff may be employed, under the supervision of the Zoning Administrator, to assist with administration and enforcement of this Ordinance.

The Zoning Administrator's duties shall include the following items and any other tasks that may be assigned by the City Council or provisions of this Ordinance:

- 1) ACCEPT AND RECORD APPLICATIONS, ISSUE AND RECORD PERMITS. All applications for site plans shall be submitted to the Zoning Administrator who shall keep a record of all applications that have been submitted and their disposition. When all applicable provisions of this Ordinance have been met regarding any application, the Zoning Administrator shall allow a zoning permit to be issued for the proposed use. When conditions are not met, the Zoning Administrator shall consult with the applicant to determine the proper course of action. The Zoning Administrator shall maintain a record of all applications, including documentation for each.
- 2) ISSUE WRITTEN DENIAL. When any application for a site plan is denied, the Zoning Administrator shall provide the applicant with a written denial, stating the reasons for the denial.
- 3) INSPECTIONS. The Zoning Administrator shall be empowered to make inspections of buildings or premises to carry out enforcement of this Ordinance.
- 4) RECORD NONCONFORMING USES. The Zoning Administrator shall record all nonconforming uses existing at the effective date of this Ordinance.
- 5) RECORD SPECIAL USES. The Zoning Administrator shall keep a record of all Special Use Permits issued under the terms of this Ordinance.
- 6) RECORD INTERPRETATIONS OF ORDINANCE. The Zoning Administrator shall maintain a concise record of all interpretations of this Ordinance rendered by the Zoning Board of Appeals. Interpretations of the Ordinance do not include dimensional or administrative issues. This record shall be consulted whenever questions arise concerning interpretation of any provision of this Ordinance to determine whether any applicable precedents have been set.
- 7) PUBLIC INFORMATION. The Zoning Administrator shall respond to inquiries and dispense information or copies of this Ordinance to make the public aware of and

familiar with the provisions of this Ordinance. Public awareness and acceptance of the Zoning Ordinance will help to maintain compliance with it.

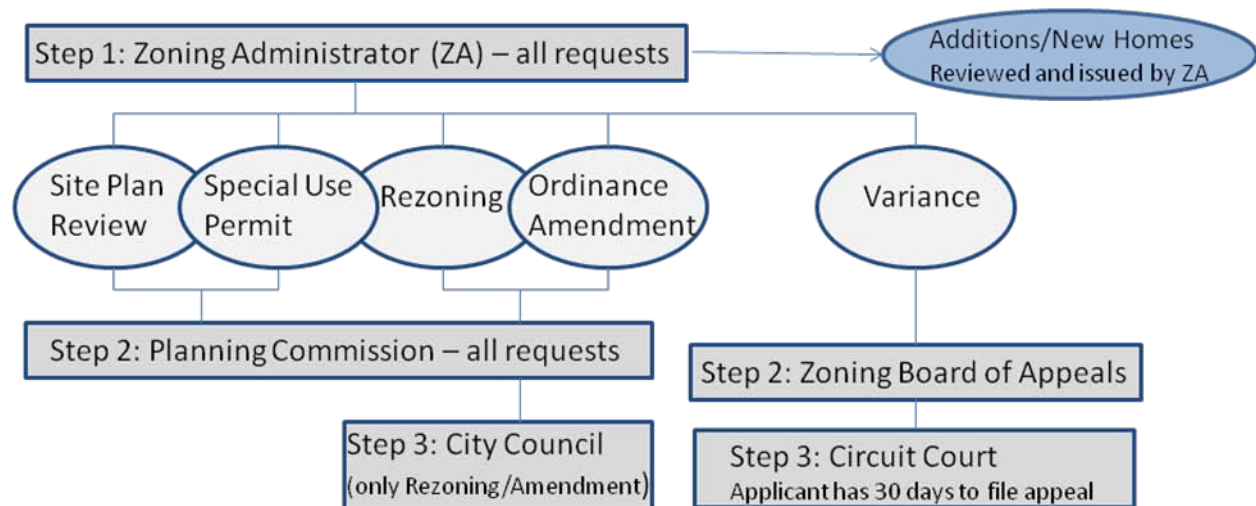
- 8) **RESPOND TO COMPLAINTS.** The Zoning Administrator shall respond within five (5) business days, whenever possible, to any complaint regarding an alleged violation of the terms or conditions of this Ordinance or any permit issued pursuant to it. The Zoning Administrator shall provide a report at each regular Planning Commission meeting summarizing the nature and disposition of complaints that have been received. A written record of all complaints, responses and dispositions of the complaint will be maintained.
- 9) **MAY NOT CHANGE ORDINANCE.** Under no circumstances is the Zoning Administrator permitted to make changes in this Ordinance or to vary the terms of this Ordinance.
- 10) **PROVIDE A WRITTEN REPORT** to the Planning Commission each month.

b. **PLANNING COMMISSION:**

- 1) **MEMBERSHIP.** The Planning Commission shall be composed of five (5) members, comprised of
 - a) One member of the City Council selected by the City Supervisor as an ex officio member, and
 - b) Four residents of the City, representing, insofar as possible, different professions or occupations, who shall be appointed by the City Mayor, subject to the approval of a majority of the members elected to the Board.
- 2) **TERMS OF OFFICE.** The term of service for each member shall be three (3) years. Rotation of membership is encouraged.
- 3) **RULES OF PROCEDURE.** The Planning Commission shall adopt its own rules of procedure as may be necessary to conduct its meetings and carry out its function. The Commission shall choose its Chairperson, Vice chairperson and Secretary.
- 4) **FUNCTION:** The duties of the Planning Commission shall be as outlined in [Public Act 110 of 2006](#), commonly known as the Michigan Zoning Enabling Act, and where applicable in the Michigan Planning Enabling Act, [Public Act 33 of 2008](#), as amended.
- 5) **MEETINGS.** The Planning Commission shall meet monthly or as determined by the City Council and Planning Commission, and by resolution shall determine the time and place of meetings. All meetings shall be properly noticed and open to the public.
- 6) **PER DIEM OR EXPENSES.** Members of the Planning Commission may be compensated for their services as provided by the City Council. The Planning Commission may make and administer regulations relative to compensation for the travel of its members and employees when engaged in the performance of activities authorized by the Planning Commission.
- 7) **MASTER PLAN.** The Planning Commission shall make and adopt a master plan as a guide for the development of the City. Plan contents, adoption, amendment, approval by the City Council, hearing and publication shall be according to the Michigan Zoning Enabling Act, [PA 110 of 2006](#), as amended and where applicable in the Michigan Planning Enabling Act, [PA 33 of 2008](#), as amended.

- 8) ZONING ORDINANCE. The Zoning Ordinance shall be based on a plan designed to promote the public health, safety, and general welfare.
- 9) ADMINISTRATION AND ENFORCEMENT. The Planning Commission shall be responsible for the following administrative and enforcement activities under this Ordinance:
 - a) SITE PLAN APPROVAL. The Planning Commission shall review Site Plans and issue its approval, conditional approval or denial.
 - b) SPECIAL USE PERMITS. The Planning Commission shall conduct a public hearing on any application for a Special Use Permit. Following a public hearing, the Planning Commission shall review and approve or deny an application and shall also take any necessary action to revoke a Special Use Permit.
 - c) REZONING OR TEXT AMENDMENT. The Planning Commission shall conduct public hearings for proposals to rezone property or amend the text of this Ordinance. Following a public hearing, the Planning Commission shall make its recommendation regarding the proposed rezoning or text change to the City Council. The Planning Commission may initiate a text change or rezoning, subject to the requirements for notice, hearing and City Council approval.
- c. CITY COUNCIL. On recommendation of the Planning Commission, the City Council shall decide to adopt or amend the text or zoning districts of the Zoning Ordinance, making it the enforceable policy of City government. The City Council may review all zoning decisions of the Planning Commission. The City Council shall, by resolution, set fees to be charged for any administrative action under this Ordinance and may also act to waive any fee.

SECTION 9.2 ADMINISTRATIVE PROCESSES



- a. APPLICATION: Before proceeding with the erection, alteration, moving or use of any building or structure, or the use of any premises subject to the provisions of this Ordinance, the owner thereof shall first obtain a [zoning permit](#) from the Zoning Administrator. Applications shall be made in writing upon forms provided by the City. It shall be the duty of all architects, contractors, and other persons having charge of erection or movement to determine that proper certification has been issued before undertaking any such work, and

all persons performing such work in violation shall be deemed guilty of violation in the same manner as the owner of the premises.

- b. **ZONING PERMIT REQUIRED:** The issuance of a Zoning Permit, showing compliance with the Zoning Ordinance, signifies compliance with the requirements of this Ordinance. A building permit must be obtained from the Montcalm County building official before any of the following activities may legally take place:
 - 1) Occupancy and use of vacant land (including parking lot construction).
 - 2) Any change in the use of a parcel of land or a building, including any construction or structural alteration of a building that requires issuance of a Building Permit by the Montcalm County Building Inspector.
 - 3) Any use of land or a building that would be identified as a Use by Special Use Permit by the [Uses Table in Chapter 3, District Regulations](#), for the Zoning District in which the parcel is located.
 - 4) Any change of a nonconforming use or building.
- c. **APPLICATION REVIEW PROCESS.** On submission of an application for a site plan, the Zoning Administrator will review the application material. Whenever possible, it is desirable for this review to be conducted with the applicant present to facilitate any necessary explanation.
- d. **RECORD MAINTAINED.** The zoning administrator shall keep a record of each application for a site plan that has been submitted including the disposition of each one. This record shall be a public record, open for inspection upon request.

SECTION 9.3 ENFORCEMENT

- a. **RESPONSIBILITY.** The Zoning Administrator shall enforce the provisions of this Ordinance.
- b. **VIOLATIONS AND PENALTIES.**
 - 1) Any building or structure erected, altered, moved, razed, or converted, or any use of lands or premises begun or changed subsequent to the time of passage of this Ordinance and in violation of any provisions of this Zoning Ordinance, is hereby declared to be a nuisance per se, and may be abated by any court of competent jurisdiction
 - 2) The Zoning Administrator shall inspect each alleged violation and shall order correction in writing to the violator of all conditions found to be in violation of the Ordinance. A violation not corrected within a time period of not less than thirty (30) days nor more than six (6) months as determined by the Zoning Administrator shall be reported to the City Attorney who shall initiate prosecution procedures in any of the following matters:
 - a) Any agent[s], corporation[s], firm[s], owner[s], or person[s], or other organization[s] who violates, disobeys, omits, neglects, or refuses to comply with, or resists the enforcement of any of the provisions of this Ordinance, or shall erect or move any building or who shall put any lot in violation of any denial, detailed statement or conditional approval given by the City Council or the Planning Commission, or who shall refuse reasonable opportunity to inspect any premises, shall be fined upon conviction not less than \$500 together with costs of prosecution, or shall be punished by imprisonment in the county jail for not less than ten (10) days or more than ninety

- (90) days for each offense, or may be both fined and imprisoned as provided herein at the discretion of the court. Each and every day during which an illegal erection, alteration, maintenance, use continues shall be deemed a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the provisions of this Ordinance.
- b) The Zoning Administrator, or his or her designee, may institute injunction, mandamus, abatement, or any other appropriate action, or proceedings to prevent, enjoin, abate or remove any said unlawful erection, alteration, maintenance, or use that is in violation of this Ordinance. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.
- c) Any agent[s], corporation[s], firm[s], owner[s], or person[s], or other organization[s] that violates any of the provisions of this Ordinance may be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by a civil fine determined in accordance with the following schedule:
- (1) First offense within 3-year period* : \$75 to \$500 fine;
 - (2) Second offense within 3-year period*: \$150 to \$500 fine;
 - (3) Third offense within 3-year period *: \$325 to \$500 fine; and
 - (4) Fourth or more offense within 3-year period*: \$500 fine.
- *Determined on the basis of the date of commission of the offense(s).
- 3) In the addition to the penalties and remedies set forth above, the City reserves the right, after notice to the owner/occupant of the lands in violation of this Ordinance, to direct the appropriate officer, employee or other agent of the City to remedy the condition which is causing the violation. All cost and expense incurred by the City in so doing shall be a lien against the real property and shall be reported to the City Assessor who shall assess the same against the real property on which the violation is located. All owners or other interested parties of said real property whose names appear upon the most recent local tax assessment records shall be notified of the cost to the City by first class mail at the address shown on the records. If he or she fails to pay the same in full within 30 days, the Assessor shall add the unpaid amount to the next tax roll of the City, and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes by the City.
- c. **CONFLICTING REGULATIONS.** In the interpretation, application, and enforcement of the provisions of this Ordinance, whenever any of the provisions or limitations imposed or required by this Ordinance are more stringent than any other law or Ordinance, then the provisions of this Ordinance shall govern, PROVIDED also that whenever the provisions of any other law or Ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such other law or Ordinance shall govern.

SECTION 9.4 AMENDMENTS

Amendments or supplements to this Ordinance may be made from time to time, in the same manner as provided by [Public Act 110 of 2006](#), as amended, for the enactment of the original Ordinance. It shall be necessary to publish only a summary of the section or sections to be amended to the Ordinance.

- a. INITIATION OF AMENDMENTS. Proposals for amendments, supplements, or changes may be initiated by the City Council of its own action, by the Planning Commission, or by petition of one (1) or more persons having an interest, by ownership or option to purchase, in property to be affected by the proposed amendment.
- b. AMENDMENT PROCEDURE:
 - 1) PETITION TO CITY COMPTROLLER AND PAYMENT OF FEE. Each petition by one (1) or more owners or their agents for an amendment shall be submitted upon an application provided by the City to the City Comptroller. A fee as established by the City Council shall be paid at the time of application to cover costs of necessary advertising for public hearings and processing of the amendment request. The City Comptroller shall transmit the application to the Planning Commission for recommended action.
 - 2) RECOMMENDATION. The Planning Commission shall consider each proposed amendment in terms of the likely effect of such proposal upon the development plans for the community as well as in terms of the merits of the individual proposal. The Planning Commission may recommend any additions or modifications to the original amendment petition.
 - 3) PUBLIC HEARING. Before voting on any proposed amendment to this Ordinance, the Planning Commission shall conduct a public hearing.
 - 4) RESUBMITTAL. No application for a rezoning that has been denied by the City Council shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions which, upon inspection by the City Council, are found to be valid.
 - 5) Amendments or supplements to the zoning ordinance shall be made in the same manner as provided under this act for the enactment of the original ordinance.

SECTION 9.5 NOTICE REQUIREMENTS FOR PUBLIC HEARINGS

- a. If the City is required to provide notice and hearing under the Michigan Zoning Enabling Act, the City shall publish notice of the request in a newspaper of general circulation in the community.
- b. Notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered. Notice shall also be sent 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 zoning jurisdiction.
- c. The notice shall be given not less than fifteen (15) days before the date the application will be considered for approval. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection. The notice shall do all of the following:
 - 1) Describe the nature of the request.
 - 2) Indicate the property that is the subject of the request. The notice shall 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, other means of identification may be used.

- 3) State when and where the request will be considered.
 - 4) Indicate when and where written comments will be received concerning the request.
- d. If an individual property or 10 or fewer adjacent properties are proposed for rezoning, the zoning commission shall give a notice of the proposed rezoning in the same manner.
 - e. If 11 or more adjacent properties are proposed for rezoning, the zoning commission shall give a notice of the proposed rezoning in the same manner as required in this section, except no individual addresses of properties are required to be listed.

Chapter 10 ■ Zoning Board of Appeals

SECTION 10.1 ESTABLISHMENT

The City Council, exercising the authority of [Act 110 of the Public Acts of 2006](#), as amended, hereby provides that a City Zoning Board of Appeals be established. Upon adoption of this Ordinance, the Zoning Board of Appeals established under the terms of the previous Zoning Ordinance shall remain in office, including all members.

SECTION 10.2 MEMBERSHIP

The Carson City Zoning Board of Appeals shall consist of five (5) members. The first member of the Board of Appeals shall be a member of the Carson City Planning Commission, one member shall be a member of the City Council, and the remaining members shall be selected and appointed by the City Council from among the electors residing in the unincorporated area of the City. An elected officer of the City may not serve as chairperson of the Zoning Board of Appeals. An employee or contractor of the City Council may not serve as a member or employee of the Zoning Board of Appeals. Members of the Board of Appeals shall be removable by the City Council for misfeasance, nonfeasance or malfeasance of duty or misconduct in office upon written charges and after public hearing. The Zoning Board of Appeals shall annually elect its own Chair, Vice-Chair, and Secretary at its January meeting or as soon thereafter as practicable.

The City Council shall appoint not more than two (2) alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called to serve as a regular member of the Zoning Board of Appeals in the absence of a regular member if the regular member is absent from or will be unable to attend two (2) or more consecutive meetings of the Zoning Board of Appeals or is absent from or will be unable to attend meetings for a period of more than thirty (30) consecutive days. An alternate member may also be called to serve as a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the Zoning Board of Appeals.

A per diem or reimbursement for expenses actually occurred shall be allowed to the Board of Appeals and shall exceed a reasonable sum, which shall be appropriated annually in advance by the City Council.

SECTION 10.3 TERMS OF OFFICE

Terms shall be for three (3) years, except for members serving because of their membership on the Planning Commission, or City Council whose terms shall be limited to the time they are members of the Zoning Board, Planning Commission, or City Council, respectively, and the period stated in the resolution appointing them. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. Vacancies for unexpired shall be filled for the remainder of the term. A Board of Appeals shall not conduct business unless a majority of the regular members of the Board is present.

SECTION 10.4 BOARD OF APPEALS PROCEDURES

- a. MEETINGS. Meetings shall be held at the call of the chairperson and at such times as the Board of Appeals may determine. A simple majority of the membership of the Board of

Appeals shall constitute a quorum and may conduct any items of business brought before the Board. All meetings of the Board shall be open to the public. The Board may declare any meeting, or part of any meeting, a study meeting to pursue matters of business without comment or interruption from the public in attendance.

- b. RECORDS. Minutes shall be recorded of all proceedings which shall contain evidence and dates relevant to every case considered together with the votes of the member and the final disposition of each case. Such minutes shall be filed in the office of the City Comptroller and shall be public records.
- c. RULES OF PROCEDURE. The Board of Appeals shall adopt its own rules of procedure as may be necessary to conduct its meetings and carry out its function.
- d. MAJORITY VOTE. The concurring vote of a majority of the membership of the Zoning Board of Appeals shall be necessary to decide upon any issue brought before the Board. For example, if three members are present, out of a total of five members, all three must concur to pass a motion.
- e. CONFLICT OF INTEREST. A member of the Zoning Board of Appeals shall disqualify himself or herself from discussion and voting in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest shall constitute misconduct in office.

SECTION 10.5 APPEALS, METHOD FOR TAKING

- a. Any appeal from a ruling of the Zoning Administrator or body concerning the enforcement of the provisions of this Ordinance shall be made to the Board of Appeals within 10 days after the date of the Zoning Administrator's decision which is the basis of the appeal. Any [appeal shall be in writing on standard forms](#). The Zoning Administrator shall transmit to the Board all documents, or direct copies thereof, constituting the record upon which the action appealed from was taken. Any appeal to the Board of Appeals shall be accompanied with a payment of a fee established by resolution of the City Council to cover costs of processing such appeal.
- b. Appeals to the Board may be taken by any person aggrieved, or by any officer, department, or board of the City. Any party may appear in person or by agent or by attorney at a hearing considering his request or appeal.
- c. An appeal stays all proceedings, and thereupon all changes in the status quo of the property concerned shall constitute a violation of this Ordinance; except that the Zoning Administrator may certify to the Board of Appeals after the notice of the appeal shall have been filed with him that for reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by restraining order, which may be granted by the Board of Appeals, or, on application to the Circuit Court when due cause can be shown.

SECTION 10.6 DECISIONS

The Zoning Board of Appeals shall return a decision upon each case within thirty (30) days of the filing of a request or appeal unless a further time is agreed upon by the parties concerned. Any decision of the Zoning Board of Appeals shall not take effect until the expiration of five (5) days after the date of said decision, unless the Board of Appeals certifies on the record that the

decision must be given immediate effect for the preservation of property or personal rights. No Zoning Permit authorized by such a decision shall be issued until the decision has taken effect.

SECTION 10.7 DUTIES

The Carson City Zoning Board of Appeals shall have the power to act on those matters where this Ordinance provides for an administrative review, interpretation, or variance as defined in this Section.

- a. **REVIEW.** The Board of Appeals shall hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination, made by the Zoning Administrator, or by any other official in administering or enforcing any provisions of this Ordinance.
- b. **INTERPRETATION.** The Board of Appeals, upon proper appeal, shall have the power to hear and decide upon appeals for the interpretation of the provisions of this Ordinance as follows:
 - 1) So as to carry out the intent and purposes of this Ordinance.
 - 2) To determine the precise location of the boundary lines between zoning districts; or,
 - 3) To classify a use which is not specifically mentioned as part of the use regulations of any zoning district so that it conforms to a comparable permitted or prohibited use, in accordance with the purpose and intent of each district.
- c. **VARIANCES.** The Board of Appeals may have the power to authorize, upon proper application, specific variances from such dimensional requirements as lot area and width regulations, building height and bulk regulations, yard and depth regulations as specified in this Ordinance PROVIDED all the conditions listed are satisfied.
 - 1) Strict compliance with restrictions governing area, setback, frontage, height, bulk, density or other non-use matters, will unreasonably prevent the owner from using the property for a permitted purpose or will render ordinance conformity unnecessarily burdensome.
 - 2) The variance will do substantial justice to the applicant, as well as to other property owners.
 - 3) The variance requested is the minimum variance needed to provide substantial relief to the applicant and/or be consistent with justice to other property owners.
 - 4) The need for the variance is due to unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district.
 - 5) The problem and resulting need for the variance has been created by strict compliance with the Zoning Ordinance, not by the applicant or the applicant's predecessors.
- d. **RULES FOR GRANTING VARIANCES:**
 - 1) In granting a variance, the Board may specify, in writing, to the applicant such conditions in connection with the granting, that will, in its judgment, secure substantially the objectives of the regulations or provisions to which such variances applies. The breach of any such conditions shall automatically invalidate the permit granted.

- 2) Each variance granted shall become null and void unless the provisions of the variance have been utilized by an applicant within six months after the granting of the variance.
- 3) No application for a variance which has been denied wholly or in part by the Board shall be resubmitted for a period of one year, from the date of the last denial, except on grounds and newly discovered evidence or proof of changed conditions found upon inspection by the Board to be valid.
- 4) In authorizing any variance, the Board of Appeals may require that a bond be furnished to insure compliance with the requirements, specifications and conditions imposed with the grant of variance.
- 5) The Board of Appeals may not create a nonconforming use or a use that is more nonconforming than the current nonconforming use. In the same way the Board may not create a nonconforming lot or parcel or a lot or parcel that is more nonconforming than the current nonconforming use or create a nonconforming parcel from a conforming parcel.

SECTION 10.8 LIMITATIONS

The Board of Appeals, notwithstanding any provisions to the contrary, shall not have the power to alter or change the zoning district classification of any property, nor to make any change in the terms or intent of this ordinance, or to prohibit a use which is permitted in this Ordinance, change permitted uses in a district, nor may it determine the validity of this Ordinance.

By-Laws

PLANNING COMMISSION BY-LAWS

1. AUTHORITY

These rules of procedures are adopted by the Carson City Planning Commission of Montcalm County, (herein referred to as the Commission) pursuant to Public Act 33 of 2008 of Michigan Public Acts, as amended, and Public Act 267 of 1976, as amended, the Open Meetings Act.

2. OFFICERS

- A. Selection. At the January meeting, the Commission shall select from its membership a chairperson, vice-chairperson and secretary who shall serve for a twelve month period and who shall be eligible for re-election.
- B. Duties. The chairperson shall preside at all meetings and shall conduct all meetings in accordance with the rules provided herein. The vice-chairperson shall act in the capacity of the chairperson in the event of a vacancy in that office in which case the Commission shall select a successor to the office of vice-chairperson at the earliest practicable time. The secretary shall be responsible for the preparation of minutes. In the event the Secretary is absent, the Chairperson or acting chairperson shall appoint a temporary secretary for such meetings. If both the chairperson and vice-chairperson are absent, the most senior member of the Commission will preside.
- C. Tenure. The officers shall take office immediately following their election. They shall hold their office for a term of one year, or until their successors are elected and assume office.

3. MEETINGS

- A. Meeting Notices. All meetings shall be posted at the City Office according to the Open Meetings Act. The notice shall include the date and time of the meeting.
- B. Regular Meeting. Meetings of the Commission shall be held as needed in the City Office unless another date is otherwise established by the Commission. The dates and times shall be posted at the City Office and should be published in accordance with the Open Meetings Act. Any changes in the date or time of the regular meetings shall be posted and noticed in the same manner as originally established. When a regular meeting date falls on or near a legal holiday, the Commission shall select suitable alternate dates in the same month, in accordance with the Open Meetings Act.
- C. Special Meetings. A special meeting may be called by two members of the Planning Commission upon written request to the Secretary or by the Chairperson. The business which the Planning Commission may perform shall be conducted at a public meeting of the Planning Commission held in compliance with the Open Meetings Act. Public Notice of the time, date and place of the special meeting shall be given in a manner as required by the Open Meetings Act, and the Secretary shall send written notice of a special meeting to Commission members not less than 48 hours in advance of the meeting.
- D. Quorum. In order for the Commission to conduct business or take any official action, a quorum consisting of the majority of the voting members of the Commission shall be present. When a quorum is not present, no official action, except for closing of the meeting may take place. The members of the Commission may discuss matters of interest, but can take no action until the next regular or special meeting. All public hearings without a quorum shall be scheduled for the next regular or special meeting and no additional public notice is required provided the date, time and place is announced at the meeting. In the event a Planning Commission

member abstains from a vote for any reason, causing the number of voting members to be fewer than a majority of the members of the Planning Commission, a quorum is no longer present and a vote may not be taken.

- E. Hearings. Hearings shall be scheduled and due notice given in accordance with the provisions of the Michigan Zoning Enabling Act, P.A. 110 of 2006 and Michigan Planning Enabling Act, P.A. 33 of 2008.

In the interest of allowing all interested parties to speak and respecting the time of the public and members of the Planning Commission, the Planning Commission chair, at his or her discretion, may limit comments from the public to three minutes per person and place restrictions on the number of times one person may address the Commission on the same subject.

Public hearings conducted by the Planning Commission shall be run in an orderly and timely fashion. This shall be accomplished by the following procedure:

- 1) Opening of Hearing
- 2) Presentation of Proposal
- 3) Opening of Hearing to Floor
- 4) Consideration of matter by Commission

- F. Motions. Motions shall be restated by the Chairperson before a vote is taken. The name of the maker and supporter of the motions shall be recorded.

- G. Voting. An affirmative vote of the majority of a quorum of the Planning Commission shall be required for the approval of any requested action or motion placed before the Commission. Voting shall ordinarily be voice vote; provided however that a roll call vote shall be required if requested by any Commission member or directed by the Chairperson. All members of the Commission including the chairperson shall vote on all matters. Any member may be excused from voting only if that person has a bona fide conflict of interest as recognized by the majority of the remaining members of the Commission. Any member abstaining from a vote shall not participate in the discussion of that item.

- H. Order of Business. A written agenda for all regular meetings shall be prepared as followed. The order of business shall be:

- 1) Call to Order
- 2) Roll Call
- 3) Approval of Minutes
- 4) Approval of Agenda
- 5) Public Comments and Communications Concerning Items Not on the Agenda
- 6) Unfinished Business
- 7) New Business
- 8) Public Hearing placed on agenda with issue
- 9) Any other Business/on-going business

A written agenda for special meetings shall be prepared and followed, however the form as

enumerated above shall not be necessary.

- I. Rules of Order. All meetings of the Commission shall be conducted in accordance with generally accepted parliamentary procedure, as governed by "Robert's Rules of Orders."
- J. Notice of Decision. A written notice containing the decision of the Planning Commission will be sent to petitioners and originators of a request as noted on their application.

4. MINUTES.

Commission minutes shall be prepared by the Secretary of the Commission. The minutes shall contain a brief synopsis of the meeting, including a complete restatement of all motions and recording of votes; complete statement of the conditions or recommendations made on any action; and a recording of attendance. The official records shall be annually deposited with the City Comptroller.

5. OPEN MEETINGS AND FREEDOM OF INFORMATION PROVISIONS

- A. All meeting of the Commission shall be opened to the public and held in a place available to the general public.
- B. All deliberations and decisions of the Commission shall be made at a meeting open to the public.
- C. A person shall be permitted to address a hearing of the Commission under the rules established in subsection 3E, and to address the Commission concerning non-hearing matters under the rules established in Section 3H to the extent that they are applicable.
- D. A person shall not be excluded from a meeting of the Commission except for breach of the peace, committed at the meeting.
- E. All records, files, publications, correspondence and other materials are available to the public for reading, copying, and other purposes as governed by the Freedom of Information Act.

6. AMENDMENTS

These rules may be amended by the Commission by concurring vote pursuant to subsection 3G, during any regular meeting, provided that all members have received an advanced copy of the proposed amendments at least 3 days prior to the meeting at which such amendments Are to be considered.

These by-laws and rules of procedures are adopted this ___th Day of ____, 20__.

BOARD OF APPEALS BY-LAWS

ARTICLE I - ORGANIZATION

1. The Board, at its first meeting of each year, shall elect its own Chairperson, Vice Chairperson and Secretary to hold office through the first meeting of the following year.
2. The Chairperson shall preside at all meetings except that the Vice Chairperson shall preside in his/her absence. The presiding officer shall decide all points of procedure subject to these Rules.
3. The Secretary shall keep the minutes of the Board's proceedings, sign all communications of the Board, supervise clerical work of the Board, post notice of Board meetings and perform further duties as may be directed by the Board.

ARTICLE II - MEETINGS

1. Board meetings shall be open to the public.
2. Board meetings shall be held at the call of the presiding officer, except that no hearing shall be held in less than ten days following the receipt of a completed Appeals Form by the Ordinance Enforcing Official.
3. A resolution supported by three members of the Board, may temporarily suspend any Rule of Procedure or change the date of a meeting.
4. Special meetings may be called by the presiding officer upon the request of three members, provided twenty-four hours notice has been given to each member of the Board.
5. Three members of the Board shall constitute a quorum for the conducting of its business. The concurring vote of three members shall be required to reverse any order, requirement, decision, or to decide any matter upon which the Board is required to rule by law, or to effect any variation of the Ordinances assigned to it by the City Council.
6. The order of business of the meetings shall be as follows:
 - a. Roll Call
 - b. Approval of the minutes of the last meeting
 - c. Communications
 - d. Hearing of cases
 - e. Miscellaneous business
 - f. Adjournment

ARTICLE III - APPEALS FORMS

1. All applications to the Board shall be made in duplicate and in writing on forms provided for that purpose and adopted by the Board.
2. Forms may be secured at the City Office.
3. One copy of the completed form shall be served on the administrative official from whom the appeal is taken and such official shall transmit to the Board all papers and other materials constituting the record upon which the appeal was taken.
4. Forms shall be checked by the Ordinance Enforcing Official for completeness and accuracy

before they are sent to the Board. No substantive change shall be made of the appeal without the consent of the Appellant.

5. Included in the information required in the forms shall be:
 - a. Decision, Order or section of the Ordinance appealed from.
 - b. Plans, drawn to scale or fair representation, showing location, shape and dimension of lots, buildings (proposed, existing, altered, or use change and other relevant information with regards to neighboring lots, buildings and their use).
 - c. A clear accurate description of the proposed use or work.
 - d. Points on which the appeal is made.
 - e. Names and addresses of abutting property owners.
 - f. Forms for interpretation, waiver, or special exception of the requirements of the Ordinance shall be made in the name of the property owner or persons having a substantial interest or right in the premises affected.
6. Forms shall be filed with the City Comptroller by the applicant within thirty days of the order, refusal of permit, or requirement of decision of such department from which the appeal is taken. The Board may in exceptional cases, for good reason shown, grant additional time.

ARTICLE IV - HEARINGS ON APPEALS

1. The appellant, property owner and the administrative official from whom the appeal is taken and the abutting property owners shall be given notice of the hearing not less than ten days before the hearing.
2. No appeal or hearing shall be permitted where a previous appeal involving the same premises, facts and section(s) of the Ordinance, in the opinion of the Board, has been decided.
3. The presiding officer may require witnesses to be sworn.
4. No interested parties shall be denied the right to appear, if the testimony given is relevant and different.
5. All interested parties shall identify themselves by name and address.
6. Those wishing to receive a copy of the Board's decision minutes shall leave their names and addresses with the Secretary and deposit with the City Comptroller a non-refundable fee set by the City Board.
7. Upon consent of the Board, the appellant may withdraw the appeal prior to the Board's decision.
8. Order of procedure of a hearing:
 - a. The Secretary will read the appeals form and identify it by the name of the appellant and an appeal number.
 - b. The Secretary will name those who have been notified of the hearing.
 - c. The Secretary will identify the official records, forms and exhibits of the appeal.
 - d. The presiding officer may announce that the Secretary will have separate registers for those who want to make their presence and attitudes known.

- e. The applicant will present his case.
- f. The Board may question the appellant.
- g. The Official will present the basis of the denial.
- h. The Board may question the Official.
- i. Interested parties will present their case.
- j. The Board may question the interested parties.
- k. Rebuttals will be allowed in similar order.
- l. The presiding officer will announce the closing of the testimony of the date and time of a continued hearing.
- m. The presiding officer will entertain a motion concerning the decision of the Board.

ARTICLE V – RE-HEARINGS

1. No re-hearing will be considered unless new evidence is submitted which could not reasonable be presented at the original hearing or unless there has been material change in the circumstances of the appeal.
2. Application for a re-hearing shall be in writing and subject to the same rules as the original hearing.

ARTICLE VI - DISPOSITION OF THE APPEAL

1. If requested by the applicant the decision of the Board shall be in writing and so far as practical, shall contain:
 - a. Name of the appellant
 - b. Appeal number
 - c. Legal description of the premises or property tax number
 - d. Nature of the appeal
 - e. A statement of the notices of the hearing that were given.
 - f. Names of those appearing on the record.
 - g. Finding of facts
 - h. Order of the Board
 - i. Any conditions of the order
 - j. Reasons for the decision
2. Any decision of the Board shall be effective only so long as the information or underlying facts relating thereto remain unchanged and correct and all conditions upon which the decision is based are not.
3. Whenever variation or modification of the strict application of the Ordinance is authorized by resolution of the Board, a Building Permit shall be obtained within six months from the date of

the grant or failure to obtain such permit within six months shall invalidate and terminate this grant. The Board may, in exceptional cases, for good reason grant additional time.

ARTICLE VII - AMENDMENTS

These Rules of Procedure may be amended at any meeting of the Board upon affirmative vote of three members of the Board.

APPLICATION INSTRUCTIONS

1. Discuss the proposed appeal with the Ordinance Enforcing Official
2. Fill out the Appeals Form in duplicate
3. Submit such drawings and photographs as the Ordinance Enforcing Official indicates will properly explain the appeal on the Site Plan Review checklist of the Planning Commission.
4. Return the Appeals Form and the exhibits to the Ordinance Enforcing Official for checking.
5. File the Appeals Form and exhibits with the City Comptroller along with a fee which is not refundable.
6. If copies of Board documents are requested the fee and the name and address of those who will receive the minutes shall be filed with the City Comptroller.
7. It is recommended that a representative of the appellant be present at the hearing.

These by-laws and rules of procedures are adopted this ___th Day of ____, 20__.

Procedures Manual

IMPORTANT DATES

Planning Commission Meeting Dates

Planning Commission meetings are scheduled as needed at City Hall, 123 E. Main, Carson City, Michigan.

City Council Meeting Dates

City Council meetings are the 3rd Tuesday of each month at 7:30 pm at City Hall, 123 E. Main, Carson City, Michigan.

Zoning Board of Appeals Meeting Date

The Zoning Board of Appeals meets on demand.

Comments

Written comments for items on the agenda must be submitted by 5pm on the day of the meeting to the City Comptroller.

Special Accommodations

People requiring special assistance to accommodate a disability should contact the Comptroller at least 4 days prior to the meeting.

FEE SCHEDULE

All fees do not include any required engineering, legal or planning fees in addition to publication fees.

- (1) Zoning permit - \$10.00 (Includes Administrative Review)
- (2) Site Plan Review - \$50.00
- (3) Rezoning - \$50.00
- (4) Special Use Permit - \$50.00
- (5) Zoning Board of Appeals - \$50.00
- (6) Land Division - \$50.00
- (7) Plat: Tentative, Preliminary, or Final - \$600.00
- (8) Special City Council meeting - \$750.00

HOW TO SUBMIT A SITE PLAN FOR REVIEW

Site plans for uses permitted in a specific district are eligible for review by the Planning Commission, provided they are complete and prepared according to the City's regulations. If the use desired is not permitted in the location chosen, please refer to the directions for requesting a rezoning.

Materials to submit

1. The City will supply you with a [site plan review form](#).
2. Following is a list of items each site plan must include - if they are applicable to your project. This list is called the Site Plan Review Checklist. It is helpful to provide this to your engineer or architect. The Planning Commission uses this checklist to review the plan so it is wise to follow this list.
3. All site plans must be prepared and sealed by a licensed engineer, architect, landscape architect or surveyor.
4. Ten (10) copies of each plan must be submitted, including ten (10) copies of elevation perspectives of any buildings to be constructed.

Time line for review

1. All plans must be delivered to City Hall by 5:00 pm, three (3) weeks prior to the date of the Planning Commission meeting, Planning Commission meetings are held as needed.
2. The City's planning consultant will contact you to discuss your site plan and suggest revisions prior to the meeting. Should you wish to remain on the agenda for that month's meeting, revised plans must be submitted by 5:00 pm two (2) weeks prior to the meeting. Plans that require a longer time to revise will be considered at the next month's meeting.
3. Incomplete site plans will not be reviewed by the Planning Commission. It is our intent to provide you with an efficient review and approval of your plan. This can only be done if the plan is complete and prepared according to the City's ordinances and rules.

Fees

1. The City charges a fee of \$50.00 for each site plan reviewed.
2. If a drainage review or other professional opinion is necessary to review and/or approve your site plan, an estimate of fees will be provided to you prior to any reviews being conducted.

How the process works

1. The Planning Commission will receive a copy of your site plan prior to the Planning Commission meeting.
2. At the meeting you or your representative will be given an opportunity to present your plan, including any recommendations or conditions for approval.
3. The Planning Commission will discuss the plan and vote to approve, approve with conditions, deny or table the plan to a specified date, which is generally the next meeting.
4. If your plan is tabled for incomplete information, you will have one (1) month to produce the necessary information and be reheard at the next Planning Commission meeting. After one (1) month, your site plan will be removed from the active business of the Planning Commission for incomplete information. A new site plan and fee may be submitted at any time after that.

Application for Site Plan Review

(Must Be Submitted At Least Three (3) Weeks Prior To Meeting)

Completed Application must include all fees, 10 full size copies and 1 reduced copy.

Applicant: _____ Date: _____

Address: _____

Telephone: () _____ Fax: () _____

Applicants Signature: _____

Owner (If different than applicant): _____

Address: _____ Telephone () _____ Fax () _____

Owner's Signature _____

Subject Property Address: _____

Legal Description (Provide the legal description of the property affected - if additional space is needed please attach on a separate sheet to this application):

Current Use(s): _____

Proposed Use(s): _____

All uses:	Number of Employees Maximum per Shift	
	Estimated Daily Traffic Generation	
	Expected Hours of Operation	
	Number of Parking Spaces	
Residential Uses	Type of Dwelling Units	
	Total Number of Units	
	Estimated Population	

For Office Use Only	Date Filed	
	Amount Paid	
	Case #	
	Hearing Date:	
	Current Zoning:	
	Parcel Id. No:	
	Checklist Submitted:	

Site Plan Review Checklist

A detailed site plan must be prepared according to the guidelines in the City Zoning Ordinance and include each item listed on the checklist where applicable. Site Plans will not be scheduled for a Planning Commission meeting until they are complete. All applicants are encouraged to contact the City Administrator to schedule a preapplication meeting with staff to review the site plan prior to submitting it to the Planning Commission for review. Completed site plans must be submitted three weeks prior to the next scheduled Planning Commission meeting.

General Information

- Name and Address of the owner and project printed on plans
- Date (Revision dates)
- North Arrow
- Location map, (show at least 600' around perimeter of site)
- Scale (Minimum 1"=20', Maximum 1"=60')
- Zoning (Subject parcel and adjoining parcels)
- Lot dimensions
- Building dimensions
- Square footage of buildings
- Buildings Uses - Indicate layout if there is more than one building
- Building elevation drawings including all four sides of buildings

Transportation

- Public roadways - Include curb, lanes, shoulder, width, through lanes, etc.
- Access Drives (width, traffic directions, curb, signs, etc.)
 - Barrier free parking (size and number of spaces)
- Loading Docks
- Road right-of-way (Existing and proposed)
- Curbing
- Curb cut dimensions
- Return radii of driveways
- Adjacent and across the street curb cuts (Location and size)
- Provisions for joint access and parking

Surrounding Land Use

- Phases of development and phase boundaries
- Neighboring structures on all adjacent lots and distance from joint property lines
- Neighboring land uses/proposed uses
- Wetlands (Calculations of all areas proposed and existing)
- Floodplains

Site Detail

- Utility, drains, water bodies or public easement of any kind
- Setback dimensions of front, side and rear yards for all buildings
- Parking lot layout (driveway widths, setbacks, green areas, lines, arrows, etc.)
- Number of parking spaces
- Parking space dimensions
- Circulation drive dimensions
- Sign locations
- Buffer yards - type and proposed detail of landscaping
- Fences (Size and location)
- Accessory structures
- Dumpster location and screening
- Bumper blocks or other vehicular restrictions
- Sidewalks (Size, type location)
- Existing trees (Type and size)
- Proposed water mains
- Proposed sanitary sewer
- Fire hydrants (Existing and proposed)
- Topography at 5 ft. intervals

Additional information for a Final Site Plan

- Landscaping

- Ground elevations, first floor finished elevations
- Easements
- Copy of Survey to verify property lines and existing structures
- Drainage ditches
- Storm Sewers
- Drainage
- Lot split/Combination from register of deeds
- Façade materials and Appearance Standards

Additional requirements for condominium projects

- Limited/ General Commons, etc.
- Density per Acre
- Units (Size and location)
- Master Deed

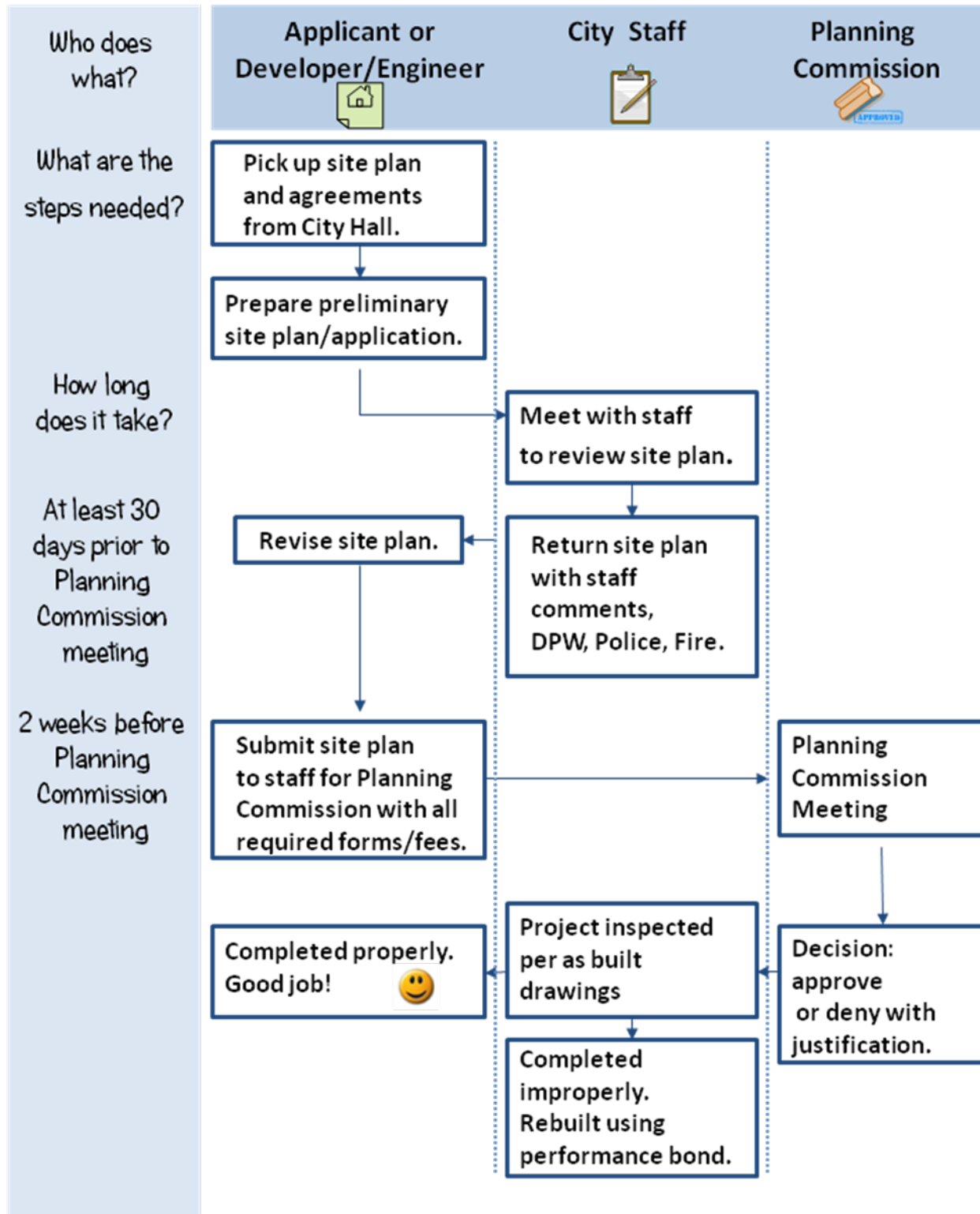
Signature of Applicant: _____

Conditions of Approval: _____

Approval Date: _____

Site Plan Review Flow Chart

Carson City Site Plan Review Flow Chart



HOW TO SUBMIT A SPECIAL USE PERMIT REQUEST

A Special Use Permit is required for all uses listed as allowed by Special Use Permit in each zoning district. A permit may only be applied for to establish a use that is allowed by special use permit in a specified district. A Special Use permit is discretionary in nature. A Special Use must first meet the guidelines established for that use in the Zoning Ordinance. Additional requirements may be imposed by the Planning Commission during the review of the permit, depending on the specific circumstances surrounding the proposal. A special use permit requires a public hearing.

Material to submit

- The City will supply you with a [special use permit](#) and [site plan review form](#). Please fill each form out completely.
- The following is a list of items each site plan must include - if they are applicable to your project. This list is called the [Site Plan Review Checklist](#). It is helpful to provide this to your engineer or architect. The Planning Commission uses this checklist to review the plan so it is wise to follow this list.
- All site plans must be prepared and sealed by a licensed engineer, architect, landscape architect or surveyor.
- Ten (10) copies of each plan must be submitted, including ten (10) copies of elevation perspectives of any buildings to be constructed.

Time line for review

- A special use permit requires a public hearing. The notification for this hearing must be printed in the paper and sent to all property owners within 300' of the subject property. Application for a special use permit must be submitted four (4) weeks prior to the Planning Commission meeting. Planning Commission meetings are held as needed.
- All site plans must be delivered to City Hall by 5:00 pm, 30 days prior to the date of the Planning Commission meeting. The City's planning consultant will contact you to discuss your site plan and suggest revisions prior to the meeting. Should you wish to remain on the agenda for that month's meeting, revised plans must be submitted by 5:00 pm two (2) weeks prior to the meeting. Plans that require a longer period of time to revise will be considered at the next month's meeting.
- Incomplete site plans will not be reviewed by the Planning Commission. It is our intent to provide you with an efficient review and approval of your plan. This can only be done if the plan is complete and prepared according to the City's ordinances and rules.

Fees

- The City charges a fee of \$50.00 for each special use permit. This includes the plan review fee, but no other professional fees for reviews requested by the City or required by law. This fee pays for the cost of publishing the notice of public hearing and the professional review of your plan.
- If a drainage review or other professional opinion is necessary to review and/or approve your site plan, an estimate of fees will be provided to you prior to any reviews being conducted.

How the process works

- The Planning Commission will receive a copy of your special use permit and site plan prior to the Planning Commission meeting.
- At the meeting you or your representative will be given an opportunity to present your plan. The Planning Consultant will comment on the plan, including any recommendations or conditions for approval.
- The Planning Commission will discuss the special use permit first to determine if the use is appropriate in the district. If the use is appropriate, the site plan will be considered. Approval of the special use permit is contingent upon approval of the site plan. The Planning Commission will then vote to approve, approve with conditions, deny or table the plan to a specified date, which is generally the next meeting.
- If your plan is tabled for incomplete information, you will have one (1) month to produce the necessary information and be reheard at the next Planning Commission meeting. After one (1) month, your site plan will be removed from the active business of the Planning commission for incomplete information. A new special use permit application, site plan and fee may be submitted at any time after that.

Application for Special Use Permit

(Must Be Submitted At Least thirty (30) Days Prior To Meeting)

Completed Application must include all fees, a site plan application along with 10 full size copies and 1 reduced copy of site plan.

\$50.00 Fee

Applicant: _____ Date: _____

Address: _____

Telephone: () _____ Fax: () _____

Applicants Signature: _____

Owner (If different than applicant): _____

Address: _____ Telephone () _____ Fax () _____

Owner's Signature _____

Subject Property Address: _____

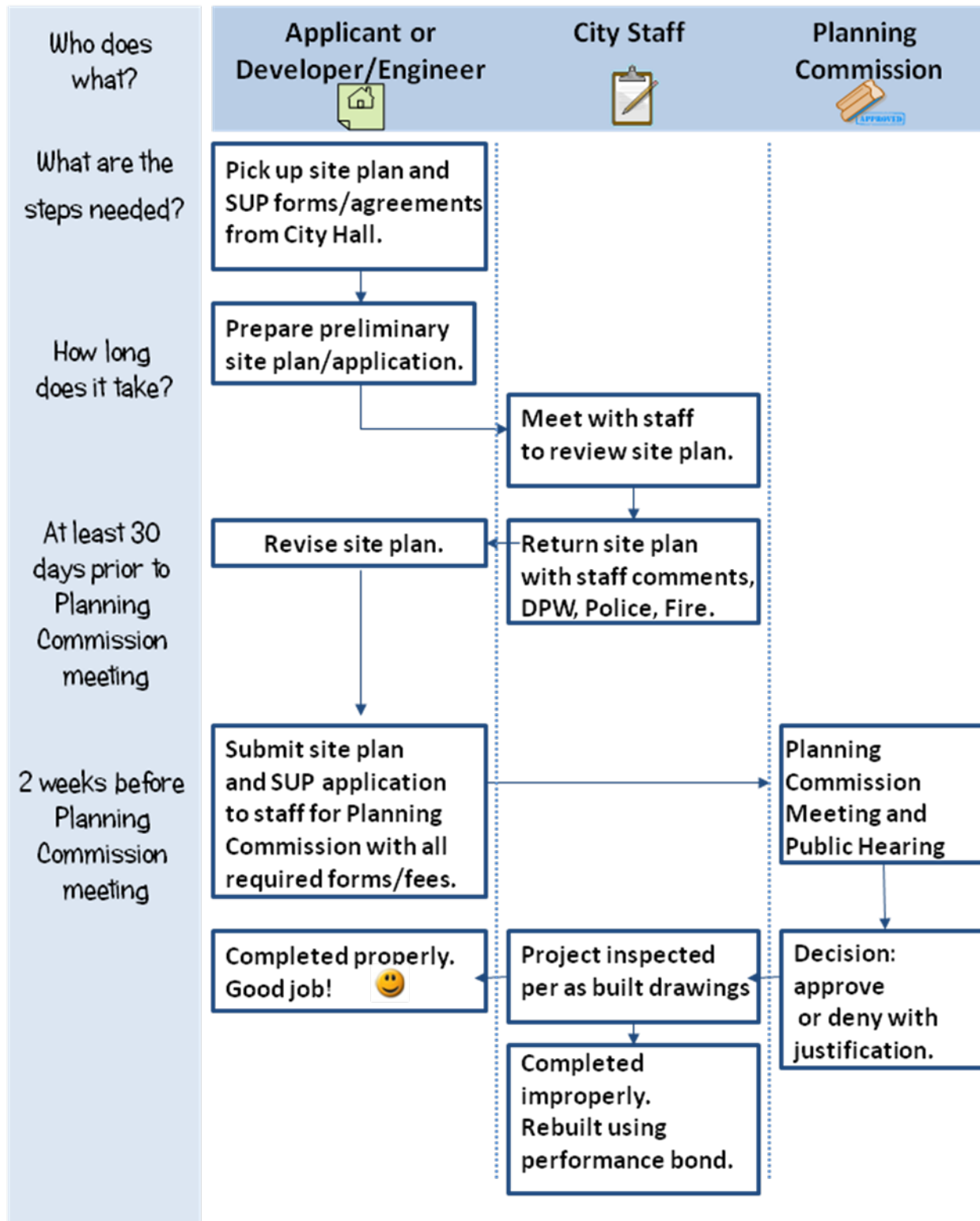
Legal Description (Provide the legal description of the property affected - if additional space is needed please attach on a separate sheet to this application):

Proposed Use(s): _____

For Office Use Only:	Date Filed		Amount Paid:	
	Case #		Hearing Date:	
	Current Zoning:		Parcel ID No.:	

Special Land Use Review Flow Chart

Carson City Special Land Use Review Flow Chart



HOW TO SUBMIT A REZONING REQUEST

This is the process to request that the zoning classification for a parcel of property is changed or that the text of the zoning ordinance is changed. Only the property owner, the Planning Commission or the City Council may initiate a change to the zoning classification of a parcel. Only the City Council may approve a request to rezone property. A rezoning request requires a public hearing and notification of all property owners within 300' of the parcel.

Materials to submit

- The City will supply you with a [rezoning review form](#). Please fill the form out entirely.
- If you are requesting that the zoning classification is changed, a map of the location of the parcel with a legal description is required.

Time line for review

- A rezoning request requires a public hearing. The hearing must be advertised at least three weeks in advance of the hearing date. The City Council will make the final decision regarding the rezoning. A rezoning typically takes two (2) months to complete.
- All applications and maps must be delivered to City Hall by 5:00 pm, four (4) weeks prior to the date of the Planning Commission meeting. Planning Commission meetings are held as needed.
- The City's planning consultant will contact you to discuss your request prior to the meeting. Should you wish to remain on the agenda for that month's meeting, revised plans for parcels or text must be submitted by 5:00 pm two (2) weeks prior to the meeting. Plans that require a longer period of time to revise will be considered at the next month's meeting.
- Incomplete text change requests or parcel information will not be reviewed by the Planning Commission. It is our intent to provide you with an efficient review and approval of your request. This can only be done if the information is complete and prepared according to the City's ordinances and rules.

Fees

The City charges a fee of \$50.00 for each rezoning request. This fee pays for the cost of professional review of your request and notification of a public hearing.

How the process works

- The Planning Commission will receive a copy of your request prior to the Planning Commission meeting.
- At the meeting you or your representative will be given an opportunity to present your plan. Planning Consultant will comment on the request, including any recommendations or conditions for approval.
- The Planning Commission will discuss the request and vote to recommend to the City Council to approve, approve with conditions, deny or set aside the plan to a specified date, which is generally the next meeting.
- If your request is tabled for incomplete information, you will have one (1) month to produce the necessary information and be reheard at another Planning Commission meeting. After one (1) month, your request will be removed from the active business of the Planning Commission for incomplete information.

Application for Rezoning or Text Change

(Must Be Submitted At Least Four (4) Weeks Prior To Meeting)

Completed Application must include all fees, 10 full size copies and 1 reduced copy.

\$50.00 Fee

Applicant: _____ Date: _____

Address: _____

Telephone: _____ Fax: _____

Applicant's Signature: _____

Owner (If different than applicant): _____

Address: _____

Telephone: _____ Fax: _____

Owner's Signature: _____

Subject Property Address: _____

Legal Description (Provide the legal description of the property affected - if additional space is needed please attach on a separate sheet to this application):

Current Zoning: _____ Proposed Zoning: _____

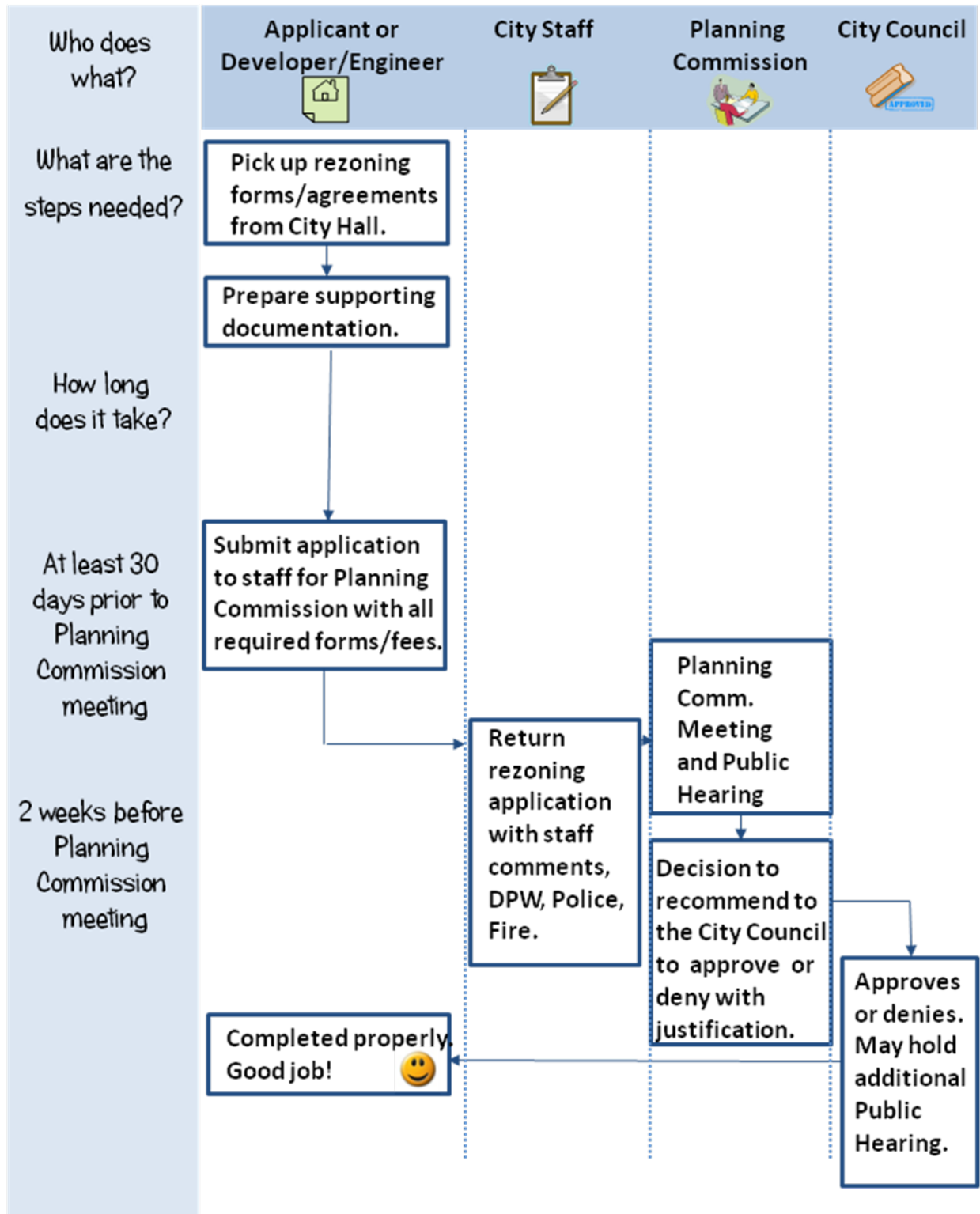
A survey or map of this property showing existing zoning boundaries, parcel boundaries and requested zoning boundaries is attached.

For Office Use Only:

Date Filed:	Amount Paid:
Hearing Date:	Current Zoning:
Parcel ID No.	Date Notices Sent:
City Council Date & Decision:	

Rezoning Flow Chart

Carson City Rezoning (Text & Map) Review Flow Chart



HOW TO SUBMIT A ZBA REQUEST

(Zoning Board of Appeals)

This is the process to request a Variance Request, Ordinance or Map Interpretation of an Appeal from Administrative Decisions. The Zoning Board of Appeals Application must be filled out completely and returned no later than three (3) weeks prior to a scheduled Board of Appeals hearing. All mailings will be sent to the applicant.

Materials to submit

- The City will supply you with a [Zoning Board of Appeals Application](#). Please fill the form out completely.

Time line for review

- Zoning Board of Appeals requires notification of all property owners within 300' of the property.
- Applicant will be notified as to when the Appeals meeting is scheduled.

Fees

- The City charges a fee of \$50.00 for each Zoning Board of Appeals application. This fee pays for the cost of professional review of your request and notification to property owners.

Application for Zoning Board of Appeals

This application must be filled out completely and returned no less than three (3) weeks prior to a scheduled Board of Appeals hearing. All mailings will be sent to the applicant.

Applicant: _____

Address: _____

Telephone: _____ Fax: _____

Owner (If Different than Applicant): _____

Address: _____

Telephone: _____ Fax: _____

Subject Property:

Address: _____

General Location: _____

Legal Description: (Attach if Necessary) _____

(Check One):

- Variance Request
- Ordinance or Map Interpretation
- Appeal from Administrative Decision

Description of Request (Attach Additional Sheets if Necessary):

If you are applying for a variance, please respond to the following questions by answering yes or no and providing an explanation:

<input type="checkbox"/> Yes <input type="checkbox"/> No	Can this property be put to a use which conforms to the Zoning Ordinance without a variance?
<input type="checkbox"/> Yes <input type="checkbox"/> No	Is the problem requiring a variance unique to this property?
<input type="checkbox"/> Yes <input type="checkbox"/> No	Is the problem due to general conditions in the neighborhood?
<input type="checkbox"/> Yes <input type="checkbox"/> No	If the request is granted, will the essential character of the neighborhood be changed?
<input type="checkbox"/> Yes <input type="checkbox"/> No	Is the situation causing the need for the variance self created?

Provide a site drawing roughly to scale, indicating lot lines, existing buildings and structures, easements and other relevant features **must accompany this application**. This drawing shall indicate all relevant lot, structure and spacing dimensions.

I hereby grant personnel involved with the review of this request permission for reasonable entry onto the above property for investigations specifically related to this request.

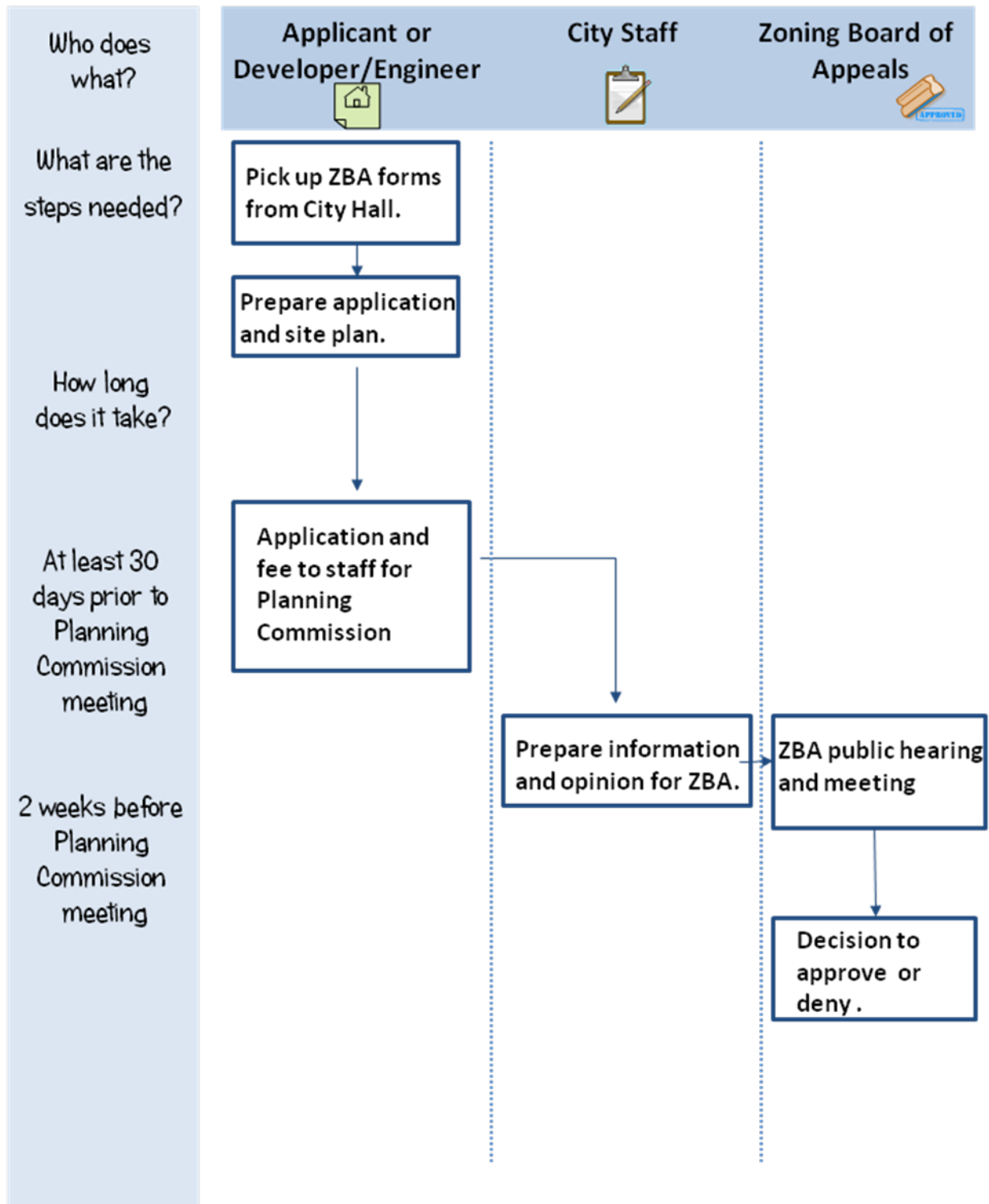
I further understand that if the requested appeal is granted, I am in no way relieved from all other applicable requirements of the Zoning Ordinance or other applicable regulations.

Applicant's Signature: _____ Date: _____

Owner's Signature: _____ Date: _____

Flow Chart for Zoning Board of Appeals

Carson City Zoning Board of Appeals Flow Chart



PUBLICATIONS***Requirements for Zoning Decisions***

Type of Action	Parties who may initiate	Body Making Decision	Public Hearing	Publication Requirements	Mail Notice to owners and occupants within 300' & # of days before hearing	Body to which applicant may appeal a denial
VARIANCE	Property owner, agent or Administrator	ZBA	Yes	Once not less than 15 days	Once Not less than 15 days	Circuit Court only
INTERPRETATION	Property owner, agent or Administrator	ZBA	Yes	Once not less than 15 days	Once Not less than 15 days	Circuit Court only
APPEAL OF ADMINISTRATIVE DECISION	Any aggrieved party or State County or City Officer board bureau or dept.	ZBA	Yes	Once not less than 15 days	Once Not less than 15 days	Circuit Court only
SITE PLAN	Property owner or agent	PC	No	Not required	Not required	PC after 1 year or City Council
SPECIAL USE PERMIT (SUP)	Property owner, agent or Administrator	PC	Yes	Once not less than 15 days	Once Not less than 15 days	PC after 1 year or Circuit Court
PLANNED UNIT DEVELOPMENT (PUD)	Property owner, agent or Administrator	PC	Yes	Once not less than 15 days	Once not less than 15 days	PC after 1 year or Circuit Court

Type of Action	Parties who may initiate	Body Making Decision	Public Hearing	Publication Requirements	Mail Notice to owners and occupants within 300' & # of days before hearing	Body to which applicant may appeal a denial
REZONING (TEXT OR MAP CHANGE)	Property owner, agent or Administrator, Planning Commission or City Council	PC recommends to City Council	Yes	Once not less than 15 days	Once not less than 15 days	Planning Commission after 1 year
		City Council	If requested by any party	Once not less than 15 days	For map change: Individual property or 10 or fewer adjacent properties notify within 300 ft. for each property. If 11 or more adjacent properties notify within 300 feet of each property but no addresses of properties are required to be listed in notification.	Planning Commission after 1 year
MASTER PLAN OR MAP CHANGE	Public, Planning Commission or City Council	Planning Commission Recommends to the City Council	Yes	See PA 33 of 2008	Not required.	Planning Commission
FEE WAIVER	Applicant	City Council	No	Not Required	Not Required	Circuit Court

What to publish before the public hearing:

1. Publish notice of the request in a newspaper of general circulation in the local unit of government.
2. Notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered. Notice shall also be sent 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 zoning jurisdiction.
3. The notice shall be given not less than 15 days before the date the application will be considered for approval. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection. The notice shall do all of the following:
 - a. Describe the nature of the request.
 - b. Indicate the property that is the subject of the request. The notice shall 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, other means of identification may be used.
 - c. State when and where the request will be considered.
 - d. Indicate when and where written comments will be received concerning the request.

Whom to notify:

1. The legislative body of a local government may provide by ordinance for the manner in which the regulations and boundaries of districts or zones shall be determined and enforced or amended, supplemented, or changed. Amendments or supplements to the zoning ordinance shall be made in the same manner as provided under this act for the enactment of the original ordinance.
2. If an individual property or 10 or fewer adjacent properties are proposed for rezoning, the zoning commission shall give a notice of the proposed rezoning in the same manner as described above.
3. If 11 or more adjacent properties are proposed for rezoning, notice shall be given of the proposed rezoning in the same manner as described above, except that no individual addresses of properties are required to be listed.

What to publish after adoption of an amendment:

A zoning ordinance shall take effect upon the expiration of 7 days after publication as required by this section or at such later date after publication as may be specified by the legislative body.

1. Following adoption of a zoning ordinance and any subsequent amendments, the zoning ordinance or subsequent amendments a notice of ordinance adoption shall be published in a newspaper of general circulation in the local unit of government within 15 days after adoption.
2. A copy of the notice required under subsection (7) shall be mailed to a local paper of general circulation.
3. The notice required under this section shall include all of the following information:
 - a. In the case of a newly adopted zoning ordinance, the following statement: "A zoning ordinance regulating the development and use of land has been adopted by the legislative body of the City of Carson City".
 - b. In the case of an amendment to an existing zoning ordinance, either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment.
 - c. The effective date of the ordinance or amendment.
 - d. The place where and time when a copy of the ordinance or amendment may be purchased or inspected.

Sample Public Hearing Notice for Zoning Amendment or Map Change**Sample Public Hearing Notice to review amendments to the
City of Carson City Zoning Ordinance**

A public hearing will be held to gather comments from the public regarding adoption of proposed revisions to the City of Carson City Zoning Ordinance.

If adopted, the proposed revisions will:

- Establish wind energy siting regulations,
- Establish regulations for the location of wood fired outdoor heaters,
- Increase the minimum lot size in the ____ district to one acre for lots without sewer and water, and
- Increase the maximum size of accessory structures permitted on lots in the ____ district that are greater than one acre.

A copy of the proposed revisions and a map showing the proposed new zoning district can be viewed at City Hall.

The hearing will be held on _____ at 7:00 PM in the _____, located at 123 E. Main St., Carson City, Michigan. Written comments will be received until 5:00 PM on Monday, April 20, 2009 and may be presented at the hearing.

Carson City will provide necessary reasonable auxiliary aids and services to any individuals with disabilities who plan to attend this public meeting. Persons interested in such services need to contact the City Manager's Office at _____ at least four (4) working days prior to the meeting. In the case of a special meeting where advance notice for accommodations is not possible, every reasonable effort will be made to accommodate the disabled.

This notice must be published once in a newspaper of general circulation not less than 15 days before the date of the public hearing.

Sample Notice of Adoption of New Zoning Ordinance Text

At the DATE meeting of the City Council, two zoning ordinance amendments were approved. The amendments take effect seven days following this publication. A summary of the regulatory effect of the amendments is to:

- Amend Article 15.2 Z to regulate the height, placement and safety issues related to wind energy systems both for individual use and as part of a wind farm. Wind Energy Conversion Systems will be permitted by right in the Agricultural district if all structures associated with the system are 65 feet or less. Structures over 65 feet will be permitted by special use permit in the agricultural district only. Structures mounted on dwelling units shall be permitted in all districts provided they do not exceed the height or structural regulations for the district in which they are located.
- Amend Article 15.2 S to regulate the placement, fuels and safety issues related to outdoor wood fired heaters. Outdoor heaters will be permitted in the agricultural district by right and in the general and regional business districts by special use permit.

A copy of the revisions and entire zoning ordinance can be viewed or purchased at City Hall located at ADDRESS between TIMES and DAYS. The ordinance is also available on the City's website, <http://www.carsoncitymi.com/>.

This notice must be published once in a newspaper of general circulation not less than 15 days after adoption by the City Council.

Sample Public Hearing Notice for Master Plan Amendment or Map Change

A public hearing will be held to hear a request from the City Planning Commission to revise the Future Land Use Plan map. Copies of the map are available for review at City Hall.

The hearing will be held on _____, at _____ PM in the _____ Room, located at _____ Michigan. Written comments will be received until 4:30 PM on Monday, September 15, 2003 and may be presented at the hearing.

Carson City will provide necessary reasonable auxiliary aids and services to any individuals with disabilities who plan to attend this public meeting. Persons interested in such services need to contact the City Manager's Office at _____ at least four (4) working days prior to the meeting. In the case of a special meeting where advance notice for accommodations is not possible, every reasonable effort will be made to accommodate the disabled.

This notice must be published once in a newspaper of general circulation not less than 15 days prior to the public hearing on the Master Plan.

Sample Notice of Intent to Plan

March 16, 2009

«AddressBlock»

Re: City of Carson City Master Plan

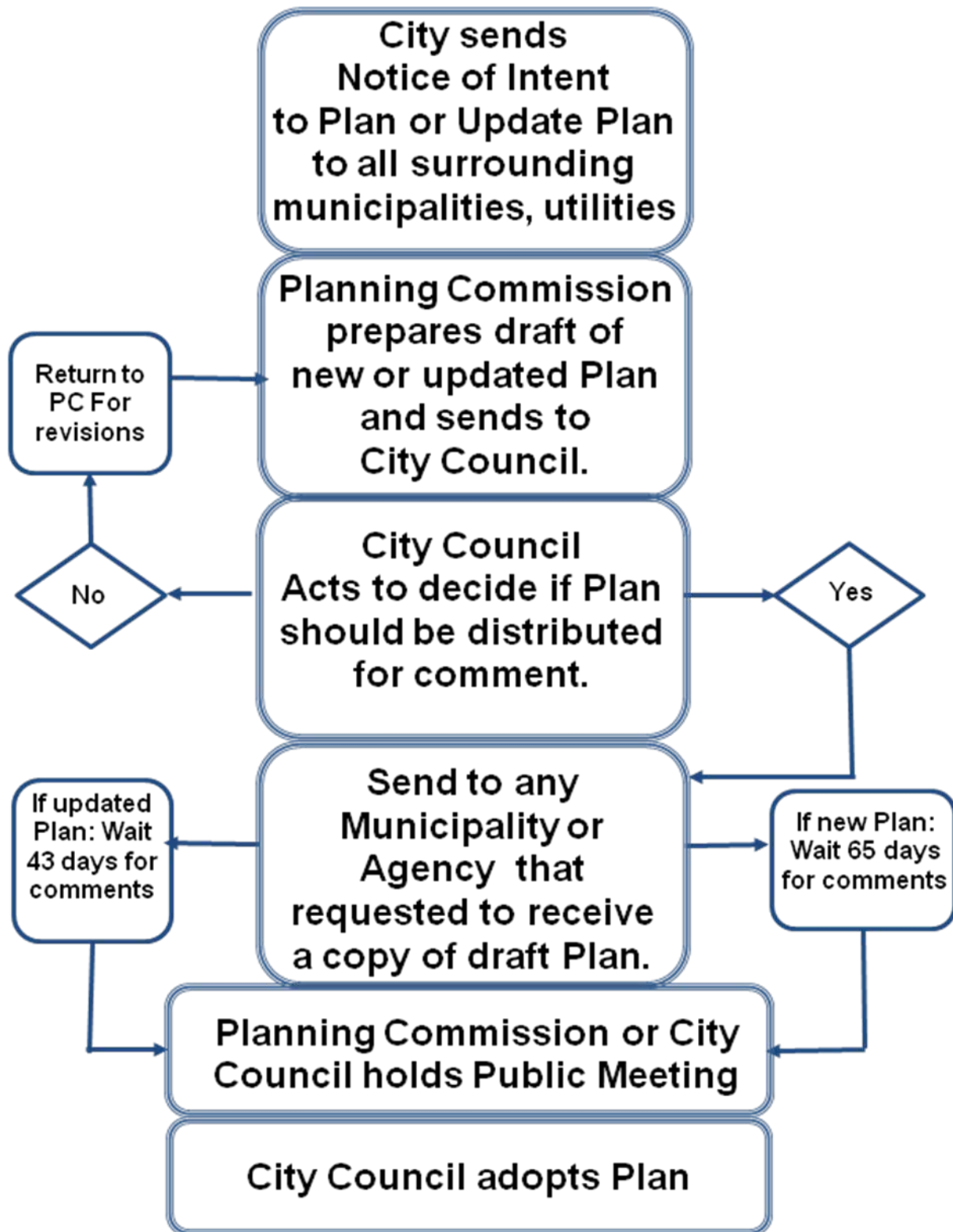
Dear Sir/Madam:

On behalf of the City of Carson City this letter comes to you to inform you that the City is preparing a new Master Plan. In accordance with Planning Enabling Legislation PA 33 of 2008, this letter is to notify our neighboring local governments, utilities and any other related entities that have requested this notice, that Carson City welcomes your cooperation and comments on the proposed plan. If you request a draft plan, the City will send you an electronic copy of the proposed Master Plan as soon as the draft is completed.

Please contact me with any questions or concerns. Thanks very much.

Sincerely,

Flow Chart for Master Plan Adoption or Amendment



FORMS

Application for Sign Permit

To be completed by SIGN OWNER

Project name: _____

Project explanation: _____

Location: _____ Parcel No: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone: _____ email: _____

Print Sign Owner Name: _____

Signature of Sign Owner: _____ date: _____

To be completed by INSTALLER

Name of Installer: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone: _____ email: _____

Print Contact Person Name: _____

Signature of Contact Person for Installer: _____ date: _____

To be completed by PARCEL OWNER

Parcel Owner Name: _____

Parcel Owner Address: _____

City: _____ State: _____ Zip Code: _____

Parcel Owner Phone: _____ email: _____

Print Parcel Owner Name: _____

Signature of Parcel Owner: _____ date: _____

The following items must be attached to this application when submitted or it will not be reviewed:

- A front profile drawing having a scale of $\frac{1}{4}$ inch to 1 foot or greater from grade to the top of the sign excluding text or pictures
- A plot of the site showing the location and dimensions of the sign in relation to property lines, road right-of-way, parking spaces, driveways, sidewalks and building, as well as the location of any existing pole or ground signs on the parcel including billboards. All existing sign sizes shall be indicated.
- A lighting diagram shall be provided indicating the type of lighting proposed for the sign.
- Along with the building plans a footing plan must be submitted showing the footing depth and size meeting the standards found in the Michigan Building Code which is incorporated herein by reference.
- The building plans must include structural plan showing structural members and fasteners meeting the standards found in the Michigan Building Code.
- A filled out building permit application must be filled out and attached.

The following must be completed by the applicant or parcel owner:

- The road or highway right-of-way must be clearly marked in front of the proposed sign for inspection reasons. The leading edge of a pole or ground signs must be no closer than 10 feet to any road right-of-way.
- The right-of-way must be marked during both footing inspection and during final inspection.

By signing this application, I acknowledge that I have read and understand all requirements of the Carson City Sign Ordinance that must be followed in order to secure a permit to install the requested sign(s). I agree to follow all provisions of the City Sign Ordinance related to sign installation including sign placement, location on the parcel, setbacks from side property lines as well as the setback from ant road or highway right-of-way. I agree to follow and understand fully all sunset provisions which require all pole, ground, and wall signage on the parcel to be brought into total compliance with the City Sign Ordinance by DATE. I take full responsibility for providing true and accurate information and for marking the road or highway right-of-way. I attest to the fact that the plot plan provided to the City Building Inspector shows the true road or highway right—of-way location and that the proposed sign will be installed as requested and will be set back a minimum of 10 feet from any road or highway right-of-way. I attest that I understand that I may replace the face or faces of the signs and this change does not bring them into compliance with the City Sign Ordinance. I further attest that I was given a copy of the sign ordinance and have read and understood all provisions and requirements completely and agree to abide by the same.

Required Signatures

Signature of Sign Owner: _____ date: _____

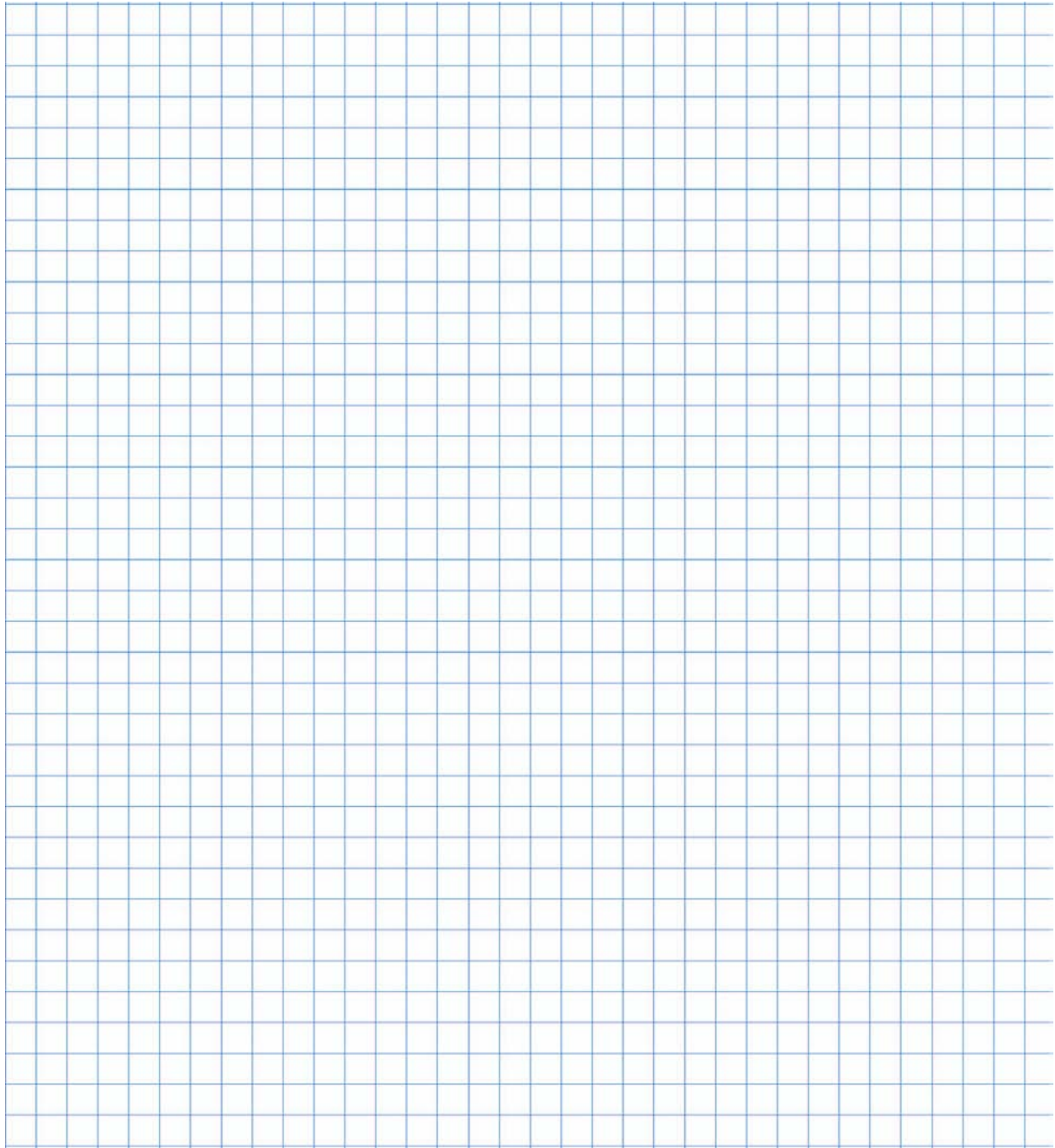
Signature of Installer: _____ date: _____

Signature of Parcel Owner: _____ date: _____

Sign Location Drawing

Please draw a site plan in the space below showing the location of any ground or pole sign, the distance from the curb or edge of road, the distance from the County Road right-of-way and/or State Highway right-of-way, the distance from side property lines, and the distance from sidewalks, parking spaces and driveways.

Scale of drawing: 1 square= 2 feet



The items listed below are to determine if a ground or pole sign placement is in compliance with the code and sign ordinance. The drawing will be checked by the Building Inspector for compliance and it is necessary to show all of the items listed below to complete the review process. If any of the items are not included on your drawing it will be denied a permit for insufficient information.

Must show on drawing:

- ✓ Building
- ✓ Driveway with distance to sign.
- ✓ Parking lot and distance from sign
- ✓ Parking spaces
- ✓ Pole or ground sign
- ✓ The distance from the side property line to the sign (must be a minimum of 10 feet)
- ✓ The distance from between the sign and the road right-of-way (must be a minimum of 10 feet.)

Zoning Board of Appeals Final Decision and Form Minutes

Appeal Number: _____ Hearing Date: _____

Applicant Name: _____ Phone: _____

Address: _____

Reason for Request: _____

Type of Appeal: Interpretation_____ Variance_____

ZBA Findings of Fact: _____

ZBA Determination: _____

Reasons for Determination: _____

Vote of Board Members and signature:

(Yes) (No) _____

(Yes) (No) _____

(Yes) (No) _____

(Yes) (No) _____

(Yes) (No) _____

I, _____, certify that on this date I witnessed the signatures set forth above and attest to the accuracy of this report.

Dated: _____ Secretary: _____

PLEASE NOTE THAT ANY APPEAL OF THIS DECISION MUST BE MADE TO A COURT OF PROPER JURISDICTION WITHIN 21 DAYS OF THE DATE OF THIS DECISION.

Chairperson

Sample Performance Bond

BOND NO. _____

The premium for this bond is: \$ _____ payable in advance and subject to adjustment at current annual rates.

KNOW ALL MEN BY THESE PRESENTS: That we _____

as Principal, and _____

a corporation organized under the laws of the State of Michigan and duly authorized under the laws of the State of Michigan to become sole surety on bonds and undertaking as Surety, are held and firmly bound unto

The City of Carson City
ADDRESS

as Oblige in the full and just sum of _____ Dollars (\$ _____), lawful money of the United States of America to be paid to the said Oblige, successors or assigns; for which payment, well and truly to be made, we bind ourselves, our heirs, executors, successors, administrators and assigns, jointly and severally, firmly by these presents.

The Condition of the above Obligation is such that the Principal has been awarded a permit to engage in the business of collecting, transporting, disposing, processing, or using refuse, or a combination of these functions, in COUNTY, and the above Principal has agreed and is obligated to perform such business in conformity with the provisions of such permit, the Ordinance Code of COUNTY and the rules and regulations of the COUNTY DEPARTMENT OF ENVIRONMENTAL RESOURCES and to pay monthly for accrued waste disposal fees incurred by principal at the landfills operated by COUNTY.

Now, therefore, if the above Principal shall well and faithfully perform each and all of the requirements and conditions of such permit, ordinances, and regulations and truly pay his monthly obligations to COUNTY for use of said use, then this obligation is void, otherwise to remain in full force and effect.

This bond may be canceled by giving thirty (30) days written notice to the Oblige, the Surety, however, will remain liable for any subsequent default in payment of fees incurred during the period up to the expiration of thirty (30) days notice.

No right of action shall accrue under this bond to or for the use of any person other than the Oblige named herein.

Sealed with our seals and dates this ____ day of _____, 2010.

Performance Bond: As a condition of the granting of a permit hereunder the City may require the permittee, within thirty (30) days subsequent to being issued such a permit, to post a performance bond with the City written by an approved corporate surety in the amount of fifty thousand dollars

(\$50,000.00) and in a form satisfactory to the City guaranteeing the permittee's continued operation of the cable antenna television system within the City and the permittee shall well and truly observe, fulfill and perform each term and condition of the bond; all damages which may be directly occasioned by the failure of the permittee to perform under this Ordinance up to the principal amount of the bond shall be recoverable from the principals and sureties of said bond by the City.

Forfeiture Of Bond: If the permittee should commit a breach of this Ordinance and no remedy of such breach occurs within sixty (60) days after having been given notice thereof from the City to do so then the City, at its discretion, may declare a portion of the bond equivalent to the amount of damages sustained by the City which are directly attributable to such breach, forfeited and the permittee shall thereupon be required:

1. To remedy the breach with reasonable dispatch; and
2. Within sixty (60) days of such forfeiture replace the forfeited portion of the bond.

Notwithstanding the foregoing nothing contained in this paragraph shall serve to absolve the permittee of any of its obligations under this Ordinance or the rules and regulations of the Federal Communications Commission.

Payment Of Bond Premiums; Termination Of Bond: The permittee shall pay all premiums chargeable for the bond and shall keep the same in full force and effect at all times throughout the term of this Ordinance and during the removal of all poles, wires, cables, underground conduits, manholes and other conductors, converters, equipment and fixtures subsequent to the termination of this Ordinance. The bond shall contain a provision that it shall not be terminated or otherwise allowed to expire prior to sixty (60) days after written notice to that effect is given to the City Clerk.

Michigan Insurance Companies: All insurance policies and bonds as are required of the permittee hereunder shall be written by a company or companies authorized and qualified to do business in the State of Michigan.

Fence Permit

Incomplete applications will not be accepted.

Permit number: _____

The application for a Residential Fence Permit must be submitted to the City Zoning Office, along with the appropriate application fee and a complete application.

Description of Work to be done: _____

Name of property owner: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone: _____ email: _____

Signature of owner: _____

Name of Contractor: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone: _____ email: _____

Signature of Contractor: _____

Zoning Classification of Property:		
Property Tax ID:	Construction Cost:	
Section:		
Subdivision:	Lot:	
Setback-front:	Setback-rear:	Setback-side:

<input type="checkbox"/> Application – 2 copies	<input type="checkbox"/> Site plan to scale with accessory affidavit or survey showing location of proposed fence (2 copies)	<input type="checkbox"/> Copy of release of easement (if applicable)
---	--	--

Notes - Residential Fence Permit

Chain link and wood fence - 6 feet in height and less (height measured from natural grade)

Masonry fences are considered walls and require a building permit

Chain link fences, picket fences and fences of open construction located between the front property line and the front of the principal residence are limited to 4 feet high.

Wood stockade fences and solid or opaque fences or any material located between the front property line and the front of the principal residence are limited to 3 feet high

Zoning Compliance Permit

To be filled out in entirety by applicant -
CITY OF CARSON CITY ZONING COMPLIANCE PERMIT
Worksheet
Montcalm County, Michigan

Application No. _____

Applicant name: _____

Address: _____

Phone _____

Owner of property involved

Name: _____

Address: _____

Phone: _____

Is applicant acting as Agent of property owner: Yes No

Address of property involved: _____

Legal description of property involved or tax I.D number _____

State what is to be built, remodeled, altered, etc. (include dimensions for each structure i.e. garage, house, deck, porch, pole barn; include number of floors and basement) _____

Total Value of project: \$ _____

Present zoning district: _____ Type of Building and land use: _____

(Commercial, Residential ...)

Description of lot: lot depth: _____ lot width: _____

Lot area (acres/sq. ft.) _____

Is a lake, river or stream within 500 ft. of property: Yes No

Access: Property is served by Private road* Public road*

*Access has to be improved to current standards as given in Ordinance

ZONING DISTRICT SETBACK AND AREA REQUIREMENTS MUST BE FILLED IN

Minimum Required Actual

Lot area _____ Side yards from property line _____

Backyard from property line _____ Road right of way if waterfront _____

Front yard: From road right of way/From edge of water _____

Septic tanks from water 100 ft. _____ Drain fields or dry well from water 100 ft. _____

Lot Coverage (impervious material/structure/paving) (Maximum 35%coverage) _____

Building height-stories _____ or feet _____

Distance between buildings _____ feet.(Either attached or at least 10 feet)

Is off-street parking proposed? Yes No

Estimated construction start date: _____

MOBILE HOMES:

Mobile homes located outside of a licensed Mobile Home Park are required to have cement, cement block, brick or treated wood foundations (2"x4" top and bottom, 16" centers, 5/8" front) around entire

perimeter of mobile home. Homes must have a minimum width of 24' for entire width of home. Homes must have 1200 sq ft of living area.

Mobile Home: Make _____ Model: _____ Year: _____

Serial Number: _____ Outside dimensions: _____ x _____

The undersigned hereby agrees to comply with all ordinances and regulations of Carson City, Montcalm County, Michigan and of any other agencies or governmental units which may be involved. Applicant signature hereon grants permission for zoning official inspections as required to assure compliance with permit granted.

I/we do hereby swear that the above information is true and correct to the best of my/our knowledge.

Date: _____ Applicants: _____

Approval or denial is for a term of 12 months: _____

Date: _____ Zoning Administrator: _____

When completed, the dwelling will have the following overall:

Ground floor area _____ Chimney _____ Patio, sq. ft. _____

Number full baths _____ Inside or outside Enc. Porches _____ X _____

Number part baths _____ Hearths _____ Open Porches _____ X _____

Bedrooms _____ Wood burner _____ Decks, sq. ft. _____

Fin. Basement area _____ Air Cond. _____ Outbuildings _____ X _____

Heat Pump _____ Drive, cement _____

Asphalt _____

Approval is contingent upon receipt of the following permits/approvals if applicable:

Building Permit; Soil & Erosion Permit; Health Dept.; DNR

Worksheet and copy of plans-to be attached to permit

Occupancy Permit

This permit application is for the occupancy of existing premises at the listed location for the purpose of conducting or operating a business for which a permit is required by local ordinance. This permit application shall be filed with the Fire Prevention Division prior to occupancy. A \$100.00 application fee is to be paid upon submittal of this application. Make check or money order payable to the City of Carson City. The approved permit is not transferable and shall expire upon a change in occupancy.

Application Date: _____ Intended Occupancy Date: _____

Business Name: _____

Address of where business will occur: _____

Applicant Name / Contact Person: _____

Applicant Address: _____ Phone: _____

Type of Occupancy and/or Business: _____

Area of space to be occupied (square feet): _____

Description of inventory materials and/or processes: _____

I hereby acknowledge that I have read this permit application and that the information given is correct. I understand that I may be required to provide further information upon request. I further understand that if approved, the permit is non-transferable, and the permit application fee of \$100.00 is non-refundable and therefore will not be returned if the permit is denied.

Applicant signature: _____

(To be completed by Fire Department)

Inspection Date: _____

Fire Protection: Yes No

Inspector: _____

HMIS Required: Yes No

Premise #: _____

Permit Approved: Yes No

Use Group: _____

Floor Area: _____

Stipulations: _____

Mutual Access Agreement

City of Carson City Mutual Access Easement Agreement

By and Between: Carson City &

_____, parcel # _____ (Parcel A) and
 _____, parcel # _____ (Parcel B),
 _____, parcel # _____ (Parcel C),
 _____, parcel # _____ (Parcel D).

This agreement is made and entered into this ____ day of _____, 2010 by and between Carson City and _____.

WHEREAS, (insert land owner) is the current owner and interest holder of the property legally described as (insert legal description), henceforth referred to as "Parcel A"; and (insert land owner) is the current holder and interest holder of the property legally described as (insert legal description), henceforth referred to as "Parcel B", and (insert land owner) is the current holder and interest holder of the property legally described as (insert legal description), henceforth referred to as "Parcel C", and (insert land owner) is the current holder and interest holder of the property legally described as (insert legal description), henceforth referred to as "Parcel D",

WHEREAS, The City Zoning Ordinance mandates, where possible, the establishment of shared driveways, parking lot connections and other cross access arrangements for properties in the Commercial and Industrial zoning districts of the City,

WHEREAS, It has been stipulated by the Carson City Planning Commission and the Michigan Department of Transportation, in approving the preliminary site plan for _____ that it is necessary to establish a shared driveway between Parcel A and Parcel B and access to Parcels C and D from this shared driveway, in order to facilitate efficient traffic operations and improve public safety in this location, now

THEREFORE, In consideration of the foregoing and the terms and conditions contained herein, the above named parties agree as follows:

1. Access Easement
 - a. An easement shall be created which shall allow the above named parties and the general public vehicular and pedestrian access across Parcel A, Parcel B, Parcel C and Parcel D. This easement is illustrated on the attached Exhibit A, and legally described as follows:
(insert legal description)
 - b. No physical barrier including, but not limited to, curbs, structures, buildings, signs, parking spaces, and product displays shall be placed across the easement in such a manner as to block access across and/or between Parcel A, Parcel B, Parcel C and/or Parcel D.
 - c. Details pertaining to the placement of the access drive within the easement shall be illustrated on the final site plans for any future developments on Parcel A, Parcel B, Parcel C

- d. and/or Parcel D, or any portions thereof. Said plans shall be submitted to the _____ Planning Commission for review and approval.
- e. Properties located adjacent to the easement shall be permitted to connect their parking areas, aisle ways, driveways, etc. to the access drive within the easement. The easement and corresponding access drive shall be open for use by the general public.
- f. The easement shall be permanently recorded with the Montcalm County Register of Deeds.

2. The owners of Parcel A, Parcel B, Parcel C and Parcel D hereby covenant and agree that this agreement shall be binding and shall inure to the benefit of the parties hereto, their successors, assigns, tenants, and subtenants, and that the covenants herein contained shall be deemed to be covenants running with the land.

3. _____ shall be responsible for the payment of any and all costs and expenses incurred and arising out of any use of the easement for any of the purposes described and set forth in this agreement including, but not limited to, any cost and expenses incurred in the construction, maintenance and repair of the pavement within that portion of the easement area located on Parcel _____.

_____ shall be responsible for the payment of any and all costs and expenses incurred and arising out of any use of the easement for any of the purposes described and set forth in this agreement including, but not limited to, any cost and expenses incurred in the construction, maintenance and repair of the pavement within that portion of the easement area located on Parcel _____.

4. _____ and _____ shall be responsible for the payment of any and all costs and expenses incurred and arising out of the initial construction of the access drive within that portion of the easement area located on Parcel _____. _____ and _____ shall each pay one-half () of the costs and expenses of construction of said access drive. _____ shall construct said access drive within the easement (*describe location*) concurrent with the construction of the _____. _____ shall reimburse _____ for its portion of the costs of construction upon completion of said access drive on Parcel _____. *(modify as appropriate).

5. Each party shall separately operate the easement area located on their respective parcels and shall maintain the same in good condition and repair at their own cost and expense so long as such easement area shall exist.

IN WITNESS WHEREOF, _____ and _____ the _____ and _____, respectively, of _____ (owner A) have hereunto set their hands on the date affixed hereto.

Witnessed by: _____ (owner A)

_____	_____	_____
Date	Title	Date
_____	_____	_____
Date	Title	Date

STATE OF MICHIGAN
COUNTY OF MONTCALM

On this _____ day of _____, 2001 before me personally appeared _____ and _____ the _____ and _____, respectively, of _____ (owner A) to me known as the persons who executed the foregoing instrument and acknowledge the same to be their own free act and deed.

Notary Public, Montcalm County,
Acting In Montcalm County,
My Commission Expires:

IN WITNESS WHEREOF, _____ and _____ the _____ and _____, respectively, of _____ (owner B) have hereunto set their hands on the date affixed hereto.

Witnessed by: _____ (owner B)

_____	_____	_____
Date	Title	Date
_____	_____	_____
Date	Title	Date

STATE OF MICHIGAN
COUNTY OF MONTCALM

On this _____ day of _____, 2001 before me personally appeared _____ and _____ the _____ and _____, respectively, of _____ (owner B) to me known as the persons who executed the foregoing instrument and acknowledge the same to be their own free act and deed.

Notary Public, Montcalm County,
Acting In Montcalm County,
My Commission Expires:

IN WITNESS WHEREOF, _____ and _____ the _____ and _____, respectively, of _____ (owner C) have hereunto set their hands on the date affixed hereto.

Witnessed by: _____ (owner C)

_____	_____	_____
Date	Title	Date
_____	_____	_____
Date	Title	Date

STATE OF MICHIGAN
COUNTY OF MONTCALM

On this _____ day of _____, 2001 before me personally appeared _____ and _____ the _____ and _____, respectively, of _____ (owner C) to me known as the persons who executed the foregoing instrument and acknowledge the same to be their own free act and deed.

Notary Public, Montcalm County,
Acting In Montcalm County,
My Commission Expires:

IN WITNESS WHEREOF, _____ and _____ the _____ and _____, respectively, of _____ (owner D) have hereunto set their hands on the date affixed hereto.

Witnessed by: _____ (owner D)

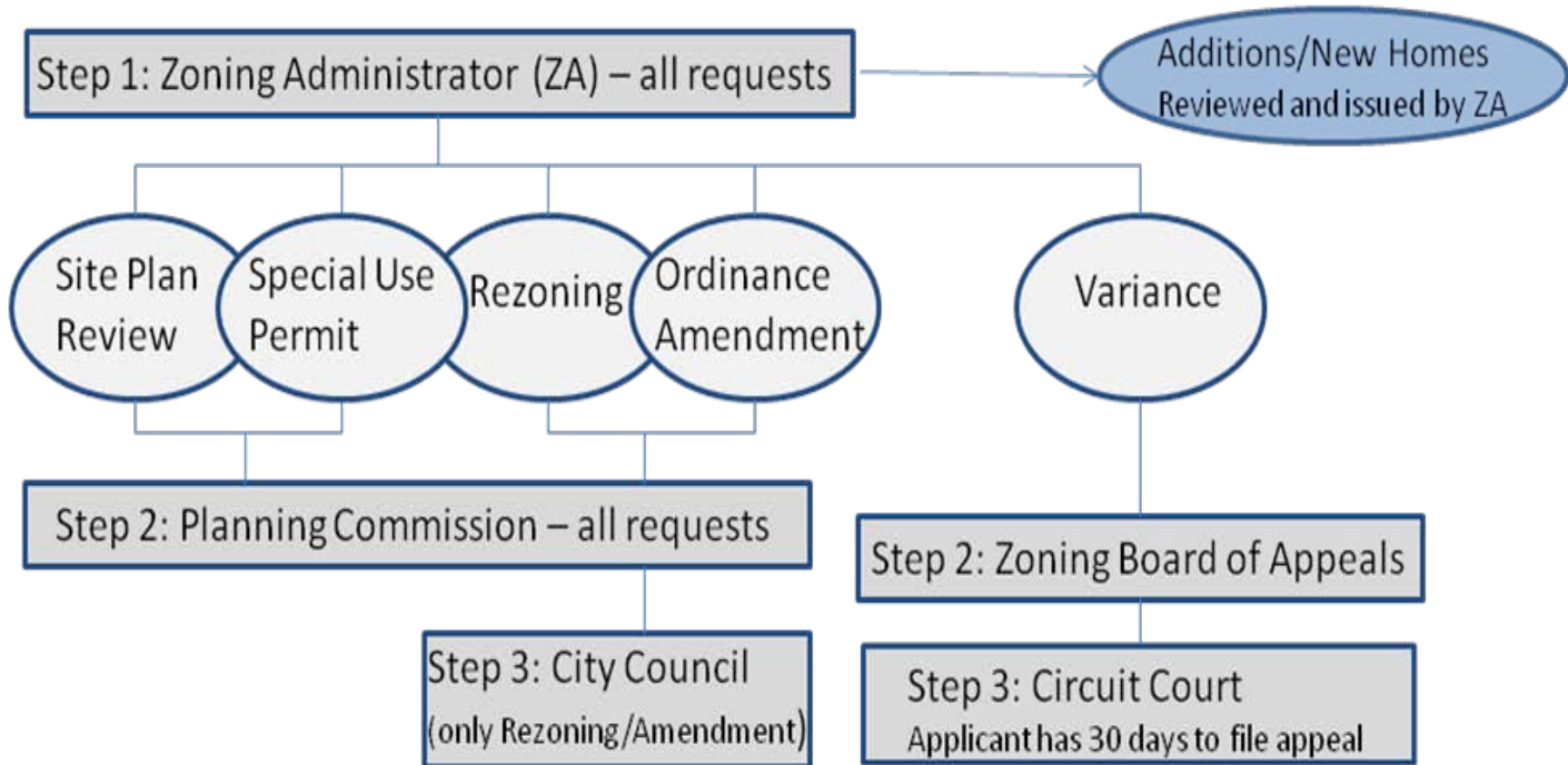
_____	_____	_____
Date	Title	Date
_____	_____	_____
Date	Title	Date

STATE OF MICHIGAN
COUNTY OF MONTCALM

On this _____ day of _____, 2001 before me personally appeared _____ and _____ the _____ and _____, respectively, of _____ (owner D) to me known as the persons who executed the foregoing instrument and acknowledge the same to be their own free act and deed.

Notary Public, Montcalm County,
Acting In Montcalm County,
My Commission Expires:

ADMINISTRATIVE PROCESSES FLOW CHART



APPENDIX - LINKS

Michigan Zoning Enabling Act. P.A. 110 of 2006 as amended

<http://www.legislature.mi.gov/documents/2005-2006/publicact/htm/2006-PA-0110.htm>

Michigan Planning Enabling Act, P.A. 33 of 2008 as amended

<http://www.legislature.mi.gov/documents/2007-2008/publicact/htm/2008-PA-0033.htm>

Michigan Land Division Act 288 of 1967

[http://www.legislature.mi.gov/\(S\(yjacdl55xm0k3i45zmq4ii55\)\)/mileg.aspx?page=GetObject&objectname=mcl-Act-288-of-1967](http://www.legislature.mi.gov/(S(yjacdl55xm0k3i45zmq4ii55))/mileg.aspx?page=GetObject&objectname=mcl-Act-288-of-1967)

Michigan DNRE Permitting Site

http://www.michigan.gov/deq/0,1607,7-135-3307_29692_24403---,00.html