

# CITY OF STANTON

Montcalm County

## ZONING ORDINANCE



### ORDINANCE 238

Effective December 1, 2018

**CITY OF STANTON  
MONTCALM COUNTY, MICHIGAN**

**AN ORDINANCE TO REPEAL THE ZONING ORDINANCE ADOPTED ON MAY 19, 1980  
BY THE CITY OF STANTON AND TO ADOPT A NEW ZONING ORDINANCE  
PREPARED IN ACCORDANCE WITH THE REQUIREMENTS OF THE MICHIGAN  
ZONING ENABLING ACT BEING ACT 110 OF 2006 AS AMENDED.**

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**CHAPTER 1  
PURPOSE, SCOPE, AND VALIDITY**

**SECTION 1.01 TITLE**

This Ordinance shall be known as, and may be cited as, "The City of Stanton Zoning Ordinance."

**SECTION 1.02 PURPOSE**

This Ordinance is based on the City of Stanton Master Plan and is designed and intended:

- To promote the public health, safety, morals, and general welfare;
- To encourage the use of lands and natural resources in the City in accordance with their character and adaptability;
- To limit the improper use of land;
- To provide for the orderly development of the City;
- To reduce hazards to life and property;
- To establish the location, size of, and the specific uses for which dwellings, buildings and structures may hereafter be erected or altered, and the minimum open spaces, sanitary, safety and protective measures that shall be required for such dwellings, buildings and structures;
- To facilitate the development of an adequate system of transportation, education, recreation, sewage disposal, safe and adequate water supply and other public requirements;
- To conserve life, property and natural resources, and the expenditure of funds for public services and improvements;
- And to encourage the most advantageous use of land, resources and properties.

**SECTION 1.03 LEGAL BASIS**

This Ordinance is enacted pursuant to the Michigan Zoning Enabling Act, PA 110 of 2006 as amended.

**SECTION 1.04 SCOPE**

The provisions of this Ordinance shall be considered to be the minimum requirements necessary for the promotion of the public health, morals, safety, comfort, convenience or general welfare.

The Ordinance shall not repeal, abrogate or annul, or in any way impair or interfere with existing

|   |                                   |                                  |                                |                           |
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| <b>Purpose, Validity, &amp; Scope</b>   | <b>Definitions</b>                | <b>General Provisions</b>        | <b>Zoning Districts</b>        | <b>Off Street Parking</b> |
| <b>Development Review</b> <ul style="list-style-type: none"><li>• Site Plan</li><li>• Special Land Uses</li><li>• Site Condominiums</li></ul> | <b>Signs</b>                      | <b>Non-Conforming</b>            | <b>Zoning Board of Appeals</b> |                           |
|   | <b>Administration/Enforcement</b> | <b>Table of Lot Requirements</b> | <b>Zoning Map</b>              |                           |

provisions of other laws, ordinances or regulations, except those repealed herein by specific reference, or with private restrictions placed upon property by deed or other private agreement, or with restrictive covenants running with the land, to which the City is a party where this Ordinance imposed greater restrictions, limitations or requirements upon pre-existing the provisions of this Ordinance shall control.

**SECTION 1.05 VALIDITY AND SEVERABILITY**

This Ordinance and the various parts, chapters, sections, subsections, paragraphs, sentences and clauses are hereby declared to be severable. If any part, chapter, section, subsection, paragraph, sentence or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance shall not be affected thereby

**SECTION 1.06 REPEAL OF PRIOR ORDINANCE**

The Zoning Ordinance previously adopted by the City of Stanton on May 19, 1980, and all amendments there to, are hereby repealed. The repeal of the above Ordinance and its amendments does not affect or impair any act done, offense committed, or right accruing or accrued, or acquired, or liability, penalty, forfeiture, or punishment incurred prior to the time enforced, prosecuted or inflicted.

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|   |                                   |                                  |                                |                           |
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|   | <b>Administration/Enforcement</b> | <b>Table of Lot Requirements</b> | <b>Zoning Map</b>              |                           |

## CHAPTER 2 DEFINITIONS

### SECTION 2.00 RULES APPLYING TO TEXT

#### SECTION 2.01 DEFINITIONS “A”

Accessory Building or Structure  
 Accessory Use  
 Adult Day Care Home  
 Adult Foster Care Congregate Facility  
 Adult Foster Care Facility  
 Adult Foster Care Family Home  
 Adult Foster Care Large Group Home  
 Adult Foster Care Small Group Home  
 Alley  
 Altered or Alteration  
 Apartment

#### SECTION 2.02 DEFINITIONS “B”

Basement  
 Bed and Breakfast  
 Berm  
 Bluff  
 Boarding House - Rooming House  
 Building  
 Building Height  
 Building Line  
 Building Permit

#### SECTION 2.03 DEFINITIONS “C”

Cabin  
 Camp  
 Child Care Center  
 Cluster Housing  
 Condominium Act  
 Condominium / Site Condominium Project  
 Condominium Unit  
 Site Condominium Unit

|   |                                   |                                  |                                |                           |
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| <b>Purpose, Validity, &amp; Scope</b>   | <b>Definitions</b>                | <b>General Provisions</b>        | <b>Zoning Districts</b>        | <b>Off Street Parking</b> |
| <b>Development Review</b> <ul style="list-style-type: none"> <li>• Site Plan</li> <li>• Special Land Uses</li> <li>• Site Condominiums</li> </ul> | <b>Signs</b>                      | <b>Non-Conforming</b>            | <b>Zoning Board of Appeals</b> |                           |
|   | <b>Administration/Enforcement</b> | <b>Table of Lot Requirements</b> | <b>Zoning Map</b>              |                           |

Convalescent or Nursing Home  
Core Area  
Cul-de-Sac

**SECTION 2.04 DEFINITONS “D”**

Deck  
Development  
Development Plan  
Drive -In  
Drive Through/ Drive-in Facility  
Driveway  
Dwelling Unit  
Dwelling, Efficiency  
Dwelling, Multiple-Family  
Dwelling, Single-Family  
Dwelling, Two-Family  
Dwelling Unit, Attached  
Dwelling Unit, Detached  
Dwelling Unit, Modular

**SECTION 2.05 DEFINITIONS “E”**

Earth Change  
Essential Public Service Equipment  
Essential Public Service Structures and Buildings

**SECTION 2.06 DEFINITIONS “F”**

Family  
Family Child Care Home  
Farm  
Floor Area  
Frontage

**SECTION 2.07 DEFINITIONS “G”**

Garage, Private  
Garage, Public or Commercial  
Gasoline Service Station  
Grade  
Green Belt  
Group Child Care Home

**SECTION 2.08 DEFINITIONS “H”**

Home-Based Business

|   |                                   |                                  |                                |                           |
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| <b>Purpose, Validity, &amp; Scope</b>   | <b>Definitions</b>                | <b>General Provisions</b>        | <b>Zoning Districts</b>        | <b>Off Street Parking</b> |
| <b>Development Review</b> <ul style="list-style-type: none"> <li>• Site Plan</li> <li>• Special Land Uses</li> <li>• Site Condominiums</li> </ul> | <b>Signs</b>                      | <b>Non-Conforming</b>            | <b>Zoning Board of Appeals</b> |                           |
|   | <b>Administration/Enforcement</b> | <b>Table of Lot Requirements</b> | <b>Zoning Map</b>              |                           |

Hotel, Motel  
House Trailer  
Household  
House Keeping Unit  
House Keeping Facilities

**SECTION 2.09 DEFINITIONS “I”**

Inoperable Motor Vehicle

**SECTION 2.10 DEFINITIONS “J”**

Junk  
Junk Yard/Salvage Yard

**SECTION 2.11 DEFINITIONS “K”**

Kennel, Commercial  
Kennel, Private

**SECTION 2.12 DEFINITIONS “L”**

Loading Space  
Lot/Parcel/Tract  
Lot, Corner  
Lot Coverage  
Lot, Interior  
Lot, Through  
Lot Line, Front  
Lot Line, Rear  
Lot Line, Side  
Lot Width  
Lot Depth  
Lot Of Record

**SECTION 2.13 DEFINITIONS “M”**

Manufactured Home  
Marijuana  
Medical (use of) Marijuana  
Medical Marijuana Dispensary  
Mobile Home  
Mobile Home Park  
Modular / Manufactured  
Motel

|   |                                   |                                  |                                |                           |
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| <b>Purpose, Validity, &amp; Scope</b>   | <b>Definitions</b>                | <b>General Provisions</b>        | <b>Zoning Districts</b>        | <b>Off Street Parking</b> |
| <b>Development Review</b> <ul style="list-style-type: none"> <li>• Site Plan</li> <li>• Special Land Uses</li> <li>• Site Condominiums</li> </ul> | <b>Signs</b>                      | <b>Non-Conforming</b>            | <b>Zoning Board of Appeals</b> |                           |
|   | <b>Administration/Enforcement</b> | <b>Table of Lot Requirements</b> | <b>Zoning Map</b>              |                           |

**SECTION 2.14 DEFINITIONS “N”**

New Construction  
 Non-Conforming Building or Structure  
 Non-Conforming Lot of Record  
 Non-Conforming Use  
 Normal High-Watermark

**SECTION 2.15 DEFINITIONS “O”**

Off-Street parking Lot  
 Open Air Business  
 Ordinary High Watermark

**SECTION 2.16 DEFINITIONS “P”**

Parking Space  
 Patient, Qualifying (Qualified Patient)  
 Patio, Enclosed  
 Patio, Unenclosed  
 Personal Service Establishment:  
 Planned Unit Development (PUD)  
 Porch, Enclosed  
 Porch, Unenclosed  
 Principal Use or Main Use  
 Private Street Easement  
 Public Parks

**SECTION 2.17 DEFINITIONS “Q”**

**SECTION 2.18 DEFINITIONS “R”**

Recreational Vehicle and Equipment  
 Residential Districts  
 Restaurant  
 Right-of-Way

**SECTION 2.19 DEFINITIONS “S”**

Setback  
 Special Use  
 State-Licensed Residential Care Facility  
 State-Licensed Residential Facility  
 State-Licensed Residential Family Care Facility  
 State-Licensed Residential Group Home Care Facility  
 Story  
 Story, Half

|   |                                   |                                  |                                |                           |
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Stream Bank  
Street  
Street, Private  
Street Numbers  
Structure  
Swimming Pool

**SECTION 2.20 DEFINITIONS “T”**

Tavern

**SECTION 2.21 DEFINITIONS “U”**

**SECTION 2.22 DEFINITIONS “V”**

Vehicle  
Variance

**SECTION 2.23 DEFINITIONS “W”**

Wetland

**SECTION 2.24 DEFINITIONS “X”**

**SECTION 2.25 DEFINITIONS “Y”**

Yard  
Yard, Front  
Yard, Rear  
Yard, Required  
Yard, Side

**SECTION 2.26 DEFINITIONS “Z”**

Zoning Administrator

|   |                                   |                                  |                                |                           |
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**SECTION 2.00 RULES APPLYING TO TEXT**

The following listed rules of construction shall apply to the text of this ordinance.

The particular shall control the general:

- a) Except with respect to the definitions which follow the headings which title a chapter, section or subsection are for convenience only and are not to be considered in any constriction or interpretation of this ordinance or considered as enlarging or restricting the term and provisions of this ordinance in any respect.
- b) The word "shall" is always mandatory and not discretionary. The word "may" is permissive. Unless the context clearly indicates to the contrary;
  - 1) Words used in the present tense shall include the future tense;
  - 2) Words used in the singular number shall include the plural number; and singular;
  - 3) Words used in the plural number shall include the singular number.
- c) A building or structure includes any and all parts thereof.
- d) The word "person" includes an association, partnership, joint venture, corporation, trust, municipal or public entity, or equivalent entity or a combination of any of them, as well as a natural person.
- e) The word "used" or "occupied", as applied to any land, building or structure, shall be construed to include the words "intended", "arranged", or "designed to be used".
- f) The word "City" means the City of Stanton, Montcalm County, State of Michigan.
- g) The words "erect" or "erection", as applied to any building or structure, shall be construed to include the words "built", "constructed", "reconstructed", "moved upon" or any physical operation or work on the land on which the building or structure is to be built, constructed, or moved upon, such as excavation, filling, drainage or similar activities.
- h) The words "City Commission" shall mean the City of Stanton City Commission.
- i) The words "Planning Commission" shall mean the City of Stanton Planning Commission.
- j) The words "Board of Appeals" shall mean the City of Stanton Zoning Board of Appeals.
- k) The words "Building Inspector" shall mean the building official and authorized inspector of Montcalm County.
- l) The words "legal record" shall mean the circumstances where the legal description of a lot or parcel of land has been recorded as part of a document on record in the office of the Register of Deeds, Montcalm County, Michigan.
- m) For the purpose of their use in the ordinance, words or terms not defined herein shall be considered to be defined in accordance with their common or standard definition.

**SECTION 2.01 DEFINITIONS “A”**

*Accessory Building or Structure:* A structure or building on the same lot or parcel of land as the main structure or building, the use of which is, or is intended to be, subordinate or incidental to that of the main building or structure.

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| <b>Development Review</b> <ul style="list-style-type: none"> <li>• Site Plan</li> <li>• Special Land Uses</li> <li>• Site Condominiums</li> </ul> | <b>Signs</b>                      | <b>Non-Conforming</b>            | <b>Zoning Board of Appeals</b> |                           |
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*Accessory Use:* A use which is incidental and subordinate to the main use of any land, lot, parcel, building or structure.

*Adult Day Care Home:* A dwelling unit in which less than seven persons 18 years or older are provided supervision, personal care and protection for periods of less than 24 hours a day, operated by a person who permanently resides in the dwelling unit as a member of the household.

*Adult Foster Care Congregate Facility:* An adult foster care facility with the approved capacity to receive more than 20 adults who shall be provided foster care.

*Adult Foster Care Facility:* A governmental or non-governmental establishment having as its principal function the receiving of adults for foster care. It includes facilities and foster care family homes for adults who are aged, emotionally disturbed, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. Such facilities are licensed under Public Act 218 of 1979 as amended.

*Adult Foster Care Family Home:* A dwelling unit with the approved capacity to receive not more than six adults who shall be provided foster care for five or more days a week and for two or more consecutive weeks. The adult foster care family home licensee shall be a member of the household and an occupant of the dwelling unit.

*Adult Foster Care Large Group Home:* An adult foster care facility with the approved capacity to receive at least 13 but not more than 20 adults who shall be provided foster care.

*Adult Foster Care Small Group Home:* An adult foster care facility with the approved capacity of not more than 12 adults who shall be provided foster care.

*Alley:* A dedicated or publicly-controlled right-of-way, other than a street, providing a secondary means of vehicular access to abutting lots or parcels of land and which is not intended for general traffic circulation.

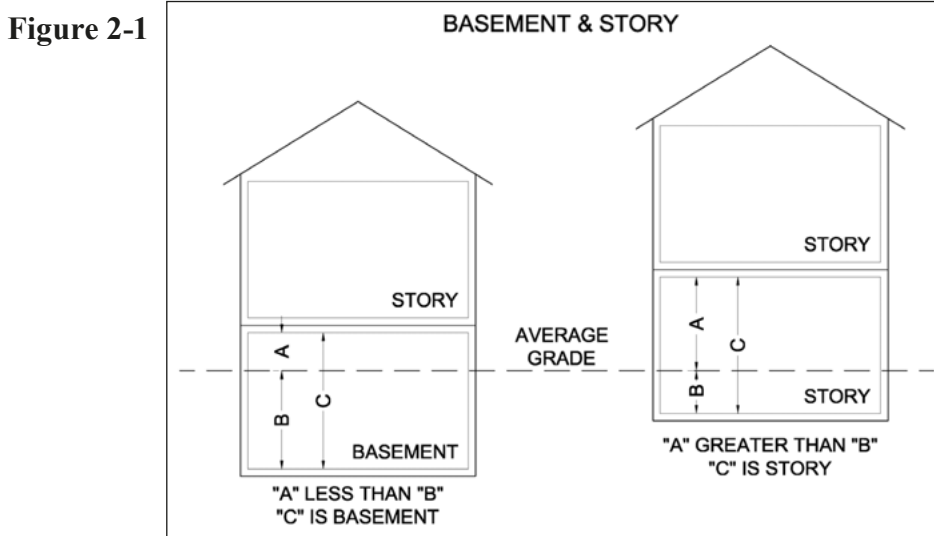
*Altered or Alteration:* Any change, addition or modification to a building or a structure, except for replacement of roofing and siding or modifications deemed to be re-decorating, which involves any change in the supporting members, bearing walls, columns, posts, beams, girders or roof structure; any architectural change of the interior or exterior of a building or structure which may affect its structural integrity, or any modification which alters the exterior dimensions of said building or structure.

*Apartment:* A room or suit of rooms, including bath, toilet or culinary accommodations, in a multiple dwelling, intended for use as a dwelling or residence, for any period of time.

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**SECTION 2.02 DEFINITONS “B”**

*Basement:* That portion of a building which has its floor below grade which has a majority of its floor to ceiling height below grade level. *See Figure 2-1.*



*Bed and Breakfast:* As used in this section "Bed and Breakfast" means a single-family residential structure that has eight or fewer sleeping rooms, including sleeping rooms occupied by the homeowner, one or more of which are available for a rental period of less than 30 days and in which breakfast or other meals are served to its transient tenants.

*Berm:* Means a mound of earth graded, shaped and improved with landscaping in such a fashion as to be used for visual or audible screening purposes.

*Bluff:* The top of a steep bank rising from the ordinary high-water mark on a lot or parcel.

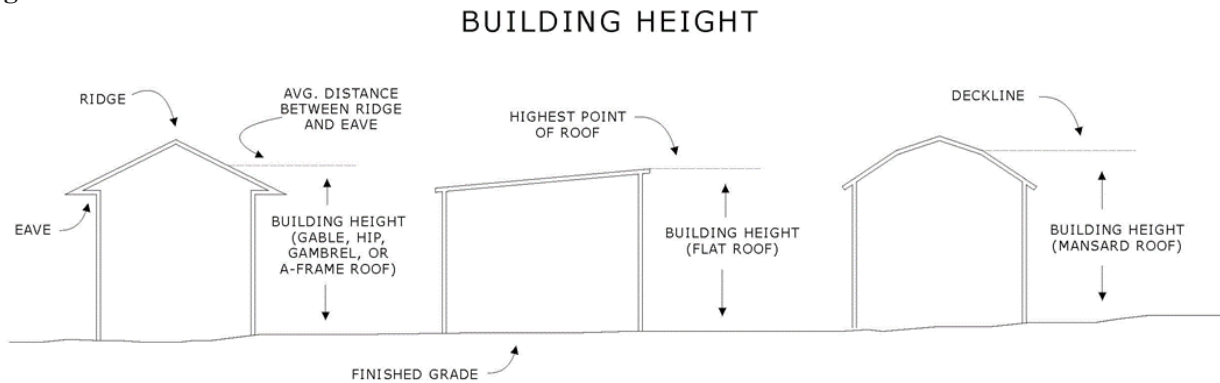
*Boarding House / Rooming House:* A dwelling having one or more kitchens and used to provide meals and/or lodging, where occupants are non-transient in nature, for payment or other compensation and which has four or less sleeping rooms in addition to those used by the immediate family occupying the dwelling.

*Building:* A structure, temporary or permanent, having a roof supported by columns or walls.

*Building Height:* The vertical distance measured from the established grade to the highest point of the roof for flat roofs; to the deck line for mansard roofs; and to the mean height (between eaves and ridges) for gable, hip, gambrel, and A-frame roofs. *See Figure 2-2.*

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**Figure 2-2**



*Building Line:* The minimum horizontal distance set forth in the City of Stanton Zoning Ordinance for each district as measured from the front, rear and side lot lines which establishes the area within which buildings and structures must be erected or placed. Setback and Building Line are the same as Required Yard as defined herein. *See Figure 2-6.*

*Building Permit:* A permit issued by the Building Inspector or Building Official as required by the Building Code regulations. A building permit is not a zoning permit.

**SECTION 2.03 DEFINITIONS “C”**

*Cabin:* A building, tent or similar structure for temporary or seasonal occupancy but excluding motels, hotels or boarding homes.

*Camp:* Temporary or permanent buildings, cabins, tents, trailers or other similar structures, together with accessories established or maintained as living quarters for recreation, education or vacation purposes, where for profit or not, for a period of five days or more.

*Child Care Center:* Any facility other than a dwelling unit in which one or more minor children are given care and supervision for periods of less than 24 hours per day on a regular basis. Child care centers do not include Family or Group Child Care Homes, or schools. Child care and supervision provided as an accessory use, while parents are engaged or involved in the principal use of the property, such as a nursery operated during church services or public meetings, or by a fitness center or similar operation, shall be considered accessory to such principal use and shall not be considered to be a child care center.

*Cluster Housing:* The grouping of housing for residential use in an area smaller than allowed by the Zoning Ordinance for a particular zoning district, provided the area deleted from the lot area required, be reserved in an undeveloped state adjacent to the residential development.

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*Condominium Act:* Public Act 59 of 1978, as amended.

*Condominium / Site Condominium Project:* A plan or project consisting of not less than two condominium units or two site condominium units established in conformance with the Condominium Act.

*Condominium Unit:* That portion of the condominium project designed and intended for separate ownership and use, as described in the Master Deed of the condominium project, within which a building or other improvement may be constructed by the condominium unit owner.

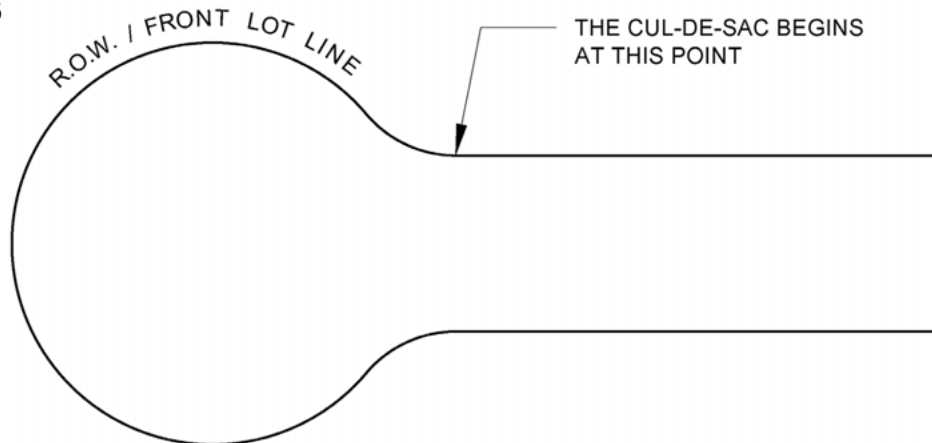
*Condominium Unit, Site:* A condominium unit established in compliance with the Condominium Act which is a volume of air space defined by an area of land and a specified distance above and below the land surface designed and intended for separate ownership and use as described in the site condominium master deed, and within which a building or other improvement may be constructed by the condominium unit owner. A site condominium unit shall be considered a lot for purposes of this Ordinance.

*Convalescent or Nursing Home:* A building where seven or more infirmed, aged or incapacitated persons are furnished shelter, care, food, lodging and medical attention.

*Core Area:* That portion of a single-family dwelling which constitutes the main living area and which includes the living room but excludes porches, decks, patios, attached garages, or any other accessory structure. The "core area" shall be measured within the perimeters of the foundation at grade level. As it pertains to mobile/modular homes, the term "core area" may include "multi-sectional" units but shall exclude "expando" units as these terms are commonly used in the mobile/modular home industry.

*Cul-de-sac:* That portion of a dead-end public or private street which consists of a circular or semi-circular section of street which allows for a vehicle turn-around. *See Figure 2-3.*

**Figure 2-3**



|   |                                   |                                  |                                |                           |
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**SECTION 2.04 DEFINITONS “D”**

*Deck:* An uncovered platform which extends above grade.

*Development:* Any manmade change to improved or unimproved real estate for any purpose, including but not limited to construction of buildings or other structures, mining, dredging, filling, paving or excavation.

*Development Plan:* Drawings and specifications of a proposed development or land use showing topography, location and dimensions of buildings and structures, all non-enclosed areas including streets, parking, loading and unloading, handling facilities, storm drainage, floor plans, a detailed statement of the proposed uses and other relevant information, data, and documentation as may be required by competent authority.

*Drive-In:* A business establishment designed or operated so that services are rendered or products are delivered to customers in or on vehicles as opposed to within a building or structure.

*Drive-Through; Drive-Through Facility:* A business establishment or use so developed that it provides a driveway approach or parking spaces for motor vehicles to serve patrons through a window or other building opening while patrons remain in the motor vehicle either exclusively or in addition to service within a building or structure.

*Driveway:* An access way for motor vehicles connecting a street and the lot or lots abutting a street. A driveway is not a private street.

*Dwelling Unit:* A building, or portion of a building, designed for use and occupancy by one family for living and sleeping purposes, with housekeeping facilities.

*Dwelling, Efficiency:* A dwelling unit of not more than one room in addition to a kitchen and a bathroom.

*Dwelling, Multiple-Family:* A building designed exclusively for and containing three or more dwelling units.

*Dwelling, Single-Family:* A detached building designed exclusively for and containing one dwelling unit only.

*Dwelling, Two-Family:* A detached building designed exclusively for and containing two dwelling units only. A two-family dwelling is also a duplex.

*Dwelling Unit, Attached:* A dwelling unit attached to one or more dwelling units by common major structural elements.

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*Dwelling Unit, Detached:* A dwelling unit which is not attached to any other dwelling unit by any means.

*Dwelling Unit, Modular:* A prefabricated transportable dwelling unit designed to be incorporated at a building site into a structure on a permanent foundation to be used for residential purposes and which meets the requirements of the building code of the Montcalm County.

**SECTION 2.05 DEFINITIONS “E”**

*Earth Change:* An artificial change in the natural cover or topography of land, including cut and fill activities, which may result in or contribute to soil erosion or sedimentation of the waters of the state.

*Essential Public Service Equipment:* Wires, mains, drains, sewers, pipes, valves, pumps, conduits, cables, fire alarm and police call boxes, traffic signals, fire hydrants, post office boxes, streetlights, utility poles, telephone or television switching boxes, electrical transformer apparatus or similar equipment located either entirely underground, on poles not greater than 35 feet in height, or which are in the public right of way and are less than three feet above ground but not including essential public service structures or buildings. Telecommunication towers and antennas and similar wireless communications facilities operated or owned by private enterprise shall not be considered Essential Public Service Equipment.

*Essential Public Service Structures And Buildings:* Buildings or structures owned and operated by public utilities or municipal departments or otherwise regulated by the Michigan Public Service Commission and used for gas, electrical, steam, fuel, water supply, water or wastewater treatment or disposal, electrical substations, telephone communications and sewage lift stations all of which are above ground and outside the public right of way, and including similar structures or buildings necessary to furnish adequate service to the public within the City of Stanton, but not including essential public service equipment. Telecommunication towers and antennas and similar wireless communications facilities and wind energy systems operated or owned by private enterprise shall not be considered Essential Public Service Structures or Buildings.

**SECTION 2.06 DEFINITIONS “F”**

*Family:*

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

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*Family Child Care Home:* A dwelling unit in which less than seven minor children are given care and supervision for periods less than 24 hours per day, operated by a person who permanently resides in the dwelling unit as a member of the household and who is registered with the State of Michigan to provide such care.

*Farm:* Land, plants, animals, buildings, structures, including ponds used for agricultural or aqua-cultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products.

*Floor Area:* The sum of the horizontal areas of each story of the building or structure computed by measuring the outside wall surfaces. The floor area measurement is exclusive of basements unless approved as a special use for an underground or earth dwelling. Also excluded are porches, patios, terraces, breezeways, carports, verandas, garages, unfinished attics, and attic areas having less than five feet of vertical wall from floor to ceiling.

*Frontage:* The length of the front lot line.

**SECTION 2.07 DEFINITIONS “G”**

*Garage, Private:* A detached accessory building or a portion of the main building used for the parking of vehicles in conjunction with the permitted use of the main building.

*Garage, Public or Commercial:* A building or structure for the parking, storing, care of vehicles for payment or other compensation.

*Gasoline Service Station:* A building or structure and land area combined for servicing motor vehicles with the usual operating commodities such as gasoline, fuel oil, grease, water, batteries, tires and other similar minor accessories, or services such as washing, lubricating, minor repairs and adjustments. Major repairs, rebuilding or reconditioning of engines, collision service and body repair and similar activities are considered outside this definition of a gasoline service station.

*Grade:* An average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

*Green Belt:* A strip or piece of land on which trees, shrubs, grass and other foliage is planted to screen from sight the principal use of the parcel or lot.

*Group Child Care Home:* A dwelling unit in which more than six but not more than 12 minor children are given care and supervision for periods of less than 24 hours per day, operated by a person who permanently resides in the dwelling unit as a member of the household, and who is registered with the State of Michigan to provide such care.

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**SECTION 2.08 DEFINITIONS “H”**

*Home-Based Business:* An occupation or business that is conducted in or on property containing a dwelling unit in a manner that is clearly secondary and accessory to the principal residential use of the property as defined and regulated by Section 3.29 herein.

*Hotel, Motel:* A building or structure, or group of buildings or structures, consisting of more than four sleeping units, for rent on a temporary basis as lodging, with or without food service.

*House Trailer:* A vehicle designed or intended to be used as a temporary dwelling for recreation or vacation use and which vehicle is designed to be pulled or drawn upon the streets or roads by another vehicle.

*Household:* A family living together in a single dwelling unit with common access to and common use of all living and eating areas and all areas and facilities for the preparation and serving of food within the dwelling unit.

*House Keeping Unit:* A Dwelling Unit organized as a single entity in which the members of the household share common housekeeping facilities

*House Keeping Facilities:* Complete, independent living facilities, including areas for living, sleeping, eating, cooking, and sanitation, and the following permanent fixtures and appliances: stove, refrigerator, kitchen sink, tub or shower, lavatory and water closet.

**SECTION 2.09 DEFINITIONS “I”**

*Inoperable Motor Vehicle:* Any motor vehicle (automobile, truck or similar vehicle) which is unlicensed, inoperable, dis-mantled, wrecked or which cannot be operated under its own power.

**SECTION 2.10 DEFINITIONS “J”**

*Junk:* Any worn out, waste, used or discarded materials including, but not limited to, scrap metal, scrap lumber, paper, rags, tires, glass, building materials, inoperable motor vehicles and parts, and other similar materials.

*Junk Yard/Salvage Yard:* Any open area where junk, waste materials, second hand materials including motor vehicle parts, are bought, sold, exchanged, stored, baled, packed, disassembled or handled.

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**SECTION 2.11 DEFINITIONS “K”**

*Kennel, Commercial:* Any lot or premises on which four or more dogs or cats six months of age or older, are kept either permanently or temporarily for the purpose of boarding or breeding for compensation, but not including a veterinary hospital if animals are boarded only during periods necessary for treatment or recuperation.

*Kennel, Private:* Any lot or premises on which no more than three dogs or three cats or any combination thereof totaling three are owned and kept by the occupant of the dwelling unit in any residential district.

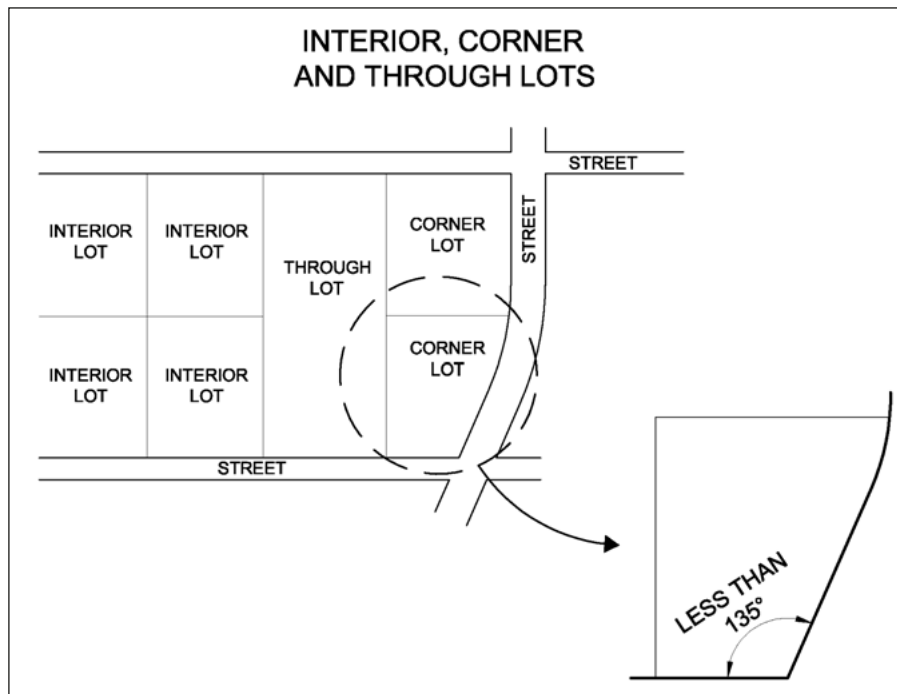
**SECTION 2.12 DEFINITIONS “L”**

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

*Lot/Parcel/Tract:* Contiguous land described in a recorded plot, or by metes and bounds, which is not divided by a street or alley, including any part thereof subject to any easement for any purpose including a street or alley.

*Lot, Corner:* A lot or parcel having frontage on two or more streets or roads where the corner interior angle formed by the intersection of the streets is 135 degrees or less; or a lot abutting upon a curved street if tangent to the curve form an interior angle of 135 degrees or less. *See Figure 2-4.*

**Figure 2-4**



|   |                                   |                                  |                                |                           |
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*Lot Coverage:* That portion of a lot or parcel, stated in terms of percentage, that is covered by all buildings and structures located thereon. Included are all buildings, porches, arbors, breezeways, patio roofs and the like whether open box type and/or lath roofs or fully roofed, but shall not include fences, hedges or walls used as fences for swimming pools.

*Lot, Interior:* A lot other than a corner lot. *See Figure 2-4.*

*Lot, Through:* An interior lot having frontage on more than one street or road. *See Figure 2-4.*

*Lot Line, Front:* The lot line or lines separating the lot from a public or private street right-of-way.

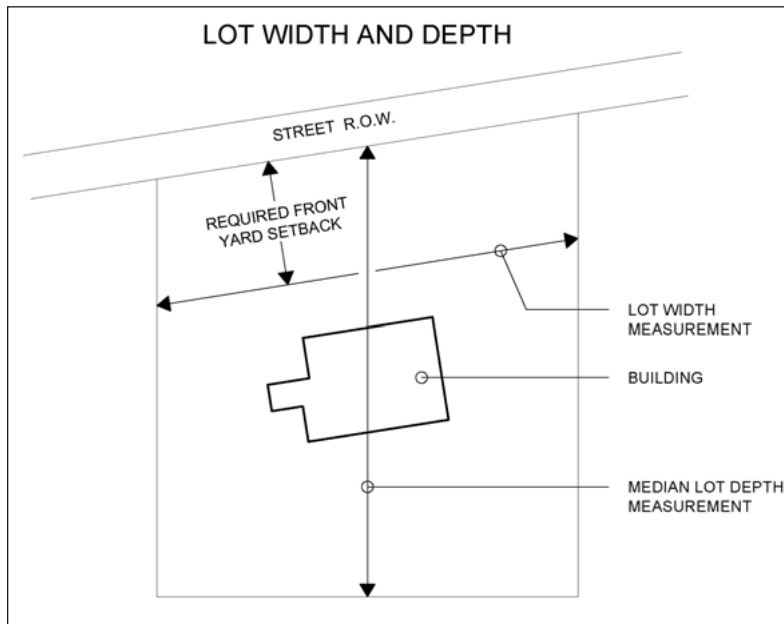
*Lot Line, Rear:* The lot line which is opposite to, and most distant from, the front lot line. In the case of an irregular, triangle or gore lot, the rear lot line shall be a line ten (10) feet in length, entirely within the lot, parallel to, and at the maximum distance from, the front lot line.

*Lot Line, Side:* Any lot line not a front lot line or a rear lot line.

*Lot Width:* The horizontal distance between the side lot lines, measured parallel to the front lot line at the minimum required setback line. For purposes of this Ordinance the setback line is also the building line. *See Figure 2-5.*

*Lot Depth:* The distance between the front lot line and the rear lot line measured along the median between the side lot lines. *See Figure 2-5.*

**Figure 2-5**



|   |                                   |                                  |                                |                           |
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*Lot of Record:* A lot or parcel of land which is a part of a sub-division, or which is described by metes and bounds, which sub-division or description has been recorded in the Office of the Montcalm County Register of Deeds by deed or land contract. In order for a lot or parcel to be a legal non-conforming lot of record it must have been so recorded prior to the date of this Ordinance.

**SECTION 2.13 DEFINITIONS “M”**

*Manufactured Home:* A building or structure, designed and intended as a dwelling, manufactured, constructed or assembled at a location other than its final use location.

*Marijuana, also known as Marihuana, also known as Cannabis:* That term shall have the meaning given to it in Section 7601 of the Michigan Public Health Code, 1978 PA 368, as amended, MCL 333.7106 *et seq.*, as is referred to in Section 3(d) of the Michigan Medical Marijuana Act, PA 2008, Initiated Law 1, MCL 333.26423(d). Any other term pertaining to marijuana used in this ordinance and not otherwise defined shall have the meaning given to it in the Michigan Medical Marijuana Act and/or in the General Rules of the Michigan Department of Community Health issued in connection with that Act.

*Medical (use of) Marijuana:* The acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer or transportation of marijuana or paraphernalia relating to the administration of marijuana to treat or alleviate a registered qualifying patient’s debilitating medical condition or symptoms associated with the debilitating medical condition, as defined under the Michigan Medical Marijuana Act, PA 2008, Initiated Law 1, MCL 333.26421 *et seq.*

*Medical Marijuana Dispensary:* Any business, facility, association, compassion club, cooperative, location, or operation, which is operated for profit or non-profit, whether fixed or mobile, where medical marijuana is made available to be sold, used, grown, processed, delivered, or distributed by or to one or more of the following:

- 1) A primary caregiver as defined by Michigan Initiated Law 1 of 2008 as amended.
- 2) A qualifying patient as defined by Initiated Law 1 of 2008 as amended.
- 3) Members of the public.

A medical marijuana dispensary shall also include any place, location, facility, cooperative, compassion club, or operation, which is operated for profit or non-profit, whether fixed or mobile, where medical marijuana is smoked or consumed where either three or more persons are present and smoking or consuming medical marijuana or such medical marijuana smoking or consumption is occurring on the property of a business, association, cooperative or commercial operation or facility.

A medical marijuana dispensary shall not include the dispensation of medical marijuana by a registered primary caregiver personally dispensing to not more than five qualified patients in strict accordance with the Michigan Initiated Law 1 of 2008, as amended, so long as the lawful amount of medical marijuana is delivered to the qualifying patient where the qualifying patient resides and it is done in full compliance with this Ordinance as well as all other applicable City Ordinances and applicable Michigan and Federal laws, rules and regulations.

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A medical marijuana dispensary shall also not include the following uses: a State-licensed health care facility; a State-licensed residential care facility for the elderly or infirmed; or a residential hospice care facility, as long as any such use complies strictly with applicable laws and rules of the City of Stanton and applicable Michigan and Federal laws, rules, and regulations.

*Mobile Home:* A structure that is transportable in 1 or more sections, built on a chassis, and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. (PA 96 of 1987)

*Mobile Home Park:* A parcel or tract of land under the control of a person upon which 3 or more mobile homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home. (PA 96 of 1987)

*Modular / Manufactured Housing:* A dwelling unit which consists of prefabricated units wholly or substantially constructed at an off-site location and transported to a lot or parcel on a removable undercarriage or flat-bed and assembled for permanent location on a lot or parcel.

*Motel:* See Hotel

**SECTION 2.14 DEFINITIONS “N”**

*New Construction:* Structures for which the start of construction commenced on or after the effective date of this Ordinance or for which a zoning permit was issued.

*Non-Conforming Building or Structure:* Any building or structure which does not comply with the applicable regulations required by this Ordinance for the district in which it is located, either on the effective date of this Ordinance or as the result of a subsequent amendment thereof.

*Non-Conforming Lot of Record:* A lot or parcel of land which does not comply with the requirements of the Ordinance as to area, lot dimensions, and other required criterion, for the district in which it is located either on the effective date of this Ordinance or as the result of a subsequent amendment thereto.

*Non-Conforming Use:* Any use of land, buildings or structures which does not conform to the applicable use regulations for the district in which it is located, either on the effective date of this Ordinance or as the subsequent amendment thereto.

*Normal High-Water Mark:* The normal high-water mark of the lake as determined by the Department of Natural Resources, or if the Department has not made such a finding, the normal high-water mark location shall be determined by the City Zoning Administrator. Moreover, the measurement shall be made only along a natural shoreline, and shall not include any manmade channel, lagoon, canal or the like.

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**SECTION 2.15 DEFINITIONS “O”**

*Off-Street Parking Lot or Parking Lot:* A facility providing parking spaces, along with adequate drives, maneuvering areas, and aisles for the parking of more than three vehicles.

*Open Air Business:* A retail sales establishment operated substantially in the open air, including, but not necessarily limited to:

- 1) Bicycle, utility truck or trailer, motor vehicle, boat, or home equipment sales, repair, storage, or rental services.
- 2) Outdoor display area, storage, or sale of garages, motor homes, recreation vehicles, manufactured homes, snowmobiles, swimming pools and similar activities, but not including farm implements or commercial construction equipment.
- 3) Retail sales of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment and other home garden supplies and equipment, but not including lumberyards.

*Ordinary High-Water Mark:* The line between upland and bottomland that persists through successive changes in the water level, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation.

Delineation of the ordinary high-water mark entails the identification of indicators on the bank of a lake or stream and the transition line between, aquatic vegetation (such as sedges and cattails) and terrestrial vegetation (perennial grasses and woody shrubs) or the scour line on exposed earth on the bank (from constant erosion) and terrestrial vegetation. On any stream where the ordinary high-water mark cannot be found, the top of the lowest stream bank on either side of stream shall substitute. In braided channels, the ordinary high-water mark or line of mean high water shall be measured so as to include the entire stream feature. On an inland lake that has a level established by law, it means the high established level.

**SECTION 2.16 DEFINITIONS “P”**

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

*Patient, Qualifying (Qualified Patient):* A person to whom a Registry Identification Card has been issued by the Michigan State Department of Community Health which identifies that person as a registered qualifying patient as defined by the Michigan Medical Marihuana Act, PA 2008, Initiated Law 1.

*Patio, Enclosed:* A patio which has a roof and walls whose surface area is at least 50 percent glass or screen and which is attached to or part of a building.

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*Patio, Unenclosed:* An area at grade level composed of concrete, asphalt, stone, brick or similar material typically adjoining or attached to a house or other principle building and which may have a roof but no walls.

*Personal Service Establishment:* A commercial business conducting services that are performed primarily on the premises.

*Planned Unit Development (PUD):* A land development project, approved by the Stanton City Commission, following public hearing, which may permit flexibility in building sites, mixtures of housing types, land uses, usable open spaces, setbacks, lot sizes and the preservation of natural features.

*Porch, Enclosed:* A roofed structure with walls whose surface area is at least 50 percent glass or screen attached to or part of a building and which provides direct access to and from the building.

*Porch, Unenclosed:* A roofed structure without walls attached to or part of a building and which provides direct access to and from the building.

*Principal Use or Main Use:* The primary or predominant use of land, building or structure.

*Private Street Easement:* An easement which is granted exclusively for private access to one or more parcels of land and which contains a private street.

*Public Park:* Any non-commercial, publicly-owned recreation facility.

**SECTION 2.17 DEFINITIONS “Q”**

**SECTION 2.18 DEFINITIONS “R”**

*Recreational Vehicle or Equipment:* Vehicles or equipment used primarily for recreational purposes. For the purpose of this chapter, recreational vehicle means:

- 1) 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 such as a motor home or camper;
- 2) Boats and trailers designed to transport boats;
- 3) Snowmobiles, jet skis, and trailers designed to transport them;
- 4) Off-road vehicles and trailers designed to transport off-road vehicles;
- 5) Pop-up tent and camper trailers;
- 6) Other similar vehicles deemed by the Zoning Administrator to be recreational vehicles except that this term shall not include motorcycles or motorbikes or other similar means of transportation intended primarily for daily on-street use.

|  |                    |                                  |                                |                           |
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*Residential District:* R-1, R-M, and MHP districts.

*Restaurant:* A building or structure for the sale or preparation of food for consumption on the premises. Also, a building or structure for the sale of pre-prepared foods for consumption off the premises via drive-in or walk-up facilities. A restaurant serving alcoholic beverages is classified as a tavern in this Ordinance.

*Right-of-Way:* A street, alley or other thoroughfare or easement established for the passage of vehicles or persons.

**SECTION 2.19 DEFINITIONS “S”**

*Set Back:* The minimum horizontal distance set forth in the City of Stanton Zoning Ordinance for each district as measured from the front, rear and side lot lines which establishes the area within which buildings and structures must be erected or placed. Setback, Setback Line and Building Line are the same as Required Yard as defined herein. ***See Figure 2-6.***

*Special Use:* A use permitted under certain conditions, and with special authorization, within a zoning district as specified in the Special Land Use Regulations of all zoning districts.

*State-Licensed Residential Facility:* A facility defined as an adult foster care facility by the Adult Foster Care Licensing Act (MCL 400.701 et seq.), having as its principal function the receiving of adults for foster care and licensed by the state under the Act. It shall include facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an ongoing basis, but who do not require continuous nursing care. It shall not include an establishment commonly described as an alcohol or substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institutions, a maternity home, or a hotel or rooming house that does not provide or offer to provide foster care.

*State-Licensed Residential Family Care Facility:* A state-licensed residential facility with the approved capacity to provide residential services for not more than six individuals. The adult foster care family home licensee shall be a member of the household and an occupant of the dwelling unit.

|   |                                   |                                  |                                |                           |
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*State-Licensed Residential Group Home Care Facility:* A state licensed residential facility with the approved capacity to provide residential services for more than six but not more than 12 individuals. The adult foster care family home licensee shall be a member of the household and an occupant of the dwelling unit.

*Story:* That part of a building included between the surface of any floor above the average grade or ground at the foundation and the surface of the next floor, or if there is no floor above, then the ceiling next above.

*Story, Half:* An uppermost story lying under a sloping roof having a usable floor area of at least 200 square feet with a clear height of seven feet six inches. For the purpose of this chapter, the usable floor area is only that area having at least five feet clear height between floor and ceiling.

*Stream Bank:* The portion of the stream channel cross section that restricts the lateral movement of water at normal bank-full levels often exhibiting a distinct break in slope from the stream bottom.

*Street:* A public or private thoroughfare which affords the principal means of access to abutting properties including roads and highways but not including an alley.

*Street, Private:* Any street which is privately owned and maintained and which provides or is intended to provide the primary means of vehicular ingress and egress to a minimum of two or more lots, principal buildings, or dwelling units or combination thereof and which is located within a private street easement as defined herein.

*Street Numbers:* A set of numbers issued by a designated agency to a parcel containing a principal structure.

*Structure:* Anything constructed or erected in or upon the ground and having a permanent location in or upon the ground including, though not limited to buildings, accessory buildings, sheds, patios, gazebos, tennis courts, swimming pools, radio and television towers, decks and platforms; provided, however, that patios shall not be deemed structures if no parts thereof are above the ground and if they are located outside the minimum front, side, and rear yard setback lines. Lawful fences or walls, utility poles, basketball goals, mailboxes, sidewalks, driveways, streets, parking areas, or retaining walls shall not be considered to be structures for the purposes of this ordinance.

*Swimming Pool:* A structure, above or below grade, designed to hold water to a depth greater than two feet and used, or intended to be used, for swimming or bathing.

**SECTION 2.20 DEFINITIONS “T”**

*Tavern:* A commercial facility that serves alcoholic beverages with or without food.

**SECTION 2.21 DEFINITIONS “U”**

|   |                                   |                                  |                                |                           |
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**SECTION 2.22 DEFINITIONS “V”**

*Vehicle:* Every device in, upon, or by which any person or property, is or may be transported or drawn upon a street except devices propelled by human power or used exclusively upon stationary rails or tracks.

*Variance:* The relief granted, or the remedy authorized, by the Board of Appeals, as the result of an appeal.

**SECTION 2.23 DEFINITIONS “W”**

*Wetland:* Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life, and is commonly referred to as a bog, swamp, or marsh and which is contiguous to an inland lake, a river or stream.

**SECTION 2.24 DEFINITIONS “X”**

**SECTION 2.25 DEFINITIONS “Y”**

*Yard:* The open space on a lot between the lot line and the foundation or wall of the principal building, whichever is closer. *See Figure 2-6.*

*Yard, Front:* The space extending across the full width of the lot between the front lot line and the wall or foundation of the principal building whichever is closer. A corner lot has two front yards. *See Figure 2-6.*

*Yard, Rear:* The space extending across the full width of the lot between the rear lot line and the wall or foundation of the principal building, whichever is closer. *See Figure 2-6.*

*Yard, Required:* The space between a lot line and the setback line. The required yards establish the area within which buildings and structures must be erected or placed. A Required Yard is the same as Setback and Building Line as defined herein. *See Figure 2-6.*

*Yard, Side:* The space between the side lot line and the wall or foundation of the principal building, whichever is closer, extending from the front yard to the rear yard. *See Figure 2-6.*

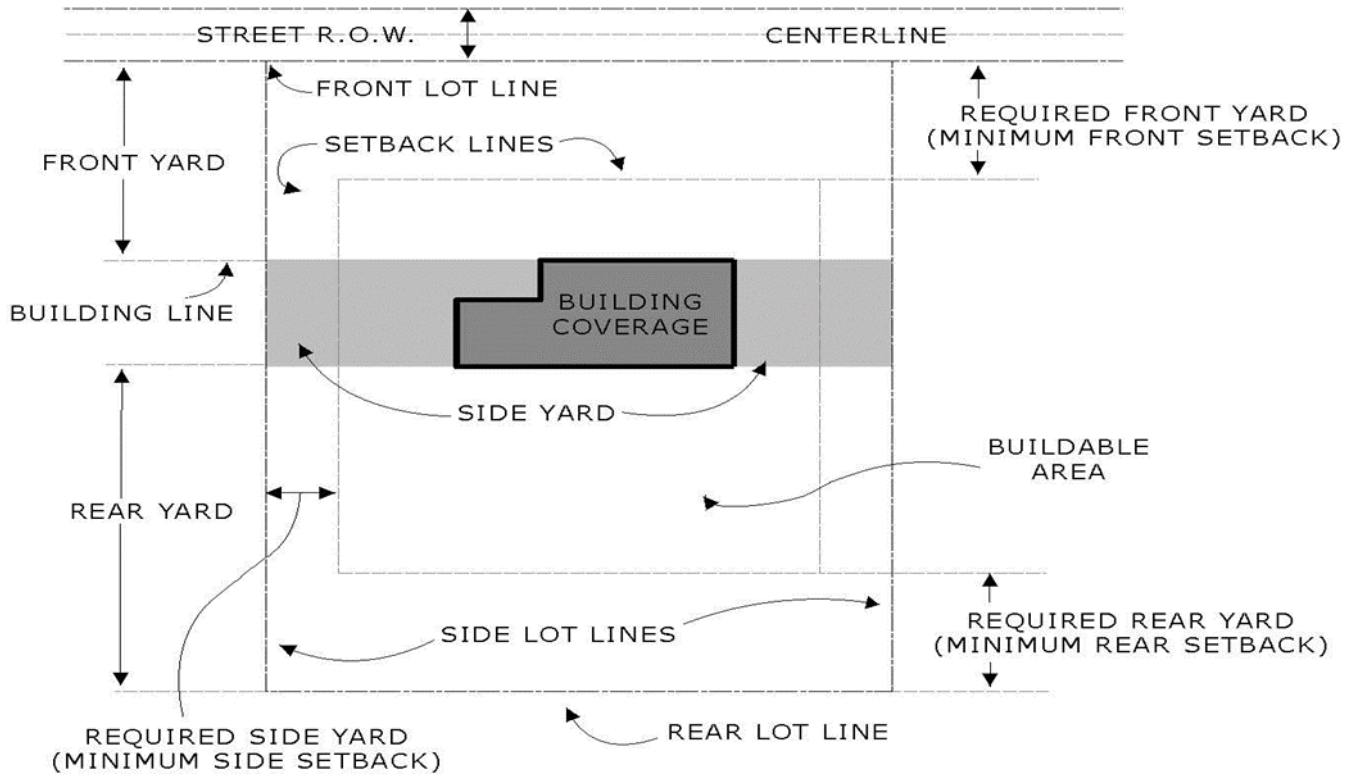
**SECTION 2.26 DEFINITIONS “Z”**

*Zoning Administrator:* That person designated by the Stanton City Commission to administer this Ordinance.

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**FIGURE 2-6**

**LOT LINES**



|   |                                   |                                  |                                |                           |
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## CHAPTER 3 GENERAL PROVISIONS

### SECTION 3.01 THE EFFECT OF ZONING

For the purposes of this chapter, except as hereinafter specifically provided otherwise, no lot or land or premises shall hereafter be used, maintained or occupied, and no building or structure or part thereof shall be constructed, erected, moved, placed, maintained, reconstructed, used, extended, enlarged or altered, except in conformity with the regulations herein specified for the zoning district in which it is located; these limitations being construed as the minimum legislation necessary to promote and protect the general safety and welfare of the community.

### SECTION 3.02 REQUIRED AREA AND SPACE

- a) No lot or lots, yard, court, parking area or other space existing as of the effective date of this Zoning Ordinance shall be divided, altered, or reduced in dimension or area below the minimum requirements of this Zoning Ordinance. If already less than the minimum required under this Ordinance the area or dimension shall not be further divided or reduced.
- b) A lot which is platted, or otherwise lawfully of record as of the effective date of this Zoning Ordinance may be used as specified in the district in which it is located. The main building on such lot shall be located so that it meets at least 80 percent of the side yard requirements of this chapter. In all cases, the minimum front and rear yard requirements of this Ordinance shall be met.
- c) If two or more abutting lots of record or combination of lots and portions of lots of record in existence on the effective date of this Zoning Ordinance, or the effective date of an amendment to this Ordinance are in common ownership and individually do not meet the lot width or lot area requirements of this chapter then the lots involved shall be considered to be an undivided parcel for the purposes of this Ordinance.

Such lots may be used as specified in the district in which it is located but a building permit shall not be issued until such lots are legally combined into one lot and recorded with the Montcalm County Register of Deeds. No portion of such parcel shall be used or divided in a manner which diminishes compliance with lot width and area requirements of this chapter.

### SECTION 3.03 PROHIBITED USES

Where a use is defined or listed as a permitted use or a special land use in a given zoning district, such use shall not be permitted in any other zoning district where it is not listed even if such use is similar to a listed permitted or special use in that other district.

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**SECTION 3.04 LOT FRONTAGE REQUIREMENTS**

All lots created after the effective date of this Zoning Ordinance shall have frontage on a public or private street as defined herein in accordance with the minimum lot width requirements for the zoning district in which the lot is located and in accordance with the frontage and width requirements for corner lots and lots on a cul-de-sac as required herein.

**SECTION 3.05 CUL-DE-SAC LOTS**

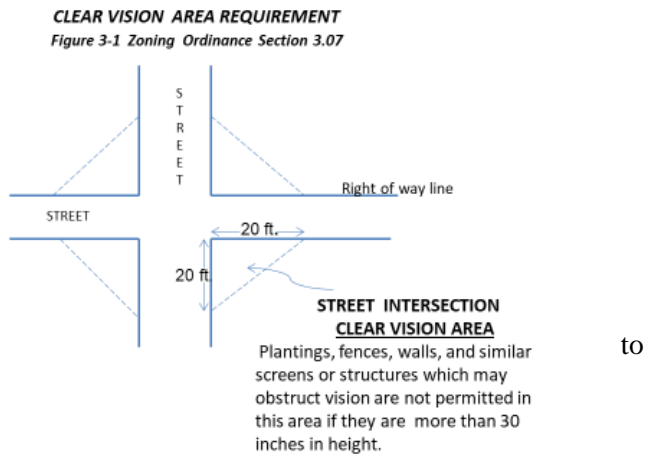
- a) The cul-de-sac shall be determined to commence at the intersection of the radius of the cul-de-sac with the street right-of-way line.
- b) All cul-de-sac lots shall have a minimum frontage of 40 feet measured along the front lot line between side lot lines.
- c) The minimum lot width shall be measured between the side lot lines at the required setback distance.

**SECTION 3.06 CORNER LOTS**

- a) On a corner lot, each lot line which abuts a street shall be deemed to be a front lot line and the required yard along both street frontages shall be a required front yard.
- b) For a corner lot with two front lot lines, the property owner shall elect, and so designate in their application for a permit, which of the remaining two required yards shall be the required side yard and which the required rear yard.
- c) For a corner lot with three front lot lines, the remaining lot line shall be a rear lot line.
- d) For a corner lot, the minimum lot width shall be met along each front lot line.

**SECTION 3.07 CLEAR VISION AREA**

In order to prevent traffic safety hazards arising from inadequate visibility at street intersections, only fences, structures or plantings which do not total more than 30 inches in height above the curb line may be erected or be allowed remain within 20 feet of the intersection of right of way lines. (See Figure 3-1)



|   |                                   |                                  |                                |                           |
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**SECTION 3.08 MAIN BUILDING OR PRINCIPAL USE**

Each parcel shall contain only one main building or principal use, except for groups of related commercial, industrial, and office buildings, and multiple-family dwellings contained within a single, integrated complex, sharing parking, signs, access, and other similar features, which together form a unified function and appearance. A parcel may contain more than one Special Land Use if approved by the Planning Commission in accordance with these criteria.

**SECTION 3.09 HEIGHT EXCEPTIONS**

The height limitations as specified for buildings in each zoning district do not apply to parapet walls, grain elevators, monuments, towers, spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances, usually required to be placed above the roof level and not intended for human occupancy.

**SECTION 3.10 PROJECTIONS INTO REQUIRED YARDS**

- a) Certain architectural features, such as cornices, bay windows, fire escape windows, or windows without foundations, gutters, chimneys, pilasters, and similar features may project no further than four feet into a required front, rear, or side yard.
- b) An open, unenclosed, and uncovered porch, paved terrace, deck, balcony or window awning may project no further than five feet into a required front yard and no more than 15 feet into a required rear yard but shall not project into a required side yard.

In the C-1 zoning district however, such structures may extend to any lot line except where a lot line abuts a residential district, in which case a five feet setback shall be maintained from such lot line.

**SECTION 3.11 BARRIER FREE ACCESS RAMPS**

The minimum setback requirements for structures and permitted encroachments for the zone in which they are located shall apply to barrier free access ramps (‘access ramps’) to be used by individuals with physical disabilities whenever possible. If, in the opinion of the zoning administrator, the required setbacks prevent the access ramp from being constructed so that it can be reasonably used, the zoning administrator shall have the discretion to allow reductions in the setback requirements so that the access ramp can be constructed in a manner to allow it to be usable.

In no case shall the access ramp be closer than five feet from the front yard lot lines and three feet from the side and rear lot lines. The zoning administrator shall allow only the minimum deviations from the minimum setback requirements necessary to reasonably permit construction of the access ramp and to ensure the safety of the public, and shall issue a permit documenting his/her findings related to the need for and extent of any reduction(s) in the required setback(s).

Access ramps shall comply with all building code requirements as well as all applicable state and federal

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regulations applying to such access ramps.

**SECTION 3.12 FRONT YARD AVERAGE SETBACK**

Where the front yard for existing buildings is less than the minimum required front yard for the zoning district of the subject lot, the minimum front yard for a proposed building on the subject lot shall be the average of the front yards for those existing buildings on the same block and on the same side of the street. There shall be at least two existing buildings on the same block in order to establish an average front yard, otherwise the required minimum yard for the zoning district shall apply. In no case shall the front yard be less than 15 feet.

**SECTION 3.13 MEASUREMENT OF BUILDING SETBACK**

The building setback shall be determined by measuring the distance between a lot line and the nearest wall of an existing or proposed building excluding steps, unenclosed porches, and decks.

**SECTION 3.14 RESTORING UNSAFE BUILDINGS**

Nothing in this ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by the Montcalm County Building Inspector or Health Department.

**SECTION 3.15 SANITARY SEWER & WATER REQUIREMENTS**

- a) No structure for human occupancy shall be erected, altered or moved upon any lot and used in whole or part for dwelling, business, industrial, or recreation purposes unless 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.
- b) Such installations and facilities shall conform with the minimum requirements for such facilities set forth by the state health department, the county health department, and the subdivision regulations, building code and water and sewer ordinances of the City.

**SECTION 3.16 ESSENTIAL PUBLIC SERVICE EQUIPMENT**

Essential public service equipment as defined herein is a permitted use in all zoning districts and is not subject to the provisions of this Zoning Ordinance.

**SECTION 3.17 ESSENTIAL PUBLIC SERVICE STRUCTURES and BUILDINGS**

Essential public service structures and buildings as defined herein are allowed in all zoning districts as a

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Special Land Use subject to the requirements and standards of Chapter 14 of this Zoning Ordinance and the following regulations:

- a) An essential public service structure or building may be located on a parcel or an area leased for such use which does not have frontage on a public or private street and which does not meet the minimum lot area requirement of the zoning district in which such use is proposed.
- b) An essential public service structure or building shall be setback a minimum of 50 feet from any public or private street right of way line, 25 feet from all other lot lines and boundary lines of a leased area and 50 feet from a dwelling unit.
- c) Access to the building or structure shall be provided by a driveway. Such driveway shall be constructed and located to accommodate vehicles and equipment accessing the parcel or leased area, to avoid storm water runoff onto adjoining parcels, and to minimize negative impacts on adjacent residents and properties. Such driveway may be located within an easement which is at least 20 feet wide and which intersects the public street.

**SECTION 3.18 REGULATIONS FOR PUBLIC SCHOOL PROJECTS**

According to Section 380.1263 of the Revised School Code for the State of Michigan, the enlargement of an existing public-school building or facility and the construction of a new public-school building or facility are not subject to the site plan review requirements, the district regulations, and supplementary district regulations of this zoning ordinance.

However, public school officials may voluntarily submit site plans for such projects to the planning commission for administrative review. The planning commission, in its review of the project, may provide comments on the site plan pertaining to the district regulations of the zoning district in which the project is located, the general standards for site plan review of this ordinance, the impact of the project on vehicle and pedestrian safety, storm water management, and compatibility with nearby land uses, as well as the relationship of the project to other applicable City ordinances.

The comments of the planning commission are advisory only and are not binding on the proposed school project.

**SECTION 3.19 UN-INHABITABLE DWELLINGS**

Whenever it shall be certified by the Health Department or the Zoning Administrator that a vacant dwelling is unfit for human habitation, or dangerous to life or health by reason of want of repair, or of defects in drainage, plumbing, ventilation, or the construction of the same, or by reason of existence on the premises of a nuisance likely to cause sickness among occupants thereof, or for any cause, the City Commission may issue an order to the owner of such dwelling not to occupy or cause to be occupied the said dwelling until all dangers therefore have ceased, and the owner has secured a certificate of occupancy from the Zoning Administrator.

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**SECTION 3.20 HOUSE MOVING**

Any person desiring to move any structure upon streets or highways within the city from one location to another shall file a written application with the Zoning Administrator which shall become valid when the performance bond of \$25,000 has been filed with the City Commission and approved by it. The bond shall insure the City against damage to municipal property and will be released after completion of the structure. The permit shall state the streets or highways along which the structure shall be moved.

No building shall be moved into the City or from one Zoning District to another unless such building complies with the District requirements. The owner or contractor shall cause written notice thereof to be given to the telephone, electric or cable television companies and others whose property may be affected by such removal. Fees for permits for moving buildings and structures as herein provided shall be established by resolution of the City Commission.

**SECTION 3.21 ILLEGAL DWELLINGS**

The use of the basement of a partially completed building, garage or accessory building for living or sleeping purposes is prohibited in all zones.

**SECTION 3.22 ACCESSORY BUILDINGS AND STRUCTURES**

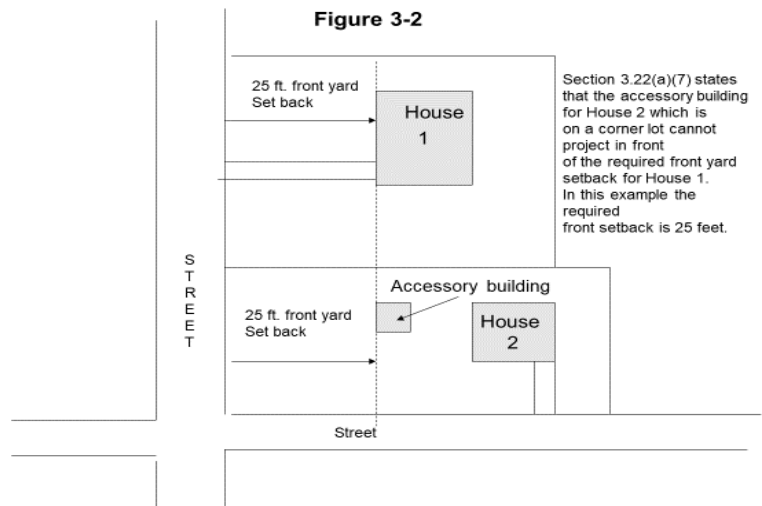
a) General Regulations

The following regulations shall apply to accessory buildings in all zoning districts unless otherwise provided:

- 1) In any zoning district, an accessory building may be erected detached from the permitted principal building or as an integral part of the permitted principal building. When erected as an integral part of the permitted principal building, it shall comply in all respects with the requirements of this Ordinance applicable to the permitted principal building.
- 2) Accessory buildings or garages shall be considered as attached to the principal building when the distance between structures is solidly covered by a breezeway, portico, covered colonnade, or similar architectural device.
- 3) An accessory building or accessory structure shall not be established on a lot before the principal building or use is constructed or established.
- 4) Accessory buildings in any zoning district shall not be erected in any required front or side yards except as may be permitted herein.
- 5) A detached accessory building may be located between the minimum required front setback and the principal building provided the accessory building is setback from the side lot line the same distance as required for the principal building.

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- 6) A detached accessory building shall not be located closer than 10 feet to any principal building.
- 7) When an accessory use or building is located on a corner lot, it shall not project beyond the front yard setback line required on the lot in the rear of such corner lot. (See Figure 3-2)



b) Residential Accessory Buildings

- 1) The total square footage of a detached accessory building shall not exceed the square footage of the first floor of the principal building on the same parcel. The Planning Commission may permit a larger accessory building as a Special Land Use in accordance with the procedures and standards of Chapter 14 herein. In its review of such a request, the Commission shall take into consideration the size of the property proposed for the accessory building, the proximity of existing dwelling units, the visibility of the proposed accessory building as seen from off site and if the size and type of building materials of the proposed accessory building are compatible with the character of the surrounding neighborhood.
- 2) The drip edge of any detached accessory building shall not be located closer than three feet to any side or rear lot line.
- 3) A detached accessory building shall not exceed 15 feet in height.
- 4) A lot shall contain no more than two detached accessory buildings.
- 5) An accessory building located in the rear yard shall not occupy more than 25 percent of the required rear yard area.

c) Accessory Buildings in Other Zoning Districts

Accessory buildings shall be permitted within the C-1, C-2, C-R, Industrial and PUD districts provided that the following restrictions are met:

- 1) Detached accessory buildings shall meet all setback requirements for the zone district in which it is located except as may be permitted herein.
- 2) No detached accessory building shall exceed the permitted height for main buildings in the district in which it is located.
- 3) A detached accessory building in the C-R zone shall comply with accessory building requirements for residential zoning districts if the principal use is residential; if the principal use is non-residential the accessory building shall comply with the requirements of Section 3.22(c).

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**SECTION 3.23 PARKING AND STORAGE OF RECREATIONAL VEHICLES AND EQUIPMENT IN ALL ZONING DISTRICTS**

- a) Recreational vehicles and equipment which do not exceed 30 feet in length, as measured from the front of the vehicle or front tongue of the trailer to the rear of the vehicle or trailer, may be parked or stored only in the driveway of a lot containing an occupied dwelling unit from April 1 through November 30.
- b) Recreational vehicles and equipment which exceed 30 feet in length shall only be parked in the driveway of a lot containing an occupied dwelling unit for no more than 72 consecutive hours within a seven-day period and then only for the limited purpose of loading, unloading, and cleaning.
- c) One recreational vehicle or one recreational piece of equipment may be parked or stored in the side and rear yards but no closer than five feet to a side or rear lot line. Any additional recreational vehicles or recreational equipment pieces shall be parked or stored in the side or rear yards but shall comply with the required setbacks for the principal building on the property.
- d) A recreational vehicle shall not be parked or stored for more than 14 consecutive days, or a total of 30 days during any calendar year, if it is being used for living, housekeeping or for sleeping quarters.

**SECTION 3.24 KEEPING OF ANIMALS**

- a) The keeping of household pets, including dogs, cats, fish, birds, hamsters, rabbits, non-poisonous snakes, and reptiles and other animals generally regarded as household pets is permitted as an accessory use in any residential district.
- b) No more than three dogs or three cats or any combination thereof totaling three that are six months of age or older shall be kept in a dwelling unit in any residential district
- c) Any land, building, or structure where four or more cats and/or dogs six months of age or older are boarded, housed, or bred for commercial purposes shall be considered a kennel. Kennels shall only be permitted in the C-2, General Commercial District after approval as a special land use as the principal use of the lot or parcel on which it is located.
- d) The keeping of animals not normally considered household pets, including, but not limited to, horses, pigs, sheep, cattle, and poultry is allowed on parcels containing at least three acres.

The area on which the animal(s) are kept shall be enclosed by a fence or similar barrier to prevent the animal(s) from trespassing onto adjoining property and the area shall be kept in a sanitary condition and free from odor. Buildings which are used to house the animals shall be setback a minimum of 50 feet from all lot lines.

**SECTION 3.25 FENCES AND WALLS**

- a) **Applicability:** The requirements of this Section shall apply to fences and walls in all zoning districts

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except that fences which are erected on a temporary basis such as for construction site or fences which are erected as part of a mineral mining operation are not subject to this Section 3.25.

b) **Permit Required:** A Zoning Permit must be obtained from the Zoning Administrator before a fence is installed.

c) **Definitions:**

- 1) Fence – a man-made structure serving as an enclosure, a visual screen, a barrier or a boundary. For purposes of this Section 3.25, a freestanding wall having both sides exposed shall be considered a fence.
- 2) Substantially open fence- a fence which is at least 40 percent open when viewed perpendicular to the fence.

d) **Fencing Generally:**

- 1) Fences shall not be erected within two feet of a public sidewalk.
- 2) Fences shall not be erected within any public right-of-way in any district.
- 3) Fences shall be erected with the finished side facing adjacent properties and streets. Support poles shall be placed so that they face the inside of the owner's lot.
- 4) Fences shall not be erected or maintained in a clear vision area except as described in section 3.07 herein.
- 5) Corner lot: For corner lots the front yard requirements for fences shall apply to each front yard except that in the R-1 and R-M zoning districts, a solid fence with a maximum height of six feet may be placed within that front yard which is along the side of the dwelling, provided such fence is at least 10 feet from that front lot line which is parallel to the side of the dwelling.
- 6) All fences shall be of sound construction and properly maintained so as not to become a visual nuisance, or pose a safety hazard to nearby residents, passerby, or the general public. The use of razor wire as a fence or part of a fence is prohibited.
- 7) All fences shall be of uniform design, construction and appearance, and sturdily constructed to withstand normal weather conditions. The method of construction and type of materials and design shall be of a kind normally and customarily associated with the uses permitted in the zoning district in which it is located.
- 8) Measurement of Fence Height: The height of a fence shall be measured as the vertical distance from the highest point of the fence material, excluding any support posts or structures, to the finished grade of the ground immediately beneath the fence material.
- 9) Fence Height Exceptions: Fences which exceed the maximum height otherwise permitted by the zoning district may be allowed by the Planning Commission as part of the Commission's review of a site plan or special land use if it is demonstrated that such fence is necessary for public safety, proper screening, or is necessary for the proper operation of the principal use such as utility substations, tennis courts, golf courses, athletic fields or parks.

e) Fencing in Residential Zones R-1, R-M, MHP, and PUD Zones containing residential uses:

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- 1) Front yard: Maximum height of three feet for a solid fence; Maximum height of four feet for a substantially open fence such as chain link, wrought iron, picket, split rail or similar construction.
  - 2) Side and rear yard: Maximum height of six feet.
  - 3) Barb wire and electrified fencing is prohibited.
- f) Fencing in C-1, C-2, C-R, Industrial Zones and PUD Zones containing non-residential uses:
- 1) Front yard: Maximum height of three feet for a solid fence; Maximum height of four feet for a substantially open fence such as chain link, wrought iron, picket, split rail or similar construction.
  - 2) Side and rear yard: Maximum height of eight feet including any barb wire portions. The use of barbed wire strands is permitted provided the lot line does not abut residential zoning district and the strands are restricted to the uppermost portion of the fence and shall not extend lower than a height of six feet from the average grade.
  - 3) In the C-R zone the fencing requirements for residential zones shall apply if the principal use is residential; if the principal use is non-residential the fencing requirements for commercial zones shall apply.
  - 4) Electrified fencing is prohibited.

**SECTION 3.26 LIGHTING REQUIREMENTS**

- a) Exterior lighting shall be arranged so that illumination is deflected downward and away from adjacent properties and so that it does not interfere with the vision of the motorist along adjacent streets.
- b) Flashing or intermittent lights shall not be permitted.
- c) Excessive lighting of buildings or structures shall be minimized to reduce light pollution.
- d) Parking lot lighting shall be as required in Chapter 17 herein.
- e) Light fixtures on poles or attached to buildings shall be no higher than 20 feet except as otherwise permitted herein and shall be provided with light cut-off fixtures that direct light downward.
- f) In Commercial and Industrial zones and for all non-residential uses the maximum foot candle measurement at the property line shall not exceed 0.5-foot candle if the adjacent property is zoned or planned for residential use or 1.0-foot candle if the adjacent property is zoned or planned for non-residential use or abuts a public right-of-way. Measurement standards of the Illuminating Engineering Society of North America (IES) shall be used.

**SECTION 3.27 SOLAR PANELS**

Free standing solar panels shall be considered an accessory structure and shall meet all front, side and rear yard requirements specified for such buildings.

**SECTION 3.28 BUILDING PERMIT REQUIRED**

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A building permit is required for the following:

- a) Detached accessory buildings which exceed 200 sq. ft. of gross floor area or which contain more than one story.
- b) A deck which is more than 200 sq. ft. in area or more than 30 inches above grade at any point;
- c) A balcony, enclosed patio, unenclosed patio with a roof, enclosed or unenclosed porch, and barrier free access ramp.

**SECTION 3.29 HOME BASED BUSINESS**

- a) A Home-Based Business is a permitted use the R-1, R-M and C-R Zoning Districts according to the requirements of this Section 3.29. This Section allows and regulates two levels of Home Based Businesses as follows:
- b) **Level 1 Home Based Business Requirements:** A Level 1 Home based Business is one which is conducted entirely within the dwelling or in an attached or detached accessory building as allowed herein and is conducted in such a manner that under normal circumstances there is no external evidence of the home occupation operation except for occasional visits by customers or clients and is subject to the following requirements:
  - 1) A Level 1 Home Based Business shall have no employees except members of the family who reside on the premises and no outside storage of materials or vehicles related solely to the Home-Based Business.
  - 2) Products associated with the Home Based Business may be stored in an attached or detached accessory building.
  - 3) A Level 1 Home Based Business may be conducted in an attached or detached accessory building provided the parcel is one acre or more in size and all other requirements for a Level 1 Home Based Businesses are met.
  - 4) A permit from the Zoning Administrator is not required to conduct a Level 1 Home Based Business.
- c) **Level 2 Home Based Business Requirements:** A Level 2 Home Based Business is one which has at least one of the following as part of its operation:
  - 1) No more than two employees in addition to members of the family who reside on the premises;
  - 2) Vehicles related solely to the Home-Based Business parked inside or outside as permitted by this Section.
- d) A Level 2 Home Based Business is subject to the following requirements:
  - 1) A Level 2 Home Based Business shall only be permitted if a Special Use Permit is approved by the Planning Commission in accordance with the procedures and standards of Chapter 14 of this Zoning Ordinance.
  - 2) An application for a Level 2 Home Based Business shall contain the following information:
    - i. Name, address and contact information of the property owner and occupant of dwelling.
    - ii. A description of the proposed Home-Based Business including materials to be used, days

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and hours of operation, estimated customer and delivery vehicle trips per week, number, size and type of business vehicles.

- iii. A site plan as would normally be required by Chapter 13 herein shall not be required. Instead, an accurate drawing shall be submitted illustrating the property, buildings on the property, the area within the building to be devoted to the Home-Based Business, parking for the business, sign and other information as may be required by the Zoning Administrator or Planning Commission to insure compliance with the requirements of this Section.
- 3) The Home-Based Business shall be conducted only within the dwelling and / or an attached or detached accessory building.
  - 4) The Home-Based Business shall occupy no more than 25 percent of the total floor area of the dwelling unit in which it is conducted. In addition, the business may also occupy the entire floor area of either an attached or detached accessory building but not both nor shall the business be conducted in more than one detached or attached accessory building.
  - 5) The residential appearance of the dwelling shall not be altered in order to conduct the Home-Based Business.
  - 6) The business shall not operate between the hours of 9:00 p.m. and 7:00 a.m., Monday through Saturday, and shall not operate on Sundays or holidays. Business hours specified herein shall not prevent a family member from working on his or her personal property at the site during other hours.
  - 7) The Home-Based Business shall be conducted so it does not constitute a nuisance or annoyance to adjoining residents by reason of noise, smoke, odor, electrical disturbance or night lighting, or the creation of unreasonable traffic to the premises or the outdoor parking of multiple vehicles related to the business.
  - 8) No motors other than electrically operated motors shall be used in conjunction with the Home-Based Business. The total horsepower of all such motors utilized shall not exceed five horsepower and no single motor used shall exceed one horsepower.
  - 9) No combustible, toxic or hazardous materials may be used or stored on the premises, except in a safe manner and in full compliance with all federal, state and other governmental requirements concerning the use, handling, transport, storage and disposal of any such materials.
  - 10) A minimum of two off street parking spaces shall be provided in addition to the parking spaces required for the dwelling.
  - 11) Outdoor storage of materials or equipment involved in the business is not permitted.
  - 12) In its approval of a Level 2 Home Based Business the Planning Commission may prescribe certain conditions to ensure that the Home-Based Business can be compatible with its residential surroundings. Such conditions may include but are not limited to restricting the hours of operation, limiting the number and type of delivery vehicles and parking of business vehicles on the property and limiting the number of customer visits to the Home Occupation.

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**SECTION 3.30 REQUIREMENTS FOR DWELLINGS OUTSIDE OF MOBILE HOME PARKS**

All dwellings located outside of a mobile home park in the City of Stanton shall comply with the following requirements:

- a) The dwelling shall comply with the minimum requirements of this ordinance for the zone in which it is located, including living area requirements, lot area, building height, width and dimension regulations.
- b) Each dwelling shall have a minimum width across any front, side or rear elevation of 22 feet and shall comply in all respects with the current Michigan Building Code standards, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed by the current Michigan Building Code standards, then and in that event such federal or state standard or regulation shall apply.
- c) The dwelling shall be firmly attached to a permanent foundation or footings buried beneath the frost line in accordance with the current Michigan Building Code standards and shall have a wall of the same perimeter dimension of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings.
- d) In the event that the dwelling is a mobile home or manufactured home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission and shall have a perimeter wall as required above.
- e) The dwelling shall be installed with the wheels removed, in the event that a dwelling is a mobile home or manufactured home as defined herein. Additionally, no dwelling shall have any exposed towing mechanism, under-carriage or chassis. The perimeter of the mobile home or manufactured home shall have a skirting of a permanent nature similar to that used for on-site built housing.
- f) The dwelling shall be connected to a public sanitary sewer and water supply in accordance with the applicable City ordinance requirements.
- g) The dwelling shall contain a storage capability area in a basement located under the dwelling, in an attic area, in closet areas or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to 15% of the square footage of the dwelling or 100 square feet, whichever shall be less.
- h) The dwelling shall have not less than two exterior doors with the second one being in either the rear or side of the dwelling with permanently attached steps connected to said exterior door areas or to porches connected to said door area where a difference in elevation requires the same.
- i) All dwellings shall be constructed with a roof having a pitch of at least 1 foot of rise for every 4 feet of run.
- j) The dwelling shall be aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof overhang of no less than six inches on all sides, or alternatively, with

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window sills and roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling.

- k) The compatibility of design and appearance shall be determined in the first instance by the Zoning Administrator upon review of the plans submitted for a particular dwelling, subject to appeal by an aggrieved party to the zoning board of appeals within a period of 21 days from the receipt of notice of the Zoning Administrator's decision.
- l) Any determination of compatibility shall be based upon the standards set forth in this section, as well as the character, design and appearance of one or more residential dwellings located outside of mobile home parks throughout the City.
- m) Additions to the dwelling shall be constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
- n) The dwelling shall comply with all applicable building and fire codes. In the case of a mobile home or manufactured home all construction and all plumbing, electrical apparatus and insulation shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended.
- o) Any dwelling that is moved to a lot within the City shall be inspected to determine that the dwelling conforms to the requirements of this ordinance.

**SECTION 3.31 PARKING OF COMMERCIAL VEHICLES AND TRAILERS**

- a) Commercial Vehicles
  - 1) Commercial vehicles which exceed a Gross Vehicle Weight Rating (GVWR) of 12,000 pounds as determined by the manufacturer of the vehicle shall not be parked or stored in the R-1, R-M, C-R or the MHP Zoning Districts.
  - 2) For purposes of this Section a commercial vehicle is defined as any motor vehicle which meets one or more of the following criteria:
    - i. The vehicle is designed for and used primarily for the transportation of persons or property for, or in connection with, a business;
    - ii. The vehicle displays the lettering, logo or color design of the business or has visible mechanical attachments or equipment on the vehicle which can be used in the operation of the business such as a crane on a wrecker;
    - iii. The vehicle is licensed for commercial use.
  - 3) No more than one commercial vehicle shall be parked or stored on any parcel in the R-1, R-M, C-R or MHP Zoning Districts.

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- 4) However, the above restrictions shall not apply to the temporary parking of commercial vehicles which exceed the above weight and which are engaged in delivery, pick-up, moving, or service to a lot in the R-1, R-M, C-R or MHP Zoning Districts.
- b) **Parking of Trailers.** Trailers which are not otherwise listed in Section 3.23 herein shall not be parked or stored in the front yard in the R-1, R-M, C-R and MHP Zoning Districts except that trailers may be parked in the front yard for not more than 72 consecutive hours but only for the purposes of loading, unloading, and cleaning. Except for loading, unloading and cleaning purposes as permitted by the preceding sentence, trailers which exceed a height of six feet as measured from the highest point of the trailer straight down to the ground shall not be parked or stored outside. Trailers which are six feet in height or less may be parked or stored outside except in the front yard.

**SECTION 3.32 WIRELESS COMMUNICATION TOWERS AND ANTENNAS EXCEEDING 35 FEET**

- a) **Purpose:** It is the intent of this section to regulate those wireless communication towers and antennas which exceed 35 feet in height in accordance with the Federal Telecommunications Act of 1996, the Sequestration Act of 2012 and the Michigan Zoning Enabling Act, PA 110 Of 2006, as amended. Within the general parameters of these laws, this Ordinance also intends to reduce the impact of these communication elements on adjacent land uses by reasonably regulating their location, height, safety, general appearance, and eventual removal. Additionally, this Section intends to promote and encourage the co-location of attached communication antennas on existing towers and support structures.

Newly installed wireless communications support structures and equipment which will serve amateur radio operators licensed by the Federal Communications Commission shall be subject to the requirements of Section 3.32(f) herein. However, if such requirements would preclude or prevent the operation of the antenna, then such requirements shall only apply to that extent which allows the antenna to reasonably operate.

- b) **Exemptions for antennas only.** The following antennas which are installed on an existing wireless communications support structure are exempt from the requirements of this Section but are subject to the applicable building code requirements of Montcalm County:
- 1) Amateur radio antennas operating under a license issued by the Federal Communications Commission;
  - 2) Television reception antennas;
  - 3) Antennas used primarily for a farm operation;
  - 4) Citizen band radio antennas;

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- 5) Short wave antennas;
- 6) Satellite dishes; (See Section 3.38)
- 7) Government wireless communications equipment and support structures which are subject to state and federal law or regulations that preempt municipal regulatory authority.

c) **Definitions.** As used in this section:

- 1) "Co-locate" means to place or install wireless communications equipment on an existing wireless communications support structure or in an existing equipment compound. "Co-location" has a corresponding meaning.
- 2) "Equipment compound" means an area surrounding or adjacent to the base of a wireless communications support structure and within which wireless communications equipment is located.
- 3) "Wireless communications equipment" means the set of equipment and network components used in the provision of wireless communications services, including, but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding wireless communications support structures.
- 4) "Wireless communications support structure" means a structure that is designed to support, or is capable of supporting, wireless communications equipment, including a monopole, self-supporting lattice tower, guyed tower, water tower, utility pole, or building.
- 5) "Height" is measured from the top of the antenna to the average grade within 25 feet of the base of the support structure.

ci) **Co-location of New Wireless Communications Equipment and Modification of Existing Wireless Communications Support Structures Permitted by Right.** The co-location of new or the replacement of existing wireless communications equipment as defined herein and the modification of existing wireless communications support structures shall be permitted by the Zoning Administrator subject to compliance with all of the following requirements and the issuance of the applicable Montcalm County building and electrical permits.

- 1) Application and Submittal Information. An application for wireless communications equipment and support structures shall include the following information.
  - i. A graphic description of the proposed wireless communications equipment and support structure. This shall include an illustration of the antenna and support structure to be installed and its design including cross section and elevation drawings and a diagram of how the tower/ antenna will be anchored.
  - ii. A statement that the proposed wireless communications equipment support structure will be installed in accordance with the manufacturer's specifications and applicable City codes. A set of drawings sealed by a professional engineer for the installation of the wireless communications equipment and support structure shall also be provided.

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- iii. A description of the tower maintenance program.
  - iv. A decommissioning plan explaining the process to be undertaken by the applicant for tearing down the tower and removing all tower equipment, materials and structures and restoring the site so it can be used for uses permitted in that Zoning District.
  - v. Security measures including emergency contact personnel.
  - vi. Documentation that the applicant has indemnity and insurance coverage for the wireless communications equipment and support structure in the event that damage or personal injury occurs or the provider abandons the structure. The specific dollar amount of the indemnity and insurance coverage shall be approved by the City and the cancellation of such policy shall not be effective without the approval of the City.
  - vii. All required fees shall be paid to the City at the time of application.
- 2) **Site Plan Requirements:** The applicant shall also file with the City three copies of a site plan accurately drawn at a scale of not more than one-inch equals 100 feet containing the following information unless specifically waived by the Zoning Administrator:
- i. The date on which the site plan was prepared as well as the name of the preparer;
  - ii. A north arrow and legal description of the property;
  - iii. The area and dimensions of the parcel containing the tower and antenna including any area leased for the tower;
  - iv. A location map sufficient to show the character of the area surrounding the proposed antenna and the zoning and land use on adjacent properties;
  - v. The height of the tower and antenna and its distance to all property lines;
  - vi. Any buildings or structures existing on the parcel;
  - vii. The distance to the closest building on adjacent property;
  - viii. The location of any overhead transmission lines on the site or on adjacent property which might be affected by the tower;
  - ix. Any tower supporting structures or devices;
  - x. Type and height of fencing to be installed around the tower or an equipment building;
  - xi. Elevation drawings of any buildings designed to serve the tower;
  - xii. Access road, width and construction standards along with access easement;
  - xiii. Any lighting proposed to be located on the tower;
  - xiv. Visual impact - The applicant shall demonstrate how the visual impact of the proposed communication towers and attached communication antennas will be reduced through the use of color or other techniques.
- 3) **Procedures:**
- i. The application materials shall be reviewed for completeness by the Zoning Administrator or their agent. An application shall be considered complete if it contains all of the information contained in Sections 3.32 (d) (1) and (2).

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- ii. Upon approval of the application, the Zoning Administrator shall sign the approved site plans with one copy for the applicant, one for the building inspector and one for the City files. The applicant may then proceed to obtain the applicable building and electrical permits.
- 4) **Review Standards:** In order to approve the application, the Zoning Administrator must find that the proposed project meets all of the following requirements:
- i. The wireless communications equipment will be co-located on an existing wireless communications support structure or in an existing equipment compound;
  - ii. The existing wireless communications support structure or existing equipment compound is in compliance with the City of Stanton Zoning Ordinance and applicable building and electrical codes;
  - iii. The proposed co-location and any subsequent co-locations will not do any of the following:
    - a. Increase the overall height of the wireless communications support structure by more than 20 feet or 10% of its original height, whichever is greater. The height shall be measured from the top of the antenna to the average ground grade within 25 feet of the base of the wireless communications support structure;
    - b. Increase the width of the original wireless communications support structure by more than the minimum necessary to permit co-location; or
    - c. Increase the area of the existing equipment compound to greater than 2,500 square feet.
  - iv. The proposed co-location complies with the terms and conditions of any previous final approvals of the existing wireless communications support structure or wireless communications equipment as previously approved by the City of Stanton Planning Commission or Zoning Administrator; and
  - v. Any wireless communications equipment which meets the requirements of subsection (d)(4)(i) and (ii) but does not meet the requirements of subsection (d)(4)(iii) or (d)(4)(iv) shall only be approved if the co-location complies with the requirements of Section 3.32(e).
- e) **Wireless Communications Equipment and Support Structures Allowed by Special Use Permit.** Wireless communications equipment which is proposed to be mounted or attached to a newly installed wireless communications support structure which will exceed a height of 35 feet may be allowed in all zoning districts if a Special Use Permit is approved by the Planning Commission subject to the regulations and requirements of this Section and also the general special land use review procedures and standards of Chapter 14 of this Zoning Ordinance. Newly installed wireless communications support structures and equipment which will serve amateur radio operators licensed by the Federal Communications Commission shall be subject to the requirements of Section 3.32(f).

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1) Procedures:

- i. An application for a Special Use Permit for wireless communications equipment and support structures shall be reviewed for completeness by the Zoning Administrator or their agent. An application shall be considered complete if it contains all of the information contained in Sections 3.32(e) (2) and (3) below. Within 14 days of receiving the application the Zoning Administrator shall notify the applicant in writing of any missing items. Failure to do so shall mean that the Special Use Permit application is considered complete (but not approved).
- ii. Once a completed application is received, a public hearing shall be scheduled in accordance with the requirements of Section 21.11 of this Ordinance.
- iii. The Planning Commission shall render a decision on a completed application within 90 days of its receipt or 60 days if the request is subject to 3.32(d)(4)(v). Failure to do so shall result in the approval of the application as submitted.
- iv. Any conditions imposed upon the approval of the Special Use Permit must relate directly to the requirements of this Zoning Ordinance and any applicable City ordinances as well as applicable State of Michigan and federal laws.

2) Application Requirements. In addition to normal application requirements, an application for wireless communications equipment and support structures which require a Special Use Permit shall include all of the following information. The fee paid by the applicant shall not exceed the actual cost to process the application or \$1000.00, whichever is less.

- i. *Proposed Use* - A complete written and graphic description of the proposed wireless communications equipment and wireless communications support structure. This shall include an illustration of the antenna and support structure to be installed and its design including cross section and elevation drawings and a diagram of how the tower/ antenna will be anchored.
- ii. *Location Justification*—Written materials which document the need for the proposed location.
- iii. *Ownership Interest* -The nature and extent of the applicant's ownership or lease interest in the property, building or structure upon which the facilities are proposed for placement.
- iv. *Other Tower Locations* - A map depicting other locations of wireless communications support structures within three miles of the proposed site.
- v. *Co-Locations* -Documentation that the applicant has investigated the potential of co-location with other wireless communication service providers or owners of wireless communications support structures located in the City of Stanton or neighboring communities and which may meet the coverage needs of the applicant. The documentation must include written evidence that the applicant has had direct communication and response regarding the potential for co-location with the

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owners/operators of such other wireless communications support structures. All applications for construction of a wireless communications support structure will be required to provide plans for future co-location with other owners/operators at a fair and reasonable rental rate.

- vi. *Engineering Certification and Plans* – A statement that the proposed wireless communications equipment and wireless communications support structure will be installed in accordance with the manufacturer’s specifications and applicable Montcalm County codes. A set of drawings sealed by a professional engineer for the installation of the wireless communications equipment and wireless communications support structure shall also be provided.
  - vii. A description of the tower maintenance program.
  - viii. A decommissioning plan explaining the process to be undertaken by the applicant for tearing down the tower and removing all tower equipment, materials and structures and restoring the site so it can be used by a use permitted in that Zoning District.
  - ix. Security measures including emergency contact personnel.
  - x. *Liability* - The applicant shall provide documentation that indemnity and insurance coverage exist for the wireless communications equipment and wireless communications support structure in the event that damage or personal injury occurs or the provider abandons the structure. The specific dollar amount of the indemnity and insurance coverage shall be approved by the City and the cancellation of such policy shall not be effective without the approval of the City.
- 3) **Site Plan Requirements.** Eight copies of a site plan accurately drawn at a scale of not more than one-inch equals 100 feet containing the information required by Section 3.32 (d)(2) herein. However, a larger scale may be accepted by the Planning Commission depending upon the size of the parcel. The plan shall be prepared and sealed by a professional engineer. The applicant shall also submit information, other than a site plan, as may be required by Chapter 14, Special Land Uses, of this Ordinance, or as may be required by the Planning Commission unless specifically waived by the Planning Commission.
- 4) **Performance Standards.** Wireless communications equipment and wireless communications support structures shall comply with all of the following requirements:
- i. A wireless communications support structure containing an antenna shall be set back from all property lines a distance of not less than the height of the structure as measured from the base of the structure to the top of the antenna. The Planning Commission may modify the required setback if the City Engineer determines that the structural integrity of the structure will withstand high winds and impacts and the likelihood of a structure failure is minimal and the Commission determines that a lesser setback will not threaten the safety of adjoining properties or roadways.
  - ii. The applicant shall incur all costs associated with the City engineering review.

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- iii. The tower and antenna shall comply with all applicable state construction and electrical codes and local building permit requirements as well as the with the state and local requirements;
  - iv. All tower lighting required by the FAA shall be shielded to the extent possible to reduce glare and visibility from the ground. The tower shaft shall not be illuminated unless required by the FAA, and the minimum FAA lighting standards shall not be exceeded;
  - v. The applicant shall provide written documentation of compliance with the Michigan Airport Zoning Act (Public Act 23 of 1950) and the Michigan Tall Structures Act (Public Act 259 of 1959);
  - vi. The maximum height of a wireless communications support structure and any attached wireless communications equipment shall be 200 feet. A structure greater than 200 feet may be approved, if in the opinion of the Planning Commission, the applicant has sufficiently demonstrated that the proposed structure and attached equipment in excess of 200 feet will be safe and also reduce the total number of potential similar structures within the City of Stanton and the surrounding areas;
  - vii. A tower or similar structure which has been constructed to support an antenna which is unused or abandoned shall be removed, along with any associated buildings and structures, by the owner/operator within 90 days of the date of a written notice from the City. An extension of 90 days may be granted by the Planning Commission or Zoning Administrator as the case may be upon a request from the owner/operator citing extenuating circumstances beyond their control in removing the tower within the initial 90-day period;
  - viii. In removing the tower, the owner/operator shall comply with the decommissioning plan submitted by the applicant and as approved by the Planning Commission;
  - ix. The antenna or tower shall be permanently secured to a stable foundation;
  - x. No part of the antenna or tower shall conduct or display any advertising, message or other graphic representation;
  - xi. All antennas and towers must be grounded to protect against damage from lightning;
  - xii. All towers shall be located so that they do not interfere with any reception in nearby residential areas. In the event a communication tower causes interference, the communication company shall take all steps necessary to correct and eliminate such interference;
  - xiii. Tower structures and communication facilities shall incorporate a color scheme which reduces visual impact.
- 5) Approval Standards. In order to approve the application, the Planning Commission shall find that:
- i. The proposed use and structure meet the Special Land Use approval standards of Chapter 14;
  - ii. The proposed use and structure meet requirements of this Section 3.32;

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- iii. Approval of the project will fill a significant gap in the service coverage of the applicant; and
  - iv. That alternate sites or facilities for the wireless communications equipment and wireless communications support structure are not available or feasible.
- 6) Conditions of Approval. Any conditions imposed on an approval must relate directly to this Ordinance, other applicable City ordinances and codes and applicable County, State and federal laws.
- 7) Noncompliance with Section 3.32 (e) Requirement.  
If the Planning Commission determines to deny an application for Special Use Permit approval because the proposed project does not meet one or more of the requirements contained in Section 3.32(e) or any of the special use or site plan standards found elsewhere in this Ordinance the Planning Commission shall nevertheless approve the proposed project if no other alternative tower sites or facilities are available or feasible and at least one of the following applies
- i. A denial would prohibit (or have the effect of prohibiting) the providing of personal wireless services to the area in question;
  - ii. There is not substantial evidence on the record justifying a denial; or
  - iii. A significant gap in the existing service coverage exists in the area and the proposed project would close that gap.

Pursuant to any such approval by the Planning Commission, the wireless communication support structure and equipment shall still comply with all of the requirements of Section 3.32(e) and other applicable provisions of this Ordinance except to the extent that the applicant demonstrates that compliance with a particular requirement or regulation would (a) prohibit or have the effect of prohibiting the providing of personal wireless services to the area, or (b) prohibit the applicant from closing a significant gap in existing service coverage to the area involved.

**f) Amateur Radio Wireless Communications Equipment and Support Structures.**

In order to reasonably accommodate licensed amateur radio operators while ensuring that the public health, safety and general welfare is adequately protected as prescribed by the Federal Code of Regulations, 47 CFR Part 97, as amended, and Order and Opinion (PRB- 1) of the Federal Communications Commission of September 1985 the following requirements shall apply to newly installed amateur radio wireless communications equipment and support structures.

- 1) Newly installed amateur radio wireless communications equipment and support structures which do not exceed a height of 35 feet are subject to the requirements of Section 3.33 of this Zoning Ordinance.
- 2) Newly installed amateur radio wireless communications equipment and support structures which exceed a height of 35 feet but not more than 65 feet shall be subject to the approval of the Zoning Administrator according to the following requirements.

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- i. **Application and Submittal Information.** The applicant shall file with the City an application that shall include the following information:
  - a. A copy of their FCC license;
  - b. An illustration of the antenna and support structure to be installed and its design including cross section and elevation drawings and a diagram of how the tower/ antenna will be anchored;
  - c. A set of drawings sealed by a professional engineer for the installation of the wireless communications equipment and support structure;
  - d. A copy of the applicant’s indemnity and insurance coverage for the wireless communications equipment and support structure in the event that damage or personal injury occurs or the provider abandons the structure. The specific dollar amount of the indemnity and insurance coverage shall be approved by the City and the cancellation of such policy shall not be effective without the approval of the City.
  
- ii. **Site Plan Requirements:** The applicant shall also file with the City three copies of a site plan accurately drawn at a scale of not more than one-inch equals 100 feet containing the following information listed in Section 3.32(d) (2) unless specifically waived by the Zoning Administrator.
  
- iii. **Performance Standards:**
  - a. A wireless communications support structure containing an antenna shall be set back from all property lines a distance of not less than the height of the structure as measured from the base of the structure to the top of the antenna.
  - b. The tower and antenna shall comply with all applicable state construction and electrical codes and local building permit requirements as well as the manufacturer’s installation requirements provided they do not conflict with the state and local requirements.
  - c. The antenna or tower shall be permanently secured to a stable foundation.
  - d. No part of the antenna or tower shall conduct or display any advertising, message or other graphic representation.
  - e. All antennas and towers must be grounded to protect against damage from lightning.
  - f. All towers shall be located so that they do not interfere with any reception in nearby residential areas. In the event a communication tower causes interference, the owner of the tower shall take all steps necessary to correct and eliminate such interference.
  - g. Tower structures and communication facilities shall incorporate a color scheme which reduces visual impact.

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- h. A tower or similar structure which has been constructed to support an antenna which is unused or abandoned shall be removed, along with any associated buildings and structures, by the owner/operator within 90 days of the date of a written notice from the City.
  - i. An extension of 90 days may be granted by the Zoning Administrator upon a request from the owner/operator citing extenuating circumstances beyond their control in removing the tower within the initial 90-day period.
- iv. **Approval Procedure:** The application materials shall be reviewed for completeness by the Zoning Administrator or their agent and for compliance with the requirements of this Section 3.32(f). Upon approval of the application, the Zoning Administrator shall sign the approved site plans with one copy for the applicant, one for the building inspector and one for the City files. The applicant may then proceed to obtain the applicable building and electrical permits.
- v. Newly installed amateur radio wireless communications equipment and support structures which exceed a height of 65 feet shall be subject to the procedures and requirements of this Section 3.32(e) in addition to providing a copy of the FCC license and justification for the requested tower height.

**SECTION 3.33 REQUIREMENTS FOR TOWERS & ANTENNAS WHICH DO NOT EXCEED A HEIGHT OF 35 FEET**

The following regulations shall not apply to wireless communications support structures and equipment regulated by Section 3.32, satellite dishes regulated by Section 3.38, wind energy systems regulated by Section 3.39, and towers and antennas which are otherwise specifically regulated by this Zoning Ordinance. All other towers and antennas which do not exceed a height of 35 feet shall comply with the following regulations:

- a) **Towers and Antennas Allowed by Right.** The following towers and antennas are allowed in all zoning districts subject to the following requirements, approval by the City Zoning Administrator and the issuance of a building permit as may be required:
- 1) An antenna which is no more than 35 feet in height when attached to a new or existing structure such as a tower or pole. The height shall be measured from the top of the antenna to the average grade within 25 feet of the base of the structure.
  - 2) An antenna which is attached to or placed on the roof an existing building provided the antenna does not exceed a height of 35 feet as measured from the top of the antenna to the average grade within 25 feet of the base of building or the antenna does not extend above the highest point of the building roof whichever is greater.

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- 3) The antenna or tower shall be permanently secured to a stable foundation.
- 4) All antennas and towers must be grounded to protect against damage from lightning.
- 5) A newly installed structure containing an antenna shall be set back from all lot lines a distance equal to its height and shall not be located in the required front yard. The height shall be measured from the top of the antenna to the average grade within 25 feet of the base of the structure. An antenna installed on a building shall be located so that it is setback from all lot lines a distance equal to the height of the antenna as measured from the top of the antenna to the base of the antenna.

### SECTION 3.34 OUTDOOR FURNACES

- a) **Definition** - An outdoor furnace is defined as a furnace, heating system, stove, or boiler that is a separate structure, either above or below ground, not located in a building but which provides heat or hot water for a building or structure located on the same lot.
- b) **Zoning Districts Allowed** - Outdoor furnaces are permitted only in the R-1, C-R, C-2, and Industrial zoning districts subject to the requirements of this Section 3.34 and the issuance of a permit by the Montcalm County Building Department or such other official as is designated by the City Commission.
- c) **Application** - As part of the permit application process the applicant shall submit the following information in order to show compliance with Sections 3.34(d) and (e) herein.
  - 1) An accurate drawing illustrating the parcel and all buildings on the parcel proposed for the outdoor furnace and the proposed location of the furnace showing distances to lot lines:
  - 2) Information on the distance of the furnace to houses and buildings on nearby properties; and specifications and other materials from the manufacturer of the furnace including the height of the smoke stack.
- d) **Installation and Operating Requirements**
  - 1) Outdoor furnaces shall be installed and operated according to the manufacturer’s instructions and all applicable building and mechanical codes at all times.
  - 2) Outdoor furnaces shall be listed by a nationally recognized testing laboratory and labeled for outdoor installation. Supports and foundations shall be level and conform to the manufacturer’s installation instructions.
  - 3) An applicant for an outdoor furnace shall provide documentation from the furnace manufacturer that the proposed outdoor furnace meets the emission requirements of the United States Environmental Protection Agency.
  - 4) All outdoor furnaces shall only be used to burn wood without additives, wood pellets without

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additives and agricultural seeds in their natural state. The following materials are specifically prohibited as items or materials to be burned in outdoor furnaces:

- i. Rubbish or garbage including, but not limited to, food waste, food, wraps, packaging, animal carcasses, paint, petroleum products, or painted materials, furniture, composite shingles, construction or demolition debris, or other household or business wastes.
  - ii. Leaves, grass and similar yard waste.
  - iii. Waste oil or other oily wastes.
  - iv. Treated or painted wood.
  - v. Any plastic material including, but not limited to, nylon, PVC, polystyrene or urethane foam, and synthetics fabrics, plastic films, and plastic containers.
  - vi. Rubber, including tires and synthetic like products.
  - vii. Newspapers, corrugated cardboard, container board, or office paper.
- 5) Outdoor furnaces shall be kept in a reasonable condition and repair at all times.
  - 6) No outdoor furnace shall be used or operated in such a fashion as to become a nuisance to the owners or occupiers of any adjoining or nearby properties or dwellings or in such a fashion that smoke emissions unreasonably interfere with the safe or reasonable enjoyment of any of the owners or occupants of nearby or adjoining properties.

**e) Location and Smokestack Height**

- 1) Every outdoor furnace shall only be located in the rear or side yard and at least 100 feet from the nearest dwelling unit which is not on the same lot as the outdoor furnace.
- 2) Each outdoor furnace shall be located a minimum of 50 feet from all property lines.
- 3) Each outdoor furnace shall have a smokestack that extends at least 15 feet above the ground surface. In addition, if any dwelling or other principal building is intended to be occupied by humans and which is not on the same lot as the outdoor furnace but which is located within 300 feet of the outdoor furnace, the height of the smokestack shall be no lower than the roof peak of such dwelling or principal building.

The Montcalm County Building Inspection Department (or other person so designated by the City Commission) may approve a lesser smokestack height if necessary to comply with the manufacturer’s recommendations and if it can be demonstrated that smoke from the lower smokestack height will not create a nuisance for residents of nearby existing dwellings. Factors that shall be considered by the Building Inspection Department (or City Commission designee) in making a determination to permit a lower smokestack height shall include, but are not limited to, topography, height of nearby dwellings, prevailing wind direction, type of furnace, and proposed smokestack height.

- 4) An outdoor furnace shall be located no closer than 10 feet to a propane tank or similar flammable

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container.

**SECTION 3.35 PRIVATE STREETS**

- a) Private streets are permitted in the R-1, R-M and PUD Zoning Districts as a Special Land Use in accordance with the requirements of Chapter 14 herein. If a private street is part of a site condominium, platted subdivision, or Planned Unit Development, the public hearing for the private street will be held as part of the required review procedure for these development projects.
- b) **Application and Fee.** An application to establish, construct or extend a private street shall be filed with the Zoning Administrator along with a fee as set by the City Commission. The application shall contain or be accompanied by the following information:
  - 1) The name or names of the owners of the property containing the proposed private street.
  - 2) Permanent parcel number or legal description of the property over which the private street is to be constructed.
  - 3) Ten copies of a site plan sealed by a registered engineer or surveyor which shall illustrate at a minimum the following information:
    - i. A site location map to scale which shows the location of the parcel containing the street to surrounding properties, streets and dwelling units within one-half mile of the site.
    - ii. All of the lots which will be served by the private street.
    - iii. The precise location, route, elevations, dimensions, specifications and design of the private street and any proposed extensions of the street, existing or proposed curb cuts and the location and distance to any public street which the private street is to intersect.
    - iv. A profile of the proposed street.
    - v. The location of all public utilities including but not limited to water, sewer, telephone, gas, electricity and television cable to be located within the private street right-of-way or within 20 feet either side thereof.
  - 4) A street maintenance agreement, access easement agreement and deed restrictions as required in this Section shall also accompany the application.

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**c) Review by Planning Commission / Issuance of Construction Permit.**

- 1) The Planning Commission shall review this information to determine compliance with the standards and requirements for private streets as contained herein and may consult with the City Fire Chief, Attorney, Engineer or Planner who shall provide written reports as requested by the Commission.
- 2) Following the public hearing if the Planning Commission finds that the application meets the requirements of this Section, the application shall be approved. If, in its approval, the Commission requires revisions to be made to the plans these revisions shall be made and verified by the Zoning Administrator or their agent.
- 3) Upon approval of the required revisions and payment of any required escrow fees, the Zoning Administrator shall issue a Construction Permit for the construction of the private street.

This Construction Permit shall consist of a stamp noting the date of approval. Two copies of the private street plans shall be stamped for approval, one copy shall be kept by the applicant, and one by the City.

This Construction Permit is not a Final Private Street Permit and does not authorize the construction of any buildings on lots to be served by the private street. The Construction Permit is valid for a period of one year from the date of approval. If construction of the private street has not commenced before this date, the permit shall expire.

The Planning Commission, however, may grant an extension of the time period for not more than one year if the applicant files a request for an extension with the Zoning Administrator before the permit expires and the Planning Commission finds that an extension is warranted due to circumstances beyond the control of the applicant. If a permit expires a new Construction Permit shall be required before construction can begin.

**d) Final Private Street Permit Requirements.** Upon completion of construction of the private street, the applicant shall provide to the Zoning Administrator:

- 1) A letter from a registered professional engineer or surveyor that the street has been constructed in compliance with the approved private street plans.
- 2) Documentation that the street maintenance agreement, access easement and deed restrictions have been recorded with the Montcalm County Register of Deeds office.
- 3) The Zoning Administrator or City Engineer may also conduct an inspection of the private street to ensure that all other requirements of this Section have been met.
- 4) A copy of the approved private street plans in paper and in an electronic format as approved by the City.

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**e) Final Private Street Permit Issuance**

- 1) Upon approval of items required for final compliance and payment of all required fees and escrow amounts, the Zoning Administrator shall issue a Final Private Street Permit.
- 2) If a private street is required to be paved, the final level of asphalt shall be applied to the private road before an occupancy permit is issued for the last dwelling constructed on a lot served by the private street or within two years of the date of issuance of the Final Private Street Permit.

**f) Permits for Buildings on Private Streets.** A building permit shall not be issued for any building, dwelling or structure which derives its primary access from a private street unless:

- 1) The private street has been completed in accordance with an approved Final Private Street Permit, or
- 2) The applicant for the building permit or the owner(s) of the private street right-of-way have provided the City with an irrevocable letter of credit in an amount determined by the City to ensure construction of the private street in accordance with the approved private street construction permit. The letter of credit shall be valid for a period of one year from the date of the issuance of the building permit. The City shall have the right to draw on the funds if the private street is not completed to the satisfaction of the City prior to the expiration of the letter of credit. However, the City Commission may agree to extend the validity of the letter of credit if so requested by the applicant who must also provide evidence that the private street will be completed within a reasonable period of time.

No more than two building permits shall be issued under this sub section and no occupancy permits shall be issued until the private street is constructed and a Final Private Street Permit is issued.

**g) Minimum Standards for All Private Streets.**

- 1) A private street shall be constructed within a private road easement with a minimum width of 66 feet.
- 2) A private street serving two, three or four lots shall comply with the construction standards of the Montcalm County Road Commission for a Typical Rural Section except that the width of the vehicle travel lane shall be a minimum of 18 feet.
- 3) A private street serving more than four lots shall comply with the construction standards of the Montcalm County Road Commission for a Typical Urban Section except that the width of the vehicle travel lane shall be a minimum of 18 feet.
- 4) All private streets shall comply with the construction standards of the Montcalm County Road Commission for a private road entrance paved approach
- 5) A lot shall have frontage on the private street easement which is at least equal to the minimum lot width required for the zoning district in which the lot is located.
- 6) The private street shall be given a street name that is not the same or similar to any other street name in the City. A street sign bearing the street name of the private street meeting City standards

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as to design, location, and maintenance shall be erected and maintained where such private street adjoins any public street.

- 7) The area in which the private street is to be located shall be cleared and kept clear of vegetation for a minimum width of 28 feet. All overhead branches extending over the travel surface of the private street shall be trimmed and maintained to a height of 14 feet above the private street.
- 8) A stop sign shall be installed at the intersection of the private street with the public street.
- 9) A private street shall be constructed in a manner to provide effective storm water drainage and to prevent run-off onto adjacent property. If a private street crosses a natural drainage course, stream or other natural body of water, the method of crossing (by bridge, culvert or other structure) must comply with applicable Montcalm County Road Commission requirements.
- 10) A dwelling unit which derives its primary access from a private street shall display a house number in a manner so that the number is at all times readily visible from the private street. The house numbers shall be a minimum of three inches in height.
- 11) The edge of the private street driving surface shall be no closer than 50 feet from any existing dwelling unit located on a parcel adjacent to the private street.
- 12) A private street that intersects a public street shall be at least 150 feet from a public or private street which intersects the same street as measured between the centerlines of the streets or the private street shall directly align with any opposing public or private street.

h) **Private Street Maintenance Agreement.** The applicant(s) and/or owner(s) of the proposed private street shall provide to the City a recordable or recorded street maintenance agreement, access easement agreement, and/or deed restrictions which shall provide for the perpetual private (non-public) maintenance of such streets and/or easements to a necessary and reasonable standard to serve the parties having an interest in the private street. These documents shall include provisions for the following:

- 1) A method of financing the maintenance of the private street and/or easements in order to
- 2) keep the street in a safe and usable condition.
- 3) A method of apportioning the costs of maintenance and improvements and an enforcement mechanism to ensure that such maintenance and improvements are carried out.
- 4) A notification that no public funds of the City of Stanton will be used to build, repair, or maintain the private street.
- 5) Easements to the public for purposes of emergency and other public vehicles for whatever public services are necessary and easements for public and private utilities.
- 6) Each of the owners of property utilizing the street shall refrain from prohibiting, restricting, limiting or in any manner interfering with normal ingress and egress and use by any of the other owners and ensuring that the property owners shall have a mechanism provided to enforce these rights. Normal ingress and egress and use shall include use by family, guests, invites, tradesmen, and others bound to or returning from any of the properties having a right to use the street.

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7) If the private street entrance is secured by a locked gate or other similar mechanism the applicant shall arrange for emergency vehicle access with the City Fire Chief.

- i) **Second Access.** A private street system or interconnected public and private street system shall not serve more than 30 lots or dwellings units, unless a second means of ingress and egress is provided for all of the lots or dwellings served. This secondary access shall meet the minimum standards for public and/or private streets, as the case may be, as required by applicable City ordinances.

**SECTION 3.36 BUILDING PERMIT REQUIRED**

A building permit is required to be obtained from the Montcalm County Building Department for the following projects:

- a) Detached accessory buildings which exceed 200 sq. ft. of gross floor area or which contain more than one story.
- b) A deck which is more than 200 sq. ft. in area or more than 30 inches above grade at any point.
- c) A balcony, enclosed patio, unenclosed patio with a roof, enclosed or unenclosed porch, and barrier free access ramp

**SECTION 3.37 SWIMMING POOLS**

For the protection of the general public, any swimming pool, spa, hot tub and other similar apparatus (below ground or above ground) located out of doors which is capable of holding a depth of more than 24 inches of water at any one point shall comply with the following requirements:

- a) Be completely enclosed by a barrier which complies with the current Michigan Building Code as amended;
- b) Issuance of a zoning permit before installation;
- c) Conformance with all applicable construction, plumbing and electrical codes;
- d) Located only in the side and rear yards according to the minimum setback requirements for accessory buildings in the zone in which the swimming pool is proposed to be located.

**SECTION 3.38 SATELLITE DISH**

Satellite dishes are permitted in all zoning districts without a permit subject to the following regulations:

- a) A satellite dish shall not be located in the required front yard.
- b) A satellite dish shall comply with the side and rear yard setback requirements for accessory buildings for the zoning district in which it is located.
- c) A satellite dish shall not display any advertising message or other graphic representation other than a manufacturer's logo or nameplate.
- d) A satellite dish shall be located on the same lot or premises as the use for which it serves and shall not be located in a public right-of-way.

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- e) A satellite dish shall be a neutral in color and texture such as silver, grey, beige or light brown which can blend into the adjacent background.
- f) A satellite dish mounted on the roof or side of a building shall not extend higher than 12 feet above the ridge or peak of the building roof.
- g) A satellite dish shall be well maintained, securely attached to a structure or the ground and shall not be allowed to become unsightly in appearance.
- h) For satellite dishes which are one meter (39.37 inches) or less in diameter the Zoning Administrator may grant a waiver from the setback requirements of this Section if it can be demonstrated that these requirements prevent reasonable satellite dish reception. This waiver may be granted after consideration of the following factors and standards:
  - 1) A showing of true hardship or particular difficulty;
  - 2) The safety of the property owner and the surrounding property owners;
  - 3) The waiver shall be the minimum necessary to afford relief to the applicant;
  - 4) "Reasonable reception," as used in this section, does not mean perfect reception from each satellite service provider.
  - 5) Conditions may be attached to the granting of a waiver, which protect the health, safety, and welfare of the community.

**SECTION 3.39 WIND ENERGY SYSTEMS (WES)**

- a) **Purpose.** The purpose of this section is to establish standards and procedures by which the installation and operation of a WES shall be regulated within the City of Stanton, in order to promote the safe, effective, and efficient use of wind energy.
- b) **Definitions.**

*Ambient Sound Level.* The amount of background noise at a given location prior to the installation of a WES(s), which may include, but not be limited to, traffic, machinery, lawnmowers, human activity, and the interaction of wind with the landscape. The ambient sound level is measured on the dbA weighted scale as defined by the American National Standards Institute.

*Applicant.* The person, firm, corporation, company, limited liability corporation or other entity which applies for City approval under this section, as well as the applicant’s successor(s), assign(s), and/or transferee(s) to any approved WES. An applicant must have the legal authority to represent and bind the landowner or lessee who will construct, own and operate the WES. The obligations regarding a zoning approval for any approved WES shall be with the landowner and the owner(s) of the WES and jointly and severally with the owner and operator or lessee of the WES if different than the owner.

*Building Mounted WES.* A WES mounted or attached to a building.

*Interconnected WES.* A WES which is electrically connected to the local electrical power utility system and can provide power to the local electrical power utility system.

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*Nacelle.* In a wind turbine, the nacelle refers to the structure, which houses all of the generating components, gearbox, drive train, and other components.

*Rotor Diameter.* The cross-sectional dimension of the circle swept by the rotating blades of a WES.

*Shadow Flicker.* The moving shadow, created by the sun shining through the rotating blades of a Wind Energy System (WES). The amount of shadow flicker created by a WES is calculated by a computer model that takes into consideration turbine location, elevation, tree cover, location of all structures, wind activity, and sunlight.

*Total WES Height.* The vertical distance measured from the ground or roof level at the base of the WES mounting system tower or similar mounting system to the uppermost vertical extension of any blade, or to the maximum height reached by any part of the Wind Energy System.

*Tower Mounted WES.* A WES mounted or attached to a tower, pole, or similar structure, which is not a building.

*Utility Grid Wind Energy Systems.* A WES designed and constructed to provide electricity to the electric utility grid.

*WES Setback.* The distance from the base of the tower or structure upon which the WES is mounted to the nearest lot line. In the case of multiple parcels utilized for multiple or single WES, the setbacks shall be taken from the outside boundary of the parcels utilized for the WES project.

*Wind Energy System (WES).* Wind energy system” means equipment that converts and then stores or transfers energy from the wind into usable forms of energy and includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, turbine, vane, wire, or other component used in the system.

c) **Wind energy systems 50 ft. or less in height allowed as a permitted use.** Any tower mounted Wind Energy System that is 50 feet or less in total height and any roof mounted Wind Energy System shall be a permitted use in all zoning districts, subject to the following:

- 1) *Permit Required.* A permit shall be required to be obtained from the City of Stanton to construct and operate any tower mounted WES 50 feet or less in total height or any building mounted WES. A permit shall be issued after an inspection of the WES by the City of Stanton or an authorized agent of the City, and where the inspection finds that the WES complies with the requirements of this Section, all applicable state construction, and electrical codes, local building permit requirements, and all manufacturers’ installation instructions. *The following information is required for a WES permit.*

- i. Name of property owner(s) and address.

|  |                            |                           |                         |                    |
|--|----------------------------|---------------------------|-------------------------|--------------------|
| Purpose, Scope, & Validity   | Definitions                | General Provisions        | Zoning Districts        | Off Street Parking |
| Development Review <ul style="list-style-type: none"> <li>• Site Plan</li> <li>• Special Land Uses</li> <li>• Site Condominiums</li> </ul> | Signs                      | Non-Conforming            | Zoning Board of Appeals |                    |
|  | Administration/Enforcement | Table of Lot Requirements | Zoning Map              |                    |

- ii. An accurate drawing showing the proposed location of the WES, property lines, existing building(s), proposed WES setback lines, right-of-way lines, public easements, and overhead utility lines.
  - iii. The proposed type and height of the WES to be constructed; including the manufacturer and model, product specifications including maximum noise output (measured in decibels), total rated generating capacity, dimensions, rotor diameter, and a description of ancillary facilities.
  - iv. Evidence that the utility company has been informed of the customer's intent to install an interconnected, customer-owned generator and that such connection has been approved. Off-grid systems shall be exempt from this requirement.
  - v. Other relevant information as may be reasonably requested by the Building Inspector.
- 2) *Height for Tower Mounted WES.* The total WES height of a tower mounted WES shall not exceed 50 feet.
- 3) *Height for Building Mounted WES.* The total WES height of a building mounted WES shall not exceed 15 feet as measured from the highest point of the roof, excluding chimneys, antennas, and other similar protuberances.
- 4) *Setback for Tower Mounted WES.* The setback for a tower mounted WES shall be a distance, which is at least equal to one-half the height of the WES from a property line, public right-of-way, public easement, or overhead utility lines. Guy wires and anchors shall not be located within or above the front yard.
- 5) *Setback for Building Mounted WES.* The setback for a building mounted WES shall be a minimum of 15 feet from the property line, public right-of-way, public easement, or overhead utility lines if mounted directly on a roof or other elevated surface of the building. If the WES is affixed by any extension to the side, roof, or other elevated surface, then the setback from the property line or public right-of-way shall be a minimum of 15 feet. The setback shall be measured from the furthest outward extension of all moving parts. The 15 feet minimum setback requirement may be reduced by the Building Inspector under either or both of the following circumstances:
- i. If the applicant provides a registered engineer's certification that the WES is designed to collapse, fall, curl, or bend within a distance less than the required setback of the WES.
  - ii. The Building Inspector determines that a lesser setback will not be detrimental to adjoining properties. In making this determination the Building Inspector shall, at a minimum, take into consideration the type and location of the building containing the WES, the type of WES proposed, the installation requirements of the WES and the location of buildings or uses on the adjacent properties.
- 6) A tower mounted WES shall only be located in the rear yard and must be on the same lot as the principal use.
- 7) *Rotor or Blade Clearance*

|   |                                   |                                  |                                |                           |
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| <b>Development Review</b> <ul style="list-style-type: none"> <li>• Site Plan</li> <li>• Special Land Uses</li> <li>• Site Condominiums</li> </ul> | <b>Signs</b>                      | <b>Non-Conforming</b>            | <b>Zoning Board of Appeals</b> |                           |
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- i. Blade or rotor arcs created by a tower mounted WES shall have a minimum of 20 feet of clearance over and from any structure, adjoining property or tree.
  - ii. The blade or rotor arcs created by a building mounted WES shall have a minimum clearance of eight feet above the roof or be designed in the opinion of the Building Inspector so the blade or other moving parts do not present a safety hazard to any person on the roof
  
- 8) *Shared WES Usage.* A WES may provide electrical power to more than one dwelling unit or building, provided the dwelling units or buildings are located on property or properties that are adjacent to the property or properties on which the WES is located.
  
- d) **Wind Energy Systems Which Require A Special Use Permit.** Any tower mounted WES which is greater than 50 feet in total height, may be allowed as a Special Use in all Zoning Districts subject to the following regulations and requirements of this Section and the general special land use review procedures and standards of Chapter 14 of this Zoning Ordinance.
  - 1) *Site Plan Requirements.* A WES for which a Special Use is required shall be included in the following items with or on the site plan:
    - i. All requirements for a site plan contained Chapter 13 herein.
    - ii. Dimensions of the area purchased or leased which is to contain the WES.
    - iii. Location and height of all existing and proposed buildings, structures, electrical lines, towers, guy wires, guy wire anchors, security fencing, and any other above-ground structures proposed or existing for the parcel or parcels containing the WES.
    - iv. Specific distances from the WES structures to all other buildings, structures, and above ground utilities including on the parcel or parcels upon which the WES is proposed to be located.
    - v. Land uses within 300 feet of the parcel.
    - vi. Access drives to the WES including dimensions and composition, with a narrative describing proposed maintenance of the drives.
    - vii. All lighting proposed for the site, including diagrams of lighting fixtures proposed if requested by the Planning Commission.
    - viii. Security measures proposed to prevent unauthorized trespass and access.
    - ix. Standard drawings of the structural components of the WES, including structures, towers, bases, and footings. A registered engineer shall certify drawings and any necessary calculations that show that the system complies with all applicable local, state, and federal building, structural and electrical codes.
    - x. Additional information as required by Chapter 14 Special Land Uses of this Ordinance, or as may be required by the Planning Commission.

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| <b>Development Review</b> <ul style="list-style-type: none"> <li>• Site Plan</li> <li>• Special Land Uses</li> <li>• Site Condominiums</li> </ul> | <b>Signs</b>                      | <b>Non-Conforming</b>            | <b>Zoning Board of Appeals</b> |                           |
|   | <b>Administration/Enforcement</b> | <b>Table of Lot Requirements</b> | <b>Zoning Map</b>              |                           |

- xi. The Planning Commission may waive or modify the above requirements at the request of the applicant if it is determined that those items would not be needed to properly review the project.

2) *Height.* The height of a WES for which a Special Use is required shall be determined by compliance with the setback requirements of this Section

3) *Setbacks.* The setback for a WES shall be at least equal to 1.1 times the height of the WES. Guy wires and anchors shall not be located within or above the front yard.

4) *Rotor or Blade Clearance.* Blade arcs created by a tower mounted WES shall have a minimum of 20 feet of clearance over and from any structure, adjoining property or tree.

5) *Maintenance Program Required.* The applicant shall provide a written description of the maintenance program to be used to maintain the WES, including a maintenance schedule of types of maintenance tasks to be performed.

6) *Decommissioning Plan Required.* The applicant shall provide a written description of the anticipated life of the system and facility; the estimated cost of decommissioning; the method of ensuring that funds will be available for decommissioning and restoration of the site; and removal and restoration procedures and schedules that will be employed if the WES becomes obsolete or abandoned.

7) *Siting Standards and Visual Impact.*

- i. A WES shall be designed and placed in such a manner to minimize adverse visual and noise impacts on neighboring areas.
- ii. A WES project with more than one WES structure or tower shall utilize similar design, size, color, operation, and appearance throughout the project as is practicable.

8) *Performance Guarantee.* If a Special Use is approved pursuant to this section, the Planning Commission may require a security in the form of a cash deposit, surety bond, or irrevocable letter of credit in a form, amount, time duration and with a financial institution deemed acceptable to the City, which will be furnished by the applicant to the City in order to ensure full compliance with this Section and any conditions of approval.

e) **Standards for All Wind Energy Systems.** All WES shall comply with the following:

- 1) *Sound Pressure Level.* Wind Energy Systems shall not exceed 55 dB (A) at the property line closest to the WES. This sound pressure level may be exceeded during short-term events such as severe wind storms. If the ambient sound pressure level exceeds 55 dB (A), the standard shall be ambient dB (A) plus 5 dB (A).
- 2) *Shadow Flicker.* The Planning Commission or Zoning Administrator may request that the applicant perform an analysis of potential shadow flicker. The analysis shall identify locations of shadow flicker that may occur and shall describe measures such as screening that shall be taken to eliminate or minimize the shadow flicker.
- 3) *Lighting.* A WES shall only provide or contain lighting as may be required by the FAA.

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| <b>Development Review</b> <ul style="list-style-type: none"> <li>• Site Plan</li> <li>• Special Land Uses</li> <li>• Site Condominiums</li> </ul> | <b>Signs</b>                      | <b>Non-Conforming</b>            | <b>Zoning Board of Appeals</b> |                           |
|   | <b>Administration/Enforcement</b> | <b>Table of Lot Requirements</b> | <b>Zoning Map</b>              |                           |



- 4) *Construction Codes and Interconnection Standards:*
- i. All applicable state construction and electrical codes and local building permit requirements;
  - ii. Federal Aviation Administration requirements.
  - iii. The Michigan Airport Zoning Act, Pubic Act 23 of 1950, as amended;
  - iv. The Michigan Tall Structures Act, Public Act 259 of 1959, as amended;
  - v. The Michigan Public Service Commission and Federal Energy Regulatory Commission if the WES is an interconnected system.
- 5) *Safety*
- i. Each WES shall be equipped with both a manual and automatic braking device capable of stopping the WES operation in high winds or must be designed so that the rotational speed of the rotor blade does not exceed the design limits of the rotor.
  - ii. To prevent unauthorized access, each tower mounted WES must comply with at least one of the following provisions, and more than one if required by the Planning Commission or the Building Inspector:
    - a. Tower climbing apparatus shall not be located within 12 feet of the ground.
    - b. A locked anti-climb device shall be installed and maintained.
    - c. A tower capable of being climbed shall be enclosed by a locked, protective fence at least six feet high.
  - iii. All WES shall have lightning protection.
  - iv. If a tower is supported by guy wires, the wires shall be clearly visible to height of at least 10 feet above the guy wire anchors.
- 6) *Signs*
- i. Each tower mounted WES shall have one sign not to exceed two square feet posted at the base of the tower, or, if the structure is fenced, on the fence. The sign shall be posted with the words “Warning: High Voltage” and emergency phone numbers.
  - ii. A WES shall not include any advertising of any kind, except the nacelle and blades may have lettering that exhibits the manufacturer’s identification.
- 7) *Electromagnetic Interference.* WES shall be designed, constructed and operated so as not to cause radio and television interference.
- 8) *Maintenance.* WES must be kept and maintained in good repair and condition at all times and shall not pose a potential safety hazard.
- 9) *Inspection.* The City shall have the right upon approving any WES to inspect the premises on which the WES is located at all reasonable times with permission of the property owner. The City

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|---|-----------------------------------|----------------------------------|--------------------------------|---------------------------|
| <b>Purpose, Scope, &amp; Validity</b>   | <b>Definitions</b>                | <b>General Provisions</b>        | <b>Zoning Districts</b>        | <b>Off Street Parking</b> |
| <b>Development Review</b> <ul style="list-style-type: none"> <li>• Site Plan</li> <li>• Special Land Uses</li> <li>• Site Condominiums</li> </ul> | <b>Signs</b>                      | <b>Non-Conforming</b>            | <b>Zoning Board of Appeals</b> |                           |
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may hire a consultant to assist with any such inspections at the applicant’s cost.

- 10) *Insurance.* The WES operator shall maintain a current liability insurance policy for the WES. The amount of the policy shall be a condition of approval.
- 11) All distribution lines from the WES shall be located and maintained underground, both on the property where the WES will be located and off-site. The Planning Commission may waive the requirement that distribution lines for the WES which are located off-site (i.e. are not located on or above the property where the WES will be located) be located and maintained underground if the Planning Commission determines that to install, place, or maintain such distribution lines underground would be impractical or unreasonably expensive.
- 12) A WES, except for building mounted WES, may be located on a lawful parcel or parcels which do not have frontage on a public or private road.
- 13) *Color:* A WES shall be painted a non-obtrusive color such as black, beige, white or gray color that is non-reflective. A WES shall not be painted or contain any bright or fluorescent color. No striping of color or advertisement shall be visible on the blades or tower.

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| <b>Purpose, Scope, &amp; Validity</b>   | <b>Definitions</b>                | <b>General Provisions</b>        | <b>Zoning Districts</b>        | <b>Off Street Parking</b> |
| <b>Development Review</b> <ul style="list-style-type: none"> <li>• Site Plan</li> <li>• Special Land Uses</li> <li>• Site Condominiums</li> </ul> | <b>Signs</b>                      | <b>Non-Conforming</b>            | <b>Zoning Board of Appeals</b> |                           |
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## **CHAPTER 4**

### **ZONING DISTRICTS**

#### **SECTION 4.01 ZONING DISTRICTS**

For the purposes of regulating and restricting the location of buildings and sites for specific uses and also for the purpose of regulating and restricting volume, height, and area of buildings hereafter erected or altered, the following zoning districts are hereby designated within the City:

R-1 Single-Family Residential District

R-M Multi-Family Residential District

MHP Mobile Home Park District

C-1 Central Business District

C-2 General Commercial District

C-R Commercial-Residential District

I Industrial District

PUD Planned Unit Development

#### **SECTION 4.02 ZONING MAP**

The location and boundaries of the zoning districts named and listed in Chapter 4 of this Ordinance are hereby established as shown on a map entitled "Zoning Map of the City of Stanton," as amended from time to time. The map and all amendments thereto are made a part of this Ordinance.

#### **SECTION 4.03 ZONING MAP INTERPRETATION**

When uncertainty exists as to the boundaries of zoning districts as shown on the zoning map the following rules of construction and interpretation shall apply:

|   |                                   |                                  |                                |                           |
|---|-----------------------------------|----------------------------------|--------------------------------|---------------------------|
| <b>Purpose, Validity, &amp; Scope</b>   | <b>Definitions</b>                | <b>General Provisions</b>        | <b>Zoning Districts</b>        | <b>Off Street Parking</b> |
| <b>Development Review</b> <ul style="list-style-type: none"> <li>• Site Plan</li> <li>• Special Land Uses</li> <li>• Site Condominiums</li> </ul> | <b>Signs</b>                      | <b>Non-Conforming</b>            | <b>Zoning Board of Appeals</b> |                           |
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- a) Boundaries indicated as approximately following the center lines of roads, streets or alleys shall be construed to follow such center lines;
- b) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- c) Boundaries described as following the shoreline of lakes, rivers, creeks, or lake, creek or river beds, shall be construed as following such shoreline or bed. In the event of natural change of a shoreline, such boundaries shall be construed as moving with such shoreline.
- d) Boundaries indicated as approximately following property lines, section lines, or other lines of the Government survey, shall be construed as following such property lines as of the effective date of this Ordinance or amendment thereto.
- e) In any case where boundary lines cannot be determined by application of these rules, such boundaries shall be determined by the Zoning Board of Appeals whose decision shall be final except that such decision may be appealed to the Circuit Court.

**SECTION 4.04 LANDS NOT INCLUDED WITHIN A ZONING DISTRICT**

If, by error, omission, annexation or other reason, any land has not been specifically included within a zoning district, such land shall be included in the "R-1"- Single Family Residential Zoning District.

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|---|-----------------------------------|----------------------------------|--------------------------------|---------------------------|
| <b>Purpose, Validity, &amp; Scope</b>   | <b>Definitions</b>                | <b>General Provisions</b>        | <b>Zoning Districts</b>        | <b>Off Street Parking</b> |
| <b>Development Review</b> <ul style="list-style-type: none"> <li>• Site Plan</li> <li>• Special Land Uses</li> <li>• Site Condominiums</li> </ul> | <b>Signs</b>                      | <b>Non-Conforming</b>            | <b>Zoning Board of Appeals</b> |                           |
|   | <b>Administration/Enforcement</b> | <b>Table of Lot Requirements</b> | <b>Zoning Map</b>              |                           |

## CHAPTER 5

### R-1, SINGLE FAMILY RESIDENTIAL DISTRICT

#### SECTION 5.01 PURPOSE

The R-1 district is a combination of the R-1 and R-2 Zoning Districts which existed before the adoption of this Zoning Ordinance and is created to implement the recommendation of the 2016 Stanton Master Plan. This R-1 district includes the older established neighborhoods of the City and also applies to large undeveloped areas planned for residential development in the Master Plan. The regulations are designed to protect the established residential character while allowing for slightly larger lots outside the center of the City. R-1 areas should be served by public water and sanitary sewer with sidewalks, street lights and street trees to create a quality residential environment.

#### SECTION 5.02 PERMITTED USES

- a) Single family dwellings
- b) Adult Foster Care Family Home (1-6 adults)
- c) Family Child Care Home (1-6 minor children)
- d) Wind Energy Systems which are 35 feet in height or less per Section 3.39.
- e) Essential public service equipment per Section 3.16.
- f) Home based business per Section 3.29.
- g) Accessory buildings and uses per Section 3.22.

#### SECTION 5.03 SPECIAL LAND USES

The following uses may be permitted in the R-1, Single Family Residential District upon authorization as a Special Land Use by the Planning Commission in accordance with the requirements of Chapter 14 herein.

- a) Two-family dwellings or conversion of an existing single-family dwelling to a two-family dwelling. See Foot Note 1.
- b) Churches, mosques, synagogues and similar places of religious worship.
- c) Group Child Care Home (7-12 minor children) per Section 14.11(a).
- d) Adult Day Care Home (1-6 adults)
- e) Adult Foster Care Small Group Home (7-12 adults)
- f) Private schools.
- g) Municipal fire stations and service buildings.

|   |                                   |                                  |                                |                           |
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| <b>Purpose, Validity, &amp; Scope</b>   | <b>Definitions</b>                | <b>General Provisions</b>        | <b>Zoning Districts</b>        | <b>Off Street Parking</b> |
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- h) Home based business per Section 3.29.
- i) Parks, play grounds, community centers, libraries, museums, and similar public and institutional uses owned or operated by a governmental agency or non-profit agency.
- j) Housing for the elderly, including retirement housing, assisted living facilities and nursing care facilities.
- k) Hospitals, including associated offices and related uses, such as pharmacies, clinics, and other similar uses integral to such use.
- l) Bed and Breakfast per Section 14.11 (c).
- m) Wireless Communication Towers and Antennas Section 3.32.
- n) Wind Energy Systems over 35 feet in height per Section 3.39.
- o) Essential Public Service Structures and Buildings per Section 3.17.

**SECTION 5.04 DEVELOPMENT STANDARDS**

|  |   |
|--|---|
| Minimum Lot Area Single Family Dwelling                      | 8700 sq. ft. w/ public water and sanitary sewer. 10,000 sq. ft. w/o                           |
| Minimum Lot Width  | 66 ft.  |
| Minimum Lot Area Two Family Dwelling and all other uses. (1) | 10,000 sq. ft. with public water and sanitary sewer / 15,000 sq. ft. w/o.                     |
| Minimum Lot Width  | 80 ft. with public water and sanitary sewer/ 100 ft. w/o.                                     |
| Minimum Front Yard   | 25 ft.  |
| Minimum Rear Yard  | 30 ft.  |
| Minimum Side Yard  | Total of 18 feet / one side minimum of 7 ft. for dwellings. All other uses 25 feet each side. |
| Corner Lot Setback from Each Street Abutting the Lot         | 25 ft.  |
| Maximum Building Height                                      | 35 ft.  |
| Maximum Lot Coverage   | 50%   |

Foot Notes

- 1) For conversion of an existing single-family dwelling to a two-family dwelling, the following requirements shall be met:

|   |                                   |                                  |                                |                           |
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| <b>Purpose, Scope, &amp; Validity</b>   | <b>Definitions</b>                | <b>General Provisions</b>        | <b>Zoning Districts</b>        | <b>Off Street Parking</b> |
| <b>Development Review</b> <ul style="list-style-type: none"> <li>• Site Plan</li> <li>• Special Land Uses</li> <li>• Site Condominiums</li> </ul> | <b>Signs</b>                      | <b>Non-Conforming</b>            | <b>Zoning Board of Appeals</b> |                           |
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- a) The lot must provide two off-street parking spaces for each dwelling unit. These spaces shall be located within an attached or detached garage or on a gravel or hard surface driveway.
- b) Each dwelling unit must have a minimum of 400 sq. ft. and comply with all applicable requirements of the Montcalm County Building Code.
- c) Direct access to each dwelling unit shall be provided by a doorway located on the outside of the building.

**SECTION 5.05 MINIMUM FLOOR REQUIREMENTS**

One story: 800 sq. ft.  
 Two stories: 720 on the ground floor  
 Split or bi-level: 800 sq. ft. above grade

**SECTION 5.06 ADDITIONAL REQUIREMENTS**

**a) General Requirements**

- 1) Keeping of Animals. Section 3.24
- 2) Home Based Business. Section 3.29
- 3) Accessory Buildings. Section 3.22
- 4) Private Roads. Section 3.35
- 5) Landscaping for Non-Residential Uses. Section 16.05
- 6) Parking of Recreational Vehicles. Section 3.23
- 7) Parking of Commercial Vehicles and Trailers. Section 3.31
- 8) Fences and Walls. Section 3.25
- 9) Signs. Chapter 18
- 10) Off-Street Parking. Chapter 17

**b) Development Procedures**

- 1) Site Plan. Chapter 13
- 2) Special Land Uses. Chapter 14
- 3) Site Condominiums. Chapter 15

**c) Appeals and Administration**

- 1) Non-Conforming Lot and Uses. Chapter 19
- 2) Zoning Board of Appeals. Chapter 20
- 3) Administration. Chapter 21

|   |                                   |                                  |                                |                           |
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| <b>Purpose, Scope, &amp; Validity</b>   | <b>Definitions</b>                | <b>General Provisions</b>        | <b>Zoning Districts</b>        | <b>Off Street Parking</b> |
| <b>Development Review</b> <ul style="list-style-type: none"> <li>• Site Plan</li> <li>• Special Land Uses</li> <li>• Site Condominiums</li> </ul> | <b>Signs</b>                      | <b>Non-Conforming</b>            | <b>Zoning Board of Appeals</b> |                           |
|   | <b>Administration/Enforcement</b> | <b>Table of Lot Requirements</b> | <b>Zoning Map</b>              |                           |

## CHAPTER 6

### R-M, MULTI-FAMILY RESIDENTIAL DISTRICT

#### SECTION 6.01 PURPOSE

The R-M district allows for a variety of multi-family and attached dwelling units with larger projects allowed by Special Use Permit. R-M developments should be served by public water and sanitary sewer with sidewalks, street lights, street trees, and landscaped grounds to create a quality residential environment.

#### SECTION 6.02 PERMITTED USES

- a) Two family dwellings.
- b) Multiple family dwellings containing four or less dwelling units per building.
- c) Single-family attached dwellings such as townhouses and row houses with no more than four units attached in any building.
- d) Adult Foster Care Family Home (1-6 adults)
- e) Family Child Care Home (1-6 minor children)
- f) Wind Energy Systems which are 35 feet in height or less per Section 3.39.
- g) Essential public service equipment per Section 3.16.
- h) Home based business per Section 3.29.
- I) Accessory buildings and uses per Section 3.22.

#### SECTION 6.03 SPECIAL LAND USES

The following uses may be permitted in the R-M, Multi-Family Residential District upon authorization as a Special Land Use by the Planning Commission in accordance with the requirements of Chapter 14 herein.

- a) Multiple family dwellings with more than four dwelling units per building.
- b) Single-family attached dwellings such as townhouses and row houses with more than four units attached in any building.
- c) Churches, mosques, synagogues and similar places of religious worship.
- d) Private schools.
- e) Municipal fire stations and service buildings.
- f) Home based business per Section 3.29.
- g) Parks, play grounds, community centers, libraries, museums, and similar public and institutional uses owned or operated by a governmental agency or non-profit agency.

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|---|-----------------------------------|----------------------------------|--------------------------------|---------------------------|
| <b>Purpose, Scope, &amp; Validity</b>   | <b>Definitions</b>                | <b>General Provisions</b>        | <b>Zoning Districts</b>        | <b>Off Street Parking</b> |
| <b>Development Review</b> <ul style="list-style-type: none"> <li>• Site Plan</li> <li>• Special Land Uses</li> <li>• Site Condominiums</li> </ul> | <b>Signs</b>                      | <b>Non-Conforming</b>            | <b>Zoning Board of Appeals</b> |                           |
|   | <b>Administration/Enforcement</b> | <b>Table of Lot Requirements</b> | <b>Zoning Map</b>              |                           |



- h) Housing for the elderly, including retirement housing, assisted living facilities and nursing care facilities.
- i) Hospitals, including associated offices and related uses, such as pharmacies, clinics, and other similar uses integral to such use.
- j) Bed and Breakfast per Section 14.11 (c).
- k) Towers and antennas over 35 feet in height per Section 3.32.
- l) Wireless Communication Towers and Antennas Section 3.39.
- m) Essential Public Service Structures and Buildings per Section 3.17.

**SECTION 6.04 DEVELOPMENT STANDARDS**

|   |   |
|---|---|
| a) Two-family dwellings:<br>b) Multiple Family / Attached Dwellings /<br>Other Uses | Same as R-1 Zone  |
| Minimum Lot Area:   | 20,000 sq. ft. or 5,000 sq. ft. per dwelling<br>whichever is greater. |
| Minimum Lot Width:  | 100 ft.   |
| Minimum Front Yard:   | 50 ft.  |
| Minimum Rear Yard: (1)  | 25 ft.  |
| Minimum Side Yard: (1)  | 25 ft.  |
| Corner lot setback from each abutting street:                                       | 25 ft.  |
| Maximum Building Height   | 35 ft.  |

Foot Notes:

- 1) If abutting properties are zoned R-1 or the abutting property is recommended for such use in the Stanton Master Plan, the setback shall be a minimum of 50 feet from the abutting lot line for multi-family dwelling units and all other permitted and Special Uses except two family dwellings.

**SECTION 6.05 MINIMUM FLOOR AREA**

- a) Efficiency: 375 square feet
- b) One bedroom: 600 square feet
- c) 100 additional square feet for each additional bedroom.

**SECTION 6.06 ADDITIONAL REQUIREMENTS**

**a) General Requirements**

- 1) Keeping of Animals. Section 3.24
- 2) Home Based Business. Section 3.29
- 3) Accessory Buildings. Section 3.22
- 4) Private Roads. Section 3.35

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- 5) Landscaping for Non-Residential Uses. Section 16.05
- 6) Parking of Recreational Vehicles. Section 3.23
- 7) Parking of Commercial Vehicles and Trailers. Section 3.31
- 8) Fences and Walls. Section 3.25
- 9) Signs. Chapter 18
- 10) Off-Street Parking. Chapter 17

**b) Development Procedures**

- 1) Site Plan. Chapter 13
- 2) Special Land Uses. Chapter 14
- 3) Site Condominiums. Chapter 15

**c) Appeals and Administration**

- 1) Non-Conforming Lot and Uses. Chapter 19
- 2) Zoning Board of Appeals. Chapter 20
- 3) Administration. Chapter 21

|   |                                   |                                  |                                |                           |
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| <b>Development Review</b> <ul style="list-style-type: none"> <li>• Site Plan</li> <li>• Special Land Uses</li> <li>• Site Condominiums</li> </ul> | <b>Signs</b>                      | <b>Non-Conforming</b>            | <b>Zoning Board of Appeals</b> |                           |
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**CHAPTER 7**

**MHP, MOBILE HOME PARK DISTRICT**

**SECTION 7.01 PURPOSE**

The purpose of this district is to allow for the establishment of mobile home parks and related accessory uses. A mobile home park within this zoning district shall comply with all applicable procedures and requirements of the Mobile Home Commission Act, being Act 96 of 1987, as amended, and the Michigan Administrative Code.

A mobile home park established within this district shall be subject to the site plan review procedures of Chapter 13 herein and any other applicable regulations of this Zoning Ordinance.

Public sanitary sewer and water facilities shall be provided for each mobile home park.

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| <b>Development Review</b> <ul style="list-style-type: none"><li>• Site Plan</li><li>• Special Land Uses</li><li>• Site Condominiums</li></ul> | <b>Signs</b>                      | <b>Non-Conforming</b>            | <b>Zoning Board of Appeals</b> |                           |
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## CHAPTER 8

### C-1, CENTRAL BUSINESS DISTRICT

#### SECTION 8.01 PURPOSE

The C-1 zoning district is intended to serve as the downtown shopping district for the City. A wide range of retail service, office, governmental, institutional and upper-story residential uses are permitted. Development standards recognize the special parking, pedestrian and building location needs of an established downtown business district.

#### SECTION 8.02 PERMITTED USES

- a) Any generally recognized retail business that supplies commodities on the premises within a completely enclosed building, such as but not limited to foods, pharmacy, liquor, furniture, clothing, dry goods, appliances or hardware.
- b) Any personal service establishment that performs services on the premises within a completely enclosed building, such as but not limited to repair shops for electronics, watches, shoes and similar items, tailor shops, print shops, hair and nail salons, barbershops, self-service laundries and photographic studios.
- c) Professional offices for doctors, lawyers, architects, dentists, engineers, planners, chiropractors, insurance sales, mortgages, general consulting, general businesses not engaged in retail sales and other similar professions.
- d) Banks, credit unions, savings and loan associations, and other similar uses, but not including those with drive-through facilities.
- e) Health and fitness establishments.
- f) Offices and showrooms of plumbers, electricians, decorators, or other similar trades.
- g) Commercial schools including art, music, dance business, professional and trade.
- h) Restaurants, coffee shops, bakeries and similar retail food establishments including those with walk up window service but not including drive-in restaurants and restaurants which permit dancing, live entertainment, or the consumption of alcoholic beverages on the premises.

Outdoor dining is permitted where such dining does not encroach upon a minimum of five feet of unobstructed sidewalk space adjacent to the curb. Outdoor dining may be separated from the sidewalk only with movable planters, fencing or similar non-fixed barriers, provided they do not exceed a height of 36 inches including plant material. Any outdoor dining activity proposed for a public sidewalk or elsewhere in a road right-of-way must first be approved by the City Commission.

- i) Medical, optical, dental, and veterinary offices and clinics.

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| <b>Development Review</b> <ul style="list-style-type: none"> <li>• Site Plan</li> <li>• Special Land Uses</li> <li>• Site Condominiums</li> </ul> | <b>Signs</b>                      | <b>Non-Conforming</b>            | <b>Zoning Board of Appeals</b> |                           |
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- j) Government office buildings and post office.
- k) Public and institutional uses such as libraries, museums, civic centers, and auditoriums.
- l) Churches, mosques, synagogues and similar places of religious worship.
- m) Video rental and sales.
- n) Catering establishments
- o) Video gaming establishments
- p) Upper story residential dwellings subject to the following requirements except that single-family detached dwelling units and other residential uses existing as of the effective date of this ordinance are exempt from these requirements:
  - 1) A dwelling unit shall not be located on the ground floor.
  - 2) Each dwelling unit shall contain a minimum of 400 square feet of floor area.
  - 3) One parking space shall be provided for each bedroom within the dwelling unit. These spaces may be provided as follows: On site; In a City of Stanton operated parking lot as may be approved by the City Commission or; The off-street space or spaces may be within 300 feet of the dwelling unit served. The 300 feet measurement shall be taken in a straight line from the parking space to the building containing the dwelling unit. Documentation of the required parking spaces shall be provided to the Zoning Administrator prior to issuance of a building permit.
  - 4) Direct access to dwelling units shall be provided by a doorway located on the outside of the building, which is separate from the doorway used to access the first-floor use.
  - 5) Window air conditioning units shall not project beyond the face of the building for that portion of the building which fronts on a street.
  - 6) Prior to establishing an upper story dwelling unit, approval must be obtained from the Zoning Administrator to determine compliance with the requirements of this section.
  - 7) A building permit shall be obtained from the Montcalm County Building Department in order to establish a dwelling unit on an upper story. All units shall comply with the requirements of the Americans with Disabilities Act.
- q) Outdoor display of merchandise as an accessory use to the principal use of the parcel is permitted subject to the following requirements:
  - 1) The merchandise displayed outdoors shall be the same as or shall be similar to the merchandise, which is offered for sale inside the principal building on the parcel.
  - 2) The size and nature of the outdoor display shall clearly be incidental and subordinate to the principal use of the parcel such that the accessory use serves to support the principal use but could not function independently of the principal use.
  - 3) The outdoor display of merchandise shall not create unsafe conditions for or a hazard to any person or vehicle.
  - 4) The area devoted to the outdoor display of merchandise shall at all times be kept neat and orderly and not be allowed to become unsightly or a visual nuisance. Any debris, scrap material, litter,

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empty shelves, racks, pallets, boxes or similar material not containing display items shall be removed from the outdoor display area.

- 5) Public sidewalks may be used for the outdoor display of merchandise provided there is at least five feet of unobstructed sidewalk space adjacent to the curb or edge of street.
  
- r) Essential public service equipment per Section 3.16.
- s) Towers and antennas which do not exceed 35 feet in height per Section 3.33.
- t) Buildings, structures, and uses accessory to the permitted and special land uses.

**SECTION 8.03 SPECIAL LAND USES**

The following uses may be permitted in the C-1, Central Business District upon authorization as a Special Land Use by the Planning Commission in accordance with the requirements of Chapter 14 herein.

- a) Drive-in businesses including banks, drive-in restaurants and other retail food establishments, dry cleaning pickup stations, pharmacies, or similar personal services.
- b) Restaurants and other retail food establishments which permit the consumption of alcoholic beverages on the premises, or which permit dancing or live entertainment. The production of alcoholic beverages on the premises for consumption on the premises is permitted provided this is accessory to the restaurant use.
- c) Gas station/convenience stores with or without restaurants.
- d) Automobile service repair facilities which perform such services as tire sales and installation; oil changes; brake, shocks and exhaust work; engine analysis and tune-ups; front end alignments; heating and air conditioning repair and similar minor vehicle repair services but not including body shops.
- e) Indoor commercial recreation facilities such as indoor theaters, bowling alleys, indoor skating rinks, tennis and handball courts, but excluding firearm and archery ranges.
- f) Repair and service establishments including but not limited to lawn mower repair, snowmobile repair, boat repair or air conditioner repair shops that are operated in conjunction with a retail business.
- g) Mortuaries and funeral homes
- h) Daycare facility/child care center.
- i) Hotels and motels
- j) Fraternal or social club or lodge.
- k) Bed and Breakfast Section 14.11 (c).
- l) Wireless Communication Towers and Antennas Section 3.32.
- m) Wind Energy Systems over 35 feet in height per Section 3.39.
- n) Essential Public Service Structures and Buildings per Section 3.17.

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| <b>Development Review</b> <ul style="list-style-type: none"> <li>• Site Plan</li> <li>• Special Land Uses</li> <li>• Site Condominiums</li> </ul> | <b>Signs</b>                      | <b>Non-Conforming</b>            | <b>Zoning Board of Appeals</b> |                           |
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**SECTION 8.04 DEVELOPMENT STANDARDS**

- a) Minimum lot area: None
- b) Minimum lot width: None
- c) Setback Requirements:
  - 1) *Front Setback* - The required setback from the right-of-way along all street segments for parcels in the C-1 zone shall be a minimum of zero feet and a maximum of 20 feet from each right-of-way line abutting the lot; a minimum of 60 percent of the front wall of the building must be within the required setback, which is also called a build-to line, along each street frontage. The Planning Commission may allow a greater building setback than permitted by this subsection 8.04 if compliance with such setbacks creates a practical difficulty in the operation of the proposed use. In considering whether or not to permit a greater setback, the Commission shall consider following criteria:
    - i. Whether the proposed use is located on a parcel which has frontage on more than one street;
    - ii. Whether the driveway(s) which are required to serve the site necessitate a greater building setback in order to safely accommodate on site maneuvering for vehicles and pedestrians;
    - iii. Whether a greater setback is needed in order to locate parking spaces, access drives or sidewalks between the building and the front lot line in order to improve safety for customers accessing the building;
    - iv. Whether the shape or size of the parcel or requirements of the zoning ordinance or other city ordinances create difficulties in complying with the required setback regulations.
    - v. Any building which does not meet the front setback requirements of this section, but which existed before the effective date of this subsection, shall be allowed to expand provided the expansion will result in the building being within or closer to the setback or build to line required for the street on which the building fronts. Approval from the zoning board of appeals is not required for this type of expansion; however, all other requirements of this zoning ordinance shall apply.
  - 2) *Side Yard* - None, except if the building does not abut the side lot line then a five feet setback is required. If the property abuts a residentially zoned lot, the minimum setback shall be 20 feet.
  - 3) *Rear Yard* - None, except if the rear yard abuts a residential zoned parcel the minimum setback shall be 25 feet.
- d) Maximum lot coverage: 100 percent
- e) Maximum building height: 40 feet

|   |                                   |                                  |                                |                           |
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**SECTION 8.05 SPECIFIC REGULATIONS**

- a) *Greenbelt* - A greenbelt, as determined by the City of Stanton landscape regulations in Section 16.05 shall be erected and maintained on the side and rear of any C-1 zoned premises where the same abuts a zone which permits residential use or an area recommended for such use in the City Master Plan. Such greenbelts shall also be required where commercial premises and uses abut existing nonconforming residential uses. The Planning Commission may require a solid fence instead of a greenbelt if in the opinion of the Commission a fence would provide a more effective screen for the adjacent property.
- b) *Dumpsters* - All dumpsters and trash containers shall be located behind the front line of the main building and shall be screened from view by landscaping, fencing or placement of the building.
- c) *Structure Facade* - At least eighty percent (80%) of that portion of a structure or building, be it a front, side, or rear, which faces a public or private street, private access drive or public or private parking lot shall be finished with face brick, wood, vinyl, glass, tinted and/or textured masonry block, fluted cement block, natural or cast stone, architectural pre-cast panel's or stucco-like material. In recognition of developing technologies in building materials, the Planning Commission may agree to approve other materials provided that they are compatible with surrounding properties, and further provided that such materials shall comply with the architectural, safety and other requirements of the Montcalm County Building Code, fire code and other applicable City Ordinances.

Additions to or renovations of buildings existing as of the date of the Section shall be subject to the requirements of this section. The Planning Commission or Zoning Administrator, as the case may be, shall have the authority to modify or waive these requirements or to extend them to the entire facade of the existing building.

In determining whether to apply the facade requirements of this section to additions or renovations of existing buildings, the following criteria shall be considered:

- 1) The location of the addition or renovation relative to the existing building.
- 2) The size relative to the existing building.
- 3) The location of the existing building.
- 4) Whether compliance with this section will result in architectural consistency with the existing building and improve the overall aesthetics of the building.
- 5) The practicality of requiring compliance with this section based on the design and structural integrity of the existing building.

- d) *Sidewalks* - Unless not required by any other ordinance, sidewalks shall be constructed on all sides of the property abutting a public street, in accordance with City standards. The sidewalk shall be constructed concurrent with the construction of the principal use unless other arrangements for construction are approved by the Planning Commission.

|   |                                   |                                  |                                |                           |
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**SECTION 8.06 ADDITIONAL REQUIREMENTS**

**a) General Requirements**

- 1) Accessory Buildings. Section 3.22
- 2) Landscaping Chapter 16
- 3) Signs. Chapter 18
- 4) Off-Street Parking. Chapter 17

**b) Development Procedures**

- 1) Site Plan. Chapter 13
- 2) Special Land Uses. Chapter 14
- 3) Site Condominiums. Chapter 15

**c) Appeals and Administration**

- 1) Non-Conforming Lot and Uses. Chapter 19
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## CHAPTER 9

### C-2, GENERAL COMMERCIAL DISTRICT

#### SECTION 9.01 PURPOSE

The General Commercial District is intended to provide for a wide variety of retail, office and service uses which can serve the shopping needs of the residents of Stanton and passing traffic. Regulations are designed to encourage and facilitate the development of sound and efficient shopping and business activities.

Permitted uses may be more intensive and less compatible with residential uses. These uses will have appropriate signs, adequate lighting levels, attractive landscaping, and convenient parking areas. Special attention will be given to the location of access points and other traffic and pedestrian conditions to ensure that such businesses are operated in a safe and efficient manner. Where possible, access points, parking areas, and other common features will be combined to serve more than one business.

Certain industrial type uses, which operate with no objectionable exterior characteristics, may also be appropriate in certain locations in the C-2 Zoning District due to the availability of public utilities, truck route access, and proximity to retail goods, restaurants and services which can be supported by manufacturing workers.

#### SECTION 9.02 PERMITTED USES

- a) Permitted and Special Uses allowed in the C-1 Zone.
- b) Retail building supply and equipment stores.
- c) Retail nurseries and garden centers including display of landscaping products such as mulch, woodchips, sod, dirt, and plant material and yard accessories.
- d) Ambulance service establishments.
- e) Day care facility/child care center.

#### SECTION 9.03 SPECIAL LAND USES

The following uses may be permitted in the C-2, General Commercial Zoning District upon authorization as a Special Land Use by the Planning Commission in accordance with the requirements of Chapter 14 herein.

- a) Open air businesses, including building materials, supplies, and similar uses. Open air businesses including, but not limited to: the sale of motor vehicles, farm implements, lawn and garden equipment sales and service, motor homes, mobile homes, mobile or modular homes, including building materials, supplies, and similar uses.

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- b) Automatic and self-serve vehicle wash facilities.
- c) Banquet halls, reception centers, performing arts auditoriums or similar places of assembly.
- d) Outdoor commercial recreation establishments such as miniature golf, go cart tracks, golf driving ranges, batting cages and athletic fields
- e) Housing for the elderly including retirement housing, assisted living and nursing facilities.
- f) Mini-warehouse and self-storage facilities.
- g) Building contractors such as painters, plumbers, electrical, cement, heating and air conditioning, fencing, and similar uses provided that any materials or equipment kept outside shall be screened from the view of nearby properties and roadways.
- h) Auto detailing which involves the indoor washing of vehicles, including interior cleaning, application of graphics and pin striping of the exterior and minor touch-up painting.
- i) Body shops, wrecker services, vehicle repair facilities.
- j) Machine shops.
- k) Tool and die establishments.
- l) Park and ride lots operated by a public agency.
- m) Wholesale distribution and display of landscaping products such as mulch, woodchips, sod, dirt, and plant material and yard accessories.
- n) Indoor gun and archery ranges.
- o) Commercial kennels
- p) Wireless Communication Towers and Antennas Section 3.32.
- q) Wind Energy Systems over 35 feet in height per Section 3.39.
- r) Essential Public Service Structures and Buildings per Section 3.17.

**SECTION 9.04 DEVELOPMENT STANDARDS**

|  |                |
|--|----------------|
| Minimum lot area:                                    | 20,000 sq. ft. |
| Minimum lot width:                                   | 100 ft.        |
| Minimum Front Yard                                   | 30 ft.         |
| Minimum Rear Yard (1)                                | 25 ft.         |
| Minimum Side Yard (1)                                | 10 ft.         |
| Corner Lot Setback from Each Street Abutting the Lot | 30 ft.         |
| Maximum Building Height                              | 40 ft.         |
| Maximum Lot Coverage                                 | 50 %           |

Foot Notes:

(1) If abutting properties are zoned R-1 or the abutting property is recommended for such use in the Stanton Master Plan, the setback shall be a minimum of 50 feet from the abutting lot line.

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**SECTION 9.05 SPECIFIC REGULATIONS**

- a) *Greenbelt* -A greenbelt, as determined by the City of Stanton landscape regulations in Section 16.05 shall be erected and maintained on the side and rear of any C-2 zoned premises where the same abuts a zone which permits residential use or an area recommended for such use in the City Master Plan. Such greenbelts shall also be required where commercial premises and uses abut existing nonconforming residential uses. The Planning Commission may require a solid fence instead of a greenbelt if in the opinion of the Commission a fence would provide a more effective screen for the adjacent property.
- b) *Dumpsters* - Outdoor solid waste dumpsters shall be screened by a continuous opaque screen at least six feet high. The screen may be comprised of berms, plant material, screen walls or fences or any combination of these elements. Dumpsters may be installed within buffer zones.

Wheeled or movable trash containers shall be located behind the front line of the main building and shall be screened from view by landscaping, fencing or placement of the building.

- c) *Structure Facade* - At least eighty percent (80%) of that portion of a structure or building, be it a front, side, or rear, which faces a public or private street, private access drive or public or private parking lot shall be finished with face brick, wood, vinyl, glass, tinted and/or textured masonry block, fluted cement block, natural or cast stone, architectural pre-cast panel’s or stucco-like material. In recognition of developing technologies in building materials, the Planning Commission may agree to approve other materials provided that they are compatible with surrounding properties, and further provided that such materials shall comply with the architectural, safety and other requirements of the Montcalm County Building Code, fire code and other applicable City Ordinances.

Additions to or renovations of buildings existing as of the date of the Section shall be subject to the requirements of this section. The Planning Commission or Zoning Administrator, as the case may be, shall have the authority to modify or waive these requirements or to extend them to the entire facade of the existing building.

In determining whether to apply the facade requirements of this section to additions or renovations of existing buildings, the following criteria shall be considered:

- 1) The location of the addition or renovation relative to the existing building.
- 2) The size relative to the existing building.
- 3) The location of the existing building.
- 4) Whether compliance with this section will result in architectural consistency with the existing building and improve the overall aesthetics of the building.
- 5) The practicality of requiring compliance with this section based on the design and structural integrity of the existing building.

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| <b>Development Review</b> <ul style="list-style-type: none"> <li>• Site Plan</li> <li>• Special Land Uses</li> <li>• Site Condominiums</li> </ul> | <b>Signs</b>                      | <b>Non-Conforming</b>            | <b>Zoning Board of Appeals</b> |                           |
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- d) Unless not required by any other ordinance, sidewalks shall be constructed on all sides of the property abutting a public street, in accordance with City standards. The sidewalk shall be constructed concurrent with the construction of the principal use unless other arrangements for construction are approved by the Planning Commission.

**SECTION 9.06 ADDITIONAL REQUIREMENTS**

**a) General Requirements**

- 1) Accessory Buildings. Section 3.22
- 2) Landscaping Chapter 16
- 3) Signs. Chapter 18
- 4) Off-Street Parking. Chapter 17

**b) Development Procedures**

- 1) Site Plan. Chapter 13
- 2) Special Land Uses. Chapter 14
- 3) Site Condominiums. Chapter 15

**c) Appeals and Administration**

- 1) Non-Conforming Lot and Uses. Chapter 19
- 2) Zoning Board of Appeals. Chapter 20
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| <b>Development Review</b> <ul style="list-style-type: none"> <li>• Site Plan</li> <li>• Special Land Uses</li> <li>• Site Condominiums</li> </ul> | <b>Signs</b>                      | <b>Non-Conforming</b>            | <b>Zoning Board of Appeals</b> |                           |
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## CHAPTER 10

### C-R, COMMERCIAL / RESIDENTIAL DISTRICT

#### SECTION 10.01 PURPOSE

The Commercial -Residential Zone is designed to serve as a transition between commercial and residential land uses by allowing both types of land use subject to certain criteria. The 2016 Stanton Master Plan recommends C-R areas on the south side of East Main Street, and along portions of West Main Street and North State Street to provide a transition to the adjacent established neighborhoods or future neighborhoods.

#### SECTION 10.02 PERMITTED USES

- a) Uses as permitted in the R-1, Residential Zone per Section 5.02 herein.
- b) The conversion of a single-family dwelling to a two-family dwelling provided the use complies with the requirements of Section 5.03(a) herein.
- c) Professional offices for doctors, lawyers, architects, dentists, engineers, planners, chiropractors, insurance sales, mortgages, general consulting, general businesses not engaged in retail sales, government offices and other similar office uses.
- d) Banks, credit unions, savings and loan associations, and other similar uses, but not including those with drive-through facilities.
- e) Conversion of an existing single-family dwelling to an office or other permitted non- residential use in accordance with the following standards.
  - 1) The proposed use shall be subject to site plan review by the Planning Commission.
  - 2) The primary entrance to the building shall face the street from which the address of the building is derived or be located on the side of the building.
  - 3) The building shall comply with the requirements of the Montcalm County Building Code.
  - 4) Exterior defects in the building or property such as cracked, chipped or peeling siding or paint, cracked sidewalk, unkempt lawn or landscaping shall be identified as part of the site plan review process and corrected before the building is occupied.
  - 5) A walkway shall be provided from the existing or proposed sidewalk within the right- of-way to the primary building entrance.
  - 6) Four off -street parking spaces shall be provided on the site. On street parking may be used to comply with any additional parking requirements of this Ordinance.

#### SECTION 10.03 SPECIAL LAND USES

The following uses may be permitted in the C-R, Commercial-Residential District upon authorization as a Special Land Use by the Planning Commission in accordance with the requirements of Chapter 14 herein.

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| <b>Development Review</b> <ul style="list-style-type: none"> <li>• Site Plan</li> <li>• Special Land Uses</li> <li>• Site Condominiums</li> </ul> | <b>Signs</b>                      | <b>Non-Conforming</b>            | <b>Zoning Board of Appeals</b> |                           |
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- a) Special Land Uses as allowed in the R-1 Zone by Section 5.03 herein.
- b) Permitted uses as allowed in the C-1 Zone by Section 8.02 herein. A conversion of a single -family dwelling to a permitted C-1 zone use shall also comply with the requirements of Section 10.02(e) herein.
- c) Single-family attached dwellings such as townhouses and row houses with no more than four units attached in any building.
- d) Multiple family dwellings containing four or less dwelling units per building.

**SECTION 10.04 DEVELOPMENT STANDARDS**

- a) Residential uses shall comply with the Development Standards of the R-1 or R-M Zone as applicable to the use.
- b) Office, commercial and other non-residential uses shall comply with the Development Standards and Specific Regulations of the C-1 Zone.

**SECTION 10.05 ADDITIONAL REQUIREMENTS**

**a) General Requirements**

- 1) Residential uses. See Section 5.06
- 2) Commercial uses. See Section 8.06

**b) Development Procedures**

- 1) Site Plan. Chapter 13
- 2) Special Land Uses. Chapter 14
- 3) Site Condominiums. Chapter 15

**c) Appeals and Administration**

- 1) Non-Conforming Lot and Uses. Chapter 19
- 2) Zoning Board of Appeals. Chapter 20
- 3) Administration. Chapter 21

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| <b>Development Review</b> <ul style="list-style-type: none"> <li>• Site Plan</li> <li>• Special Land Uses</li> <li>• Site Condominiums</li> </ul> | <b>Signs</b>                      | <b>Non-Conforming</b>            | <b>Zoning Board of Appeals</b> |                           |
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**CHAPTER 11**

**I, INDUSTRIAL DISTRICT**

**SECTION 11.01 PURPOSE**

The I-Industrial District is a zoning district which permits a wide range of manufacturing, assembling, compounding, and treatment of articles or materials; as well as warehousing, research, and related business office uses which are compatible with one another and with surrounding land uses and with an absence of objectionable external effects.

**SECTION 11.02 PERMITTED USES**

- a) The manufacture, compounding, processing, packing, or treatment of such products as candy, cosmetics, drugs, perfumes, pharmaceuticals, toiletries, and food products.
- b) The manufacture, compounding, assembly, or treatment of articles from the following previously prepared materials such as aluminum, bone, cellophane, canvas, cloth, cork, feathers, felt, fibers, fur, glass, hair, horn, leather, paint, paper, paperboard, plastics, precious or semiprecious metals or stones, shell rubber, tin, iron, steel, tobacco, wood and yarn, food products
- c) Manufacturing or fabrication of products, components, devices, equipment, systems and parts, such as the following: Ceramic products; communication transmission and reception equipment; electronic processing equipment and systems; electrical appliances; electronic instruments, devices and components; automotive parts and components, glass molding, edging, beveling and silvering; graphics and art equipment; jewelry, including products from precious or semi-precious stones or metals; medical or dental equipment; metering instruments; optical devices, equipment and systems; photographic equipment; furniture assembly and/or manufacturing; processing and packaging of agricultural products.
- d) Wholesale establishments including automotive equipment, drugs, chemicals, dry goods, apparel, food, farm products, electrical goods, hardware, machinery, equipment, metals, paper products and furnishing and lumber and building products
- e) Warehouses, distribution and storage facilities including mini-warehouses.
- f) Research and development facilities, including production activities
- g) Trade or industrial schools and veterinary hospitals or clinics.
- h) Motor freight terminal including garaging and maintenance of equipment.
- i) Freight forwarding packing and crating services.
- j) Central dry-cleaning plant.
- k) Municipal buildings, public service buildings.
- l) Essential public service structures and buildings.
- m) Grain storage and milling, feed store, storage and sales of agricultural products and similar uses.

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| <b>Development Review</b> <ul style="list-style-type: none"> <li>• Site Plan</li> <li>• Special Land Uses</li> <li>• Site Condominiums</li> </ul> | <b>Signs</b>                      | <b>Non-Conforming</b>            | <b>Zoning Board of Appeals</b> |                           |
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- n) Body shops, wrecker services, vehicle repair facilities.
- o) Building contractors such as painters, plumbers, electrical, cement, heating and air conditioning, fencing, and similar uses provided that any materials or equipment kept outside shall be screened from the view of nearby properties and roadways.
- p) Wholesale distribution and display of landscaping products such as mulch, woodchips, sod, dirt, and plant material and yard accessories.
- q) Machine shops.
- r) Tool and die establishments.
- s) Commercial fuel depot.
- t) Indoor recreation establishments.
- u) Park and ride lots operated by a public agency
- v) Buildings, structures, and uses accessory to the permitted and special land uses.

**SECTION 11.03 SPECIAL LAND USES**

The following uses may be permitted in the I, Industrial District upon authorization as a Special Land Use by the Planning Commission in accordance with the requirements of Chapter 14 herein.

- a) Manufacturing, compounding, processing, packaging, treating, assembling and bulk storage of:
  - 1) Chemical products such as paint enamels, wood chemicals agricultural and allied chemicals.
  - 2) Rubber manufacturing or reclaiming, such as tires, tubes, footwear.
  - 3) Stone, clay, glass, cement, brick, pottery, abrasive, tile and related products.
  - 4) Primary metal industries, including blast furnaces, steel works, foundries, smelting or refining of nonferrous metals or alloys rolling and extruding.
  - 5) Fabricated metal manufacturing, including ordnance, engines, machinery, electrical equipment, metal stamping, wire products and structural metal products.
- b) Pulp and paper manufacturing
- c) Heating and electric power generating plants
- d) Salvage yards and recycling facilities
- e) Mining, processing, and transporting of stone, sand, or gravel aggregate.
- f) Slaughter house, rendering plant.
- g) Petroleum refining, paving materials, roofing materials and other related industries.
- h) Waste treatment facilities.
- i) Water supply and treatment facilities.
- j) Airports and landing fields
- k) Lumberyards
- l) Solid waste processing facility, including composting as an incidental use.
- m) Refuse and garbage incinerators
- n) Crematoriums.

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- o) Sale/rental and display of the following: temporary mobile storage units (pods) and temporary refuse collection units; farm and garden products including fencing and equipment; pre-cast concrete products; utility trailers, animal trailers, and similar trailers; and granite or marble or similar products or raw materials.
- p) Establishments which produce alcoholic beverages primarily for distribution off site and which also engage in one or more of the following as a small percentage of the overall sales of the business and which devote a small portion of the square footage of the building to the following:
- q) The retail sale of alcoholic beverages produced on site to the general public for consumption on the site and/or on a retail take-out basis including the limited sale of snacks, pre-packaged foods, and non-alcoholic beverages;
  - 1) Conducting tours for the general public of the facility;
  - 2) The retail sale of items related to the company and its products such as glasses, posters, and clothing.
- r) Adult uses.

**SECTION 11.04 DEVELOPMENT STANDARDS**

|                                      |                       |
|--------------------------------------|-----------------------|
| Minimum lot area:                    | One acre              |
| Minimum lot width:                   | 100 ft.               |
| Minimum front yard                   | 30 ft.                |
| Minimum side yard:                   | (1)10 feet each side. |
| Minimum rear yard:                   | (1) 25 ft.            |
| Corner Lot Setback from each street: | 30 ft.                |
| Maximum lot coverage:                | 60%                   |
| Maximum building height:             | 40 ft.                |

Foot Notes:

(1) If abutting properties are zoned R-1, R-M, or the abutting property is recommended for such use in the Stanton Master Plan, the setback shall be a minimum of 50 feet from the abutting lot line.

**SECTION 11.05 SPECIFIC REGULATIONS**

- a) *Greenbelt* - per Section 16.05 shall be erected and maintained on the side and rear of any Industrial zoned premises where the same abuts a zone which permits residential use or an area recommended for such use in the City Master Plan. Such greenbelts shall also be required where commercial premises and uses abut existing nonconforming residential uses. The Planning Commission may require a solid fence instead of a greenbelt if in the opinion of the Commission a fence would provide a more effective screen for the adjacent property.

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| <b>Development Review</b> <ul style="list-style-type: none"> <li>• Site Plan</li> <li>• Special Land Uses</li> <li>• Site Condominiums</li> </ul> | <b>Signs</b>                      | <b>Non-Conforming</b>            | <b>Zoning Board of Appeals</b> |                           |
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- b) *Dumpsters* - Outdoor solid waste dumpsters shall be screened by a continuous opaque screen at least six feet high. The screen may be comprised of berms, plant material, screen walls or fences or any combination of these elements. Dumpsters may be installed within buffer zones.

Wheeled or movable trash containers shall be located behind the front line of the main building and shall be screened from view by landscaping, fencing or placement of the building.

- c) *Structure Facade* - At least eighty percent (80%) of that portion of a structure or building, be it a front, side, or rear, which faces a public or private street, private access drive or public or private parking lot shall be finished with face brick, wood, vinyl, glass, tinted and/or textured masonry block, fluted cement block, natural or cast stone, architectural pre-cast panel's or stucco-like material. In recognition of developing technologies in building materials, the Planning Commission may agree to approve other materials provided that they are compatible with surrounding properties, and further provided that such materials shall comply with the architectural, safety and other requirements of the Montcalm County Building Code, fire code and other applicable City Ordinances.
- d) The outside storage of materials and equipment not licensed for driving on public streets is permitted subject to the following restrictions:
- 1) Materials may be stored only in the side or rear yards, except that materials may not be stored on the street side of a corner lot or in any required yard.
  - 2) All storage of materials and equipment used in the business except vehicles shall be visually screened to a height of at least six feet above the highest elevation of the nearest adjacent road or property bordering the site unless in the opinion of the Planning Commission or other approving authority the material is stored in a manner that it is not readily visible from off site or that the material is located such a substantial distance from adjacent properties and roadways that it is not a visual nuisance as seen from off site.
  - 3) In no case shall the outside storage of materials or equipment be stacked higher than the height of the visual screen unless in the opinion of the Planning Commission or other approving authority the material is stored in a manner that it is not readily visible from off site or that the material is located such a substantial distance from adjacent properties and roadways that it is not a visual nuisance as seen from off site.
- e) Operations which involve the repair or storage of damaged vehicles shall immediately remove all fluids from such vehicles if there is evidence that leaking of fluids is occurring or could occur. This is necessary to minimize fire hazards and to prevent such fluids from contaminating ground water and surface water.
- f) Any use permitted in the Industrial Zone shall not create a vibration which is discernible to off-site residents or occupants.
- g) All business shall be conducted in such a manner that any noise, smoke, dust, vibration, or like nuisance shall not adversely affect adjoining properties.

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**SECTION 11.06 ADDITIONAL REQUIREMENTS**

- a) **General Requirements**
  - 1) Accessory Buildings. Section 3.22
  - 2) Landscaping Chapter 16
  - 3) Signs. Chapter 18
  - 4) Off-Street Parking. Chapter 17
  
- b) **Development Procedures**
  - 1) Site Plan. Chapter 13
  - 2) Special Land Uses. Chapter 14
  - 3) Site Condominiums. Chapter 15
  
- c) **Appeals and Administration**
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## CHAPTER 12

### PUD- PLANNED UNIT DEVELOPMENT DISTRICT

#### SECTION 12.01 PURPOSE

The purpose of Planned Unit Development regulations is to encourage and allow more creative and imaginative design of land developments than is possible under district zoning regulations. Planned Unit Developments are intended to allow substantial flexibility in planning and designing a project. This flexibility often accrues in the form of relief from compliance with conventional zoning ordinance site and design requirements. Ideally, this flexibility results in a development that is better planned, that contains more amenities, and ultimately a development that is more desirable to live in than one produced in accordance with typical zoning ordinance and subdivision controls.

The PUD Zone in the City of Stanton is intended to apply to those lands recommended for the PUD classification in the 2016 Stanton Master Plan. This classification is “to allow for the development of large vacant portions of the City as unified projects that may include a mix of units and/or cluster developments to protect natural features.”

Through proper planning and design, each Planned Unit Development should include features which further, and are in compliance with, the following objectives:

- a) To allow a mix of uses, structures, facilities, housing types and open space in a manner compatible with existing and planned uses on nearby properties.
- b) To allow for the design of developments that achieve better utilization of land than is possible through strict application of standard zoning and subdivision controls.
- c) To encourage land development that, to the greatest extent possible, preserves natural vegetation, respects natural topographic conditions, and does not adversely affect wetlands, flood plains, the natural drainage pattern, and other natural site features.
- d) To promote the efficient use of land resulting in networks of utilities, streets and other infrastructure features that maximize the allocation of fiscal and natural resources.
- e) To promote further creativity in design and construction techniques.
- f) To provide for the regulation of legal land uses not otherwise authorized within this Ordinance
- g) To provide for single or mixed-use developments which respect the goals and objectives of the City of Stanton Master Plan.

#### SECTION 12.02 AUTHORIZATION

- a) A PUD zoning district may be approved by the City Commission, following a recommendation from the Planning Commission, in any location within the City in accordance with the procedures, regulations, and standards of this chapter.

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- b) The approval of a PUD rezoning application shall require an amendment of the zoning ordinance and zoning map. An approval granted under this chapter shall constitute part of the zoning ordinance.

**SECTION 12.03 QUALIFYING CONDITIONS**

- a) The area proposed for rezoning to PUD shall consist of a minimum of three contiguous acres although the City Commission following a recommendation from the Planning Commission may approve a PUD with less acreage if the City Commission determines that the intent of the PUD district will nevertheless be achieved.
- b) The proposed development shall be under unified ownership or control such that there is one person, group of persons, or legal entity having responsibility for the completion and ongoing maintenance of the development in compliance with this chapter. This requirement for unified ownership or control shall not prohibit a transfer of ownership or control, so long as there is still unified ownership or control of and for the development as required by this chapter.
- c) The PUD shall be served by public water and sanitary sewer unless it can be demonstrated to the City Commission that these public utilities cannot reasonably and practically be extended to serve the property.

**SECTION 12.04 PERMITTED USES**

Any land use authorized by this chapter may be permitted in a PUD as a principal or accessory use as well as any legal land use not otherwise authorized by this chapter subject to the requirements of this chapter.

**SECTION 12.05 DEVELOPMENT STANDARDS FOR ALL USES**

- a) **Modification of zoning requirements.** The lot area, lot width, building height, setback and yard requirements, general provisions, signs landscaping and screening requirements, lighting and parking regulations contained in this chapter which would apply for the zoning district in which the uses or uses proposed are normally allowed and which would be the most restrictive for the uses proposed shall be met except that the City Commission, following a recommendation from the Planning Commission, may increase, decrease, or otherwise modify these regulations, as may be requested by the applicant, in order to achieve the objectives of this chapter. Other criteria which shall be used in making these determinations shall include the following:
- 1) Whether the modification requested will result in a project that better satisfies the intent and objectives of this chapter;
  - 2) Whether the modification is compatible with adjacent existing and future land uses and will not significantly adversely affect the use and enjoyment of nearby property;
  - 3) Whether the modification will result in the preservation of existing vegetation or other natural features on site;

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- 4) Whether the modification is necessary due to topography, natural features, or other unusual aspects of the site;
  - 5) Whether the modification will improve or at least not impede emergency vehicle and personnel access;
  - 6) Whether the modification will improve or at least not impede adequate pedestrian circulation; and
  - 7) Whether the modification will result in traffic or other safety hazards, visual blight, distraction, or clutter, or a detriment to the public health, safety, or general welfare.
- b) **Number of Dwelling Units.** The City Commission, following a recommendation from the Planning Commission, shall determine the number and type of dwelling units which shall be allowed within a Planned Unit Development. The City Commission shall consider the following criteria in making this determination:
- 1) The density and type of dwelling units on adjoining properties;
  - 2) The type of dwelling units and density proposed for the property and whether this is compatible with adjacent land uses.
  - 3) The impact of the proposed number of dwellings on the traffic volumes of nearby streets.
  - 4) The impact of the proposed number of dwelling units on the natural features of the property.
  - 5) The recommendations of the Master Plan for adjacent properties.
  - 6) The ability of the City to adequately provide public services.
- c) **Dedicated open space requirements.**
- 1) PUDs shall maintain dedicated open space (“open space”) in compliance with this section.
  - 2) *Areas which do not constitute dedicated open space:*
    - i. Public or private road rights-of-ways;
    - ii. Golf courses;
    - iii. Easements for overhead utility lines;
    - iv. Areas within platted lots, site condominium units, or metes and bounds parcels occupied or to be occupied by a building or structure not permitted to be located in open space;
    - v. Off-street parking areas;
    - vi. Detention and retention ponds created to serve the project;
    - vii. 50% of the area of wetlands, creeks, streams, existing ponds or lakes, or other existing bodies of water;
    - viii. 50% of the area of floodplains and 50% of areas of slopes of more than 20%;
  - 3) *Standards for dedicated open space in residential PUDs.* The following standards shall apply to the dedicated open space required in PUDs which devote all or a portion of land to residential uses.
    - i. The PUD shall provide and maintain a minimum of 20% of the gross site acreage as preserved dedicated open space in accordance with the standards of this section. The

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- City Commission, following a recommendation from the Planning Commission, may consider a PUD with a lesser amount of open space if it is clear that the proposed PUD substantially provides for the intent of a PUD as stated in this section.
- ii. The open space may include a recreational trail, picnic area, children’s play area, community building, or any other substantially similar use as determined by the Planning Commission. These uses, however, shall not utilize more than 50% of the dedicated open space.
  - iii. Open space areas are encouraged to be linked with any adjacent open spaces, public parks bicycle paths, or pedestrian paths.
  - iv. The open space shall be available for all residents of the development, if any, subject to reasonable rules and regulations and shall be reasonably accessible to the residents of the open space development. Safe and convenient pedestrian access points to the open space from the interior of the open space shall be provided.
  - v. If the land contains a lake, stream, or other body of water, the Planning Commission may require that a portion of the open space abut the body of water.
  - vi. Open space shall be located to preserve significant natural resources, natural features, scenic or wooded conditions, bodies of water, and wetlands.
  - vii. Grading in open space areas shall be kept to a minimum.
- 4) *Standards for dedicated open space in non-residential PUDs.* The following standards shall apply to the dedicated open space requirements in PUDs which include only non-residential uses.
- i. The PUD shall provide and maintain open space in a form which serves as an outdoor visual and functional community amenity, designated to contribute to the attractiveness and social function of the PUD.
  - ii. The open space may include outdoor dining areas, benches or other areas for sitting, plazas, fountains, sculptures, pavilions, gazebo’s, lawn or landscaped areas which contribute to the attractiveness of the site or which may be used for passive or active use, and similar uses or elements which contribute to social interaction or the aesthetics of the project.
  - iii. The City Commission, following a recommendation from the Planning Commission, shall determine if the dedicated open space proposed by the applicant is appropriate for the type and size of the non-residential use based on the intent of this section. The City Commission shall have the discretion to modify the proposed dedicated space as needed to meet the intent of this section.
  - iv. The dedicated open space shall be maintained by the owner or operator of the development so that it sustains its original appearance and function, which shall be indicated in the agreement required by section (c)(5) below.
- 5) *Open space agreement.* The applicant shall provide an open space preservation and maintenance agreement to the City Commission. Said agreement shall be binding on all successors and future

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owners in title of the land containing the dedicated open space. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is provided to the city and the land use continues as approved in the PUD plan or the PUD plan is amended to allow the use.

The agreement must be acceptable to the City Commission and may consist of a recorded deed restriction, covenants that run perpetually with the land, or a conservation easement established according to the Michigan Conservation and Historic Preservation Act, Public Act 197 of 1980 as amended. The agreement may be included as part of a PUD agreement provided for in section (n) of this chapter. The agreement must:

- i. Indicate the proposed permitted use(s) of the open space;
- ii. List the parties who have an ownership interest in the open space, including all of the residents of the PUD who, by virtue of an association or other similar entity, shall at all times maintain an ownership interest in the dedicated open space;
- iii. Require that the open space be maintained by parties who have an ownership interest in the dedicated open space; and
- iv. Provide standards for scheduled maintenance of the open space, including periodic removal of underbrush to reduce fire hazard and the necessary pruning and harvesting of trees and new plantings.

d) **Private street connections to adjacent property.** As part of a PUD approval, the City Commission may require a private street to be extended to the adjacent property line. The decision to do so shall be based on the following:

- 1) Whether the road extension is a logical method to: 1) achieve the safe and efficient movement of vehicles and pedestrians between residential areas, and 2) reduce the amount of vehicle trips otherwise required for access to adjoining residential areas.
- 2) Whether the natural-site features on the adjacent property preclude or make it very difficult to extend the private road, and whether the adjacent site is already developed so as to prevent the extension of the private road.
- 3) Whether the road extension would result in future off-site traffic creating unsafe situations for the residents of the project proposed by the applicant. If such a connection is required, the applicant shall construct the road to the adjacent property line at the time that the private road is built or the applicant shall illustrate an easement for the future road on the approved preliminary PUD site plan and record an agreement to construct the road connection within the easement when the adjacent property develops and the Planning Commission determines the necessity of the road connection. Upon completion of the connection, the applicant shall grant an access easement to the adjoining properties to allow for the uninterrupted movement of people and vehicles.

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**SECTION 12.06 PROCEDURES FOR REVIEW OF PUD**

- a) **Pre-application conference (Step 1).** Before submitting a PUD application, the applicant shall meet with the zoning administrator who may also request the attendance of the city’s planner or engineer. The applicant may provide a conceptual drawing or other information about the development or property. The purpose of this meeting is for the zoning administrator to explain the PUD site plan design, development requirements, and review process to the applicant in order to assist the applicant in preparing a site plan for review by the Planning Commission. No formal action will be taken at a pre-application conference nor will any statements made at the pre-application conference be considered legally binding commitments from the city.
- b) **PUD Application (Step 2).** Following the pre-application conference, the applicant shall submit an application for rezoning to the zoning administrator. Such application shall include the following:
  - 1) A completed application form;
  - 2) Payment of a fee, including an escrow amount, as established by the City Commission; and
  - 3) A narrative statement describing:
    - i. The objectives of the PUD and how it relates to the intent of the PUD district, as described in section (a) of this chapter;
    - ii. The relationship of the PUD to the master plan;
    - iii. Any phases of development and approximate time frame for each phase;
    - iv. Proposed deed restrictions, covenants, or similar legal instruments to be used within the PUD;
    - v. Anticipated start and completion of construction;
    - vi. Location, type, and size of areas to be dedicated open space; and
    - vii. All modifications from the zoning regulations which would otherwise be applicable to the uses and structures proposed in the PUD.
  - 4) A site plan which shall contain the information required by Section 13 herein.
- c) **Initial review at the Planning Commission work session (Step 3).**
  - 1) The Planning Commission shall review the application for rezoning and the site plan at a work session and make recommendations to the applicant regarding the PUD.
  - 2) The applicant shall revise the PUD site plan as recommended by the Planning Commission and resubmit it to the zoning administrator in advance of the public hearing so as to allow sufficient time for review of the plan.
- d) **Planning Commission review of PUD site plan and Rezoning (Step 4).**
  - 1) The Planning Commission shall schedule a public hearing on the application for rezoning and PUD site plan. The notice of the public hearing shall follow the procedures of Chapter 21 of the zoning ordinance. Following the hearing, the Planning Commission shall then make a recommendation to the City Commission regarding the application for rezoning and PUD site

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plan. The Planning Commission shall base its recommendation on compliance with the standards of Section 12.07 herein.

- 2) The applicant shall make any revisions to the PUD site plan as required by the Planning Commission and submit the revised PUD site plan to the City Commission no later than 12 months after the Planning Commission’s hearing on the Final PUD site plan.

**e) City Commission review (Step 5).**

- 1) After receiving the recommendation of the Planning Commission, the City Commission shall conduct a public hearing on the rezoning application and PUD site plan. The notice of the public hearing shall follow the procedures of Section 21.11 herein.
- 2) The City Commission shall then make its findings based on the PUD standards for approval in Section 12.07 of this chapter. Upon a determination that a proposed PUD meets such standards, the City Commission may approve the PUD rezoning and PUD site plan.
- 3) The City Commission may impose reasonable conditions upon its approval of the PUD. Such conditions may include conditions necessary to ensure that public services and facilities affected by the PUD will be capable of accommodating increased service and facility loads caused by the property use or activity, protect the natural environment and conserve natural resources and energy, ensure compatibility with adjacent uses of land, and promote the use of property in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:
  - i. They shall be designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of those who will use the proposed project under consideration, residents, and landowners immediately adjacent to the proposed PUD and the community as a whole;
  - ii. They shall be related to the valid exercise of the police power and the purposes, which are affected by the proposed PUD;
  - iii. They shall be necessary to meet the intent and purpose of this chapter, related to the standards established in the ordinance for the proposed PUD under consideration, and necessary to insure compliance with those standards; and
  - iv. Those which are imposed with respect to the approval of a PUD shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the City Commission and the property owner.
  - v. The decision of the City Commission shall not be appealed to the zoning board of appeals.

**SECTION 12.07 STANDARDS FOR PUD APPROVAL**

A PUD shall be approved only if it complies with each of the following standards:

- a) The proposed PUD complies with all qualifying conditions of Section 12.03 of this chapter;

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- b) The uses to be conducted within the proposed PUD are substantially consistent with the master plan, are based on the design of the PUD and the conditions imposed, or are appropriate for the proposed location, and they are not likely to lead to significant changes contained in the master plan for the area where the PUD is to be located;
- c) The proposed PUD is compatible with surrounding uses of land, the natural environment, and the capacities of public services and facilities affected by the development;
- d) The proposed uses within the PUD will not possess conditions or effects that would be injurious to the public health, safety, or welfare of the community;
- e) The proposed PUD is consistent with the spirit and intent of the PUD district, as described in Section 12.01 of this chapter and represents an opportunity for improved or innovative development for the community that could not be achieved through conventional zoning.

**SECTION 12.08 PUD AGREEMENT**

- a) Prior to issuance of any building permits or commencement of construction on any portion of the PUD, the City Commission may require the applicant to enter into an agreement with the city in recordable form, setting forth the applicant's obligations with respect to the PUD.
- b) The agreement shall describe all improvements to be constructed as part of the PUD and shall incorporate, by reference, the final development plan with all required revisions, other documents which comprise the PUD, and all conditions attached to the approval by the City Commission.
- c) A phasing plan shall also be submitted describing the intended schedule for start and completion of each phase and the improvements to be undertaken in each phase.
- d) The agreement shall also establish the remedies of the city in the event of default by the applicant in carrying out the PUD and shall be binding on all successors in interest to the applicant.
- e) All documents shall be executed and recorded in the office of the Montcalm County Register of Deeds.

**SECTION 12.09 TIME LIMIT FOR AN APPROVED PUD DISTRICT**

- a) Each development shall be under construction within 12 months after the date of approval of the PUD final development plan, except as noted in this section.
- b) The City Commission may grant one extension of up to an additional 12-month period if the applicant applies for such extension prior to the date of the expiration of the PUD or PUD phase and provided that:
  - 1) The applicant presents reasonable evidence that said development has encountered unforeseen difficulties beyond the control of the applicant; and
  - 2) The PUD requirements and standards, including those of the zoning ordinance and master plan that are reasonably related to said development, have not changed.

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- c) Should the time limits provided in Section 12.09 of this chapter expire, the PUD site plan approval(s) shall be voided. This does not include any phases that may have received final PUD approval.
- d) Should the PUD district be voided, the City Commission shall have the right to rezone the property back to the prior zoning classification(s) or to rezone it to any other zoning classification(s) in accordance with the requirements for rezoning of this chapter.
- e) If the property is not rezoned, the subject property shall remain zoned as a PUD, but the PUD plans previously approved shall still be voided. In order to utilize the property as a PUD, an applicant shall submit plans for PUD site plan approval as stated in this chapter, but PUD rezoning by the City Commission shall not be required. However, a public hearing shall be held by both the Planning Commission and City Commission as part of the PUD site plan review process.

**SECTION 12.10 CHANGES TO AN APPROVED PUD**

Changes to an approved PUD shall be permitted only under the following circumstances:

- a) The holder of an approved PUD final development plan shall notify the zoning administrator of any desired change to the approved PUD.
- b) The zoning administrator may administratively approve minor changes, which are those which will not alter the basic design and character of the PUD or any conditions which were imposed as part of the original approval. Minor changes shall include but not be limited to the following:
  - 1) Reduction of the size of any building or sign;
  - 2) Movement of buildings or signs by no more than ten feet;
  - 3) Landscaping approved in the final development plan that is replaced by similar landscaping to an equal or greater extent;
  - 4) Internal rearrangement of a parking lot, which does not affect the number of parking spaces or alter access locations or design; and
  - 5) Changes required or requested by the city, Montcalm County, or other state or federal regulatory agency in order to conform to other laws or regulations or for reasons of public safety.
- c) A proposed change, other than a minor change as determined by the zoning administrator, shall be submitted as a major amendment to the PUD and shall be processed in the same manner as an original PUD application as set forth in this chapter except that the PUD zoning shall remain in place.
- d) The zoning administrator may refer any decision regarding any proposed change to an approved PUD site plan to the Planning Commission for review and approval (regardless of whether the change may qualify as a minor change). In making a determination whether a change is a minor change, or whether to refer a change to the Planning Commission for approval, the zoning administrator may consult with the chairperson of the Planning Commission.

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## **CHAPTER 13 SITE PLAN REVIEW**

### **SECTION 13.01 PURPOSE**

The purposes of Site Plan Review are: to determine compliance with the provisions of this ordinance; to promote the orderly development of the City of Stanton; to prevent the depreciation of land value through uses or structures which do not give proper attention to siting or area protection; to provide consultation and cooperation between the applicant and the City Planning Commission in order that applicants may accomplish their objectives in the utilization of their land within the regulations of this zoning ordinance; and to achieve the purposes of the City of Stanton Master Plan.

### **SECTION 13.02 SITE PLAN REVIEW REQUIRED**

A site plan shall be submitted for review and approval prior to the issuance of a zoning compliance permit as follows. Site plan review is not required for single and two-family dwellings. A person seeking site plan review may consult with the Zoning Administrator prior to submitting a formal application for a pre-application conference.

- a) Planning Commission review is required for the following:
  - 1) Any new principal non-residential use.
  - 2) A residential use containing three or more dwelling units.
  - 3) Special land uses.
  - 4) Planned unit developments.
  - 5) Mobile home parks.
  - 6) Site condominiums.
  - 7) A change in the use of a building or property or an expansion of a building or use for which additional parking spaces are required by the Zoning Ordinance or an expansion of an existing parking lot to add more parking spaces.
  - 8) All other uses requiring site plan approval by the Planning Commission as required by this Ordinance.
  
- b) Zoning Administrator review is required for all site plans not reviewed by the Planning Commission for which a zoning compliance permit is required by this Ordinance. The Zoning Administrator may also refer such uses to the Planning Commission to be reviewed in accordance with the requirements of this Ordinance.

Review of site plans by the Zoning Administrator shall be in accordance with the same procedures, requirements and standards used by the Planning Commission except the number of site plan copies and submittal date shall be subject to the discretion of the Zoning Administrator.

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The Zoning Administrator may waive specific site plan review submittal requirements if it is determined that such requirements are not relevant to the site plan under consideration. The Zoning Administrator shall keep a record of those items specifically waived.

**SECTION 13.03 APPLICATION AND PROCEDURES**

- a) An application for site plan review along with 12 sets of the site plan shall be submitted to the Zoning Administrator in accordance with the submittal schedule established by the Planning Commission along with the fee as set by the City Commission. The application shall at a minimum contain the following information:
  - 1) The applicant’s name, address and phone number.
  - 2) Proof that the applicant is the owner of the property or has a legal or financial interest in the property, such as a purchase agreement.
  - 3) The name, address and phone number of the owner(s) of record if different than the applicant.
  - 4) The address of the property.
  - 5) Legal description of the property.
  - 6) Current zoning.
  - 7) Project description.
  - 8) Size of the parcel in acres.
  - 9) Signature of the applicant and owner of the property.
  - 10) An electronic version of the site plan and all other items submitted in a form acceptable to the City.
  
- b) Final site plans shall be drawn at a scale of not more than one inch to 100 feet and shall contain the following information unless specifically waived by the Planning Commission or Zoning Administrator:
  - 1) *A title block containing:*
    - i. The project name, if any.
    - ii. The name, address and telephone number of the applicant.
    - iii. The name, address, telephone number and seal of the professional individual who prepared the site plan.
    - iv. The dates of submission and any revisions to the site plan.
  
  - 2) *Property Information*
    - i. Scale and north arrow.
    - ii. A locational diagram of the site drawn to scale.
    - iii. A legal description of the subject property.
    - iv. The net acreage (minus right-of-way) and total acreage.

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- v. The land uses and zoning classifications of adjoining parcels and parcels located across the street.
- vi. The location and dimensions of proposed and/or existing lot lines.
- vii. All required building setbacks.
- viii. Existing contour lines at five feet intervals on site and for a distance of 50 feet on adjacent parcels.
- ix. The location and elevations of existing water courses and water bodies, including county drains and manmade surface drainage ways, 100-year floodplains and all wetlands and other unbuildable areas.
- x. The location and type of significant vegetation, including woodlots and individual trees of six inches in diameter or greater.

3) *Building and Land Use Information*

- i. The location and set backs of all on-site existing and proposed buildings, as well as the length, width, height, total square footage and use of each building and distances between structures and lot lines.
- ii. The location and use of all off-site buildings or structures within 100 feet of the subject property.
- iii. Building façade elevations for all sides of all proposed buildings, drawn at an appropriate scale and descriptions of exterior building materials and colors (samples may be required.) *See Sec 9.05.*
- iv. The proposed location of accessory structures, buildings and uses and of the method of screening, where applicable.

4) *Streets, Vehicle and Pedestrian Circulation, and Parking*

- i. The name, location, dimensions and associated right-of-way of all existing and proposed on-site and adjoining off-site streets (public or private,) and typical cross section of same (cross section shall show location and typical details of curbs, location, dimensions, tapers or lanes, the location, width, surface elevations, radii and grade of all access points to the site and for proposed streets, surface, base and sub-base materials.
- ii. All driveways within 200 feet of the site on both sides of the street.
- iii. The location, design and number of all parking spaces and unloading areas, including information on proposed curbing, barrier-free access design and dimensions for parking spaces, circulation aisles and unloading spaces. Calculations to demonstrate compliance with the required number of parking spaces shall be provided. *See Chapter 17.*
- iv. The location and design of all existing and proposed sidewalks, walkways, bicycle paths and areas for public use.

5) *Lighting*

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- i. The location, height and type of fixture of all exterior lights including building lights. Lights fixtures shall be fully shielded and placed to avoid light spillover onto adjacent properties and roadways. *See Sec. 3.26 and Chapter 17*
  - ii. A photometric plan showing areas of illumination at all property lines measured in foot candles. *See Sec. 3.26.*
- 6) *Utilities, Grading, Stormwater Management*
- i. The location, design, sizing and easements related to all existing and proposed utility systems to be located on the site, above and below ground, including, but not limited to:
    - a. electric,
    - b. telephone and gas distribution lines;
    - c. water mains;
    - d. fire hydrants and well sites;
    - e. storm sewer lines;
    - f. sanitary sewer lines;
    - g. septic systems, if applicable;
    - h. retention and detention areas (inverts, hydrants, drainage flow patterns, locations of manholes and catch basins, calculations for size of storm drainage facilities, underground tanks and transportation pipelines.
  - ii. The grading plan showing finished contours at a minimum interval of five feet and correlated with existing contours so as to clearly indicate cut and fill required.
  - iii. The description of measures to be taken to control soil erosion and sedimentation during and after completion of grading and construction operations.
- 7) *Landscaping See Chapter 16.*
- i. Number of plants, type, size, location and spacing for:
    - a. Greenbelts;
    - b. Front yard along all streets abutting property;
    - c. Parking lots including landscaping within islands and on perimeter;
  - ii. Computations for all required landscaping;
  - iii. Berms, walls and fences.
- 8) *Waste Disposal.*  
The location, size and specifications for screening of all trash receptacles and other solid waste disposal facilities.
- 9) *Residential Developments*

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- i. The total number of residential units proposed by type (e.g., 1-bedroom units, 2-bedroom units, etc.)
- ii. Floor area per unit for each type of unit.
- iii. Proposed density calculations for the completed project (dwelling units per acre.)
- iv. Location, use, dimensions and elevations of all common or community buildings
- v. Garage and/or carport locations and details
- vi. Location, type, size and dimensions of the recreation and open space areas.

10) *Signs.*

The location, size and specifications of all signs including signs to be placed on buildings. A separate sign permit is required. *See Chapter 18.*

- 11) The Planning Commission may require written statements relative to the effects of the proposed use on the traffic capacity and safety of existing streets, and the proposed development’s impact on schools, existing utilities, the environment and natural features. In addition, the Commission may request additional studies, graphics or other written materials from the applicant in order to assist in determining the appropriateness of the site plan.

**SECTION 13.04 FINAL SITE PLAN APPROVAL**

- a) The Planning Commission shall review the final site plan according to the standards for site plan review as contained in this chapter and any other applicable regulations of this Ordinance. Based on these standards and regulations, the Commission shall approve, deny, or approve with conditions the final site plan.
- b) If approved, the applicant shall revise the site plan as necessary and submit the final site plan to the Zoning Administrator, Planner, Engineer, City Departments or others as necessary to ensure that all revisions as required by the Planning Commission have been made.
- c) Upon approval of the final site plan, three copies of this plan shall be approved, dated, and signed by the Zoning Administrator. One copy of the approved plan shall be retained by the applicant, one shall be retained by the Building Inspector as part of the building permit review process, and one copy shall be kept by the Zoning Administrator.

**SECTION 13.05 STANDARDS FOR APPROVAL**

Prior to approving a site plan, the Planning Commission shall require that the following standards be satisfied: If these standards and the other requirements noted in this section or in other City ordinances are met, the site plan shall be approved.

- a) The site shall be designed to minimize or avoid conflicting and unsafe vehicle turning movements on the site and at driveways serving the site; avoid driver sight obstructions and provide for vehicle access between adjoining parcels where practicable.

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- b) Landscaping, landscape buffers and greenbelts shall be provided and designed in accordance with the landscape provisions of this Ordinance.
- c) All elements of the site plan shall be designed to take into account the site’s topography, the size and type of lot, the character of adjoining property and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
- d) The landscape shall be preserved in its natural state, insofar as practical, by removing only those areas of vegetation or by making those alterations to the topography which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance.
- e) Areas of natural drainage such as swales, wetlands, ponds, or swamps shall be protected and preserved insofar as practical in their natural state to provide areas for natural habitat, preserve drainage patterns and maintain the natural characteristics of the land.
- f) The site plan shall provide reasonable visual and sound privacy for all dwelling units located therein. Fences, walks, barriers, and landscaping shall be used, as appropriate, to accomplish these purposes.
- g) All buildings or groups of buildings shall be arranged so as to permit necessary emergency vehicle access as requested by the City Fire Department.
- h) A pedestrian circulation system which is separated from the vehicular circulation system may be required. In order to ensure public safety, special pedestrian measures, such as crosswalks, crossing signals and other such facilities may be required in the vicinity of schools, playgrounds, shopping areas and other uses which generate a considerable amount of pedestrian traffic.
- i) The arrangement of public or common ways for vehicular and pedestrian circulation shall be connected to existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern serving adjacent development shall be of a condition appropriate to the traffic volume and type of traffic they will carry.
- j) Appropriate measure shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm water drainage system. Provisions shall be made to accommodate storm water, prevent erosion particularly during construction, and prevent the formation of dust. The use of detention/retention ponds may be required. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create puddles in paved areas. Catch basins may be required to contain oil filters or traps to prevent contaminants from being discharged to the natural drainage system.
- k) Exterior lighting shall be arranged so that illumination is deflected downward and away from adjacent properties and so that it does not interfere with the vision of the motorist along adjacent streets. Flashing or intermittent lights shall not be permitted. Excessive lighting of buildings or structures shall be minimized to reduce light pollution.
- l) Loading and unloading areas and outside storage areas including areas for the storage of trash, which face or are visible from residential districts or public thoroughfares, shall be screened by a vertical screen consisting of structural or plant materials not less than six feet in height. The finished side of any wall, fence or other screen shall face adjacent properties.

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- m) Site plans shall conform to all applicable requirements of county, state and federal statutes and approval may be conditioned on the applicant receiving necessary county, state and federal permits before final site plan approval or any occupancy permit is granted.

**SECTION 13.06 CONDITIONS OF APPROVAL**

- a) As part of an approval to any site plan, the Planning Commission or Zoning Administrator, as applicable, may impose any additional conditions or limitations as in its judgment may be necessary for protection of the public interest. Such conditions shall be related to and ensure that the review standards of Section 13.06 are met. Any conditions imposed shall meet the following standards:
- 1) Will ensure that public services and facilities affected by the proposed land use or activity will be capable of accommodating increased service a facility loads caused by the land use or activity;
  - 2) Will protect the natural environment and conserve natural resources and energy;
  - 3) Will ensure compatibility with adjacent uses of land;
  - 4) Will promote the use of land in a socially and economically desirable manner.
- b) The Planning Commission shall have the authority to limit the number of driveways for a site, to require that parking lots on contiguous parcels be connected, that driveways for contiguous parcels be shared, and that opposite driveways be directly aligned.
- c) Approval of a site plan, including conditions made as part of the approval, shall apply to the property described in the application, regardless of subsequent changes in ownership or control.
- d) A record of conditions imposed shall be maintained by the Zoning Administrator. The conditions shall remain unchanged unless an amendment to the site plan is approved in accordance with this Ordinance.
- e) A record of the decision of the Planning Commission, the reasons for the decision reached and any conditions attached to such decision shall be kept as a part of the minutes of the Planning Commission.
- f) The Zoning Administrator may make periodic investigations of developments for which site plans have been approved.
- g) Non-compliance with the requirements and conditions of the approved site plan shall be violations of this Ordinance.

**SECTION 13.07 VALIDITY OF FINAL SITE PLANS**

- a) Approval of the final site plan is valid for a period of no longer than one year unless extended as allowed herein. If actual construction of a substantial portion of the improvements included in the approved site plan has not commenced and proceeded meaningfully toward completion during that period, the approval of the final site plan shall be voided.
- b) Upon written application, filed prior to the termination of the one-year review period, the Planning Commission or Zoning Administrator may authorize a single extension of the time limit for approval

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of a final site plan for a further period of not more than one year. Such extension shall only be granted based on evidence from the applicant that there is a likelihood of construction commencing within the one-year extension.

**SECTION 13.08 PERFORMANCE GUARANTEES**

The Planning Commission may require reasonable performance guarantees in order to assure the completion of required improvements. Such performance guarantees may include a performance bond, letter of credit or other written guarantees or assurances deemed satisfactory in the circumstances and authorized by law. The amount of the performance guarantee shall be determined by the Planning Commission.

Such arrangements shall have such sureties or guarantors as are satisfactory to the Planning Commission and shall be conditioned upon faithful compliance with all of the provisions and requirements of the approved site plan and construction and placement of all of the improvements therein.

In its discretion, the Planning Commission may reduce a proportionate share of the amount specified in a performance bond, letter of credit or other written assurance, based upon the percent or other portion of improvements completed, as verified by the Planning Commission or appropriate City official. Furthermore, the Planning Commission may recommend to the City Commission the rebate or refund of a proportionate share of a cash bond.

**SECTION 13.09 AMENDMENTS TO APPROVED SITE PLAN**

- a) Any person who has been granted site plan approval shall notify the Zoning Administrator of any proposed amendment to the approved site plan.
- b) A minor change in the site plan may be approved by the Zoning Administrator who shall notify the Planning Commission of the minor change and that such change does not substantially change the basic design or alter the conditions required for the plan by the Commission.

The following items shall be considered as minor changes:

- 1) Reduction of the size of any building and/or sign.
- 2) Movement of buildings and/or signs by no more than 10 feet.
- 3) Plantings approved in the site plan landscape plan being replaced by similar types of landscaping.
- 4) Changes in floor plans which do not alter the character of the use.
- 5) Internal rearrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
- 6) Changes required or requested by the City officials for safety reasons.
- 7) Changes which will preserve the natural features of the site without changing the basic site layout.

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8) Other similar changes of a minor nature proposed to be made to the configuration, design, layout or topography of the site plan which are deemed by the Zoning Administrator to be not material or significant in relation to the entire site and which the Zoning Administrator determines would not have any significant adverse effect on adjacent or nearby lands or the public health.

c) The Zoning Administrator may refer any decision regarding any proposed change to an approved site plan to the Planning Commission for review and approval (regardless of whether the change may qualify as a minor change). In making a determination whether a change is a minor change, or whether to refer a change to the Planning Commission for approval, the Zoning Administrator may consult with the Chairperson of the Planning Commission.

d) Should the Zoning Administrator determine that the requested modification to the approved site plan is not minor, re-submission to the Planning Commission for an amendment shall be required and conducted in the same manner as an original application.

**SECTION 13.10 EXPANSION OF EXISTING USE, STRUCTURE, OR BUILDING**

It is recognized that land uses, buildings, and structures are existing which do not conform to the current regulations of this Ordinance and as such do not achieve the intended purposes of this Ordinance. When these uses, buildings, and structures are proposed to be expanded, enlarged, or increased in intensity so that a site plan review is required per Section 13.02 herein, the following regulations shall apply:

- a) The site development standards used in reviewing site plans shall be applied to existing uses, structures or buildings when they are affected by any expansions, enlargements or increases in intensity. These standards shall be applied if it is determined that as a result of such expansions, enlargements or increases in intensity, any of the following situations exist:
  - 1) Existing stormwater drainage provisions on site are inadequate to protect nearby lakes, streams or creeks from runoff contaminants or to prevent drainage onto adjoining properties and do not substantially comply with the Montcalm County Stormwater Management Ordinance.
  - 2) There is insufficient on-site parking to satisfy current Zoning Ordinance requirements and/or a hard surface parking area is needed to reduce dust, and to reduce gravel and soil runoff into the public stormwater drainage system.
  - 3) Existing driveways may result in hazardous vehicle movements.
  - 4) Additional plantings are needed in order to comply with the intent of the City landscape regulations or to replace trees and shrubs previously removed, or screening is needed in the form of fencing or landscaping to provide a buffer between uses, particularly to screen materials stored outside.
  - 5) Access to adjoining properties is inadequate and can be improved by way of parking lot connections or installation of service drives to improve traffic circulation and reduce the number of turning movements onto the public street system.
  - 6) Safety for pedestrians can be improved and better emergency vehicle access can be provided.

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- 7) Less bright lighting conditions are needed to reduce or eliminate nuisance lighting situations for drivers and nearby properties
  - 8) Screening of dumpsters is needed to improve the appearance of a site and reduce the likelihood of windblown trash.
  - 9) Sidewalks are needed to improve pedestrian safety.
- b) In determining how to apply the site plan review standards to address the above deficiencies found on a site, the Planning Commission or Zoning Administrator shall be guided by the following criteria:
- 1) Whether or not compliance would ensure safer on-site conditions, protect the natural environment, improve traffic circulation, achieve compatibility with adjacent land uses, promote the use of the land in a socially and economically desirable manner and generally accomplish the purposes of site plan review as described in this chapter.
  - 2) The practicality of requiring complete compliance with the applicable regulations of this Ordinance based on the existing design, layout, and operation of the existing use and size of the site or if only partial compliance would be more practical.
  - 3) Whether or not requiring compliance would have a negative impact on the character, safety, and welfare of the neighborhood or surrounding area.

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## CHAPTER 14 SPECIAL LAND USES

### SECTION 14.01 PURPOSE OF SPECIAL LAND USES

Uses allowed only by special land use permit have been identified as those which, because of their nature, are not necessarily appropriate at all locations throughout a zoning district, or are appropriate only if subject to special conditions. The purpose of this chapter is to provide standards and procedures for reviewing requests for special land uses, and for placing conditions upon such permits.

### SECTION 14.02 SPECIAL LAND USE PROCEDURE

Application for a special land use permit shall be submitted and processed under the following procedures:

- a) An application shall be submitted to the Zoning Administrator on a form for that purpose. Each application shall be accompanied by the payment of a fee as determined by resolution of the City Council. The application shall at a minimum contain the following information:
  - 1) The applicant’s name, address and phone number.
  - 2) Proof that the applicant is the owner of the property or has a legal or financial interest in the property, such as a purchase agreement.
  - 3) The name, address and phone number of the owner(s) of record if different than the applicant.
  - 4) The address of the property.
  - 5) Legal description of the property.
  - 6) Current zoning.
  - 7) Project description.
  - 8) Size of the parcel in acres.
  - 9) Signature of the applicant and owner of the property.
  - 10) An electronic version of the site plan and all other items submitted in a form acceptable to the City.
  
- b) **Site Plan Requirement:** Applications for a special land use permit shall also be accompanied by a site plan submitted in accordance with the requirements of Chapter 13 herein. The application materials shall then be forwarded to the Planning Commission.
  
- c) **Additional Information:** The Planning Commission may also require that the applicant provide additional information about the proposed use. Such information may include, but shall not be limited to, utility systems plan, traffic impact analysis, environmental impact statement, an economic analysis justifying the need for a proposed use or uses, impact on public utilities and services and effect on the public-school system.

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- d) **Public Hearing.** Prior to making a decision on a special land use request, the Planning Commission shall hold a public hearing. Notice of the hearing shall be as required in Section 21.11 herein.

**SECTION 14.03 GENERAL STANDARDS**

To approve a special land use, the Planning Commission must find that all the following general standards are satisfied, in addition to any applicable standards set forth in this ordinance for specific special land uses:

- a) The special land use shall be established, laid out and operated so as not to have a substantial adverse effect upon adjoining or nearby lands or any of the uses thereof.
- b) The special land use must not have a substantial adverse effect on water and sewer services, stormwater drainage, road capacity and volume of traffic and traffic safety and circulation.
- c) The special land use must not have an adverse effect on police and fire services and other public safety and emergency services.
- d) The special land use must not have an adverse effect on the need and demand for other public services.
- e) The special land use must not have a significant adverse effect on the natural environment of the site and nearby properties.
- f) The special land use must be consistent with the intent and purposes of this ordinance and the City of Stanton Master Plan.

**SECTION 14.04 DECISION**

The Planning Commission shall deny, approve or approve with conditions a request for a special land use. The decision shall be incorporated in the minutes or in a separate finding of facts statement containing the conclusions relative to the special land use under consideration specifying the basis for the decision and any conditions imposed.

**SECTION 14.05 CONDITIONS OF APPROVAL**

The Planning Commission may impose reasonable conditions on the approval of a special land use. Said conditions shall meet the following requirements:

- a) Be designed to insure public services and facilities affected by the proposed use or activity will be capable of accommodating increased service and facility loads caused by the proposed use.
- b) Be designed to ensure that said use is compatible with adjacent land uses and activities.
- c) Be designed to protect natural resources, the health, safety, and welfare and the social and economic wellbeing of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.

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- d) Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
- e) Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.
- f) The conditions imposed with respect to the approval of a special land use shall remain unchanged except upon the mutual consent of the Planning Commission and the landowner. The Planning Commission shall maintain a record of conditions which are changed.

**SECTION 14.06 EXPIRATION OF PERMIT**

- a) A special land use permit shall expire one year after it is granted, unless construction is complete or commencement of the use has substantially begun. The Planning Commission may, upon request by the applicant, extend the term of the special land use by successive periods of up to one year each upon a finding that there have been no changed conditions in the area which would require reconsideration of the special land use application or site plan.
- b) If a use authorized by a Special Land Use permit ceases for a period of two consecutive years the Special Land Use permit shall be considered to be voided and the use shall not be re-established except in accordance with the procedures of Section 14.02 herein.
  - 1) The cessation of the Special Land Use activity shall be determined by the Zoning Administrator who shall base this determination on the following factors which shall include but are not limited to:
    - 2) The establishment of a different use on the property;
    - 3) Removal of any signs pertaining to the Special Land Use;
    - 4) Removal, replacement or demolition of the building containing the Special Land Use;
    - 5) Personal observation that the use has been vacated and other similar factors which would provide evidence of the cessation of the Special Land Use.
    - 6) Discontinuance of utility service.
    - 7) Property falling into disrepair.
    - 8) Non-payment of property taxes.

**SECTION 14.07 AMENDMENT TO AN APPROVED SPECIAL LAND USE**

Any person or agency owning or operating land for which a Special Land Use has been approved shall notify the Zoning Administrator of any proposed amendment to the approved use and site plan. Any proposed change to the conditions that were attached to the approval of the Special Land Use or any proposed change to the Special Land Use itself shall be reviewed by the Planning Commission, which shall determine if the proposed changes constitute a major or minor change.

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A major change is defined as a change in the conditions of approval or the Special Land Use which would substantially alter the intensity of the use of the property so as to call into question compliance with the Special Land Use approval standards of Section 14.03 herein.

Examples of a major change may include but are not limited to: a significant increase in the hours of operation, a significant expansion of the land area devoted to outdoor activity, a significant increase in the number of items displayed or stored outdoors, an increase in the intensity of the use which would significantly increase traffic volumes, a significant change in the number of parking spaces or major alteration of the on-site traffic circulation pattern, the addition of one or more driveways or a change in the conditions of approval which may result in a significant adverse impact on nearby residents or property.

In addition, a major change would also include expanding the land area that was approved for the existing Special Land Use or expanding the building containing the use if such expansion would increase the intensity of the use.

Any major change shall be considered in the same manner as set forth in Section 14.02 of this Ordinance. A minor change requested for a Special Land Use may be approved by the Planning Commission without a public hearing.

### **SECTION 14.08 REVOCATION OF PERMIT**

If a violation of any of the conditions or standards imposed on a special land use is found to exist following inspection, the Zoning Administrator shall notify the owner of the premises of the special land use and the Planning Commission that such violation exists and that the permit will be revoked within 30 days of such notification.

If said violation is not corrected with 30 days, the Planning Commission may revoke the permit following a public hearing noticed in accordance with the requirements of Section 21.11 herein. Furthermore, such a violation is hereby declared to be a violation of the Zoning Ordinance, subject to all of the remedies and penalties provided for in this Ordinance.

### **SECTION 14.09 EFFECT OF DENIAL**

No application for a special land use which has been denied wholly or in part by the Planning Commission shall be resubmitted for a period of one year from the date of said order of denial unless new information is submitted that results in a significant alteration of the original submittal.

### **SECTION 14.10 EXISTING VIOLATIONS**

A Special Land Use permit shall not be issued for a new use or a structure on property where any violation of this ordinance exists.

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**SECTION 14.11 STANDARDS FOR SPECIFIC SPECIAL LAND USES**

The specific and detailed standards of this section are requirements which must be met by those uses in addition to all other standards and requirements of this Zoning Ordinance.

**a) Group day care homes.**

- 1) A group child care home and an adult day care home shall not be closer than 1500 feet to: another licensed group child care home; another adult day care home, an adult foster care small or large group home licensed under the adult foster care licensing act, PA 218 of 1979 as amended; a facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed under article 6 of the public health code, PA 368 of 1978 as amended; a community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the Michigan Department of Corrections.
- 2) Any outdoor play or recreation areas shall not be located within the required front yard setback area and shall be the minimum area required by state law.
- 3) All outdoor play and recreation areas shall be enclosed by a fence that is at least 48 inches high and complies with the applicable regulations for fences as required by this Zoning Ordinance.
- 4) Group homes shall meet the minimum dimensional regulations for single-family dwellings as required pursuant to the district in which the facility is to be located.
- 5) As a condition of approval, the Planning Commission may require conditions or site improvements as necessary to ensure the health and safety of children and adults and to ensure compatibility with neighboring uses and properties.
- 6) One off-street parking space shall be provided for each non-family employee of the group child care home in addition to parking normally required for the residence. A driveway shall be used to fulfill this requirement.
- 7) Hours of operation shall not exceed 16 hours in a 24-hour period. Outdoor activities pertaining to the day care operation shall not take place between the hours of 10:00 pm and 6:00 am.
- 8) A group home may have a sign as permitted by the zoning district in which the home is located.

**b) Mini-warehouses / self-service storage facilities.**

- 1) Outdoor storage is limited to boats, vehicles, trailers, recreational vehicles and equipment. Such items shall be kept in the rear of the parcel or otherwise located or screened from street view.
- 2) The use of the units for any residential, commercial, manufacturing, or assembly use, or repair service or similar use is prohibited.
- 3) Buildings shall be a minimum of 25 feet apart.
- 4) Required parking for the storage units shall be provided within the access aisles abutting the units.
- 5) All driveways, parking, loading storage, and vehicular circulation areas shall be paved.
- 6) All exterior lights including those attached to a building shall be equipped with cut-off fixtures to direct light downward.

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- 7) The site shall be designed to avoid dead-end access lanes unless there is sufficient room for vehicles to turnaround.
- 8) The buildings shall be enclosed by a six feet high security fence. Barb wire fencing is prohibited.

**c) Bed and Breakfast**

- 1) Such uses shall only be established in a detached single-family dwelling.
- 2) The bed and breakfast inn shall be the principal residence of the operator.
- 3) One off street parking space shall be provided for each sleeping/guest room.
- 4) Meals may be served only to the operator's family, employees, and overnight guests.

**d) Churches, mosques, synagogues and similar places of religious worship.**

- 1) The following uses are permitted as accessory uses of any church facility provided they are located on the same parcel as the church facility:
  - i. Parsonage;
  - ii. Convent or rectory;
  - iii. Playgrounds;
  - iv. Non-lighted athletic fields;
  - v. Other uses which the Zoning Administrator deems to be similar accessory uses.
  
- 2) The following uses may be conducted in conjunction with a church facility when located on the same parcel as the church facility and when specifically authorized as a conditional land use by the Planning Commission in accordance with the requirements of this Chapter 14.
  - i. Senior citizen community center;
  - ii. Child and adult day care center;
  - iii. School;
  - iv. Food pantry and household goods bank;
  - v. Lighted athletic fields;
  - vi. Indoor gym;
  - vii. Temporary shelter for those persons displaced from their home;
  - viii. Coffee and beverage bar offering such items for free or for sale which is open to the public at times other than when the church is conducting services;
  - ix. Provision of meals for homeless or needy persons and services or programs designed to assist homeless or needy persons such as counseling, job skill training, life management, self-help, religious, or other programs.

**e) Commerical Kennels.**

- 1) Buildings wherein dogs are kept, dog runs and/or exercise or training areas shall not be located nearer than 100 feet to any adjacent occupied dwelling or building used by the public and shall not be located in any required setback area.

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- 2) All other principal use activities shall be conducted entirely within an enclosed building.
- 3) The minimum lot size shall be two acres with 250 feet of lot width.

**f) Open Air Businesses**

- 1) Minimum lot area shall be 20,000 sq. ft. and the minimum lot width shall be 100 feet.
- 2) Open air businesses shall comply with all applicable health department regulations regarding sanitation and general health conditions.
- 3) The lot area used for parking shall be hard-surfaced and the display or storage areas shall be provided with a permanent, durable, and dustless surface, and shall be graded and drained so as to dispose of all surface water.
- 4) Ingress and egress shall be provided as far as practicable from two intersecting streets and shall be at least 50 feet from an intersection.
- 5) All loading activities and parking areas shall be provided on the same premises (off-street).
- 6) No display area shall be located within the required front yard.

**g) Drive-in businesses**

- 1) Public access to the site shall be located at least 50 feet from any intersection as measured from the nearest right-of-way line to the nearest edge of said access.
- 2) The site shall be so designed as to provide adequate stacking space for drive-through customers without obstructing access to off-street parking spaces, interfering with traffic circulation through the site, or causing vehicles to queue off the site.
- 3) Outdoor speakers for the drive-through facility shall be located in a way that minimizes sound transmission toward neighboring property and uses.

**h) Automatic and self-serve vehicle wash facilities**

- 1) All washing activities must be conducted within a building.
- 2) Vacuuming activities shall not be conducted in the required front yard.
- 3) Ingress to and egress from the building shall be from within the lot and not directly to or from an adjoining street or alley. An alley shall not be used as maneuvering or parking space for vehicles being serviced by the subject facility.
- 4) Sufficient space shall be provided to accommodate all vehicles queuing on the property, so that no vehicles are required to wait on an adjoining street or alley to enter the site.

**i) Adult Uses**

- 1) Adult Entertainment Definitions

“*Adult Entertainment Business*” shall mean any store, establishment, tavern, club, or theater having as a substantial or significant portion of its trade, the display, barter, rental or sale of books, peep booths, magazines, periodicals, video movies, films, photographs, novelties, or other materials or paraphernalia distinguished or characterized by an emphasis on matter depicting,

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describing, or relating to "specific sexual activities" or "specified anatomical areas" as defined hereinafter, OR any "sexually oriented adult entertainment premises," as defined hereafter, including but not limited to adult bookstores, adult entertainment shows, adult motion picture theaters, and adult arcades.

For purposes of this Ordinance, any establishment or premises having more than ten (10%) percent of its square footage of the floor area open to the public devoted to the display, barter, rental or sale of printed matter, pictures, graphics, novelties, or other materials or paraphernalia distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specific adult activities" or "specified anatomical areas" shall be presumed to have a substantial or significant portion of its trade devoted to such regulated activities.

*"Adult Materials"* means materials that are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, but shall not include movies rated "G," "PG," "PG-13," or "R," the registered trademarks of the Motion Picture Association of America. For purposes of this article, the term "materials" include pictures, text, videos, audio tapes, cartoons, books, magazines, novelties, and other printed items.

*"Novelty"* means any instrument, device, or paraphernalia which depicts or describes any "specified sexual activities," or "specified anatomical areas," or which is designed for use, or commonly used, in connection with "specified sexual activities," excluding condoms and other birth control and disease prevention products.

*"Peep Booth"* means a viewing room, other than a private room not authorized for admittance by patrons of less than 150 square feet of floor space upon the premises of an adult entertainment business regulated herein where there is exhibited photographs, films, motion pictures, video cassettes, video reproductions, or other visual representations, or which depict or describe specified anatomical areas or specified sexual activities.

*"Sexually Oriented Adult Entertainment"* means any entertainment conducted in a public place of amusement where such entertainment involves a person appearing or performing in a state of nudity, as defined herein. "Sexually Oriented Adult Entertainment Premises" means any premises to which the public, patrons or members are invited or admitted and wherein an entertainer provides sexually oriented adult entertainment on a regular basis and as a substantial part of the business operation.

*"Specified Anatomical Areas"* shall mean:

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

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*“Specified Sexual Activities”* shall mean:

- a) Human genitals in a state of sexual stimulation or arousal.
- b) Acts of human masturbation, sexual intercourse, or sodomy.
- c) Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

*“State of Nudity”* A person appears in a "state of nudity" when such person is unclothed or in such attire, costume or clothing as to expose to view any portion of the female breast below the top of the areola or any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals.

2) **Restriction On Locations Of Adult Entertainment**

- i. An adult entertainment business may be located only in an Industrial zone.
- ii. An adult entertainment business shall be permitted only by special use permit granted by the City Planning Commission, and after public hearing as otherwise required by the City for issuance of a special use permit. The special use permit shall be approved only if there has been compliance with all provisions of this Ordinance and all other applicable City Ordinances.
- iii. An adult entertainment business shall not be located:
  - a. Within 500 feet of the property line of any single-family, two family or multiple-family residential use. For purposes of this section, the term "multiple-family residential use" shall specifically include, but not by way of limitation, any retirement, convalescent or nursing home or facility or other housing for the elderly.
  - b. Within 500 feet of the property line of any public or private school, college or university, or of any nursery school, day nursery or child care center.
  - c. Within 500 feet of the property line of any church or other religious facility or institution.
  - d. Within 500 feet of any public park.
  - e. Within 500 feet of any other adult entertainment business.
  - f. The distances provided for in this subsection shall be measured by projecting a straight line, without regard for intervening buildings or structures, from the nearest point of the building, structure or tenant space within which the proposed use is to be located to the nearest point of the property line, specified use from which the proposed use is to be separated.

3) **Enclosed Portions Requirement**

No person shall appear in a state of nudity except within the fully enclosed portions of the structure housing the adult entertainment business.

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- 4) **Exterior Structural Requirements.** All adult entertainment businesses must comply with the following exterior structural requirements:
- i. The merchandise or activities of the adult entertainment business shall not be visible from any point outside the business.
  - ii. The exterior of the adult entertainment business shall not utilize flashing lights, or any words, lettering, photographs, silhouettes, drawings, or pictorial representations of any manner.
  - iii. The exterior of the building containing the adult entertainment business shall not be painted any color other than a single neutral color.

- 5) **Regulations On Sale, Rental Or Viewing Of Adult Materials.**  
Adult materials may be held for sale, rent, or view in the City only in accordance with the following use regulations:

- i. **Enclosed area.** All adult materials shall be maintained in a separate area of the premises. The area shall be completely enclosed by opaque walls or partitions which are at least seven feet in height. The area shall have no windows and shall have an opaque door which shall enclose the area from the floor to at least seven feet in height. The door shall be kept closed during all hours of operation. An employee of the adult entertainment business shall monitor the enclosed area either in person or by video camera at all times.
- ii. **Age restriction.** Access to the enclosed area, including viewing of any part of the enclosed area, and all sales or rentals of adult materials shall be limited to persons age 18 or older. This restriction includes, but is not limited to, patrons and employees. No minor shall enter or otherwise gain access to, or attempt to gain access to, any adult materials. No adult or minor shall knowingly assist any minor in gaining access, or attempting to gain access to, any adult materials.
- iii. **Proof of identification.** Any employee of a business has the right to require a current valid picture identification card from any person desiring to purchase, rent or gain access to adult materials.
- iv. **Uniform Hours Of Operation.** An adult entertainment business shall be open to the public only during the hours of 7:00 A.M. to 2:30 A.M.

6) **Conditions And Limitations.**

The Planning Commission may impose any such conditions or limitations upon the establishment’s location, construction, maintenance, or operation of the adult entertainment business as may in its judgment be necessary for the protection of the public interest. Any evidence and any guarantee may be required as proof that the conditions stipulated in connection herewith will be fulfilled. Failure to follow such limitation or condition will result in the immediate termination of any special use permit granted to such adult entertainment business.

7) **Conditions For Rejection.**

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The Planning Commission shall not approve a special land use application for a sexually oriented business if it finds one or more of the following to be true:

- i. An applicant is under 18 years of age;
- ii. An applicant is overdue in payment to the City of taxes, fees, fines or penalties assessed against the applicant or imposed upon the applicant in relation to a sexually oriented business;
- iii. An applicant has failed to provide information required by the City of Stanton Zoning Ordinance or has knowingly answered a question or request for information falsely;
- iv. The premises to be used for the sexually oriented business has not been approved by the Montcalm County Building Official and the zoning enforcement officer as being in compliance with applicable laws and ordinances;
- v. The applicant or a director, officer, partner, member, principal manager or chief executive officer of the applicant has had a sexually oriented business license or adult business license revoked or suspended within one year prior to the date of application.
- vi. The applicant or a director, officer, partner, member, principal manager or chief executive officer of the applicant has operated a sexually oriented business or adult business which was determined to be a public nuisance under laws of any state, county, city, village or township within one year prior to the date of application;
- vii. The applicant is not in good standing or authorized to do business in Michigan;
- viii. The application fee has not been paid;
- ix. An application of the proposed sexually oriented business is in violation of or is not in compliance with, any of the provisions of this section;
- x. The applicant has been convicted of any of the following criminal offenses in any jurisdiction within the last 10 years:
  - a. Prostitution, procuring a prostitute, or solicitation of a prostitute;
  - b. Sale, distribution or display of obscene material;
  - c. Sale, distribution or display of material which is harmful to minors;
  - d. Soliciting, procuring or aiding and abetting an unlawful sexual performance by a minor;
  - e. Possession, sale or distribution of child pornography;
  - f. Public lewdness;
  - g. Indecent conduct with a child;
  - h. Sexual assault or rape;
  - i. Sexual solicitation of a child;
  - j. Contributing to the delinquency of a minor; or
  - k. Harboring a runaway child.

**8) Limit On Reapplication.**

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No application for an adult entertainment business which has been denied wholly or in part shall be resubmitted for a period of one year from the date of said order of denial, except on the grounds of new evidence not previously available, or proof of changed conditions.

**9) Persons Responsible For Violations.**

The owner or occupant of the business premises shall be responsible for any violation of this Ordinance. Any business manager or responsible employee shall also be responsible for any violation of this Ordinance and may be prosecuted individually. In addition, any minor who gains access to adult materials, or any adult who assists a minor in gaining access to adult materials, is also in violation of this Ordinance.

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## CHAPTER 15 SITE CONDOMINIUMS

### SECTION 15.01 PURPOSE

Site condominiums are developments in which land is divided into condominium units which consist of an area of land and a volume of air space within which building or other types of improvements may be constructed. Each site condominium unit may also have an appurtenant limited common element reserved for the exclusive use of the owner of the condominium unit. Either the condominium unit by itself or the condominium unit taken together with any contiguous, appurtenant limited common element, shall be considered to constitute a building site which is the functional equivalent of a “lot” for purposes of determining compliance with the requirement of the Zoning Ordinance and other applicable laws, ordinances and regulations.

Site condominiums may also include general common elements consisting of common open space, recreational areas, streets, and other areas and amenities available for use by all owners of condominium units within the development.

This chapter requires preliminary review by the Planning Commission followed by final review and approval by the City Commission of site condominium plans to ensure that site condominiums comply with this Ordinance and other applicable City ordinances.

### SECTION 15.02 DEFINITIONS

For purposes of this chapter, the following words and phrases are defined as follows:

- a) **Building envelope** means the area of a condominium unit within which the principal building or structure may be constructed, together with any accessory structures, as described in the master deed for the site condominium. In a single-family residential site condominium project, the building envelope refers to the areas of each condominium unit within which the dwelling and any accessory structures may be built.
- b) **Building site** means either:
  - 1) The area within the site condominium unit by itself (i.e., exclusive of any appurtenant limited common element), including the area under the building envelope; or
  - 2) The area within the condominium unit, taken together with any contiguous and appurtenant limited common element.

For purposes of determining compliance with the applicable requirements of the Zoning Ordinance (including, without limitations, height, area, yard, and density requirements) or with other applicable laws, ordinance or regulations, a “building site” shall be considered to be the equivalent of a “lot.”

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- c) **Condominium Act** means Public Act 59 of 1978, as amended.
- d) **Limited common element** means an area which is appurtenant to a site condominium unit and which is reserved in the master deed for the exclusive use of the owner or co-owners of a specific unit or units.
- e) **Site condominium development** means a plan or development consisting of not less than two site condominium units established in compliance with the Condominium Act.
- f) **Site condominium development plan** means the plans, drawings and information prepared for a site condominium development as required by Section 66 of the Condominium Act and as required by this chapter for review of the development by the Planning Commission and the City Commission.
- g) **Site condominium unit** means a condominium unit established in compliance with the Condominium Act which consists of that portion of the condominium project designed and intended for separate ownership and use.

Except as otherwise provided by this chapter, the following words and phrases, as well as any other words or phrases used in this chapter which are specifically defined in the Condominium Act, shall conform to the meaning given to them in the Condominium Act: “common elements”; “condominium documents”; “condominium unit”; “contractible condominium”; “convertible area”; “expandable condominium”; “general common elements”; and “master deed.”

**SECTION 15.03 REVIEW OF PRELIMINARY PLANS BY THE PLANNING COMMISSION**

- a) Prior to final review and approval of a site condominium development plan by the City Commission, a preliminary site condominium development plan shall be reviewed by the Planning Commission in accordance with the procedures, standards and requirements provided by this chapter. Such review shall take place following a public hearing by the Planning Commission on the preliminary plan. Notice of the hearing shall be as required in Section 21.11 herein.
- b) Application for review and approval of a site condominium development plan shall be initiated by submitting to the Zoning Administrator:
  - 1) A minimum of 12 copies of a preliminary site condominium development plan which complies with the requirements of Article 2 of the City Subdivision Ordinance; and
  - 2) An application fee in accordance with the fee schedule established by resolution of the City Commission.
- c) The Planning Commission shall review the preliminary site condominium development plan in accordance with the standards and requirements contained in Article 2 of the City Subdivision Ordinance. All of the requirements for plats, as set forth in said Article 4, shall be requirements for site condominium developments. In addition, the following standards and requirements shall apply:
  - 1) In its review of a site condominium development plan, the Planning Commission may consult with the Zoning Administrator, City Attorney, City Engineer, City Planner, and appropriate City

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departments or other appropriate persons regarding the adequacy of the proposed common elements and maintenance provisions, use and occupancy restrictions, utility systems and streets, development layout and design, or other aspects of the proposed development.

- 2) The building site for each site condominium unit shall comply with all applicable provisions of this ordinance, including minimum lot area, minimum lot width, required front, side and rear yards, and maximum building height.
- 3) All private streets in a site condominium development shall be developed as required by the private street requirements of this Zoning Ordinance.
- 4) If public water and sanitary sewer facilities are not available, each condominium unit shall either be served by a private central system (designed for connection to a public system when and if a public system is made available), or shall have a well, septic tank, and drain field located within the condominium unit’s building site. Water and sanitary sewer facilities shall be approved by the Montcalm County Health Department.
- 5) The Planning Commission shall require that portions of the plan as relevant to the reviewing authority in question be submitted to the Montcalm County Health Department, Montcalm County Road Commission, Montcalm County Drain Commissioner, Michigan Department of Natural Resources, Michigan Department of Environmental Quality, Michigan Department of Public Health, and other appropriate state and county review and enforcement agencies where approval is required by law over any aspect of the proposed site condominium development.

**SECTION 15.04 PLANNING COMMISSION RECOMMENDATION**

After reviewing the preliminary site condominium development plan, the Planning Commission shall prepare a written statement of its recommendations regarding the proposed site condominium development, including any suggested or required changes in the plan. The Planning Commission shall provide a copy of its written recommendations to the applicant and to the City Commission.

**SECTION 15.05 REVIEW AND APPROVAL OF FINAL PLANS BY CITY COMMISSION**

- a) After receiving the Planning Commission’s recommendations on the preliminary plan, the applicant shall submit to the Zoning Administrator a minimum of ten copies of a final site condominium development plan which complies with the requirements of this section and of Article 2 of the City Subdivision Ordinance. All of the requirements for plats, as set forth in said Article 4, shall be requirements for site condominium developments. The Zoning Administrator shall forward the copies of the final plan to the City Commission.
- b) The final site condominium plan submitted by the applicant shall incorporate all of the recommendations, if any, made by the Planning Commission based on its prior review of the preliminary plan. If any of the Planning Commission’s recommendations are not incorporated in the

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final plan, the applicant shall clearly specify in writing which recommendations have not been incorporated and the reasons why those recommendations have not been incorporated.

Except for changes made to the plan as necessary to incorporate the recommendations of the Planning Commission, the final plan shall otherwise be identical to the preliminary plan which was reviewed by the Planning Commission. Changes made to the plan other than those necessary to incorporate the recommendations of the Planning Commission shall be reviewed by the Planning Commission prior to approval of the plan by the City Commission.

- c) After receiving the Planning Commission’s recommendations on the preliminary plan and a final site condominium development plan from the applicant, the City Commission shall proceed to review and may approve, deny or approve with conditions the plan in accordance with the standards and requirements provided by Article 4 of the City Subdivision Ordinance and other applicable procedures, standards and requirements provided by this chapter.
- d) As a condition of approval of a final site condominium development plan the City Commission may require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Commission covering the estimated cost of improvements associated with the site condominium development for which approval is sought to be deposited with the City.

**SECTION 15.06 CONTENTS OF SITE CONDOMINIUM PROJECT PLANS**

A condominium development plan shall include the documents and information required by Section 66 of the Condominium Act and by Article 2 of the City Subdivision Ordinance and shall also include the following:

- a) The use and occupancy restrictions and maintenance provisions for all general and limited common elements that will be included in the master deed.
- b) A storm drainage and storm water management plan, including all lines, swales, drains, basins, and other facilities and easements granted to the appropriate municipality for installation, repair and maintenance of all drainage facilities.
- c) A utility plan showing all water and sewer lines and easements granted to the appropriate municipality for installation, repair and maintenance of all utilities.
- d) A street construction, paving and maintenance plan for all private streets within the proposed condominium development and maintenance plans for stormwater detention or retention areas and all other general common elements.

**SECTION 15.07 CONSTRUCTION IN COMPLIANCE WITH APPROVED FINAL SITE CONDOMINIUM DEVELOPMENT PLAN**

No buildings or structures shall be constructed nor shall any other site improvements or changes be made on the property in connection with a proposed site condominium development except in compliance with

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a final site condominium development plan as approved by the City Commission, including any conditions of approval.

**SECTION 15.08 COMMENCEMENT OF CONSTRUCTION; ISSUANCE OF PERMITS**

No building permit shall be issued, and no public sewer or public water service shall be provided for any dwelling or other structure located on a parcel established or sold in violation of this chapter. The sale, or the reservation for sale, of site condominium units shall be as regulated by the Condominium Act. No building in a site condominium development may be occupied or used until all required improvements have been completed and all necessary utilities installed.

**SECTION 15.09 EXPANDABLE OR CONVERTIBLE CONDOMINIUM DEVELOPMENTS**

Approval of a final site condominium development plan shall not constitute approval of expandable or convertible portions of a site condominium development unless the expandable or convertible areas were specifically reviewed and approved by the Planning Commission and City Commission in compliance with the procedures, standards and requirements of this chapter.

**SECTION 15.10 CHANGES TO APPROVED PLAN**

Any change proposed in connection with a development for which a final site condominium plan has previously been approved shall be regulated by this section.

The following definitions shall apply:

- a) **Exempt change** means a change to a site condominium project (other than a major or minor change) that is exempt from review and approval as required for major or minor changes under this chapter. Exempt changes shall be limited to the following:
  - 1) a change in the name of the development; in the name of a street within the development; or in the name of the developer;
  - 2) a change in the voting rights of co-owners or mortgagees; or
  - 3) any other change in the site condominium development which, as determined by the Zoning Administrator, does not constitute a major or minor change or will not otherwise change the site configuration, design, layout, topography or any other aspect of a development which is subject to regulation under the Zoning Ordinance.
  
- b) **Major change** means a major change in the site configuration, design, layout or topography of a site condominium development (or any portion thereof), including any change that could result in:
  - 1) an increase in the number of site condominium units;
  - 2) any other change in the site configuration, design, layout, topography, or other aspect of the project which is subject to regulation under this Zoning Ordinance, including, without limitation,

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a change in the location of streets and utilities, or in the size, location, area, horizontal boundaries or vertical boundaries of a site condominium unit, and which is determined by the Zoning Administrator to constitute a major change to the site condominium project.

- c) **Minor change** means a minor change in the site configuration, design, layout or topography of a site condominium development (or any portion thereof), including any change that will result in:
- 1) a decrease in the number of site condominium units;
  - 2) a reduction in the area of the building site for any site condominium unit;
  - 3) a reduction of less than 10 percent in the total combined area of the general common elements of the site condominium;
  - 4) a reduction in the total combined area of all limited common elements of the site condominium;
  - 5) any other minor variation in the site configuration, design, layout, topography or other aspect of the development which is subject to regulation under this Zoning Ordinance, and which, as determined by the Zoning Administrator, does not constitute a major change.

Any change which constitutes a major change shall be reviewed by the Planning Commission at a public hearing and with the notice required for an original approval of a site condominium development and shall also be reviewed and approved by the City Commission, as provided in this chapter for the original review and approval of preliminary and final plans.

Any change which constitutes a minor change shall be reviewed and approved by the Zoning Administrator, in conjunction with the chairperson of the Planning Commission. In the discretion of the Administrator and Chairperson, any such minor change may be reviewed and approved by the Planning Commission, at a public meeting, but without the public hearing or mailed notice requirement otherwise provided in this chapter for an original approval.

Any change which constitutes an exempt change shall not be subject to review by the City under this chapter, but a copy of the exempt changes shall be filed with the Zoning Administrator.

**SECTION 15.11 INCORPORATION OF APPROVED PROVISIONS IN MASTER DEED**

All provisions of a final site condominium development plan which are approved by the City Commission as provided by this chapter shall be incorporated by reference in the master deed for the site condominium project. Further, all major changes to a development shall be incorporated by reference in the master deed. A copy of the master deed as recorded with the Montcalm County Register of Deeds shall be provided to the City within 10 days after recording.

**SECTION 15.12 COMMENCEMENT OF CONSTRUCTION**

Construction of an approved site condominium development shall commence within two years after such approval and be diligently pursued to completion in accordance with the terms and conditions of the approval. Such two-year period may be extended by the City Commission in its discretion, for additional

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periods of time as determined appropriate by the Commission. Any such extension shall be applied for by the applicant within such two-year period.

**SECTION 15.13 VARIANCES**

A variance from the provisions of this chapter may be granted if the applicant demonstrates that literal enforcement of any of the provisions of this chapter creates a practical difficulty in the use of the land because of special or peculiar conditions pertaining to the land. Upon application, the City Commission, after recommendation by the Planning Commission, may permit a variance or variances which are reasonable and within the general policies and purposes of this chapter. The Planning Commission and City Commission may attach conditions to the variance. A public hearing on such variance request may be held by either the Planning Commission or City Commission.

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## CHAPTER 16 LANDSCAPING REQUIREMENTS

### SECTION 16.01 PURPOSE

The purpose of this article is to promote the public health, safety and welfare by establishing minimum standards for the design, installation and maintenance of landscaping in parking lots, as greenbelts between uses and along roadways. Landscaping is considered by the City to be an important element of land development and is a critical factor in maintaining an attractive community character and conserving the value of land and buildings in the City. Landscaping also serves to buffer incompatible land use, moderate harsh or unpleasant sounds, remove air pollutants, reduce the glare from vehicle headlights and separate vehicular and pedestrian circulation.

The landscape standards of this article are considered the minimum necessary to achieve the objectives noted above. In several instances, the standards are intentionally flexible to encourage flexibility and creative design. Applicants are encouraged to provide additional landscaping to improve the function, appearance and value of their property.

### SECTION 16.02 APPLICABILITY

- a) The standards contained in this article shall be applicable to any site plan, special land use request, or PUD submitted for review and approval under this article.
- b) The regulations of this article shall not apply to individual single-family and two-family dwelling units.

### SECTION 16.03 MODIFICATION OF REQUIRED LANDSCAPING

For existing and proposed uses that require site plan approval to either expand or be built, landscaping should be installed insofar as practical. The Planning Commission in its review of the site plan has the authority to increase, decrease or otherwise modify the landscaping and screening requirements of this article. In doing so, the Commission shall consider the following criteria:

- a) The amount of space on the site available for landscaping.
- b) Existing landscaping on the site and on adjacent properties.
- c) The type of use on the site and size of the development.
- d) Existing and proposed adjacent land uses.
- e) The effect the required landscaping would have on the operation of the existing or proposed land use.
- f) Whether additional landscaping is necessary to mitigate the adverse effects of adjoining land uses, to reduce headlight glare, reduce noise and to otherwise achieve the objectives of this Section.

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**SECTION 16.04 GENERAL REGULATIONS**

- a) Landscaping shall be installed within 180 days of occupancy of the building or structure unless a longer period is permitted in writing by the Zoning Administrator.
- b) All landscaping shall be hardy plant materials and maintained thereafter in a neat, healthy and orderly manner. Withered and/or dead plant materials shall be replaced within a reasonable period of time but no longer than one growing season.
- c) For the purpose of this article, a corner lot is considered as having a front yard along each street, and the appropriate landscaping shall be provided for both yards.

**SECTION 16.05 GREENBELT LANDSCAPING REQUIREMENTS**

- a) A greenbelt or landscape area as required herein shall be provided as follows:
- b) Wherever a Commercial or Industrial zone abuts an R-1, R-M or PUD zone containing dwelling units.
- c) Wherever a C-R zone containing a non-residential use abuts a R-1, R-M or PUD zone containing dwelling units.
- d) Wherever a Commercial or Industrial zone abuts a non-conforming residential use such as a house in a Commercial or Industrial zone.
- e) Wherever a non-residential use such as a governmental building, church, school, hospital, or library which may be allowed in a residential zone abuts a residential use or an R-1 or R-M zone a greenbelt shall be required.
- f) Wherever multi-family buildings in an R-M zone abuts an R-1 zone or a dwelling unit on adjoining property.
- g) The greenbelt shall be installed along the abutting lot line separating the different zoning districts.
- h) Landscaping requirements shall not apply where zoning districts are separated by a public street. In such case, the front yard landscaping requirements of this article shall apply.

**SECTION 16.06 WIDTH AND PLANTING REQUIREMENTS FOR GREEN BELTS**

- a) A greenbelt shall be a minimum of 15 feet wide.
- b) For each whole 50 linear feet abutting the adjacent property, three trees shall be planted within the greenbelt. Such trees shall be a mixture of evergreen, canopy and ornamental trees unless otherwise required by the Planning Commission.
- c) Two shrubs shall be planted for each tree planted and each shrub shall be a minimum of 30 inches at planting.

**SECTION 16.07 PLANT SPACING AND SIZE REQUIREMENTS**

- a) Plant materials shall not be placed closer than six feet from the fence line or property line.
- b) Minimum size at time of planting:

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- 1) Coniferous Evergreen Trees: 4 feet in height
- 2) Deciduous Shade/Canopy Tree: 2 1/2 caliper inches
- 3) Deciduous Ornamental Tree: 1 1/2 caliper inches or 6' foot in height
- 4) Deciduous Shrubs: 24" inches in height or 30" inches in spread
- 5) Upright Coniferous Shrub: 24" inches in height
- 6) Spreading Coniferous Shrub: 18 inches spread  
(caliper inches measured six (6) inches above grade, height measured above grade)

**SECTION 16.08 FRONT YARD LANDSCAPING**

- a) Except for the C-1 Zone where any off -street parking area directly abuts or faces a public street; a screen shall be required between the parking area and the road right-of-way. Such screen shall consist of, at a minimum, one of the following:
  - 1) A strip of land at least five feet in width and a solid screen comprised of a vegetative hedge or decorative wall, or any combination thereof, which measures at least three feet in height; or
  - 2) A strip of land at least ten feet in width within which for each 50 feet in length of road frontage two trees shall be planted. A mixture of evergreen, canopy and ornamental trees is encouraged to provide a variety of plantings along the street. Driveways shall not be counted in the determination of road frontage.
  - 3) Shrubs at a rate of one per each tree required.
  - 4) Earthen berms may be permitted within the required front yard landscape area. Credit of up to 25 percent may be received against providing the required plantings through the use of berms three feet in height or greater.
  
- b) If landscaping is not required along the street frontage by subsection 16.08 (a) of this section, then the front yard shall be landscaped according to the following requirements:
  - 1) For each 50 feet in length of road frontage two trees shall be planted within the front yard. A mixture of evergreen, canopy and ornamental trees is encouraged to provide a variety of plantings along the street. Driveways shall not be counted in the determination of road frontage.
  - 2) Shrubs at a rate of one per each tree required.
  - 3) Earthen berms may be permitted within the required front yard landscape area. Credit of up to 25 percent may be received against providing the required plantings through the use of berms three feet in height or greater.

**SECTION 16.09 OFF-STREET PARKING AREA LANDSCAPING REQUIREMENTS**

All parking areas having 20 or more parking spaces shall be landscaped according to the following minimum requirements:

- a) One canopy tree for every 20 parking spaces, with a minimum of two trees, shall be planted adjacent to and within the parking area.

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- b) Trees shall be located to prevent damage by motor vehicles.
- c) Landscaping islands shall be dispersed through the parking lot in order to break up large expanses of paved surfaces and improve traffic flow and line of sight for drivers. Each landscape island shall be a minimum of six feet wide and shall contain at least one canopy tree.
- d) Landscaping shall be arranged so as not to obscure traffic signs or fire hydrants or obstruct drivers' sight distance within the parking area and at driveway entrances.
- e) All landscape areas shall be protected by raised curbs, parking blocks or other similar methods.
- f) Landscaping required for greenbelts and front yard landscaping that abuts off-street parking areas may substitute for up to 50 percent of the required parking lot landscaping.

**SECTION 16.10 BERMS, WALLS AND FENCES**

If a berm is used for all or part of the greenbelt, required plant material quantities may be reduced by 25 percent. The berm shall comply with minimum standards contained in this article. All plant materials shall be placed along the top and exterior side slope of the berm. The greenbelt width shall be increased as needed to accommodate maximum berm side slopes of one-foot vertical rise to three feet horizontal.

**SECTION 16.11 MAINTENANCE**

Landscaped areas and plant materials required by this chapter including shall be kept free from refuse and debris. Plant materials, including lawn, shall be maintained in a healthy growing condition, neat and orderly in appearance in accordance with the approved site plan. If any plant material dies or becomes diseased, it shall be replaced within a reasonable period of time upon written notice from the city or within an extended time period as specified in said notice.

**SECTION 16.12 INSTALLATION & COMPLETION**

- a) All landscaping required by this Chapter shall be planted before obtaining a Certificate of Occupancy or the appropriate financial guarantee may be placed in escrow in the amount of the cost of landscaping to be released only after landscaping is completed. A temporary Certificate of Occupancy may be issued for projects needing additional time planting the approved landscaping elements based on seasonal limitations.
- b) **Plantings near utility lines and fire hydrants and clear vision requirements**
  - 1) Required plant materials and screening shall be arranged to avoid conflicts with underground and overhead utility lines and access to or visibility of fire hydrants.
  - 2) The anticipated height at maturity of trees planted near overhead utility lines shall not exceed the line height above grade.
- c) **Clear Vision Requirements.** No plantings shall be established or maintained on any lot which will obstruct the view of a vehicle driver approaching an intersection. Such unobstructed area shall mean a triangular area formed by the street property lines and a line connecting them at points 25 feet from

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the intersection of the street lines or in the case of a rounded property corner from the intersection of the street property lines extended. This shall not prohibit the establishment of shrubbery less than 30 inches in height. Landscaping shall be arranged so as not to obscure traffic signs or obstruct drivers' sight distance within the parking area and at driveway entrances.

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## CHAPTER 17 PARKING REQUIREMENTS

### SECTION 17.01 PURPOSE

The purpose of this chapter is to prescribe regulations for off-street parking of motor vehicles in all zoning districts, to ensure by the provision of these regulations that adequate parking and access is provided in a safe and convenient manner, and to afford reasonable protection to adjacent land uses from light, noise, air pollution, and other effects of parking areas.

### SECTION 17.02 GENERAL REQUIREMENTS

- a) At the time any building or structure is erected, enlarged, or increased in capacity, or when any use is established, off-street parking and loading spaces shall be provided in all zoning districts according to the requirements of this Chapter.
- b) No parking or loading area or space which exists at the time of the adoption of this Chapter shall thereafter be relinquished or reduced in any manner below the requirements established by this Chapter.
- c) **Definitions:** For purposes of determining off street parking requirements the following definitions shall Apply:
  - 1) **Gross Floor Area** - The sum of all gross horizontal areas of all floors of a building or buildings, measured from the outside dimensions of the outside face of the outside wall. Unenclosed porches, court yards, or patios shall not be considered as part of the gross floor area except where they are utilized for commercial purposes such as the outdoor sale of merchandise or seating for a restaurant.
  - 2) **Usable Floor Area** - That area to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, stairways, and elevator shafts, or restrooms, shall be excluded from this computation of usable floor area. Usable floor area shall be measured from the interior faces of the exterior walls, and total usable area for a building shall include the sum of the usable floor area for all floors.
  - 3) **Parking Area** - For purpose of this chapter, parking area shall include the space where vehicles are parked, as well as access aisles, driveways, and loading and unloading areas.
- d) **Units of Measurement**
  - 1) For requirements stated in terms of employees, the calculation shall be based upon the maximum number of employees likely to be on the premises during the largest shift.
  - 2) When units of measurement determining the number of required parking spaces result in a requirement of a fractional space, that fraction shall be counted as a full parking space.

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**e) Shared Parking and Mixed Occupancy**

- 1) In the case of mixed uses in the same building or on the same lot or parcel, the total requirements for off-street parking and loading shall be the sum of the requirements for the individual uses computed separately.
- 2) Joint or collective provision of off-street parking areas for buildings or uses on two or more properties shall not be less than the sum of the requirements for the participating individual uses computed separately except that the Planning Commission may approve a lesser parking requirement for such uses if evidence of a signed agreement between the owners of both properties agreeing to such joint use is provided to the Planning Commission.

**f) Parking Requirements for Uses Not Listed:** The minimum parking space requirements for all uses shall be as listed in Section 17.05. For uses not specifically listed in Section 17.05, the Zoning Administrator may establish the parking requirement by making the determination that the proposed use is similar in parking requirements to a use which is listed in Section 17.05. The Zoning Administrator shall refer to engineering or planning manuals, publications and reports, or to the parking requirements used by other municipalities in order to determine the minimum parking requirements.

**g) Maximum Amount of Parking:** In order to minimize excess areas of pavement which result in adverse aesthetic impacts and contribute to high rates of storm-water runoff, off-street parking lots exceeding the minimum parking space requirements by greater than 20 percent shall be prohibited, unless the applicant can demonstrate that additional parking is necessary to the operation of the proposed use. Factors to be considered in such demonstration shall include but need not be limited to the type of use proposed, examples of similar uses requiring such additional parking and whether such additional parking is for seasonal or peak periods only.

**h) Conformance to Parking Plan:** Once a parking area has been approved as part of an approved site plan the owners, operators, or tenants shall conform at all times to the requirements of the approved plan including maintaining the parking lot in good working order and appearance.

**i) Existing Parking Lots:** Parking areas which are in existence as of the date of adoption of this chapter shall be considered legal non-conforming uses if lawfully approved under the previous regulations. Any expansion of such existing parking areas shall conform to the requirements of this Chapter.

**j) Permit Required:** A zoning permit must be obtained from the Zoning Administrator before an off-street parking area is enlarged or re-constructed. The applicant shall provide a site plan to the Zoning Administrator who shall review it for compliance with the site plan requirements of this Ordinance. The Zoning Administrator may refer the site plan to the Planning Commission for review and approval. Parking lots which are only being repaved or which were part of a site plan already

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approved by the Planning Commission are exempt from this requirement.

- k) **Landscaping:** Landscaping for off street parking lots shall be provided as required by Section 16.09 herein.

**SECTION 17.03 DESIGN, LOCATION, AND CONSTRUCTION REQUIREMENTS**

The following regulations shall apply to all uses except one and two-family dwellings.

a) **Parking Lot Surface and Drainage**

- 1) For required parking lots in all zoning districts the parking lot and all drives and driveways serving the parking lot shall be surfaced with asphalt or concrete pavement.
- 2) All parking lots shall be graded and drained to dispose of all surface water and prevent drainage onto abutting properties.
- 3) The Planning Commission may approve alternate parking lot surfaces which are dustless and which allow for stormwater drainage directly through the parking surface or other similar surface.
- 4) In order to reduce the amount of impervious surface and the corresponding storm water runoff and reduce heat given off by paved surfaces, the Planning Commission may approve alternate parking lot surfaces for overflow parking, or employee parking, or parking or maneuvering areas devoted to loading activities or parking for trucks or similar heavy equipment. Such surface may include but shall not be limited to gravel, crushed stone, or products which are installed in the ground to support a vehicle but allow grass to grow within the supporting spaces or similar dustless material.

- b) **Lighting:** Lighting fixtures used to illuminate off-street parking areas shall be so arranged as to deflect the light away from any adjoining residential properties or streets and highways. Lighting fixtures in required parking facilities for commercial, industrial, or office districts within 150 feet of any residential area shall not exceed 20 feet in height. All other fixtures shall not exceed 35 feet in height. Light fixtures shall be designed to achieve total luminary cutoff.

- c) **Parking Lot Setback:** All off-street parking areas, except those serving residential dwellings with less than five dwelling units, shall be set back a minimum of five feet from the rear and side lot lines, and a minimum of 10 feet from the front lot line.

The Planning Commission may approve a setback of less than 10 feet if the minimum number of parking spaces required by the Zoning Ordinance for the proposed use is no more than 10 or if the applicant can demonstrate that there is insufficient space on site to provide the 10 feet setback and still allow for the efficient operation of the proposed use. In approving a lesser setback, the Commission may require additional landscaping.

The Planning Commission may also permit parking aisles or vehicle maneuvering areas to encroach within the required parking setback and may require additional screening or landscaping.

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| <b>Development Review</b> <ul style="list-style-type: none"> <li>• Site Plan</li> <li>• Special Land Uses</li> <li>• Site Condominiums</li> </ul> | <b>Signs</b>                      | <b>Non-Conforming</b>            | <b>Zoning Board of Appeals</b> |                           |
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- d) *Traffic Islands*: Parking areas shall be designed to delineate access aisles or drives and to provide drivers proper sight distance at the end of parking rows where such rows intersect access aisles or drive. The Planning Commission may require traffic islands, striped pavement or other methods to achieve this.
- e) *Pedestrian Protection*: Parking lots shall be designed to limit the number of points where pedestrians must cross in front of vehicles. In particular, vehicle access in front of building entrances and exits should be minimized. Landscaped pedestrian walkways to and from parking areas may be required to enhance pedestrian safety.
- f) *Screening of Parking Area*: Where off-street parking areas for non-residential uses abut residentially zoned property, a greenbelt not less than 15 feet wide shall be provided between the parking area and the residentially zoned property. The greenbelt shall be landscaped according to the landscape requirements of Section 16.05 of this Ordinance. A solid fence instead of landscaping may be required by the Planning Commission, if in the opinion of the Commission, the fence will serve as a more effective buffer.
- g) *Driveways*: Driveways serving off-street non-residential parking areas shall be at least 25 feet from any residentially zoned property or a residential use such as a single-family dwelling. Such driveways shall be a minimum of 24 feet wide for two-way traffic and a minimum of 13 feet wide for one-way traffic.
- h) *Snow Storage*: Snow shall not be stored in areas with plantings or where it may create visibility problems for drivers or pedestrians.
- i) *Uses Not Permitted*: Off-street parking areas shall not be used for repair, dismantling or servicing of motor vehicles.
- j) All off street parking areas that make it necessary for vehicles to back out directly into a public street shall be prohibited except that this prohibition shall not apply to one and two-family dwellings.

**SECTION 17.04 REQUIREMENTS FOR SIZE OF PARKING SPACE AND AISLE**

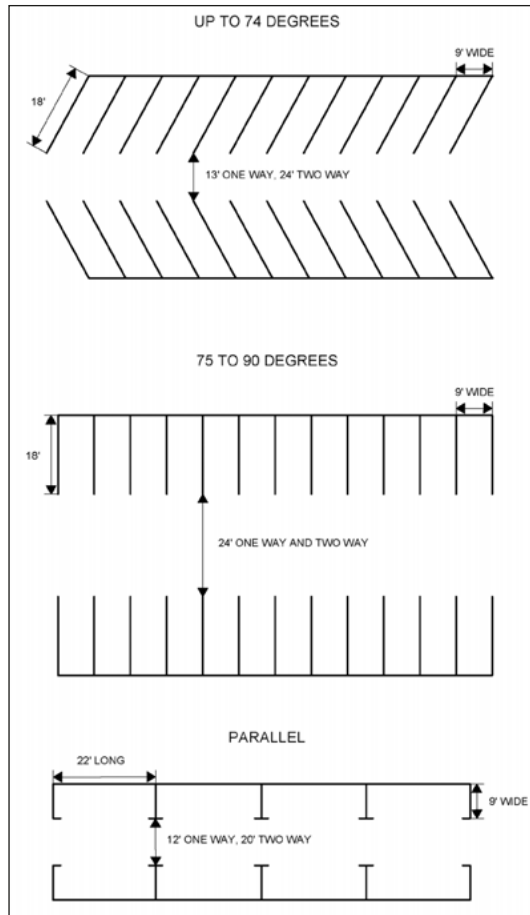
Off-street parking spaces and aisles for various parking angles shall be designed and constructed in accordance with the minimum standards provided in Table 1 below.

|   |                                   |                                  |                                |                           |
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| <b>Development Review</b> <ul style="list-style-type: none"> <li>• Site Plan</li> <li>• Special Land Uses</li> <li>• Site Condominiums</li> </ul> | <b>Signs</b>                      | <b>Non-Conforming</b>            | <b>Zoning Board of Appeals</b> |                           |
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**TABLE 1**  
**MINIMUM STANDARDS FOR PARKING STALL AND AISLES**

| Parking Angle | Maneuvering Aisle Width |         | Parking Stall Width | Parking Stall Length | Total width of Two Stalls of Parking Plus Maneuvering Aisle |         |
|---------------|-------------------------|---------|---------------------|----------------------|---|---------|
|               | One Way                 | Two Way |                     |                      | One Way   | Two Way |
| 0° Parallel   | 12 feet                 | 22 feet | 9 feet              | 22 feet              | 30 feet   | 40 feet |
| Up to 74°     | 13 feet                 | 22 feet | 9 feet              | 18 feet              | 49 feet   | 58 feet |
| 75° to 90°    | 16 feet                 | 24 feet | 9 feet              | 18 feet              | 52 feet   | 60 feet |
|               |                         |         |                     |                      |   |         |

**Figure 17-1**



|  |                            |                           |                         |                    |
|--|----------------------------|---------------------------|-------------------------|--------------------|
| Purpose, Scope, & Validity   | Definitions                | General Provisions        | Zoning Districts        | Off Street Parking |
| Development Review <ul style="list-style-type: none"> <li>• Site Plan</li> <li>• Special Land Uses</li> <li>• Site Condominiums</li> </ul> | Signs                      | Non-Conforming            | Zoning Board of Appeals |                    |
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**SECTION 17.05 SCHEDULE OF OFF-STREET PARKING REQUIREMENTS**

Each use shall provide spaces in conformance with the following schedule of requirements:

- a) In the C-1 district the provisions of this section may be met by any one or combination of the following:
- 1) Participation in a city or community parking program designed to serve a larger area, provided plans for such parking have been approved by the Planning Commission.
  - 2) On street parking
  - 3) Off street parking on the same site as the use it serves.

| <u>Use</u>                                  | <u>Number of Motor Vehicle Parking Spaces Required per Unit of Measure</u>                        |
|---|---|
| <b>b) RESIDENTIAL</b>                       |   |
| Single family and two family                | Two for each dwelling unit.   |
| Multiple family and attached single family: | One per bedroom plus ten percent of the total spaces required shall be provided as guest parking. |
| Efficiencies                                | One for each dwelling unit.   |
| Mobile Home Parks                           | Two for each mobile home or mobile home site.   |

|   |                                   |                                  |                                |                           |
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| <b>Purpose, Scope, &amp; Validity</b>   | <b>Definitions</b>                | <b>General Provisions</b>        | <b>Zoning Districts</b>        | <b>Off Street Parking</b> |
| <b>Development Review</b> <ul style="list-style-type: none"> <li>• Site Plan</li> <li>• Special Land Uses</li> <li>• Site Condominiums</li> </ul> | <b>Signs</b>                      | <b>Non-Conforming</b>            | <b>Zoning Board of Appeals</b> |                           |
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|   |   |
|---|---|
| Senior housing or retirement communities.                               | One for each dwelling unit plus one per employee  |
| Assisted living and congregate care facilities.                         | One for each three dwelling units plus one per employee   |
| Bed and breakfast, boarding houses.                                     | One for each guest room plus two for the dwelling unit.   |
| <b>c) INSTITUTIONAL / PUBLIC ASSEMBLY</b>                               |   |
| Churches, temples, mosques, synagogues, or similar types of facilities. | One space per each four seats in the worship room.  |
| Hospitals.  | One for each four beds plus one for each staff doctor, plus one for each two employees other than doctors.  |
| Outpatient care stations.   | Two spaces per exam room/station or procedure/operating room, plus one space per laboratory or recovery room plus one per employee.   |
| Child Care Centers.   | One space for every four children of licensed capacity, plus one space for each employee.   |
| Elementary, junior high, middle schools.                                | Two spaces per classroom, plus one space for each three seats of maximum seating capacity for that indoor place of assembly having the greatest seating capacity or .12 spaces per student whichever is greater |

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| <b>Development Review</b> <ul style="list-style-type: none"> <li>• Site Plan</li> <li>• Special Land Uses</li> <li>• Site Condominiums</li> </ul> | <b>Signs</b>                      | <b>Non-Conforming</b>            | <b>Zoning Board of Appeals</b> |                           |
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| High schools, trade schools  | .25 spaces per student   |
| Private club and lodges.   | One space per 2.5 persons allowed within the maximum occupancy load as established by the appropriate fire, health, or building code.              |
| Auditoriums (non-school), stadiums, and sports arenas.   | One space per each three seats.  |
| Conference rooms, exhibit halls, halls, ballrooms, civic clubs, or similar places of assembly without fixed seats whether public or private. | One space per each four persons allowed within the banquet maximum occupancy load as determined by the Township building or fire codes.            |
| Libraries, museums, and non-commercial art galleries.  | One parking space per 400 square feet of gross floor area.   |
| <b>d) OFFICES</b>  |  |
| Medical/dental clinics or offices.   | Four spaces per 1,000 square feet of gross floor area. A minimum of six spaces shall be required.  |
| General office buildings.  | Four spaces per 1000 square feet of gross floor area. A minimum of four spaces shall be required.  |
| Banks, credit unions, or savings and loans.  | Four spaces per 1,000 square feet of gross floor area, plus two on-site waiting spaces for each drive-up window or drive through automatic teller. |
| <b>e) RETAIL AND SERVICES USE</b>  |  |
| Retail shopping centers, discount stores, and department stores containing between 25,000 and 400,000 square feet.                           | Four spaces per 1,000 square feet of usable floor area.  |

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| <b>Development Review</b> <ul style="list-style-type: none"> <li>• Site Plan</li> <li>• Special Land Uses</li> <li>• Site Condominiums</li> </ul> | <b>Signs</b>                      | <b>Non-Conforming</b>            | <b>Zoning Board of Appeals</b> |                           |
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| Other retail uses not otherwise specified herein.  | One space per 200 square feet of usable floor area plus one per employee.  |
| Supermarkets and grocery stores.   | One space per 200 square feet of usable floor area.  |
| Personal service establishments not otherwise provided herein.   | One space per each 300 square feet of usable floor area plus one per employee.   |
| Appliance stores.  | Four spaces per 1,000 square feet of gross floor area. A minimum of six spaces shall be required.  |
| Automobile service stations.   | Two parking spaces per each service bay, plus one per each employee, plus one per each 200 square feet of retail area. A service bay and the area on each side of a gas pump may count as a parking space. |
| Vehicle wash establishments (automatic).   | One parking space per each employee, plus ten on-site waiting spaces at each wash-bay entrance, plus two drying spaces at the exit.  |
| Vehicle wash establishments (self-service or “touchless” facilities).  | One parking space per each employee, plus two on-site waiting spaces at each wash-bay entrance.  |
| Barber shops, beauty salons.   | Two for each barber or beauty operator chair/station plus one for every two employees.   |
| Building supply store, home improvement store, paint and hardware store containing up to 25,000 square feet of gross floor area. | Two spaces per 1000 square feet of gross floor area plus one for each employee.  |

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| <b>Development Review</b> <ul style="list-style-type: none"> <li>• Site Plan</li> <li>• Special Land Uses</li> <li>• Site Condominiums</li> </ul> | <b>Signs</b>                      | <b>Non-Conforming</b>            | <b>Zoning Board of Appeals</b> |                           |
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| Building supply store, home improvement store, paint and hardware store with more than 25,000 square feet of gross floor area. | Three spaces per 1,000 square feet of gross floor area plus one for each employee.   |
| Convenience stores.  | Four spaces per 1,000 square feet of gross floor area. A minimum of six spaces shall be required.  |
| Dry cleaners.  | Two spaces per 1,000 square feet of gross floor area. A minimum of four spaces shall be required.  |
| Funeral homes and mortuaries.  | One space per 50 square feet of parlor and chapel areas.   |
| Furniture, carpet, and home furnishing stores.   | One space per 800 square feet of usable floor area.  |
| Hotel, motel, or other commercial lodging establishment.   | One space for each guest room, plus one for each two employees.  |
| Laundromats.   | One space per each three washing machines.   |
| Mini-storage houses/warehouses.  | Six spaces.  |
| Motor vehicle dealerships.   | One space per 5,000 square feet of outdoor sales area, plus one space per sales desk/office, plus three spaces per service bay. A minimum of six spaces shall be required. |
| Quick oil change establishments.   | Two spaces per bay plus one per each employee.   |

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| <b>Purpose, Scope, &amp; Validity</b>   | <b>Definitions</b>                | <b>General Provisions</b>        | <b>Zoning Districts</b>        | <b>Off Street Parking</b> |
| <b>Development Review</b> <ul style="list-style-type: none"> <li>• Site Plan</li> <li>• Special Land Uses</li> <li>• Site Condominiums</li> </ul> | <b>Signs</b>                      | <b>Non-Conforming</b>            | <b>Zoning Board of Appeals</b> |                           |
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| Recreational vehicle and boat dealerships.   | One space per 800 square feet of gross floor area, plus two spaces per each vehicle service bay. A minimum of six spaces shall be required. |
| Restaurants that serve non-fast food and have no drive-through window.               | Twelve spaces per 1,000 square feet of gross floor area, or 0.4 spaces per seat, whichever is greater.                                      |
| Restaurants that serve mostly take out, with six or less booths or tables.           | Six spaces plus one for each employee.  |
| Restaurants that serve fast food and have no drive through window.                   | Eight spaces per 1,000 square feet of gross floor area.   |
| Restaurants that serve fast food and have a drive through window and indoor seating. | Ten spaces per 1,000 square feet of gross floor area, plus three designated drive through waiting spaces.                                   |
| Pharmacies with or without a drive-up window   | Two and one-half spaces per 1000 square feet of gross floor area.   |
| Video rental stores.   | Three spaces per each 100 square feet of gross floor area plus one per each employee.   |
| Service companies doing repair.  | Two spaces per 1,000 square feet of work gross floor area. A minimum of five spaces shall be required.                                      |
| <b>f) RECREATIONAL ENTERTAINMENT</b>   |   |
| Arcades.   | One space for every 70 square feet of gross floor area. A minimum of six spaces shall be required.  |
| Batting cage facilities.   | Three spaces per cage.  |

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| <b>Development Review</b> <ul style="list-style-type: none"> <li>• Site Plan</li> <li>• Special Land Uses</li> <li>• Site Condominiums</li> </ul> | <b>Signs</b>                      | <b>Non-Conforming</b>            | <b>Zoning Board of Appeals</b> |                           |
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| Bowling centers.   | Five spaces per bowling lane plus 50 percent of the spaces otherwise required for accessory uses such as restaurants, bars, banquet facilities, etc. |
| Golf driving ranges.   | One and one-half spaces per tee.   |
| Golf courses, miniature.   | One and one-half spaces per each hole.   |
| Golf courses, par-three.   | Three spaces per hole.   |
| Golf courses.  | Five spaces per hole.  |
| Health fitness centers.  | Five spaces per 1,000 square feet of gross floor area.   |
| Movie theaters.  | One space per each four seats.   |
| Racquetball and tennis centers.  | Five spaces per 1,000 square feet of gross floor area or six spaces per court, whichever is greater.   |
| Public recreation centers.   | Five spaces per 1,000 square feet of gross floor area.   |
| Roller/ice skating rink.   | Six spaces per 1,000 square feet of gross floor area.  |
| <b>g) INDUSTRIAL USES</b>  |  |
| Manufacturing, light industrial, and research establishments and other industrial uses not otherwise specified herein. | One and one-half parking space per 1,000 square feet of gross floor area.  |
| Wholesale, warehouses, or distribution facilities, and trucking terminals.   | One half parking space per each 1,000 square feet of gross floor area or one per employee whichever is greater.                                      |

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| <b>Development Review</b> <ul style="list-style-type: none"> <li>• Site Plan</li> <li>• Special Land Uses</li> <li>• Site Condominiums</li> </ul> | <b>Signs</b>                      | <b>Non-Conforming</b>            | <b>Zoning Board of Appeals</b> |                           |
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h) *Parking Variation*: In order to avoid excessive amounts of impervious surface and to allow for an opportunity to provide parking which meets the demonstrated needs of a proposed use, the Planning Commission may approve a development which provides less than the minimum number of parking spaces required herein according to the following requirements:

- 1) The applicant must provide written evidence to the Planning Commission that the parking proposed on the site for the use is sufficient to meet the parking needs of those who will patronize the use as well as the parking needs for employees during the largest working shift.

Such evidence may consist of: arrangements for nearby shared parking; evidence that the proposed use will also be patronized by pedestrians or by those using bus service or; evidence from the parking history of the proposed use or a use similar to the proposed use at other locations or; that there is sufficient space on the site for the required parking to be provided if it becomes necessary at a later time.

- 2) If a plan is approved to allow fewer parking spaces than required by Section 17.05 above such parking plan shall only apply to the stated use. Any other use shall comply with the requirements of Section 17.05 before an occupancy permit is issued or such use shall first obtain approval from the Planning Commission in accordance with Section 17.05 (h)(1) above before an occupancy permit is issued.

**SECTION 17.06 BARRIER FREE PARKING AND DESIGN REQUIREMENTS**

Barrier free parking shall be provided as follows:

| <u>Total Parking in Lot</u> | <u>Minimum Number of Accessible Spaces Required</u> |
|-----------------------------|---|
| 1 to 25                     | 1   |
| 26 to 50                    | 2   |
| 51 to 75                    | 3   |
| 76 to 100                   | 4   |
| 101 to 150                  | 5   |
| 151 to 200                  | 6   |
| 201 to 300                  | 8   |
| 301 to 400                  | 12  |
| 401 to 700                  | 14  |
| 701 to 1,000                | 1 per 50 spaces provided or fraction thereof        |
| Over 1,000                  | 20 plus 1 per 100 over 1,000 or fraction thereof    |

Requirements for barrier free parking space size, ramps, and signs shall be as required by the State of Michigan Barrier Free Design Act as amended.

**SECTION 17.07 OFF-STREET LOADING REQUIREMENTS**

|   |                                   |                                  |                                |                           |
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| <b>Development Review</b> <ul style="list-style-type: none"> <li>• Site Plan</li> <li>• Special Land Uses</li> <li>• Site Condominiums</li> </ul> | <b>Signs</b>                      | <b>Non-Conforming</b>            | <b>Zoning Board of Appeals</b> |                           |
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- a) Off-street loading spaces shall be provided in size and quantity sufficient to prevent interference with adjacent streets or required off-street parking areas.
- b) Loading spaces shall be illustrated on the site plan if provided.
- c) Loading spaces shall not be located within the driving aisle of the parking lot and a vehicle in the process of being loaded or unloaded shall not block the movement of vehicles on the site.
- d) Loading spaces shall not be included in the count of off-street parking spaces.
- e) Loading spaces shall not use any portion of any public right-of-way.
- f) Maneuvering space for trucks using the loading spaces shall be provided on-premise and shall not necessitate the use of public right-of-way.
- g) Except in the C-1 Zone loading docks shall be a minimum of 100 feet from the front lot line as measured to the loading dock. This shall apply to both front yards on each street side of a corner lot.
- h) The design, location, and screening of off-street loading areas shall be reviewed at the time of Site-Plan approval to ensure adequate protection is afforded adjacent properties, especially residential districts.
- i) Off-street loading spaces shall be no closer than 50 feet to any Residential Zone unless such space is wholly within a completely enclosed building or enclosed on all sides by a wall or a uniformly painted solid board or masonry fence of uniform appearance not less than six feet in height.

|   |                                   |                                  |                                |                           |
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| <b>Development Review</b> <ul style="list-style-type: none"> <li>• Site Plan</li> <li>• Special Land Uses</li> <li>• Site Condominiums</li> </ul> | <b>Signs</b>                      | <b>Non-Conforming</b>            | <b>Zoning Board of Appeals</b> |                           |
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## CHAPTER 18 SIGNS

### SECTION 18.01 PURPOSE & INTENT

- a) This Article is intended to regulate the size, number, location and manner of display of signs in the City of Stanton consistent with the following purposes.
- 1) To protect and further the health, safety and welfare of residents, property owners, and visitors.
  - 2) To prevent traffic hazards and pedestrian accidents caused by signs which obstruct vision, distract or confuse drivers, or are improperly secured or constructed.
  - 3) To conserve and enhance community character.
  - 4) To promote uniformity in the size, number, or placement of signs within zoning districts.
  - 5) To promote the economic viability of commercial areas by minimizing visual clutter and allowing for placement of signs to safely direct motorists to their destination.
  - 6) To balance the public's right to be informed and its desire to avoid visual pollution and hazardous conditions with the communication rights of businesses and other non-business uses.
  - 7) To recognize that special circumstances or events may create a need for temporary signage for a limited and reasonable period of time.
  - 8) The purpose of this Article does not include the regulation of the content or any information included on the sign.
- b) Substitution Clause. Signs which contain non-commercial speech are permitted anywhere that advertising or business signs are permitted subject to the same regulations applicable to such signs. The owner of any sign which is otherwise allowed by this Article may substitute non-commercial language in lieu of any other commercial or non-commercial language.

This substitution may be made without any additional approval or permitting. The purpose of this provision is to prevent an inadvertent favoring of commercial speech over non-commercial speech or favoring of any particular non-commercial message over any other non-commercial message.

### SECTION 18.02 DEFINITIONS

**Abandoned sign:** A sign which no longer identifies or advertises a currently operating business, lessee, service, owner, product, or activity, and/or for which no legal owner can be found

**Balloon Sign:** (See inflatable sign)

**Banner Sign:** A portable sign of fabric, nylon, plastic, or other non-rigid material without an enclosing

|   |                            |                           |                         |                    |
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structural framework attached to or hung from a pole or rope or to a building or structure. Banner signs also mean include flag signs, feather flags, and flutter flag signs.

**Commercial Establishment:** A business operating independent of any other business located in a freestanding building; in a strip mall, a business completely separated from other businesses by walls from the ground up and with a door which may regularly be used by the public for exclusive ingress and egress to that business; in an enclosed structure with a shared climate controlled area, a business completely separated from other businesses by walls from the ground up and with a door or entrance which may regularly be used by the public for exclusive ingress and egress to that business and which may be closed to the public even while the common area is open to the public; and in an office building, a business holding itself out to the public as a single entity, independent of other businesses or persons.

**Directional Sign:** A sign used primarily to give information about locations or possible destinations to a driver of a motorized vehicle, a pedestrian, bicyclist or others. Although this is a content-based distinction, these signs are important to prevent public confusion and facilitate collision-free flow of traffic.

**Electronic Reader Board/Digital Display Sign:** A sign or portion thereof that displays electronic, digital, pictorial, or text information in which alphanumeric characters, graphics, or symbols are defined by a small number of matrix elements using different combinations of light emitting diodes (LED’s), fiber optics, light bulbs, or other illumination devices within the display area. Such signs can include computer programmable, microprocessor controlled electronic displays, and video display signs

**Festoons:** A string of ribbons, tinsel, flags, pennants or pinwheels.

**Flag Sign:** See Banner Sign.

**Freestanding Sign:** A sign not attached to a building or wall which is supported by one or more poles or braces or which rests on the ground or on a foundation resting on the ground.

**Government Sign:** A sign erected, permitted by, or required to be erected by a government agency.

**Ground Sign:** A freestanding sign supported by a base resting directly on the ground. The width of the base shall be at least 50 percent of the width of the sign in order to be a ground sign.

**Identification Sign:** A sign intended to communicate information about services and facilities. Although this is a content-based distinction, these signs are important to prevent public confusion and facilitate collision-free flow of traffic.

**Illuminated Sign:** A sign that provides artificial light directly (or through any transparent or translucent material) from a source of light connected with the sign, or a sign illuminated by a light shielded so that no direct rays from it are visible from any public right-of-way or from the abutting property.

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**Inflatable Sign:** Any three-dimensional object, including a tethered balloon, capable of being filled with air or gas depicting a container, figure, product, or product trademark, whether or not such object contains a message or lettering

**Mansard:** A sloped roof or roof-like façade architecturally comparable to a building wall.

**Mansard Sign:** A sign that is mounted, painted on, or attached to a mansard

**Mural:** A design or representation painted or drawn on a wall which does not advertise an establishment, product, service, or activity.

**Manual Sign:** A sign on which the letters or pictorials are changed by hand.

**Multi-Vision Sign:** Any sign composed in whole or in part of a series of vertical or horizontal slats or cylinders that are capable of being rotated at intervals so that partial rotation of the group of slats or cylinders produces a different image or images.

**Nonconforming sign:** (also called a "legal nonconforming sign") A sign that does not comply with the size, placement, construction or other standards or regulations of this chapter or article but was lawfully established prior to its adoption. Signs for which the zoning board of appeals has granted a variance are exempt and shall not be defined as nonconforming.

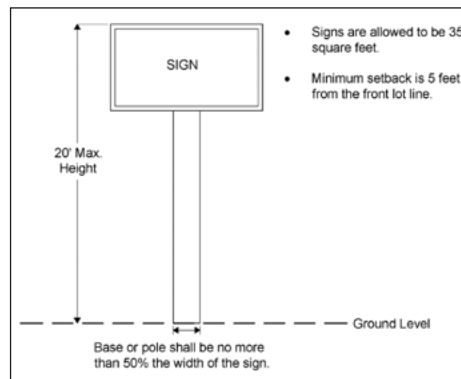
**Painted Wall Sign:** A sign which is applied with paint or similar substance on the face of a wall or the roof of a building.

**Pennant:** A flag or cloth that tapers to a point.

**Permanent sign:** A sign installed on a support structure, not intended to be moved or removed, but to remain for an indefinite period of time.

**Pole Sign:** A free standing sign which is supported by a structure, or poles, or braces. The width of the supporting structures must be less than 50 percent of the width of the sign.

**Figure 18-1**



|   |                                   |                                  |                                |                           |
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**Projecting Sign:** A display sign which is attached directly to the building wall, extends more than 15 inches from the face of the wall and projects in such a way that the message is not parallel to the wall to which it is attached.

**Right-of-way signs:** Signs erected by the City, county, state, federal and other public/quasi-public agencies and located within the public right-of-way.

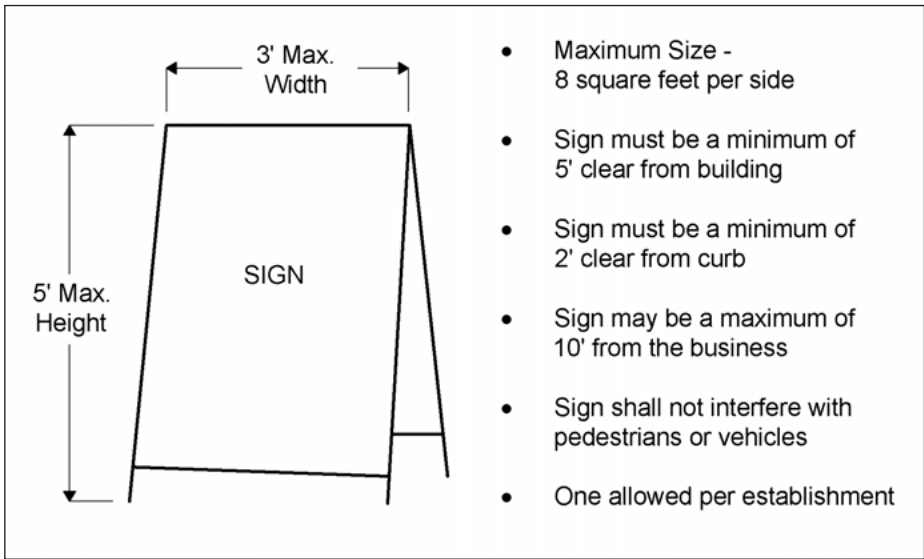
**Roof Line:** The top of a roof or parapet wall, whichever is higher, but excluding any cupolas, chimneys, or other minor projections.

**Roof Sign:** A sign erected above the roof line of a building.

**Rotating Sign:** A sign in which the sign itself or any portion of the sign moves in a revolving or similar manner. Such motion does not refer to methods of changeable copy.

**Sidewalk Sign:** An A-frame sign which is portable and designed to be placed on the sidewalk in front of the use it advertises. This may also be called a “Sandwich Board Sign.”

**Figure 18-2**



**Sign:** A device, structure, fixture, figure or placard which may or may not use graphics, symbols, emblems, numbers, lights and/or written copy designed specifically for the purpose of advertising, identifying, or directing attention to an establishment, product, service, person, place, organization, institution, activity, or idea.

**Streamers:** A long, narrow strip of material used as a decoration or symbol

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**Temporary sign:** A sign installed for a limited period of time, intended to be removed within a time period as specified herein.

**Traffic warning sign:** A sign that indicates a hazard ahead on a road that may not be readily apparent to a driver.

**Video Sign:** A sign which displays moving images as on a television.

**Wall Sign:** A sign painted or attached directly to and parallel to the exterior wall of a building extending no greater than 12 inches from the exterior face of a wall to which it is attached.

**Window Sign:** A sign installed inside a window and intended to be viewed from the outside.

### SECTION 18.03 SIGNS PROHIBITED

A sign not expressly permitted by this Chapter is prohibited. Specifically, the following types of signs are expressly prohibited:

- a) Any sign, including window signs, which have flashing, moving, oscillating, scrolling or blinking lights except as may otherwise be permitted herein.
- b) Roof signs.
- c) Rotating signs.
- d) Searchlights, laser lights, strobe lights, and lights of a similar nature.
- e) A sign using the words “stop,” “danger,” or other words, phrases, symbols, or characters in such a manner as to interfere with, mislead, or confuse a vehicle driver. Although this is a content-based distinction, these signs must be prohibited to prevent public confusion, risks to safety, and traffic collisions.

### SECTION 18.04 SIGN PERMIT REQUIRED

- a) A sign permit shall be required for the erection and construction of all permanent signs except those exempted by Section 18.05.
- b) Sign permits are also required for all temporary signs exceeding 20 sq. ft. unless specifically exempted. Permits for temporary signs shall specifically state a date or a time frame by which the sign must be removed.
- c) A sign permit is not required for ordinary maintenance of signs such as painting, cleaning and light replacement and alteration of sign message.
- d) **Application Information.** An application for a sign permit shall be made to the City Zoning Administrator along with a fee as required by City Commission resolution. The application, at a minimum, shall include the following:

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- 1) Name, address, and telephone number of applicant and the person, firm or corporation erecting the sign.
- 2) Address or permanent parcel number of the property where the sign will be located.
- 3) A sketch showing the location of the building, structure, or lot upon which the sign is to be attached or erected and showing the proposed sign in relation to buildings and structures along with setback from lot lines.
- 4) An accurate drawing to scale of the plans and specifications, method of construction and attachment to structures or ground. If required by the Zoning Administrator, the applicant shall provide engineered stress sheets (sealed plans) and calculations showing that the structure is designed according to the requirements of the Montcalm County Building Code for wind load restrictions.
- 5) Any required electrical permit shall be attached to the application.
- 6) The zoning district in which the sign is to be located.
- 7) Any other information which the Zoning Administrator may require in order to demonstrate compliance with this Article.
- 8) Signature of applicant or person, firm, or corporation erecting the sign.
- 9) For temporary signs which require a permit the permit shall designate the days on which the sign may be displayed.
- 10) The Zoning Administrator shall issue a sign permit if all provisions of this Chapter and other applicable City regulations are met. A sign authorized by a permit shall be installed within six months of the date of issuance of the sign permit or else the permit shall expire. In the case of an expired permit, a new permit may be issued upon filing of a new application and fee.

**SECTION 18.05 SIGNS NOT REQUIRING PERMIT**

The following signs shall not require a sign permit but shall be subject to the requirements of Section 18.06 and other applicable provisions of this Section.

- a) Government signs.
- b) Window signs.
- c) Right-of-way signs.
- d) Ordinary maintenance of signs such as painting, cleaning and light replacement and alteration of sign message.
- e) Temporary signs less than 20 sq. ft. as permitted and regulated by the zoning district within which the sign is located.
- f) Signs which are three square feet or less in area.
- g) Directional, identification, traffic warning, or government signs, provided the size of each sign does not exceed four square feet and three feet in height and each sign is located at least five feet from any lot line
- h) Flags of any nation, state, city, government, government authorized agency, or educational institution.

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- i) Signs erected for ordering or viewing drive-through window services or products when adjacent to a drive-through window vehicle driving lane.
- j) Pennants, streamers and festoons.
- k) Wall signs which are four sq. ft. or less in area.

**SECTION 18.06 REQUIREMENTS FOR ALL SIGNS**

All signs including signs which do not require a permit are subject to the requirements of this Section 18.06 and 18.08 and all other applicable requirements of this Ordinance.

- a) Signs may be internally illuminated or, if externally illuminated, the source of the light shall be enclosed and directed to prevent the source of light from shining directly onto traffic or any residential district or property. For externally lit signs, the lighting fixture shall be mounted on the top only and the light fixture shielded so that light is directed downward so that no direct rays interfere with the vision of persons on adjacent streets or properties.
- b) Signs shall not be placed in, upon or over any public right-of-way, or alley, except as may be otherwise permitted by the Stanton City Commission or Michigan Department of Transportation.
- c) No light pole, utility pole, publicly-owned landscaping, fire hydrant, or other supporting member shall be used for the placement of any sign unless specifically designed and approved for such use.
- d) A sign shall not, by reason of its position, shape, color, or other characteristic, interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device, or constitute a nuisance per se.
- e) A sign shall not, in the opinion of the Zoning Administrator, interfere with or obstruct the view of drivers or those on foot or bicycle, or create any type of safety hazard or distraction to vehicle drivers.
- f) No commercial vehicles or trailers, which in the opinion of the Zoning Administrator have the intended function of acting as a sign, shall be parked in any area abutting the street.
- g) No sign shall contain any moving or animated parts nor have the appearance of having any moving or animated parts.
- h) No wall sign shall extend beyond the edge of the wall to which it is affixed, and no wall sign shall extend above the roof line of a building.
- i) All ground, wall, and freestanding signs may include reader boards as permitted by Section 18.07 herein.
- j) Signs shall not obstruct sidewalk passage of pedestrians
- k) A window sign may consist of illuminated letters including neon lights.
- l) Unless otherwise specifically stated in Chapter 12 regulating PUDs, and/or included in an approved PUD Development Plan, signs for uses or buildings located in the PUD District shall be subject to the sign limitations allowed for buildings or uses of a similar type built in the respective zoning districts.

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- m) Signs used by or for services, businesses, attractions, activities, lessors, owners that are no longer in operation and the owner has demonstrated an intent to abandon the use or building, then the use shall be considered abandoned and the sign face shall be removed or replaced with a blank face within 90 days after written notification from the City to the sign owner, the property owner where the sign is located, or any other party having control over the sign.

The determination of abandonment shall be made by the Zoning Administrator. Evidence of such intent may include, but is not limited to the following:

- 1) Discontinuance of utility service;
- 2) Removal of building fixtures needed for the use;
- 3) Property falling into disrepair;
- 4) Elimination of postal service;
- 5) Non-payment of property taxes.

**SECTION 18.07 SIGN MEASUREMENT**

- a) The area of a sign is the entire area within a circle, triangle, or parallelogram enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed; excluding the necessary supports or uprights on which the sign is placed.
- b) Where a sign has two or more faces, the combined area of all faces shall be included in determining the area of the sign, except that where two faces are placed back-to-back and are at no point more than two feet from one another, the area of the sign shall be taken as the area of one face. In the case of a sphere, the total area of the sphere is divided by two for purposes of determining the maximum permitted sign area.
- c) The height of a sign shall be measured as the vertical distance from the highest point of the sign to the grade of the adjacent street or the average grade of the ground immediately beneath the sign, whichever is less.

**SECTION 18.08 ELECTRONIC READER BOARDS / DIGITAL SIGNS**

Electronic reader boards / digital signs shall comply with the following regulations:

- a) An electronic reader board shall not consist of more than 75% of the allowable sign area except for signs which are 32 square feet or less in area.
- b) An electronic reader board shall not exceed a maximum illumination of 6,500 nits (candelas per square meter) during daylight hours and a maximum illumination of 325 nits (candelas per square meter) between dusk to dawn as measured at the sign's face at maximum brightness.

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- c) Prior to the issuance of a sign permit for an electronic reader board, the applicant shall provide to the Zoning Administrator certification that the illumination settings for the sign comply with the maximum illumination requirements of this Section.
- d) An electronic reader board shall be equipped with a brightness control sensor that allows for the brightness to be adjusted either manually or automatically.
- e) An electronic reader board sign shall not have a white background in order to reduce glare.
- f) An electronic reader board is allowed as a window sign and shall comply with the requirements for electronic reader boards as set forth in this Article.
- g) Electronic reader boards legally in existence upon the effective date of this Chapter shall be required to comply with the illumination requirements of this Article insofar as practicable.
- h) Any premises or parcel on which an electronic reader board sign is located may also display a temporary sign in accordance with the requirements of this Chapter.

**SECTION 18.09 CONSTRUCTION AND MAINTENANCE OF SIGNS**

- a) All signs shall be constructed and maintained in accordance with the current Michigan Construction Code.
- b) Signs shall be maintained free of peeling paint or paper, fading, staining, rust, or other conditions which impair legibility.
- c) All signs, sign supports, frames, braces, wiring, guys and anchors shall be maintained in such a manner that they do not create a hazard for pedestrians and vehicles.
- d) All signs shall be designed to ensure a dead load and wind pressure in any direction of not less than 30 pounds per square foot of area. All signs shall be securely anchored or otherwise made immobile.

**SECTION 18.10 NON-CONFORMING SIGNS**

- a) Every legal permanent sign which does not conform to the height, size, area or location requirements of this Chapter as of the date of the adoption of this Ordinance, is hereby deemed to be non-conforming.
- b) Non-conforming signs may be maintained and repaired so as to continue the useful life of the sign but may not be altered, expanded, enlarged, or extended.
- c) A non-conforming sign may be diminished in size or dimension or the copy of the sign amended or changed without jeopardizing the privilege of non-conforming use.
- d) A sign accessory to a non-conforming use may be erected in the City in accordance with the sign regulations for the District in which the property is located.
- e) Non-conforming signs shall not:
  - 1) Be replaced or changed to another non-conforming sign;
  - 2) Be repaired if such repair involves any of the following:
  - 3) Necessitates the replacement of both the sign frame and sign panels;
  - 4) Replacement of the signs primary support pole(s) or other support structure;
  - 5) Be enhanced with any new feature including the addition of illumination.

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- 6) Be re-established after damage or destruction, if the replacement cost thereof exceeds 60 percent of the fair market value of the nonconforming sign prior to its damage or destruction. The fair market value shall be as determined by the Zoning Administrator or their agent.

**SECTION 18.11 REGULATIONS FOR TEMPORARY SIGNS**

- a) A temporary sign may be installed concurrent with the event or occurrence and removed upon the end of the event. The Zoning Administrator shall have the discretion to determine the beginning and end date of the event.
- b) The Zoning Administrator shall have the discretion to determine when a temporary sign is a permanent sign and subject to the rules for permanent signs.
- c) Permits are required for temporary signs that exceed 20 square feet in size. The applicant shall designate on the application form the days on which the sign will be displayed. Display of the sign on any day other than those days designated on the permit shall be a violation of this Section.
- d) A temporary sign permit may be issued as part of and in conjunction with a building permit. The sign permit issuance shall be noted on the building permit.
- e) The size and number of temporary signs allowed shall be as specified within each zoning district provided in Sections 18.12 through 18.14.
- f) Signs shall be anchored in a safe and secure manner. The anchoring of signs by tying or attaching weighted objects (such as cinder blocks or tires) is prohibited.
- g) The sign shall be located a minimum of five feet from the edge of any street right-of-way or public or private sidewalk except for sandwich board signs as regulated herein.
- h) A sign shall not be displayed if it is torn, bent, faded, not upright, unreadable, or otherwise unsightly.
- i) Temporary signs held by a person shall not be displayed in the road right of way and shall not hamper the visibility of a driver on or off the site.
- j) Temporary signs shall only be internally illuminated.
- k) An electronic reader board/ digital display sign may serve as a temporary sign and shall comply with the requirements of Section 18.08.

**SECTION 18.12 SIGN REGULATIONS FOR THE R-1 ZONING DISTRICT**

- a) The following signs are permitted per parcel as part of an application for and approval of a Special Land Use permit according to the following requirements:
  - 1) One permanent ground sign as follows:
    - i. One per parcel not to exceed 35 square feet in area.
    - ii. The height of the sign shall not exceed six feet.
    - iii. The sign shall be setback a minimum of 10 feet from all lot lines.
    - iv. The sign may be illuminated.

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- 2) One wall sign per public or private street frontage as follows:
  - i. The sign shall not exceed 35 square feet in area.
  - ii. The wall sign shall be placed on that side of the building which directly faces the street.
  - iii. All signs shall be placed flat against the building and shall not project beyond a wall or architectural feature by more than one foot. No wall sign shall project above or beyond the roof or parapet to which it is attached.
  - iv. A wall sign may be internally illuminated.
  
- b) Temporary signs are permitted as follows:
  - 1) Temporary Signs are permitted, provided that the square footage of a single sign or the total square footage of all temporary signs shall not exceed 16 square feet.
  - 2) Temporary signs shall comply with the requirements of Section 18.11.
  
- c) **Additional Signs.** One permanent groundsign may be provided at each entrance to a subdivision or site condominium subdivision. The area of one sign shall not exceed 35 square feet. The sign must be setback at least 10 feet from the right-of-way line of any arterial or collector street and at least five feet from a local street. The sign shall not exceed six feet in height.

**SECTION 18.13 SIGN REGULATIONS FOR THE R-M and MHP ZONING DISTRICTS**

The following signs are permitted in the R-M and MHP Zoning Districts:

- a) One permanent ground sign per parcel as follows:
  - 1) One per parcel not to exceed 35 square feet in area.
  - 2) The height of the sign shall not exceed six feet.
  - 3) The sign shall be setback a minimum of 10 feet from all lot lines.
  - 4) The sign may be illuminated.
  
- b) One wall sign per public or private street frontage as follows:
  - 1) The sign shall not exceed 35 square feet in area.
  - 2) The wall sign shall be placed on that side of the building which directly faces the street.
  - 3) All signs shall be placed flat against the building and shall not project beyond a wall or architectural feature by more than one foot. No wall sign shall project above or beyond the roof or parapet to which it is attached.
  - 4) A wall sign may be internally illuminated.
  
- c) For parcels with more than one principle building a ground sign or wall sign is permitted for each building. Such sign shall not exceed 24 square feet in size and may be illuminated. A ground sign shall not exceed six feet in height.
  
- d) Temporary signs are permitted as follows:
  - 1) Temporary Signs are permitted, provided that the square footage of a single sign or the total square footage of all temporary signs shall not exceed 16 square feet.

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2) Temporary signs shall comply with the requirements of Section 18.11.

**SECTION 18.14 SIGN REGULATIONS FOR THE C-1, C-2, C-R, AND I ZONING DISTRICTS**

- a) One permanent ground or pole sign per parcel as follows:
  - 1) The size of the sign shall not exceed 35 square feet in area per sign face
  - 2) The height of a ground sign shall not exceed six feet and the height of a pole sign shall not exceed 20 feet.
  - 3) The sign shall be setback a minimum of five feet from the front lot line
  - 4) The sign may be illuminated
  - 5) Where two or more commercial establishments are located in the same building or on the same lot, signage for each business shall be combined on one sign. The maximum sign area shall be 1.5 times the size permitted by Section 18.14 (a) (1).
  
- b) **Wall Signs:**
  - 1) More than one sign may be attached to each wall, which directly fronts a public street or public or private off-street parking area provided the total sign area does not exceed 20 percent of the area of the wall to which it is attached.
  - 2) All signs shall be placed flat against the building and shall not project beyond a wall or architectural feature by more than one foot. No wall sign shall project above or beyond the roof or parapet to which it is attached.
  - 3) A wall sign may be internally or externally illuminated per Section 18.06 (a).
  
- c) **Projecting, awning and canopy signs:** Projecting signs, awnings and canopy signs may be used as an alternative to wall signs listed in Section 18.14(b) provided the signs meet the sign area requirements of that Section and the following standards:
  - 1) Any sign area on a canopy shall be included in calculations of maximum wall sign square footage.
  - 2) Projecting or canopy signs in the C-1 District shall be set back at least two feet from any street curb line, shall not extend more than six feet over the public right-of-way, and shall leave a minimum clearance of eight feet above the ground.
  - 3) Projecting, awning or canopy signs, other than those in the C-1 District, shall have a minimum ground clearance of ten feet, shall be set back at least six feet from any adjacent public right-of-way, nor project over an alley or private access lane. A projecting sign shall not extend for more than two feet from the building to which it is attached.
  - 4) No awning, canopy or projecting sign shall extend above the roof or parapet of the structure to which it is attached by more than one foot.
  - 5) Wood posts or supporting arms shall not be used in conjunction with any projecting sign, unless it is decorative in nature and part of the character of the sign.

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6) Projecting signs shall not exceed ten square feet in area per side or three feet in width. The area of such sign shall be in addition to any permitted sign provided for herein.

d) ***Sandwich Board Signs***

- 1) The sign may be placed within the public right of way on a public sidewalk but not within any public street vehicle travel lane.
- 2) The sign shall be located outside of the business it serves but shall be located, no more than ten feet from the customer entrance to the business, be a minimum of two feet from the edge of the curb and be located so that at least a five-foot-wide un-obstructed walkway is maintained.
- 3) One sign per customer entrance shall be permitted regardless of the number of tenants on the premises.
- 4) The sign may be displayed only during operating business hours.
- 5) Each sign shall not exceed an overall height of 60 inches and an overall width of 36 inches.
- 6) No sign shall be located in such a manner as to interfere with vehicular or pedestrian traffic flow or visibility.
- 7) All signs must be constructed of weatherproof, durable material and kept in good repair.
- 8) The sandwich board sign shall not be illuminated in any manner.
- 9) Sandwich board signs within the public right-of-way may be moved/removed by the city for municipal purposes (i.e., code enforcement, snow removal, traffic issues, maintenance, etc.).
- 10) All sandwich board signs must be marked in such a way as to identify the owner of the sign or the party responsible for placement of the sign. Such information must be readily identifiable upon reasonable inspection.
- 11) A permit is not required for a sandwich board sign.

e) ***Window Signs.*** Window signs are permitted but shall not exceed 25 percent of the window area and shall be placed so as to maintain clear vision into the building for public safety reasons.

f) ***Temporary Signs***

- 1) Temporary signs are permitted provided that the total square footage of all temporary signs shall not exceed 50 square feet and eight feet in height with no single sign being larger than 32 square feet.
- 2) One additional temporary sign of up to 32 square feet may be allowed if it is issued in conjunction with a building permit for a building to be constructed on that same property
- 3) Temporary signs shall comply with the requirements of Section 18.11.

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**CHAPTER 19  
NONCONFORMING  
LOTS, BUILDINGS & USES**

**SECTION 19.01 GENERAL REGULATIONS**

- a) The lawful use of any building or structure and of any land or premises as existing and lawful at the time of enactment of this ordinance, or in the case of an amendment of this ordinance, may be continued although such use does not conform with the provisions of this ordinance or the amendment.
- b) In the event that any nonconforming use or building is discontinued or vacated for a period of one year and the owner has demonstrated an intent to abandon the nonconforming use or building, any subsequent use or building lot shall conform to the ordinance requirements for the district in which the premises are located. Such determination shall be made by the Zoning Administrator. Evidence of such intent may include, but is not limited to the following:
  - 1) Discontinuance of utility service;
  - 2) Removal of building fixtures needed for the use;
  - 3) Property falling into disrepair;
  - 4) Elimination of newspaper or postal service;
  - 5) Removal of signs;
  - 6) Non-payment of property taxes.

**SECTION 19.02 NONCONFORMING LOTS OF RECORD**

- a) Where a lot of record in existence at the time of the adoption or amendment of this chapter does not meet the minimum requirements for lot width or lot area, such lot of record may be used for any purposes permitted by the district in which the lot is located, provided that the lot meets at least 80 percent of the required lot area and lot width for that zoning district. Principal buildings are permitted to meet 80 percent of the required side yard setbacks. All buildings and structures constructed on the lot must comply with all other applicable requirements of the zoning district including setbacks and lot coverage except as may be otherwise permitted herein.
- b) If two or more lots, or combination of lots or portions of lots, located adjacent to each other are at any time held in common ownership, and if all or part of such lots do not satisfy the minimum requirements for a buildable lot in the zoning district in which they are located, then all of such lots shall automatically be considered to be combined for zoning purposes into one conforming lot, or one lot that is more nearly conforming than the individual lots.
- c) Each individual lot which has been combined for zoning purposes under Subsection 19.02(b) of this Section shall cease to be considered a separate lot of record and shall no longer be considered to be a buildable lot.

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- d) Lots combined for zoning purposes pursuant to this Section shall not thereafter be split, re-divided, or otherwise reduced in area unless all of the resulting lots comply with the minimum lot area requirement for a buildable lot in the district in which the land is located unless a lot is divided and legally combined with an adjacent lot or lots.
- e) If two or more lots, or combination of lots or portions of lots, located adjacent to each other are at any time held in common ownership, then a single-family dwelling and a customary accessory building may be erected on any such lots provided all other applicable regulations of the zoning district are met.

**SECTION 19.03 NONCONFORMING BUILDINGS AND STRUCTURES**

- a) In the event any nonconforming building or structure is damaged by fire, wind, act of God or other calamity, it may be rebuilt or restored in the same configuration as existed before the damage occurred if the replacement cost thereof does not exceed 60 percent of the fair market value of the nonconforming building or structure, exclusive of the foundation, prior to its damage or destruction. The fair market value shall be as determined by the Zoning Administrator or their agent.
- b) In the event any nonconforming building or structure is damaged by fire, wind, act of God or other calamity to the extent that the replacement cost of the nonconforming building or structure exceeds 60 percent of the fair market value of the building or structure, exclusive of the foundation, prior to such damage or destruction, the building or structure may be rebuilt or restored only in accordance with the requirements of this Zoning Code. The fair market value shall be as determined by the Zoning Administrator or their agent.

However, the Zoning Board of Appeals may approve the re-establishment of such nonconforming building or structure, after a public hearing is held in accordance with the requirements of Section 21.11 of this Chapter, but only to the extent necessary to provide the minimum reasonable use of the building or structure. In considering the approval of any such re-establishment of a nonconforming building or structure, the Zoning Board of Appeals may impose reasonable terms and conditions and shall not permit an increase in the nonconformity.

- c) A nonconforming building or structure shall not be altered, extended, or enlarged unless the alteration extension or enlargement complies with all setback, height, parking, and other applicable regulations of the zoning district in which it is located and does not increase the extent of the nonconformity except that a nonconforming building may be expanded along the same plane of the existing building but in no case shall the expansion be closer than five feet to a lot line.

For example, a building which is nonconforming as it is closer to the side lot line than permitted by this Zoning Ordinance may be expanded along the same plane of the building but the expansion shall be no closer to the side lot line than the existing building but in no case closer than five feet to a lot line.

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- d) Nothing in this Zoning Ordinance shall be deemed to prevent the normal repairs and maintenance on any nonconforming building or structure or prevent the strengthening or correcting of any unsafe condition of the building or structure.

**SECTION 19.04 NONCONFORMING USES**

- a) A nonconforming use shall not be enlarged or increased, nor extended to occupy a greater area of land than was occupied on the effective date of adoption or amendment of this Zoning Ordinance.
- b) A nonconforming use shall not be moved in whole or in part to any other portion of the lot or parcel occupied by such use on the effective date of adoption or amendment of this Zoning Ordinance.
- c) A nonconforming use may be changed to another nonconforming use of equal or less nonconformity, subject to the prior approval of the Zoning Board of Appeals following a public hearing as required by Section 21.11 of this Zoning Ordinance. The Zoning Board of Appeals may approve such change only if it complies with all of the following standards:
- 1) The proposed use is comparable to or more conforming than the existing use in terms of its operations and compatibility with the character of the area in which it is located;
  - 2) The proposed use does not increase the degree of nonconformity existing prior to such change of use;
  - 3) No structural alteration of the existing structure will be required to accommodate the new use.
  - 4) In permitting such change, the Zoning Board of Appeals may require conditions and safeguards in accordance with the purpose and intent of this Zoning Ordinance.
- d) A nonconforming use located in a conforming building or structure shall not be re-established if the building or structure is damaged by fire, wind, act of God or other calamity to the extent that the replacement cost of the building or structure exceeds 60 percent of the fair market value of the building or structure prior to such damage or destruction. The fair market value shall be as determined by the Zoning Administrator or their agent.
- e) Any nonconforming use may be extended throughout any part of a conforming building which was arranged or designed for such use, and which existed at the time of adoption or amendment of this Zoning Ordinance, but no such use shall be extended to occupy land outside such building.

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## CHAPTER 20 ZONING BOARD OF APPEALS

### 20.01 ZONING BOARD OF APPEALS

The Stanton City Commission is hereby established as the Zoning Board of Appeals in accordance with Act 110 of the Public Acts of the State of Michigan for 2006, as amended, to carry out the responsibilities provided therefrom, and those delegated herein.

### 20.02 POWER AND DUTIES

The Zoning Board of Appeals shall have all the power and duties prescribed by law and by this Ordinance which are more particularly specified as follows:

a) **Hear Appeals.** The Zoning Board of Appeals shall hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the Zoning Administrator or by any other official in administering or enforcing any provisions of this Ordinance.

Upon appeal, the Zoning Board of Appeals may reverse or affirm, wholly or in part, or may modify the order, requirement, decision, or determination, as in its opinion ought to be made, and to that end shall have all the power of the official from whom the appeal is taken, and may direct the issuance of a permit;

b) **Interpretation.** Upon appeal from a decision of an administrative official, to decide any question involving the interpretation of any provision of this Ordinance, including determination of the exact location of any zoning boundary if there is uncertainty with respect to the zoning boundaries;

c) **Variances.** The Zoning Board of Appeals shall be empowered to issue variances under conditions set forth in this Ordinance;

d) **PUD's & Special Land Uses.** The Zoning Board of Appeals shall have no jurisdiction or authority to hear appeals from the final decision made by the Planning Commission or City Commission with respect to special land uses and planned unit developments including any conditions attached to a special land use and planned unit developments.

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However, the Zoning Board of Appeals may grant a variance from the requirements set forth for the specific standards for special land uses, in Section 14 of this Ordinance, provided the Zoning Board of Appeals finds that the request meets all of the standards for approval of a variance contained herein. Decisions by the Zoning Board of Appeals on requests for variances from the specific standards for special land uses shall be made prior to the Planning Commission's consideration of the special land use.

e) **Use Variance.** The Zoning Board of Appeals shall not grant a use variance. For purposes of this Section a use variance is defined as allowing a use in any District in which such use is otherwise not permitted by this Ordinance.

f) **Imposition of Conditions.** The Zoning Board of Appeals may impose reasonable conditions with an affirmative decision. Conditions imposed shall meet all of the following requirements:

- 1) Be designed to protect natural resources, the health, safety and welfare, and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole;
- 2) Be related to the valid exercise of the police power and purposes which are affected by the proposed use of activity;
- 3) Be necessary to meet the intent and purpose of the zoning ordinance, be related to the standards established in the ordinance for the land use of activity under consideration and be necessary to insure compliance with those standards.

**20.03 ORGANIZATION AND CONDUCT OF BUSINESS**

a) **Officers and Rules.** The Zoning Board of Appeals shall annually elect its own chairperson, vice-chairperson, and secretary. The Board shall adopt its own rules of procedure and by-laws.

b) **Meetings.**

1) Meetings of the Zoning Board of Appeals shall be held at the call of the chairperson and at other times as the Zoning Board of Appeals in its rules of procedure may specify. The chairperson or, in his or her absence, the acting chairperson may administer oaths and compel the attendance of witnesses.

2) The Zoning Administrator or their representatives shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall also keep records of its hearings and other official actions. Such records shall be filed with the City Clerk.

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3) The presence of four members shall constitute a quorum. The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator or to decide in favor of the applicant on any matter upon which it is required to pass by this Ordinance, or to grant variances from the terms of this Ordinance. A member shall disqualify themselves from a vote in which there is a conflict of interest.

**c) Public Hearings.**

1) Upon appeal, the Zoning Board of Appeals shall hold a public hearing on all matters referred to it, or upon which it is required to act. Notice of the hearing shall be as required by Section 21.11 herein.

2) For a request seeking an interpretation of the Zoning Ordinance or an appeal of an administrative decision, a notice of a public hearing shall be published in a newspaper of general circulation within the City and shall be sent to the person seeking the interpretation or appeal not less than 15 days before the public hearing.

In addition to the newspaper notice required by the above paragraph, if the request for an interpretation or appeal of an administrative decision involves a specific parcel, written notice stating the nature of the interpretation request and notice of the public hearing on the interpretation request shall also be sent by first-class mail or personal delivery to all persons to whom real property is assessed within 300 feet of the boundary of the property in question and to the occupants of all structures within 300 feet of the boundary of the property in question. If a tenant’s name is not known, the term “occupant” may be used.

**20.04 APPLICATION REQUIREMENTS**

a) An application for an appeal may be submitted by a person aggrieved, or by an officer, department, or board of the City. Such application shall be submitted within ten days of the action being appealed. The application shall be filed with the Zoning Administrator and shall specify the grounds for the appeal.

b) Variances, and other actions requiring a decision of the Zoning Board of Appeals shall be submitted to the City on a form provided for that purpose and shall include a fee, as may be determined by the City Commission from time to time.

c) Applications shall be transmitted to the Zoning Board of Appeals, along with all the papers constituting the record upon which the action appealed was taken, and a public hearing scheduled in accordance with the procedures of this Chapter.

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- d) Applications shall not be accepted unless all of the following information is submitted:
- 1) A completed application form (provided by the City);
  - 2) An accurate, scaled site plan with enough information to clearly indicate the nature of the issue being considered. The Zoning Administrator shall determine the completeness of such plans.
  - 3) An application fee as may be determined by the City Commission from time-to-time.
  - 4) A written explanation from the applicant indicating why the application meets the standards of Section 20.06 of this chapter.
- e) An application for an appeal or variance, or any other action requiring Board approval shall stay all proceedings in furtherance of the matter to which the application applies unless the Zoning Administrator certifies to the Zoning Board of Appeals, after the application of appeal is filed, that by reason of facts present a stay would, in the opinion of the Zoning Administrator, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order. This restraining order may be granted by the Zoning Board of Appeals or Circuit Court on application and with due cause shown.
- f) A request which has been denied by the Zoning Board of Appeals shall not be submitted for reconsideration within a six-month period from the date of the original application unless the Zoning Board of Appeals finds that at least one of the following conditions exist: That the conditions involving all of the reasons for the original denial have been significantly altered; or that new conditions or circumstances exist which change the nature of the original request.

**20.05 VARIANCES**

- a) Where an applicant can present proof of a practical difficulty in the way of carrying out the strict letter of the Ordinance, the Zoning Board of Appeals, after a public hearing, shall have the power, in passing on appeals, to vary or modify any of its rules, regulations, or provisions, by granting a variance and in so doing ensure that the spirit of this chapter is observed, public safety secured and substantial justice done.
- b) **Variance Standards.** In order to grant a variance as permitted by this section the Zoning Board of Appeals must find that all of the following standards have been met:
- 1) That there are exceptional or extraordinary circumstances or conditions applying to the property in question that do not apply generally to other properties in the same zoning district and that these conditions create a practical difficulty for the applicant in using the property for a permitted use.

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2) That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.

3) That granting the variance will not be significantly detrimental to adjacent property and the surrounding neighborhood.

4) That the immediate practical difficulty causing the need for the variance request was not created by any affirmative action of the applicant.

**20.06 TIME LIMITATIONS OF APPROVAL**

Any variance granted by the Zoning Board of Appeals shall become void if the construction, occupancy or other actions authorized by such variance have not commenced within one year from the date when the variance was granted. The Zoning Board of Appeals, however, may grant an extension of the time period for not more than one year if the applicant files a request for an extension with the Zoning Administrator before the variance period expires and the Zoning Board of Appeals finds that an extension is warranted due to circumstances beyond the control of the applicant. Such request shall be considered at a public meeting of the Board of Appeals but a public hearing shall not be required.

**20.07 APPEALS OF DECISIONS**

The decision of the Zoning Board of Appeals shall be final. However, any person having an interest affected by any such decision may appeal to the circuit court to the extent and in the manner permitted by law. Such appeal shall be filed within 30 days after the Zoning Board of Appeals issues its decision in writing signed by the chairperson, or 21 days after the Zoning Board of Appeals approves the minutes of the decision, whichever comes first.

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## CHAPTER 21 ADMINISTRATION & ENFORCEMENT

### SECTION 21.01 ZONING ADMINISTRATOR AUTHORITY

This ordinance shall be administered by the Zoning Administrator who shall be appointed by the Mayor with the approval and consent of the City Commission. Enforcement proceedings under this ordinance may be initiated by either the Zoning Administrator or the City Police Officers.

### SECTION 21.02 DUTIES OF THE ZONING ADMINISTRATOR

The Zoning Administrator shall have the power to:

- a) Issue Zoning Permits and Certificates of Occupancy
- b) Make inspections of buildings and premises necessary to carry out the duties of administration and enforcement of this chapter;
- c) Issue and serve appearance tickets on any person with respect to any violation of this chapter where there is reasonable cause to believe that the person has committed such an offense;
- d) Maintain and keep in an orderly, accessible manner, records of all such permits and variances issued. These shall be filed at the City Administration Office and shall be open to public inspection.
- e) Revoke or cancel any permit in case of failure or neglect to comply with any of the provisions of this Ordinance; or in case of any false statement or misrepresentation made in the application, the provisions of Section 21.11, Violations, shall be invoked. Upon such revocation, all further construction activities and usage shall cease upon the site, other than for the purpose of correcting and violation.
- f) Perform such other functions necessary and proper to enforce and administer the provisions of this chapter.
- g) Under no circumstances is the Zoning Administrator permitted to make changes in this Ordinance, nor to vary the terms of this Ordinance while carrying out the duties prescribed herein. It shall be the responsibility of the City Council to assure that the Zoning Administrator enforces the provisions of this Ordinance.

### SECTION 21.03 CERTIFICATE OF OCCUPANCY REQUIRED

Before a dwelling, building, land use, or mobile home for which a building permit has been issued is occupied, a Certificate of Occupancy must be signed by both the City Zoning Administrator and the Montcalm County Building Inspector certifying that all applicable requirements of the City and County have been met. A copy of the approved Certificate shall be provided to the person to whom the building permit was issued or the proposed occupant.

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**SECTION 21.04 ZONING COMPLIANCE PERMIT REQUIRED**

Except as provided for elsewhere in this section, no dwelling or building shall be erected, demolished, altered, enlarged or moved upon or from any land subject to the provisions of this chapter, nor any new use created, unless and until a permit has been properly applied for and issued by the Zoning Administrator or the Administrator’s authorized designee, whereupon the applicant may apply for the permits required by the Montcalm County Building Code. A zoning permit shall remain valid for 12 months from the date of issuance.

**SECTION 21.05 ZONING PERMIT APPLICATION**

An application for a Zoning Permit shall include:

- a) A completed application form provided by the City.
- b) A description of the proposed land use and building or improvements;
- c) In the case where the current use is commercial or industrial and is not served by public sanitary sewer and the application is to change, convert, add or expand such commercial or industrial use, a statement from the Montcalm County Health Department must be submitted certifying that the present or proposed on-site septic disposal system is adequate to meet the needs of the changed, converted, added or expanded use after development.
- d) A fee as may be set by the City Commission.
- e) A drawing, accurately prepared, containing the following information unless such information is not required by the Zoning Administrator. Permit applications for projects which require site plan review according to Chapter 13 shall comply with the requirements of that Chapter.
  - 1) North arrow
  - 2) Date of site plan preparation
  - 3) The actual shape, location and dimensions of the lot. A survey of the property is acceptable.
  - 4) The dimensions of all existing buildings and any alterations or expansions proposed.
  - 5) Square footage of existing buildings and proposed additions.
  - 6) The existing and intended use of the lot and buildings.
  - 7) Existing parking spaces
  - 8) Existing and proposed front, rear and side yard setbacks.
  - 9) Adjacent streets.
  - 10) Location and width of existing and proposed driveways.,
  - 11) Adjacent or on-site drainage ways, wetlands or creeks.
  - 12) Any easements, existing or vacated.

**SECTION 21.06 ZONING PERMIT APPROVAL**

The Zoning Administrator shall review the application for completeness and compliance with all applicable requirement of this Zoning Ordinance and other applicable City ordinances. If all requirements are met the Zoning Administrator shall issue the zoning permit. One copy of the zoning permit shall be

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| <b>Development Review</b> <ul style="list-style-type: none"> <li>• Site Plan</li> <li>• Special Land Uses</li> <li>• Site Condominiums</li> </ul> | <b>Signs</b>                      | <b>Non-Conforming</b>            | <b>Zoning Board of Appeals</b> |                           |
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returned to the owner or applicant. A performance bond may be required to ensure compliance with any imposed or proposed public improvements, requirements, specifications, and conditions.

**SECTION 21.07 DENIAL OF ZONING COMPLIANCE PERMIT**

If the application for Zoning Compliance Permit is denied by the Zoning Administrator the reason or cause for denial shall be stated in writing and provided to the applicant.

**SECTION 21.08 TIME LIMITS**

A Zoning Permit shall be valid for one year. A valid Zoning Permit is eligible for one additional one-year extension granted by the Zoning Administrator.

**SECTION 21.09 PUBLIC NOTIFICATION REQUIREMENTS**

- a) All applications for development approval requiring a public hearing shall comply with the Michigan Zoning Enabling Act, PA 110 of 2006 and the other provisions of this Section with regard to public notification.
- b) **Responsibility for Public Notice.** The Clerk or their agent shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in the City of Stanton and mailed or delivered as provided in this Section.
- c) **Notice Requirements.** Notice of a public hearing for a rezoning, special land use, text amendment, planned unit development, variance, appeal, or ordinance interpretation shall be given not less than 15 days before the date of the public hearing. The notice shall be given as follows.
  - 1) *Newspaper Notice.* The notice shall be published in a newspaper that circulates in the City of Stanton.
  - 2) *Mail and Personal Notice.* The notice shall be sent by first class mail or personal delivery to:
    - i. The owner of property for which approval is being considered, and the applicant, if different than the owner(s) of the property.
    - ii. Except for rezoning requests that are proposed for 11 or more adjacent parcels, the notice shall be sent to all persons to whom property is assessed within 300 feet of the boundary of the property subject to the request, regardless of whether the property or occupant is located within the boundaries of the City of Stanton. If the name of the occupant is not known, the term “occupant” may be used in making notification.  
In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure. In structures

|   |                            |                           |                         |                    |
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- containing four or fewer dwelling units, only one occupant of each unit must be given notice for a public hearing.
- iii. All neighborhood organizations, public utility companies, airports, railroads, and other persons, which have requested to receive notice pursuant to Section 21.09(d), Registration to Receive Notice by Mail.
- 3) *Record of Mailing.* The Clerk shall prepare an affidavit of mailing which shall include those to whom the notice was mailed and the date of mailing.
  - 4) *Content of Notice.* The public notice shall:
    - i. Describe nature of request: Identify whether the request is for a rezoning, text amendment, special land use, planned unit development, variance, appeal, ordinance interpretation or other purpose.
    - ii. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject 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, such as a tax parcel identification number, identifying the nearest cross street, or including a map showing the location of the property. No street addresses must be listed when 11 or more adjacent properties are proposed for rezoning, or when the request is for an ordinance interpretation not involving a specific property.
    - iii. Indicate the date, time and place of the public hearing(s).
    - iv. Include a statement describing when and where written comments will be received concerning the request and a statement that the public may appear at the public hearing in person or by counsel.
  - 5) *Registration to Receive Notice by Mail.* Any neighborhood organization, public utility, company, railroad or any other person may register with the Clerk to receive written notice of all applicants for Planning Commission approval.

**SECTION 21.10 AMENDMENT OF ZONING ORDINANCE**

The City Commission may from time to time on its own motion, or on petition, or on the recommendation of the Planning Commission or other body affected, amend, supplement or repeal the regulations and provisions of this Ordinance after public notice and hearing. Every such proposed amendment or change shall be enacted in conformance with the provisions of the Zoning Enabling Act, Michigan Public Act 110 of 2006, as amended, and shall follow the same procedures used for the enactment of this Ordinance.

**SECTION 21.11 VIOLATIONS AND PENALTIES**

|   |                                   |                                  |                                |                           |
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| <b>Development Review</b> <ul style="list-style-type: none"> <li>• Site Plan</li> <li>• Special Land Uses</li> <li>• Site Condominiums</li> </ul> | <b>Signs</b>                      | <b>Non-Conforming</b>            | <b>Zoning Board of Appeals</b> |                           |
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- a) A violation of this Ordinance shall be deemed a civil infraction. Any person, firm, corporation, or entity found violating any of the provisions of this Ordinance shall, upon conviction, be subject to penalties as set forth herein.
- b) Each and every day a violation of this ordinance continues shall be a separate and distinct violation of this ordinance.
- c) The sanction for a violation of this ordinance shall be a civil fine of not less than \$50.00 or more than \$500.00 plus costs and other sanctions for each infraction.
- d) Increased civil fines may be imposed for repeated violations of any requirements or provisions of this ordinance. As used in the Section, “Repeat Offense” means a second (or any subsequent) civil infraction violation of the same requirements or provisions committed within any 6-month period. Unless otherwise specifically provided by this ordinance for a particular municipal civil infraction violation, the increase fine for a repeat offense shall be as follows:
  - 1) The fine for any offense which is a first repeat offense shall be no less than \$250.00 plus cost.
  - 2) The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be no less than \$500.00 plus costs.
  - 3) In addition to civil fines the court may determine costs of the action which shall not be limited to the cost taxable in ordinary civil actions and may include all expenses, direct and indirect, to which the plaintiff has been put in connection with the civil infraction up to the entry of judgment.
- e) In addition to any remedies available at law, the city may bring an action for an injunction or other process to restrain, prevent or abate any violations of this ordinance.
- f) Civil Infraction Procedure
  - 1) *Civil Infraction Action.* Commencement of a civil infraction action may be commenced upon the issuance by the zoning administrator of a civil infraction citation directing the alleged violator to appear in court.
  - 2) *Civil Infraction Citations.* Civil infractions citations shall be issued and served by the Zoning Administrator as follows:
    - i. The time of appearance specified in a citation shall be within a reasonable time after the citation is issued.
    - ii. The place for appearance specified in a citation shall be the Montcalm County District Court.
    - iii. Each citation shall be numbered consecutively and shall be in a form approved by the State Court Administrator. The original citation shall be filed with the district court. Copies of the citation shall be retained by the City and issued to the alleged violator as provided by Section 8705 of Act No. 236 of the Public Act of 1961 as amended.

3) A citation for a civil infraction signed by the Zoning Administrator shall be treated as made under

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oath if the violation alleged in the citation occurred in the presence of the Zoning Administrator signing the complaint and if the citation contains the following statement immediately above the date and signature of the Zoning Administrator: “I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge, and belief.”

4) *Civil Infractions Citations Contents.*

- i. A Civil infraction citation shall contain the name and address of the alleged violator, the civil infraction alleged, the place where the alleged violator shall appear in court.
- ii. The citation shall inform the alleged violator he or she may do one of the following:
  - a. Admit responsibility for the civil infraction by mail, in person or by representation, at or by the time specified for appearance
  - b. Admit responsibility for the civil infraction “with explanation” by mail by the time specified for appearance or in person, or by representation.
  - c. Deny responsibility for the civil infraction by doing either of the following:
    - (1) Appearing, in person for an informal hearing before the Judge or District Court Magistrate, without the opportunity of being represented by an attorney, unless a formal hearing before a judge is requested by the City.
    - (2) Appearing in court for a formal hearing before the judge, with the opportunity of being represented by an attorney.

5) The Citation shall also inform the violator of all the following:

- a. That if the alleged violator desires to admit responsibility “with explanation” in person or by representation, the alleged violator must apply to the court in person, by mail, by telephone time for an appearance.
- b. That if the alleged violator desires to deny responsibility, the alleged violator must apply to the court in person, by mail, by telephone, or by representation within the time specified for appearance and obtain a scheduled date and time to appear for a hearing, unless a hearing date is specified on the citation.
- c. That a hearing shall be an informal hearing unless a formal hearing is requested by the alleged violator or the city.
- d. That at an informal hearing the alleged violator must appear in person before a judge with the opportunity of being represented by an attorney.
- e. The Citation shall contain a notice in bold face type that the failure of the alleged violator to appear within the time specified in the citation or at the time scheduled for a hearing or appearance is a misdemeanor and will result in entry of a default judgment against the alleged violator on the civil infraction.

|  |                                   |                                  |                                |                           |
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**CHAPTER 22  
REPEAL & EFFECTIVE DATE**

**SECTION 22.01 SEPARABILITY**

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof.

**SECTION 22.02 REPEAL OF CONFLICTING ORDINANCES**

All ordinances or parts of ordinances in conflict with this zoning ordinance, or inconsistent with the provisions of this Ordinance, are hereafter repealed to the extent of its inconsistency. The former Zoning Ordinance of the City of Stanton, Montcalm County, Michigan, adopted on May 19, 1980, is hereby repealed.

**SECTION 22.03 EFFECTIVE DATE**

This Ordinance shall become effective seven days after its publication or seven days after the publication of a summary of its provisions in a local newspaper of general circulation.

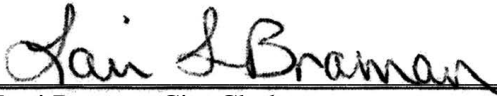
AYES: All

NAYS: None

Adopted: November 13, 2018

Effective Date: December 1, 2018

ORDINANCE DECLARED ADOPTED.

  
Lori Braman, City Clerk

Date 12/3/18

|   |                                   |                                  |                                |                           |
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| <b>Development Review</b> <ul style="list-style-type: none"><li>• Site Plan</li><li>• Special Land Uses</li><li>• Site Condominiums</li></ul> | <b>Signs</b>                      | <b>Non-Conforming</b>            | <b>Zoning Board of Appeals</b> |                           |
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**CITY OF STANTON  
TABLE OF LOT REQUIREMENTS**

| Zone  | Minimum Lot Area<br>(square feet)   | Minimum Frontage<br>(feet) | Minimum Front Yard<br>(feet) | Minimum Rear Yard<br>(feet) | Minimum Side Yard<br>(feet)            | Corner Lot Setback,<br>From Each Street<br>Abutting the Lot<br>(feet) | Maximum Building<br>Height<br>(feet) | Minimum Floor Area<br>(square feet) |
|---|---|----------------------------|------------------------------|-----------------------------|--|---|--------------------------------------|-------------------------------------|
| <b>R-1<br/>Single Family<br/>Dwellings</b>  | 8,700w/ public water &<br>sewer<br>10,000 w/o   | 66                         | 25                           | 30                          | 18 feet total<br>7 feet minimum<br>(1) | 25  | 35                                   | See Sec. 5.05                       |
| <b>R-1<br/>Two Family<br/>Dwellings</b>   | 10,000 w/ public water<br>& sewer<br>15,000 w/o   | 80                         | 25                           | 30                          | 18 feet total<br>7 feet minimum<br>(1) | 25  | 35                                   | See Sec. 5.05                       |
| <b>R-M<br/>Two Family Dwellings</b>   | 10,000 w/ public water<br>& sewer<br>15,000 w/o   | 80                         | 25                           | 30                          | 18 feet total<br>7 feet minimum<br>(1) | 25  | 35                                   | See Sec. 5.05                       |
| <b>R-M<br/>Multi-family Dwellings/<br/>Other Uses</b>   | 20,000 or 5,000 sq. ft.<br>per unit whichever is<br>greater   | 100                        | 50                           | 25<br>(2)                   | 25 each side<br>(2)                    | 25  | 35                                   | See Sec. 6.05                       |
| <b>C-1</b>  | None  | None                       | 0-25<br>(3)                  | None<br>(4)                 | Zero / 5<br>(5)                        | (3)   | 40                                   | NA                                  |
| <b>C-2</b>  | 20,000  | 100                        | 30                           | 25 (6)                      | 10 (6)                                 | 30  | 40                                   | NA                                  |
| <b>CR</b><br>• <b>Residential<br/>Uses</b><br><br>• <b>Office,<br/>Commercial &amp;<br/>Non-residential</b> | Same requirements as<br>R-1 or R-M zone as<br>applicable to the use<br><br>Same requirements as<br>C-1 Zone |                            |                              |                             |  |   |                                      |                                     |
| <b>Industrial</b>   | 1 acre  | 100                        | 30                           | 25 (7)                      | 10 (7)                                 | 30  | 40                                   | NA                                  |

**Foot Notes**

1) For non-residential uses the minimum side setback shall be 25 feet from each side lot line.

2) If abutting properties are zoned R-1 or the abutting property is recommended for such use in the Stanton Master Plan, the setback shall be a minimum of 50 feet from the abutting lot line for multi-family dwelling units and all other permitted and Special Uses except two family dwellings.

3) See Section 8.04 (c)

4) None, except if the rear yard abuts a residential zoned parcel the minimum setback shall be 25 feet.

5) None, except if the building does not abut the side lot line then a five feet setback is required. If the property abuts a residentially zoned lot, the minimum setback shall be 20 feet.

(6) If abutting properties are zoned R-1 or the abutting property is recommended for such use in the Stanton Master Plan, the setback shall be a minimum of 50 feet from the abutting lot line.

7) If abutting properties are zoned R-1, R-M, or the abutting property is recommended for such use in the Stanton Master Plan, the setback shall be a minimum of 50 feet from the abutting lot line.