# Chapter 48 - ZONING

*Footnotes:*
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***State Law reference—** Michigan Zoning Enabling Act, MCL 125.3101 et seq.; Michigan Planning Enabling Act, MCL 125.3801 et seq.*

## ARTICLE I. - IN GENERAL

### Sec. 48-1. - Title.

This chapter shall be known as the "City of Norton Shores Zoning Ordinance."

(Ord. No. 369, § 15.010(1.100), 6-26-1981)

### Sec. 48-2. - Purpose.

This chapter establishes comprehensive zoning regulations for the city, in accordance with the provisions of Public Act No. 110 of 2006 (MCL 125.3101 et seq.), and all acts amendatory thereof, to promote the public health, safety and general welfare by dividing the city into zones and regulating therein the uses of the land and structures. Among other purposes, such provisions are intended to do the following, all in accordance with the city master plan, taking into consideration the existing character of neighborhoods, uses of land and structures and present conditions:

(1) To conserve property values and natural resources;

(2) To meet the needs of the city's citizens for food, fiber, energy and other natural resources, places of residence, recreation, industry, trade, service and other uses of land;

(3) To ensure that use of the land shall be situated in appropriate locations and relationships;

(4) To protect and conserve the character and social and economic stability of residential, commercial, industrial and other areas;

(5) To limit the inappropriate overcrowding of land and congestion of population, transportation systems and other public facilities;

(6) To facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation and other public service and facility requirements; and

(7) To conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and properties.

(Ord. No. 369, § 15.015(1.101), 6-26-1981)

### Sec. 48-3. - Scope.

(a) It is the general intent of this chapter to define terms used; to regulate and restrict lot coverage, population distribution and density; and to regulate and restrict the size and location of all structures by division of the city into zones so as to:

(1) Lessen congestion in and promote the safety and efficiency of the streets and highways;

(2) Secure safety from fire, flooding, panic and other dangers;

(3) Provide adequate light, air, sanitation and drainage;

(4) Prevent overcrowding;

(5) Avoid undue population concentration;

(6) Facilitate the adequate provision of public facilities and utilities;

(7) Stabilize and protect property value;

(8) Maintain adequate open spaces, lot sizes and setback lines;

(9) Further the appropriate use of land and conservation of natural resources;

(10) Preserve and promote the beauty of the community; and

(11) Implement the city's development policies, taking into consideration existing uses and conditions.

(b) It is further intended to provide for the administration and enforcement of this chapter and to provide penalties for its violation.

(Ord. No. 369, § 15.020(1.102), 6-26-1981)

Sec. 48-4. - Construction of language.

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

(1) The particular shall control the general.

(2) In the case of any difference of meaning or implication between the text of this chapter and any caption or illustration, the text shall control.

(3) The word "shall" is always mandatory and not discretionary. The word "may" is permissive.

(4) Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.

(5) A "building" or "structure" includes any part thereof.

(6) The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for" or "occupied for."

(7) The word "person" includes an individual, a corporation, a partnership, an incorporated association or any other similar entity.

(8) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunction "and," "or," or "either...or," the conjunction shall be interpreted as follows:

a. The term "and" indicates that all the connected items, conditions, provisions or events shall apply.

b. The term "or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.

c. The term "either...or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.

(9) Terms not herein defined shall have the meaning customarily assigned to them.

(Ord. No. 369, § 15.030(2.100), 6-26-1981)

Sec. 48-5. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Any word not herein defined shall be construed as defined in the Housing Law of Michigan, Public Act No. 167 of 1917 (MCL 125.401 et seq.).

*Accessory building* means a subordinate building or structure on the same lot with a main building, or a portion of the main building, occupied or devoted exclusively to an accessory use, which is a natural incidental lawful use in conjunction with, but subordinate to, the lawful use of the main structure.

*Accessory use* means a use naturally and normally incidental and subordinate to the main use of the premises.

*Adjusted parcel acreage* means the acreage of a parcel that remains after the primary conservation area has been deducted.

*Agriculture* means the science, art, or practice of producing crops and/or raising livestock in an area devoted or otherwise intended for such purposes that exceeds one acre within any parcel of land, and from which a primary source of income is not derived.

*Alley* means a public way smaller than a street which affords only a secondary means of access to abutting property, and not intended for general traffic circulation.

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

*Apartment* means a suite of rooms in a multiple-family building arranged and intended for a place of residence of a single family or a group of individuals living together as a single housekeeping unit.

*Applicant* means any person proposing or implementing the development of land.

*Area of special flood hazard* means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

*Auto service body shop* means a place that performs general repair, rebuilding or reconditioning of engines, motor vehicles or trailers; collision service, including body frame or fender straightening or repair; overall painting; or vehicle steam cleaning.

*Automobile or trailer sales area* means an open area other than a street used for the display, sale or rental of new or used motor vehicles or trailers in operable condition and where no repair work is done.

*Automobile reduction* means the dismantling or disassembling of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

*Automobile service station* or *filling station* means a place where gasoline, kerosene or any other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, including greasing and oiling on the premises.

*Automotive engine repair facility* means a place where work is limited exclusively to the general automotive repair, rebuilding or reconditioning of engines, not to include body work.

*Awning* or *canopy* means any covered structure made of cloth, metal or other material with supporting frames attached to a building which projects beyond the building wall and/or is carried by a frame supported by the building, ground or sidewalk below it.

*BMP* or *"best management practice"* means a practice, or combination of practices and design criteria that comply with the Michigan Department of Environmental Quality's Guidebook of BMPs for Michigan Watersheds, and Low Impact Development Manual for Michigan, or equivalent practices and design criteria that accomplish the purposes of this chapter (including, but not limited to, minimizing stormwater runoff and preventing the discharge of pollutants into stormwater) as determined by the City of Norton Shores Engineer, Environmental Consultant and/or, where appropriate, the standards of the Muskegon County Drain Commissioner.

*Base flood* means the flood having a one percent chance of being equalled or exceeded in any given year.

*Basement* or *cellar* means a story having more than one-half its height below the average of the adjoining ground. A basement shall not be counted as a story for purposes of height measurement.

*Beach* means that area consisting of the shore and adjacent areas of a lake used for recreational swimming, fishing and boating.

*Berm* or *berm, landscaped,* means a landscaped continuous elevated mound of earth used as a wind, noise and sight barrier on the perimeter of a parcel of land or portion of a parcel which portion requires a berm. The berm must be smoothly graded and have erosion-preventing material installed on it, such as stone, bark, bushes, trees and plants.

*Bioretention swales* means a vegetated swale with a slope less than 0.5 percent to maximize water retention, filtration and percolation time.

*Billboard* or *signboard* means any structure or portion thereof situated on private premises on which lettered, figured or pictorial matter is displayed for informational or advertising purposes. This definition shall not be held to include official court or public notices, nor the flag, emblem or insignia of a nation, unit of government or group.

(1) The term "freestanding sign" means a sign attached to the ground by one or more poles or standards.

(2) The term "projecting sign" means a sign which is attached to a wall or surface of a structure and projects more than 12 inches beyond such wall.

(3) The term "wall sign" means a sign which is attached to a wall of a building and projects not more than 12 inches from such wall measured from the wall to the point farthest from the wall.

(4) The term "monument sign" means a sign whose height shall not exceed three feet, whose ground-to-sign clearance shall not exceed one foot and whose depth shall not be less than eight inches, nor more than 18 inches.

(5) For the purposes of this chapter reference to the "size" of a sign or reference to the permissible "square feet in area" shall mean the entire area within a single continuous perimeter enclosing the extreme limits of such sign and in no case passing through or between any adjacent elements of same. However, such perimeter shall not include any structural elements lying outside the limits of such sign and not forming any integral part of the display.

*Bluffline* means the line which is the edge or crest of the elevated segment of the shoreline above the beach which normally has a precipitous front inclining steeply on the lakeward side. Where there is no precipitous front indicating the bluffline, the line of perennial vegetation may be considered the bluffline.

*Board* means the board of appeals of the city.

*Boardinghouse* or *lodginghouse* means a building or part thereof, other than a hotel or restaurant, where meals and/or lodging are provided, for compensation, for five or more persons not transients.

*Breezeway* means a covered structure connecting an accessory building with the principal use. For purposes of determining yard and area requirements such connected building shall be considered as one integral unit.

*Broadcast or recording studio* means a facility for the production and broadcasting of television, radio, or internet programs and similar products, or the recording of music, including, but not limited to, soundstages, sets, recording and broadcasting studios, production facilities, and administrative offices.

*Building* means any structure having a roof supported by columns of walls designed or intended for the support, enclosure, shelter or protection of persons, animals or property.

*Building height* means the vertical distance measured from the established grade to the highest point of the roof surface for flat roofs, to the deck line of mansard roofs and to the average height between eaves and ridge for gable, hip and gambrel roofs.

*Building line* means a line formed by the major or primary face of the building, and for the purposes of this chapter, a minimum building line is the same as a front setback line. However, at no time shall the building line be located on a lot where the lot's width is less than the minimum required lot width for that zoning district. It is the intent of this definition to place a home at or behind the building line.

*Common open space* means land within a conservation cluster development which is not individually owned and which may not be subdivided. Such land is permanently protected from development and intended for the common use or enjoyment of the residents of the development and/or the general public, which may contain structures and improvements that are necessary and appropriate for the recreational use of the open space. Where common open space consists of noncontiguous parcels, an isolated area with a total area of less than 5,000 square feet shall not be considered common open space. Areas not considered common open space shall include areas devoted to public or private road rights-of-way and ponds created for drainage or esthetic purpose.

*Conservation cluster development* means a form of residential subdivision or site condominium pursuant to this chapter which permits housing units to be grouped on lots with dimensions and setback standards that may be adjusted from conventional patterns, providing the overall density of the parcel is substantially equivalent to that allowed by the underlying zoning and that the remainder of the site is dedicated as permanent common open space.

*Conveyance facility* means a storm drain, pipe, swale, or channel.

*Curb level* means the grade elevation, as established by the city, of the curb in front of the center of the building, or proposed building, or the elevation of the traveled street in case no curb exists.

*Density* means the total number of dwelling units divided by the adjusted parcel acreage.

*Design engineer* means the registered professional engineer responsible for the design of the stormwater management plan.

*Detention* means a system which is designed to capture stormwater and release it over a given period of time through an outlet structure at a controlled rate.

*Development, developed* or *redevelopment* means the installation or construction of impervious surfaces on a development site that require, pursuant to state law or local ordinance, City of Norton Shores approval of a site plan, site condominium, special land use, planned unit development, rezoning of land, land division approval, private road approval, or other approvals required for the development of land or the erection of buildings or structures; provided, however, that development, developed or redevelopment shall not include the actual construction of, or an addition, extension, or modification to, an individual single-family or a two-family detached dwelling.

*District* means a section of the city in all parts of which the regulations of this chapter governing the height, area and use of buildings and premises are the same.

*Drive-through restaurant* means a business establishment designed so that its retail service activity includes an approach for motor vehicles to serve patrons while in the motor vehicle, including, without limitation, restaurants serving food and beverages from a drive-through window to patrons in motor vehicles.

*Dwelling* means a building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons, including one-family, two-family and multiple-family dwellings, and apartment-hotels, hotels, boardinghouses and lodginghouses, and meeting all applicable code provisions in effect on the date of construction.

*Engineered site grading plan* means a sealed drawing or plan and accompanying text prepared by a registered engineer or landscape architect which shows alterations of topography, alterations of watercourses, flow directions of stormwater runoff, and proposed stormwater management and measures, having as its purpose to ensure that the objectives of this chapter are met.

*Erosion control device* means any structural or physical method used to control shoreland erosion processes. Erosion control devices include, but are not limited to, structures such as groins, seawalls, revetments or beachwalls, and may also include any type of beach nourishment by filling and the planting of vegetation.

*Essential services* means the erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface or overhead gas; electrical, steam, fuel or water transmission or distribution systems; and collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals and hydrants in connection herewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety or welfare.

*Excavation* means any breaking of ground, except common household gardening and ground care.

*Existing building* means a building existing or a building for which a legal permit had been issued and the foundations were in place, or upon which there had been substantial work done, prior to the adoption of the ordinance from which this chapter is derived.

*Family* means:

(1)

An individual or group of two or more persons related by blood, marriage or adoption, together with foster children and stepchildren and servants or the principal occupants, with not more than one additional unrelated person, who are domiciled together as a single, domestic housekeeping unit in a dwelling unit; or

(2) A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing nontransient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or other similar determinable period.

*Farm* means the carrying on of any agricultural activity and/or the raising of livestock or small animals as a primary source of income.

*Farm animals and fowls* mean those animals and fowls usually kept on a farm for the production of income such as horses, cows, pigs, chickens, turkeys, sheep, ducks and geese.

*Flood* or *flooding* means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, or the unusual and rapid accumulation or runoff of surface waters from any source.

*Flood insurance rate map (FIRM)* means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

*Flood insurance study* means the official report provided by the Federal Emergency Management Agency. The report contains flood profiles as well as the FIRM and the water surface elevation of the base flood.

*Floodplain* means the area delineated in the city flood insurance study by the 100-year flood boundary. It includes stream channels, defined floodways and their floodway fringes.

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

*Floor area, usable* (for the purposes of computing parking), means that area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways or for utilities or sanitary facilities shall be excluded from the computation of usable floor area. Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

*Garage, private,* means a detached accessory building or portion of a main building used only for the storage of self-propelled passenger vehicles or trailers of the occupants of the premises and/or not more than one truck of a rated capacity not exceeding 1½ tons.

*Garage, public,* means a structure or portion thereof other than a private or community garage used for the storage, sale, hire or repair of self-propelled vehicles or trailers.

*Garage, storage,* means a garage used exclusively for the storage of motor vehicles. Motor vehicles shall not be repaired in any storage garage.

*Grading* means any stripping, excavating, filling, and stockpiling of soil or any combination thereof and the land in its excavated or filled condition.

*High-risk erosion area* means an area designated as a high-risk area due to shoreland erosion by state department of environmental quality pursuant to the shorelands protection and management provisions of part 323 of Public Act No. 451 of 1994 (MCL 324.32301 et seq.).

*High-water mark, ordinary,* means the line between upland and bottomland which persists through successive changes in water levels 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. Consistent with the Great Lakes submerged lands provisions of Part 325 of Public Act No. 451 of 1994 (MCL 324.32501 et seq.), the ordinary high-water mark shall be deemed to be the following elevation above sea level, International Great Lakes Datum of 1955 for Lakes Michigan and Huron: 579.8 feet.

*Home occupation* means an accessory use of a dwelling unit for gainful employment involving the provision or sale of incidental goods and services, subject to the provisions of section 48-854.

*Hotel* means a building in which lodging is provided and offered to the public for compensation and which is open to transient guests (as distinguished from a boardinghouse, lodginghouse, apartment-hotel, fraternity house or sorority house).

*House trailer* means any portable vehicle designed to be occupied which is usually portable and capable of being connected to utilities, normally used for recreational purposes and either motor-driven or trailered, but which does not meet the floor space requirements of section 48-664, even though the same may meet the requirements of the Housing and Urban Development Construction and Safety Standards Act for residential housing.

*Impervious surface* means a surface that does not allow stormwater runoff to slowly percolate into the ground.

*Infiltration* means the percolation of water into the ground, expressed in inches per hour.

*Kennel* means any premises on which three or more dogs four months old or older are kept.

*Lot* means a parcel of land, excluding any portion in a street or other right-of-way, occupied or capable of being occupied by one building and accessory buildings, or utilized for a principal use and uses accessory thereto, together with such open spaces as are required under this chapter and having not less than 25 feet of immediate frontage either upon a public highway or a perpetual, recorded private road or easement and of at least sufficient width and depth as to comply with the area, yard and setback requirements provided for in this chapter. Such a lot may consist of a single lot of record, a portion of a lot of record, any combination of complete and/or portions of contiguous lots of record or a parcel of land described by metes and bounds, provided that in no case of a lot division or combination shall the width or open space requirements of any lot or parcel created be less than that necessary to comply with the provisions of this chapter.

(1) *Corner lot* means a lot of which at least two adjacent sides abut for full lengths upon a street, provided that the interior angle at the intersection of such two sides is less than 135 degrees.

(2) *Interior lot* means a lot other than a corner lot.

(3) *Lot area* means the computed area inside of lot lines.

(4) *Lot line* means the property lines bounding the lot.

(5) *Lot width* means the mean horizontal distance across the lot between side lot lines measured at right angles to the depth.

(6) *Lot depth* means the mean horizontal distance between the front and rear lot lines.

(7) *Front lot line* means, in the case of a lot abutting upon only one street, the line separating such lot from such street. In the case of any other lot, the owner shall, for the purpose of this chapter, have the privilege of electing any street lot line as the front lot line, provided that such choice, in the opinion of the building and zoning administrator, will not be injurious to the existing adjacent properties or to the desirable future development of adjacent properties.

(8) *Lot of record* means a lot which is part of a subdivision and is shown on a plat or map thereof which has been recorded in the county office of register of deeds prior to the effective date of the ordinance from which this chapter is derived, or a parcel of land described by survey or metes and bounds which is the subject of a deed or land contract recorded in said office prior to said date.

(9) *Substandard lot* means a lot of record or a lot described in a land contract or deed executed and delivered prior to the effective date of the ordinance from which this chapter is derived which does not meet the minimum requirements of the district or zone in which it is located. In the Lake Michigan shoreland zone a substandard lot also means those lots which were legally created with sufficient depth to meet the setback requirements for principal structures in the zone but which subsequently become substandard due to natural erosion processes.

*Maintenance agreement* means a binding agreement that sets forth the terms, measures, and conditions for the maintenance of stormwater systems and facilities.

*Master plan* means the overall city plan which sets forth the goals and desired development objectives, including guidelines for future governmental action, which has been adopted by the city planning commission, as same may be amended from time to time.

*Mobile home* means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained in the structure.

(1) For purposes of this chapter, those structures which are called variously "modular" or "prefabricated" and are preconstructed in some other location and transported to the housing site, but are built under the standards of a national building code, referred to in the state construction code under Public Act No. 230 of 1972 (MCL 125.1501 et seq.), are not included in this definition of a mobile home.

(2) No mobile home which does not meet the floor space requirements for permanent residency, set forth in section 48-805, shall be considered a mobile home under this definition and shall be defined as a "house trailer" in this section.

*Mobile home park* means any site, lot, field or tract of land upon which two or more mobile homes are harbored, either free of charge or for revenue purposes, and shall include building, structure or enclosure used or intended for use as part of the equipment of such mobile home park.

*Modular housing unit* means a dwelling unit constructed solely within a factory, as a single unit or in various-sized modules or components, which are then transported by truck or other means to a site where they are assembled on a permanent foundation to form a dwelling unit, and meeting all codes and regulations applicable to conventional single-family home construction.

*Motel* means a series of attached, semidetached or detached rental units containing a bedroom, bathroom, closet space and, where permitted, kitchenettes, as regulated in this chapter. Units shall provide for overnight or resort lodging and are offered to the public for compensation, and shall cater primarily to the public traveling by motor vehicle.

*Motion picture studio* means a facility for the production of motion pictures, television programs, and similar products, but not limited to, soundstages, sets, cafeterias, production studios and facilities, research and development operations, training or education areas, and administrative offices.

*Moveable structure* means a structure which the building and zoning administrator has determined to be moveable. Such a determination shall be based on a review of the design and size of the structure, a review of the capability of the proposed structure to withstand normal moving stresses and a site review to determine whether the structure will be accessible to moving equipment.

*Nonconforming structure* means a structure lawfully existing, or a use which lawfully occupied a structure or land at the time of the effective date of the ordinance from which this chapter is derived and which does not conform with the use regulations of the district in which it is located.

*Nonconforming use* means the lawful use of a structure or land at the time of the effective date of the ordinance from which this chapter is derived and which does not conform with the use regulations of the district in which it is located.

*Nuisance factor* means:

(1) An offensive, annoying, unpleasant or obnoxious thing or practice;

(2) A cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being; or

(3) The generation of an excessive or concentrated movement of people or things, such as, but not limited to, noise; dust; smoke; odor; glare; fumes; flashes; vibration; shock waves; heat; electronic or atomic radiation; objectionable effluent; noise of congregation of people, particularly at night; passenger traffic; or invasion of nonabutting street frontage by traffic.

*Occupied* means arranged, designed, built, altered, converted to, rented or leased.

*Off-site facility* means all or part of a drainage system that is located partially or completely off the development site which it serves.

*Pad* means the disturbed or leveled area on the slope of a dune upon which a structure or a part thereof rests. The term includes the areas immediately adjacent to the structure itself required for walkways and access driveways.

*Park* means a parcel of land used for outdoor recreational purposes consisting of lawns, trees, shrubbery, walks, bicycle trails, hiking trails, ornamental pools or fountains, benches, picnic areas, children's playgrounds, outdoor sports areas and bandshells.

*Parking area, private,* means an open area for the same uses as a private garage.

*Parking area, public,* means an open area, other than a street or other public way used for the parking of automobiles and available for public use whether for a fee, free or as an accommodation for clients or customers.

*Parking lot, off-street,* means a facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering, so as to provide access for entrance and exit for the parking of more than three vehicles.

*Peak rate of discharge* means the maximum rate of stormwater flow at a particular location following a storm event, as determined by the city and as measured at a given point and time in cubic feet per second (CFS).

*Plan* means written narratives, specifications, drawings, sketches, written standards, operating procedures, or any combination of these which contain information pursuant to this chapter.

*Primary conservation area* means land which includes bodies of water, ponds, lakes, streams, culverts, lands within a 100-year floodplain, permanent easements that restrict development, slopes in excess of 25 percent and other permanent restrictions that prevent development.

*Principal structure* means the main building on a lot or parcel including, but not limited to, residential, commercial, industrial and institutional structures and mobile homes. In the Lake Michigan shoreland zone, principal structure also means septic systems, tile fields, any on-site waste-handling facility, garages and any other structure designed and intended for permanent use.

*Recession rate* means a quantitative measure of the landward movement of the bluffline determined on the basis of the shoreland erosion studies conducted under part 323 of Public Act No. 451 of 1994 (MCL 324.32301 et seq.), and expressed in terms of an annual average rate.

*Recreational uses* means such facilities as, but not limited to, nature trails, walking paths, baseball or softball diamonds, woodlands and lakefront and stream areas.

*Recreational vehicle* means a vehicle designed or constructed for the transportation of people primarily for recreational purposes, and which may permit occupancy thereof as a dwelling or sleeping place such as, but not limited to, motor homes, campers, camper trailers, offroad vehicles, boats and utility trailers.

*Recreational vehicle park* means a parcel of land upon which two or more recreational vehicle sites are located, established or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreational or vacation purposes.

*Resort* means an area primarily used for the purpose of outdoor recreational and leisure time uses limited to golf courses; tennis courts; lawn areas for shuffleboard, archery, badminton or other similar uses; horseback riding trails; winter recreational areas providing facilities for ice skating, skiing, tobogganning, snowmobiling and similar uses; summer recreational areas providing facilities for baseball, football, soccer, swimming and boating, and including water-related recreational facilities, swimming pools, boat ramps, beaches and picnic areas; and motels, lodges, restaurants and gift shops, but only as an accessory use to the primary outdoor recreational use.

*Retention* means a holding system for stormwater, either natural or manmade, which does not have an outlet to adjoining watercourses or wetlands. Water is removed through infiltration and/or evaporation processes.

*Runoff* means that part of precipitation which flows over the land.

*Rural and scenic easement* means a permanent easement incorporated within the common open space area for the perpetual preservation of a natural area along a public roadway.

*Salvage materials.*

(1) The term "salvage materials" shall include old iron, steel, brass, copper, tin, lead or other base metals; old cordage, ropes, rags, fibers or fabrics; old rubber; old bottles or other glass; wastepaper, used building materials and other waste or discarded materials which might be prepared to be used again in some form and any or all of the foregoing; and motor vehicles, no longer used as such, to be used for scrap metal or stripping of parts.

(2) The term "salvage materials" shall not include materials or objects accumulated by a person as byproducts, waste or scraps from on-the-premises manufacturing operations, or materials or objects held and used by a manufacturer as an integral part of his own on-the-premises manufacturing processes.

*Salvage yard* means a yard, lot or place, covered or uncovered, outdoors or in an enclosed building, containing salvage materials as defined above, upon which occurs one or more acts of buying, keeping, dismantling, processing, selling or offering for sale any such materials, in whole units or by parts, for a business or commercial purpose.

*Secondary conservation area* means natural or cultural features including, but not limited to, riparian forests, shoreline, mature woodlands, regulated wetlands, critical dunes, groundwater recharge areas, prominent meadows and hillsides, wildlife habitat areas, historic sites, prime and/or unique farmlands and scenic views.

*Sediment* means mineral or organic particulate matter that has been removed from its site of origin by the process of soil erosion, is in suspension in water, or is being transported.

*Setback* means the minimum horizontal distance between the front line of a building, excluding steps and unenclosed porches, and the street line. In the shoreland zones it also means the minimum horizontal distance required by this chapter between the bluffline or, if none, the ordinary high-water mark and the most lakeward edge of a principal structure.

*Shoreland* means the land which borders or is adjacent to Lake Michigan, Mona Lake, Mona Lake Channel and Black Lake which, based on soil characteristics, may extend up to 4,000 feet landward of the ordinary high-water mark.

*Shoreline* means the area of the shorelands where the land and waters of Lake Michigan, Mona Lake, Mona Lake Channel and Black Lake meet.

*Sign* means a name, identification, description, display or illustration which is affixed to, or painted, or represented directly or indirectly upon a building, structure or piece of land, and which directs attention to an object, product, place, activity, person, institution, organization or business, and including those signs described under "billboard or signboard" in this section.

*Store and lock* means a facility or group of buildings intended for the use by individuals and small businesses for the storage of personal property.

*Storm drain* means a conduit, pipe, swale, natural channel or manmade structure which serves to transport stormwater runoff. Storm drains may be either enclosed or open.

*Stormwater BMP* means any facility, structure, channel, area, process or measure which serves to control stormwater runoff in accordance with the purposes and standards of this chapter.

*Story* means that portion of a building, other than a cellar or mezzanine, included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it.

*Street* means a public or private way, square or lane permanently open to common and general use, other than an alley, which affords the principal means of access to abutting property. Street width shall be the perpendicular measurement between right-of-way lines.

*Structural alterations* means any change in the supporting members of a building or structure, such as bearing walls, columns, beams or girders.

*Structure* means anything constructed or erected which requires permanent location on the ground or attachment to something having such location.

*Subterranean or underground dwelling* means a dwelling that is partially or wholly surrounded by earth on no more than three sides and the roof, and which is to be used as an occupied dwelling according to the district regulations.

*Utilities* means public and private facilities such as water wells, water and sewage pumping stations, water storage tanks, power and communication transmission lines, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays and gas regulation stations.

*Variance* means a grant of relief to a person from the requirements of this chapter which permits construction or use in a manner otherwise prohibited by this chapter.

*Yard, front,* means an open space extending the full width of the lot between the principal building and the front lot line, unoccupied and unobstructed from the ground upward, except as hereinafter specified.

*Yard, rear,* means an open unoccupied space, except by a building or accessory use as hereinafter permitted, extending for the full width of the lot between rear line of principal building and rear lot line.

*Yard, side,* means an open, unoccupied space situated between the side line of the principal building and the adjacent side line of the lot and extending from the front yard to the rear yard.

*Zoning map* means the official city zoning map establishing zoning districts, which is on file in the office of the city clerk.

(Code 1975, § 15½-1; Ord. No. 243, § 1, 11-6-1975; Ord. No. 369, §§ 15.052—15.128, 8-13-1982; Ord. No. 479, 4-13-1990; Ord. No. 493, § 15.048, 4-12-1991; Ord. No. 653, §§ 15.129—15.138, 5-17-2002; Ord. No. 733, § 2, 5-2-2011; Ord. No. 740, § 2, 11-1-2011; Ord. No. 741, § 2, 1-3-2012; Ord. No. 834 , § 1, 5-2-2022)

Sec. 48-6. - Severability.

In any case in which the provisions of this chapter are declared by the courts to be unconstitutional or invalid, said ruling shall not affect the validity of the remaining provisions of the chapter and to this end the provisions of this chapter are declared to be severable.

(Ord. No. 369, § 16.215(20.100), 6-26-1981)

Secs. 48-7—48-30. - Reserved.

ARTICLE II. - ADMINISTRATION AND ENFORCEMENT

DIVISION 1. - GENERALLY

Sec. 48-31. - Building and zoning administrator—Designation.

The mayor shall appoint a building and zoning administrator whose duty it shall be to administer and enforce the provisions of this chapter. Any board, agency, commission or council charged with the powers or duty to administer and enforce this chapter may waive, in writing, any requirements provided in this chapter if, in the opinion of such board, agency, commission or council, it is determined that such requirement has been previously performed.

(Ord. No. 369, § 16.000(16.100), 6-26-1981)

Sec. 48-32. - Same—Duties.

(a) In administering and enforcing this chapter, the city building and zoning administrator shall perform the following duties:
    (1) Provide necessary forms and applications;
    (2) Determine and verify zoning compliance upon the demonstration that the applicant's plans are found to conform with the provisions of this chapter;
    (3) Issue any authorized permits;
    (4) Identify and record information relative to nonconformities;
    (5) Provide assistance in zoning changes and amendments to the chapter text or map;
    (6) Maintain files of applications, permits and other relevant documents; said records are open for public inspection; and
    (7) Make an annual report of activities to the city planning commission.
(b) The building and zoning administrator shall not vary, change or grant exceptions to any terms of this chapter or to any person making application under the requirements of this chapter.

(Ord. No. 369, § 16.005(16.101), 6-26-1981)

Sec. 48-33. - Same—Powers.

The building and zoning administrator shall have all the powers and authority conferred by laws, statutes and ordinances to enforce the provisions of this chapter, including, but not limited to, the following:

(1) He shall have access to any structure or premises for the purpose of performing his duties between 8:00 a.m. and 6:00 p.m., by mission of the owner or upon issuance of a special inspection warrant.

(2) Upon reasonable cause or question as to proper compliance, he shall notify, in writing, the persons responsible for such violations, indicating the nature of the violation and ordering action necessary to correct it. He shall order discontinuation of illegal uses of land, buildings or structures; order removal of illegal work being done; issue cease-and-desist orders requiring cessation; or take any other action authorized by this chapter to ensure compliance with or prevent violation of its provisions.

(Ord. No. 369, § 16.010(16.102), 6-26-1981)

Sec. 48-34. - Building permits required.

(a) No building or other structure shall be erected, moved, added to or structurally altered without a building permit pursuant to the state construction code and issued by the building and zoning administrator.

(b) No building permit shall be issued by the building and zoning administrator except in conformity with this chapter unless he receives a written order from the board of appeals in the form of an administrative review or a variance, as provided by this chapter.

(c) Plans submitted in application for a building permit shall contain information necessary for determining conformity with this chapter.

(Ord. No. 369, § 16.015(16.103), 6-26-1981)

Sec. 48-35. - Certificate of occupancy.

(a) No building, structure or lot for which a building permit has been issued shall be used or occupied until the building and zoning administrator has, after final inspection, issued a certificate of occupancy indicating compliance has been made with all provisions of this chapter. However, the issuance of a certificate of occupancy shall in no case be construed as waiving any provision of this chapter.

(b) Buildings accessory to dwellings shall not require separate certificates of occupancy but may be included in the certificate of occupancy for the dwelling when shown on the plot plan and when completed at the same time as such dwellings.

(c) Certificates of occupancy as required by the state construction code for new buildings or structures, or parts thereof, or for alterations to or changes of use of existing buildings or structures shall also constitute certificates of occupancy as required by this chapter.

(d) A record of all certificates issued shall be kept on file in the office of the building and zoning administrator and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved.

(Ord. No. 369, § 16.020(16.104), 6-26-1981)

Sec. 48-36. - Schedule of fees.

The building and zoning administrator shall recommend a schedule of fees, charges and expenses for permits, certificates, appeals, hearings, special meetings and other documents and actions required by the provisions of this article to be adopted by resolution of the city council. This schedule shall be available in the office of the building and zoning administrator. No permit, certificate or variance shall be issued unless such fees, charges or expenses have been paid in full, nor shall any action be taken on proceedings before the board of appeals or planning commission unless or until fees, charges and expenses have been paid in full.

(Ord. No. 369, § 16.140(18.100), 6-26-1981)

Secs. 48-37—48-60. - Reserved.

DIVISION 2. - SPECIAL LAND USE PERMITS

*Footnotes:*
*--- **(2)** ---*
***State Law reference—** Special land uses, MCL 125.3502 et seq.*

Sec. 48-61. - Purpose.

(a) Until recent years, the regulation of all uses of land and structures through zoning has been accomplished by assigning each use to one or more use districts. However, the functions and characteristics of an increasing number of new kinds of land uses, combined with conclusive experience regarding some of the older, familiar kinds of uses, call for a more flexible and equitable procedure for properly accommodating these activities in the city. It should be recognized that the forces that influence decisions regarding the nature, magnitude and location of such types of land use activities are many and varied depending upon functional characteristics, competitive situations and the availability of land. Rather than assign all uses to special, individual and limited zoning districts, it is important to provide controllable and reasonable flexibility in requirements for certain kinds of uses that will allow practicable latitude for the investor but that will, at the same time, maintain adequate provision for the security of the health, safety, convenience and general welfare of the city's inhabitants.

(b) In order to accomplish such a dual objective, as described in subsection (a) of this section, provision is made in this chapter for a more detailed consideration of each specified activity as it may relate to proposed conditions of location, design, size, operation, intensity of use, generation of traffic and traffic movements, concentration of population, processes and equipment employed, amount and kind of public facilities and services required, together with many other possible factors. Land and structure uses possessing these particularly unique characteristics are designated as special uses and may be authorized by the issuance of a special use permit with such conditions and safeguards attached as may be deemed necessary for the protection of the public welfare.

(c) The standards and procedures outlined in this division are designed not only for all special uses referred to in various districts, but are to be applied also to PUD, PURD, and SUD districts.

(Ord. No. 369, § 15.610(9.100), 6-26-1981)

Sec. 48-62. - Legislative nature of special uses.

The city council, in granting a special use, shall act and is considered to act under authority of the Michigan Zoning Enabling Act., Public Act No. 110 of 2006 (MCL 125.3101 et seq.). No decision to grant an application for a special land use permit shall be deemed to apply to any other premises in the city, even if circumstances appear to another or subsequent applicant to be similar to or the same as those involved in a previous grant. No such grant of an application for special use district shall be deemed an administrative or ministerial act, but shall be a decision accomplished by the legislative discretion granted the city by the state Constitution of 1963 and statutory authority aforesaid.

(Ord. No. 369, § 15.615(9.101), 6-26-1981)

Sec. 48-63. - Procedures for making application.

(a) *Applicant.* Any person owning or having an interest in the subject property may file an application for one or more special use permits provided for in this chapter in the zoning district in which the land is situated.

(b) *Application.* An application shall be submitted through the building and zoning administrator to the planning commission on a special form provided for that purpose; each application shall be accompanied by the payment of a fee in accordance with the duly adopted schedule of fees to cover the costs of processing the application. No part of any fee shall be refundable.

(c) *Data required.* Every application shall be accompanied by the following information and data:

(1) Special form supplied by the building and zoning administrator filed out by the applicant; and

(2) Site plan, plot plan or development plan, drawn to a readable scale, showing:

a. Property dimensions and legal description;

b. Size, shape and location of existing and proposed buildings;

c. Existing vegetation;

d. Topographical information;

e. Hydrographical information;

f. Soil types;

g. Photographs (optional);

h. Streets, highways and private easements;

i. Parking, parking spaces and driveways;

j. Loading zones;

k. Entrances to public streets;

l. Anticipated amount of traffic to be generated and circulation of traffic;

m. Building location, dimensions and proposed uses;

n. Description of building design, including proposed construction materials;

o. Drainage facilities, watercourses and water bodies, including surface drainage;

p. Location and description of method to dispose of sanitary wastes;

q. All proposed landscaping and significant existing vegetation, and existing vegetation to be removed;

r. Sidewalks;

s. Types of machinery, power usage, electrical equipment, and watts, discarded materials and emissions produced from the activity of the use;

t. Signs proposed;

u. Anticipated market to be served by the proposed development, demonstrating that all proposed uses serve the ordinary needs of the surrounding residential area;

v. Proof of financial viability by the developer as necessary to complete the proposed development. Financial viability may be shown by documentation such as, by way of example and not limitation: verification of a line of credit from a financial institution; a commitment letter from a lending institution; a personal financial or performance guarantee; or other such proof of funds available demonstrating that the developer has sufficient financial resources available and at the levels required to substantially complete the development within the proposed period of time;

w. Any additional information such as a legal survey, engineering or architectural drawings or other information deemed by them to be necessary to carry out their duties.

(d) *Additional requirements.* The planning commission may require maps, soil, topographical and hydrographic studies, engineering or architectural drawings and plans, photographs, legal surveys and, in cases of larger projects, environmental impact statements, but the planning commission is not limited hereby, and may require such other documents and information as may be appropriate or germane to its review.

(e) *Waiver.* The planning commission may, upon request with a showing that information is not needed to make a determination, waive any of the above points of information otherwise required.

(Ord. No. 369, § 15.620(9.102), 6-26-1981; Ord. No. 758, § 1, 6-17-2014)

Sec. 48-64. - Site plan.

It is the purpose of this section to require site plan review approval under standards required by the site plan review standards found in division 3 of this article for certain buildings, structures and uses that can be expected to have a significant impact on natural resources, traffic patterns, adjacent parcels and the character of future development. The regulations contained in this section are intended to promote:

(1) Safe and convenient traffic movement, both within a site and in relation to access streets;

(2) Harmonious relationships of buildings, structures and uses, both within a site and with adjacent sites; and

(3) Conservation of natural amenities and resources.

(Ord. No. 369, § 15.625(9.103), 6-26-1981)

**State Law reference—** Submission and approval of site plan, MCL 125.3501.

Sec. 48-65. - Procedure for review and findings.

The planning commission shall review the application and site plan as soon as practicable following filing and shall set a date for public hearing within 45 days thereafter. The planning commission shall cause notice of the public hearing as required by Public Act No. 110 of 2006 (MCL 125.3101 et seq.).

(Ord. No. 369, § 15.631(9.104(1)), 6-26-1981; Ord. No. 522, 12-4-1992; Ord. No. 693, § 1, 12-5-2006)

Sec. 48-66. - General standards for making determinations.

The planning commission and the city council shall, upon separate occasions, review the particular facts and circumstances of each proposal in terms of all of the following standards and each shall find adequate evidence showing:

(1) That the proposed use will be harmonious with and in accordance with the general objectives or with any specific objectives of the master plan of current adoption;

(2) That the proposed use will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with existing or intended character of the general vicinity and that such a use will not change the essential character of the same area;

(3) That the proposed use will not be hazardous or disturbing to existing or future neighboring uses and will not cause disturbing admissions of electrical discharges, dust, lights, vibrations or noise;

(4) That the proposed use will be served adequately by existing essential public facilities and service such as highways, streets, police and fire protection, drainage structures, refuse disposal or schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service;

(5) That the proposed use will not create additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the city;

(6) That the proposed use will not involve uses, activities, processes, materials and equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors, or require outdoor storage of raw materials or discarded materials produced in the use processes;

(7) That the proposed use will be consistent with the intent and purposes of this chapter;

(8) Whether a hazard to life, limb or property caused by fire, flood, erosion or panic may be created by reason or as a result of the use, or by the structures to be used therefor, or by the inaccessibility of the property or structures thereon for the convenience of entry and operation of fire and other emergency apparatus or by the undue concentration or assemblage of persons upon such plot;

(9) Whether the use or the structures to be used therefor will cause an overcrowding of land or undue concentration of population;

(10) Whether the plot area is sufficient, appropriate and adequate for the use and the reasonable anticipated operation and expansion thereof; and

(11) Whether the use to be operated is near residential neighborhoods and, if so, that the development shall not cause any disturbance of the character, peace or values, or it shall not create any hazards to the residents by virtue of increased traffic, overcrowding or lack of nearby recreational facilities.

(Ord. No. 369, § 15.635(9.105), 6-26-1981)

Sec. 48-67. - Conditions and safeguards; termination.

(a) Prior to the granting of a special use permit, the planning commission may recommend any additional conditions or limitations upon the establishment, location, construction, maintenance or operation of the use authorized by the special use permit as in its judgment may be necessary for the protection of the public interest.

(b) Conditions and requirements stated as part of special use permit authorization shall be a continuing obligation of special use permit holders or their successors. The building and zoning administrator shall make periodic investigations of developments authorized by special use permits to determine compliance with all requirements.

(c) Special use permits may be issued for time periods as determined by the planning commission. Special use permits may be renewed in the same manner as originally applied for.

(d) Continuance or revocation of a special use permit by the council shall occur upon a determination by the building and zoning administrator to the effect that:

(1) Such conditions as may have been prescribed in conjunction with the issuance of the original permit included the requirement that the use be discontinued after a specified time period; or

(2) Violations of conditions pertaining to the granting of the permit continue to exist more than 30 days after an order to correct has been issued.

(e) If a special use permit has been granted but the use allowed is not commenced within two years, it shall terminate automatically and a new application must be filed. A renewal of the permit may be requested before the end of the two-year term.

(f) Except for nonuse, revocation of a granted permit may occur only after a hearing before the council with good cause shown.

(Ord. No. 369, § 15.640(9.106(1)—(4)), 6-26-1981)

Sec. 48-68. - Recommendation to city council.

Upon conclusion of the public hearing or at the next meeting thereafter, the planning commission shall recommend approval or denial of an application for a special use permit to the city council. Recommendations shall include an accurate description of the proposed special use, a description of the property upon which the special use is sought to be located and recommendations and proposed conditions of the planning commission, along with a summary of the comments at the meeting of the planning commission considering the application.

(Ord. No. 369, § 15.641(9.106(5)), 6-26-1981)

Sec. 48-69. - City council; issuance/denial of special use permit.

The city council may affirm, modify or deny the application for special use permit with all conditions and, if approved, instruct the building and zoning administrator to issue the special use permit with the conditions. If conditions are required prior to or with the permit, they shall be typed on paper and signed by the city clerk, as

authorized by the council and the applicant, and recorded with the county register of deeds, and shall be binding on the owners of the property or their successors.

(Ord. No. 369, § 15.642(9.106(6)), 6-26-1981)

Sec. 48-70. - Decision.

Upon making a decision, the city council shall incorporate, in a statement of conclusion, the factual basis and reasons for the grant or denial of the application for a special permit in written findings of fact. Such findings shall be adopted contemporaneously with the action of the grant or denial, and placed on file with the clerk as a public record.

(Ord. No. 369, § 15.643(9.106(7)), 6-26-1981; Ord. No. 386, 8-3-1982)

Sec. 48-71. - Request for public hearing.

An owner of the property, the council or an occupant of a structure within 300 feet of the land subject to the application for a special use permit may request a public hearing, which shall follow the notice requirements set forth in section 48-87 for a public hearing. Any request for a public hearing must be made within six calendar days following the planning commission meeting at which a recommendation was approved.

(Ord. No. 369, § 15.644(9.106(8)), 6-26-1981; Ord. No. 386, 8-3-1982)

Sec. 48-72. - Modification of approved special use permit plan.

Once approval of a special use permit plan has been granted by the city council, changes to the approved plan shall require a resubmission to the council of the modifications, which shall not require the other procedural steps.

(Ord. No. 369, § 15.645(9.107), 6-26-1981)

Sec. 48-73. - Appeals and questions of interpretation.

Any interested person considering himself aggrieved by the decision of the city in the granting or denial of the special use permit shall have the right to appeal the said decision to the circuit court within 30 days after a written decision is submitted to the clerk. An "interested person" shall be the owner-developer, a person living within 300 feet of the site or a person who can show a significant interest, whether economic or not. There will be no appeal to the board of appeals.

(Ord. No. 369, § 15.650(9.108), 6-26-1981)

Secs. 48-74—48-118. - Reserved.

DIVISION 3. - SITE PLAN REVIEW STANDARDS

*Footnotes:*
*--- **(3)** ---*
***State Law reference—** Submission and approval of site plan, MCL 125.3501.*

Sec. 48-119. - Scope, purpose and intent.

(a) Prior to being allowed to obtain a building permit, applicants for CR-6, AR-7, AR-8, AG, REC, PO, GO, C-1, C-2, C-3, GI, PUD, PURD and SUD shall be required to submit a site plan. Some of these uses may fall into a category of a special land use for which a special land use permit is required, as outlined in division 2 of this article. Some elements of that division are considered in this section, but this section is broader, and the provisions contained herein are designed to guide the appropriate governmental body or official to consider the best option available to effect the purposes of this chapter.

(b) Site plan reviews, of necessity, grant a certain discretion to the reviewing body to discuss proposals with the developers. Some proposals may not meet the goals of the city or may not be compatible with other in-place developments. Therefore, the standards set forth in this section should be considered in the light of all other provisions of this chapter, the impact on adjoining properties, the best long range interests of the city and the benefits to the public.

(c) When the approval of the designated body is required, it should incorporate its recommendations into the final plan which will then become a condition of the validity of the land use.

(d) Minor changes to a site plan, or a new site plan, may be approved administratively by the public works director provided that the plan complies with all other applicable requirements of this chapter. The public works director may administratively approve a site plan without planning commission approval for the following:

(1) Change of location or type of landscape materials;

(2) Placement of satellite dish antennas;

(3) Canopy installation or parking lot modification, including additional off-site parking;

(4) Minor changes to a previously approved site plan which involve the addition or relocation of any of the following items:

a. Sidewalks;

b. Refuse containers;

c. Lighting;

d. Driveways and entrances; or

e. Signs;

(5) A decrease in building size from the approved site plan;

(6) A proposal involving the relocation of a building on a previously approved site plan no more than ten feet from, or five percent of the distance to, the nearest property line, whichever is closer, provided no required setback is violated;

(7) An increase in a building size previously approved through the site plan process which does not exceed 5,000 square feet or five percent of the gross floor area, whichever is smaller; and

(8) A building or structure which does not exceed 5,000 square feet of gross floor area, provided a special use permit is not additionally required.

(e)

The public works director shall retain the authority to refer any proposal under these administrative approval sections to the planning commission for review.

(Ord. No. 369, § 15.800(11.100), 6-26-1981; Ord. No. 492, 4-12-1991; Ord. No. 728, § 1, 8-2-2010)

Sec. 48-120. - Site plan review procedures.

(a) *Notice requirement.* All owners per tax roll records within 300 feet, or 20 separate parcels of property regardless of the distance, on date of application shall be entitled to notice that a described adjoining parcel of land will be subject to site plan review on or before a time, date and place certain by the planning commission, and their review of the proposed plan and remarks are invited in writing or in person on date of review.

(b) *Application and review.*

(1) Prior to making application for a building permit, a site plan of a proposed development shall be submitted to the zoning administrator or their designee by the developer. Such site plan shall include the entire area proposed for development. The planning commission and/or the zoning administrator or their designee shall have the authority to require adjustments in the site plan as a condition for approval if such adjustments are deemed necessary by the commission to ensure that the proposed development meets all standards contained herein and shall not excessively disturb the natural shore environment or the general residential character of the area.

(2) Except as otherwise waived by the planning commission said site plan shall show and include the following, either existing or proposed:

a. Site plan drawn to scale;

b. Property dimensions;

c. Size, shape and location of existing and proposed buildings;

d. Existing vegetation;

e. Topographical information;

f. Hydrographical information;

g. Soil types;

h. Photographs (optional);

i. Streets and highways;

j. Parking areas;

k. Loading zones;

l. Entrances to public streets;

m. Anticipated amount of traffic to be generated and circulation of traffic;

n. Building location, dimensions and proposed uses;

o. Description of building design, including proposed construction materials;

p. Drainage facilities;

q. Location and description of method to dispose of sanitary wastes;

r. All landscaping;

s. Sidewalks;

t. Anticipated market to be served by the proposed development, demonstrating that all proposed uses serve the ordinary needs of the surrounding residential area;

u. Signs proposed;

v. Any additional information such as a legal survey, engineering or architectural drawings or other information deemed by them to be necessary to carry out their duties; and

w. Current zoning on all adjacent land.

(c) *Industrial district preliminary plan approval procedures.*

(1) In the event an owner of land or interested party within the district zoned GI-General Industrial wishes to submit a development plan for site plan review but does not have a particular development ready, a site plan review shall occur according to regular procedures, if the preliminary plan contains the following features:

a. Plat or survey of lots;

b. Water and sewer installation plans;

c. Electrical and telephone utilities locations;

d. Roads, drives and sidewalks;

e. Covenants or agreements imposed on use of the land governing:

1. Landscaping;

2. Storage;

3. Berms, screens and fences;

4. Parking and loading facilities;

5. Drainage;

6. Fill and cuts;

7. Maintenance; and

8. Signs.

(2) The planning commission may take into consideration the standards for site plan approval contained in section 48-121, site and performance standards and conditions in section 48-122(b) and conditions and plan approval in section 48-123, and may require such acts or conditions they feel necessary to preserve the spirit and intent of this chapter. The planning commission may waive any requirement contained in section 48-120(b), if unnecessary to maintain the spirit and intent of this chapter.

(3) Upon presentation of a detailed plan for development of a specific site within the area previously granted preliminary plan approval, the chairperson of the planning commission, or, in his absence, the vice-chairperson, together with two additional members of the planning commission appointed by the chairperson, or, in his absence, the vice-chairperson, may review such plan to further ensure the specific site plan complies with the spirit and intent of the requirements of this chapter. No further public hearing shall be required to enable him to grant final plan approval. He shall be empowered to require

additional site conditions or agreements be made to ensure compliance with the spirit and intent of this chapter. Such conditions or agreements may be required to be made in writing and recorded in the form he prescribes.

(Ord. No. 369, § 15.808(11.101), 6-26-1981; Ord. No. 378, 4-6-1982; Ord. No. 522, 12-4-1992; Ord. No. 809 , § 1, 3-3-2020)

Sec. 48-121. - Standards for site plan approval.

(a) All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of lot, the character of adjoining property and the type and size of buildings. The site will be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this chapter.

(b) The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal and by topographic modifications which result in maximum harmony with adjacent areas.

(c) Special attention shall be given to proper site surface drainage so that removal of stormwaters will not adversely affect neighboring properties.

(d) The site plan shall provide reasonable visual and sound privacy for all dwelling units located therein or nearby. Fences, walks, barriers and landscapings shall be used, as appropriate, for the protection and enhancement of property and the privacy of its occupants.

(e) All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practical means to all sides.

(f) Every structure or dwelling unit shall have access to a public street, walkway or other area dedicated to common use.

(g) There shall be provided a pedestrian circulation system which is insulated as completely as reasonably possible from the vehicular circulation system.

(h) All 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 solid fence, earth berm, evergreen hedge, plant materials or equivalent materials no less than six feet in height.

(i) Exterior lighting shall be so arranged that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets. Flashing or intermittent lights shall not be permitted.

(Ord. No. 369, § 15.810(11.102), 6-26-1981)

Sec. 48-122. - Site plan, water and drainage standards.

(a) *Relevant factors.* In examining any site plan, the commission may review those factors involving water availability, quality, discharge generated, discharge contents, land drainage and drain blockage. In their review, they may consider the following relevant factors:

(1) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions;

(2) The susceptibility of the proposed facility and its contents to high-water damage and the affect of such damage on the individual owner;

(3) The availability of alternative locations not subject to high-water hazards for the proposed use;

(4) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;

(5) The relationship of the proposed use to land use and drainage plans and programs for the area;

(6) The safety of access to the property in times of high water for ordinary and emergency vehicles; and

(7) Such other factors which are relevant to the purposes of this chapter.

(b) *Site and performance standards and conditions.* Upon consideration of the factors listed in section 48-122(a) and the intent of this division, the planning commission may recommend conditions prior to site plan approval as it deems necessary to further the purposes of this division. Such conditions may include:

(1) Modification of waste disposal and water supply facilities;

(2) Footings at least one foot above the known high-water level;

(3) Connection to any drainageway;

(4) Grading and sloping in a manner that protects all adjacent property owners;

(5) Construction and/or reinforcement of walls to resist water pressures due to unforeseen high-water levels;

(6) Use of paints, membranes or mortars to reduce seepage water through walls;

(7) Installation of pumps and/or sumps to lower water in structures linked to facilities which can transmit water away from the structure;

(8) Installation of valves or controls on sanitary and storm drains which will permit the drains to be closed to prevent backup of sewage or stormwaters;

(9) Location of all electrical equipment, circuits and installed electrical appliances in a manner which will ensure they are not subject to high-water conditions;

(10) Buffer, greenbelts, berms or material surrounding the premises should be depicted according to the provisions of article IX of this chapter;

(11) Type and color of building materials should be of such a nature that they will blend with the natural surroundings of the land and, to a lesser extent, neighboring buildings;

(12) The natural existing characteristics of the land, streams, lakes, trees and vegetation shall be utilized to the greatest extent possible in the development of the site; and

(13) Other special information and other considerations relative to the existing site or the proposed site plan may be required if the planning commission deems them necessary to the protection of the public health, safety and general welfare.

(Ord. No. 369, § 15.817(11.103), 6-26-1981)

Sec. 48-123. - Conditions and plan approval.

(a) When the planning commission has received the application and documentation required, it shall make its findings on the plan, in writing, and set forth conditions for the approval of the plan.

(b) The developer shall incorporate the recommendations of the planning commission into a final plan, if necessary, and submit the same to the commission for final approval.

(c)

The planning commission may, for good cause shown, waive any standard required for the site plan approval, if the spirit of this chapter will be preserved.

(d) The conditions and plan, when approved by resolution adopted, shall be transmitted to the building inspection department. No building permit may be authorized without such approval of the plan.

(e) The plan and conditions approved shall be followed continuously by the owner/developer, its successors or assigns. Cessation or deviation from the conditions and plan shall invalidate the approved land use and any permits or licenses issued by the city in reliance thereon, and construe a violation of this chapter.

(f) The planning commission may request adequate security for the performance of any conditions in the form of cash, bank cashier's check, certified check or construction bond in such amount they feel reasonable.

(g) Site plan approval shall be automatically terminated in one year from the date of approval if no building permit has been granted or, if granted, no construction on the principal structure has commenced, excluding site preparation, unless the applicant obtains an extension for good cause shown or the site plan was part of a special use permit granted, in which case the term shall be co-terminus with the special use permit.

(h) Where necessary, the planning commission may insist that the conditions for approval be signed by the applicant and recorded with the county register of deeds.

(Ord. No. 369, § 15.820(11.104), 6-26-1981)

Secs. 48-124—48-185. - Reserved.

DIVISION 4. - BOARD OF APPEALS

*Footnotes:*
*--- **(4)** ---*
***State Law reference—** Board of appeals, MCL 125.3601 et seq.*

Sec. 48-186. - Created; composition.

There is hereby created a board of appeals, which board shall consist of seven members.

(Code 1975, § 14-37; Ord. No. 86, § 1, 9-17-1968; Ord. No. 315, § 1, 12-20-1977; Ord. No. 369, § 16.025(16.105), 6-26-1981; Ord. No. 408, § 3, 12-20-1983)

Sec. 48-187. - Appointment of members.

All members of the board of appeals shall be appointed by resolution of the city council.

(Code 1975, § 14-38; Ord. No. 86, § 1, 9-17-1968; Ord. No. 315, § 2, 12-20-1977)

Sec. 48-188. - Terms of members.

Of the members first appointed to the board of appeals, the terms of the members shall be one year for one member, two years for two members and three years for three members. Thereafter, all members shall be appointed for terms of three years. The terms of members shall expire on September 1 in each respective year.

(Code 1975, § 14-39; Ord. No. 86, § 1, 9-17-1968; Ord. No. 315, § 3, 12-20-1977)

Sec. 48-189. - Meetings.

Meetings of the board of appeals shall be held at the call of the chairperson and at such times as the board, in its rules of procedure, may specify. There shall be a fixed place of meeting and all meetings shall be open to the public. The board shall maintain a record of its proceedings which shall be filed in the office of the city clerk and shall be a public record.

(Ord. No. 369, § 16.030(16.106), 6-26-1981)

Sec. 48-190. - Compensation.

Members of the board of appeals may be paid compensation in an amount determined by the city council and may be paid their necessary expenses in the performance of official duties.

(Ord. No. 369, § 16.035(16.107), 6-26-1981)

Sec. 48-191. - Officers.

A chairperson and vice-chairperson shall be elected from among the members, and a secretary, who need not be a member of the board of appeals, shall be appointed.

(Code 1975, § 14-40; Ord. No. 86, § 1, 9-17-1968; Ord. No. 369, § 16.040(16.108), 6-26-1981)

Sec. 48-192. - Powers.

The board of appeals shall have such powers and duties as provided in article VI of Public Act No. 110 of 2006 (MCL 125.3601 et seq.), or as otherwise provided by state law or ordinance of the city. The board of appeals shall have and exercise the following powers:

(1) To adopt rules of procedure governing the transaction of its business;

(2) To hear and decide appeals from, and review any order, requirement, decision or determination made by, any administrative official charged with enforcing the provisions of this chapter;

(3) To order the issuance of permits for buildings and uses; and

(4) To ascertain in which district any unspecified use should be located by determining which district has the most similar comparable uses.

(Code 1975, § 14-41; Ord. No. 86, § 2, 9-17-1968; Ord. No. 315, § 4, 12-20-1977; Ord. No. 369, § 16.045(16.109(1)—(4)), 6-26-1981)

Sec. 48-193. - When city council may act as board of appeals.

In the event that members are not appointed to the board of appeals, the city council shall act as the board of appeals until such time as the members are appointed.

(Code 1975, § 14-42; Ord. No. 369, § 16.025(16.105), 6-26-1981)

Sec. 48-194. - Variances.

(a) A dimensional variance from any standard established in this chapter may be granted in the discretion of the board to allow a modification from such standard establishing area, yard, height, floor space, frontage, setback or similar numerical restriction, but only after substantive evidence establishes that there are practical difficulties in carrying out the strict letter of this chapter. They shall be permitted only when they are in harmony with the general purposes and intent of this chapter.

(b) The board of appeals shall consider the following factors in determining if there are practical difficulties:

(1) How substantial the variance is in relating to the zoning requirements;

(2) The effect, if the variance is allowed, of the increased population density thus generated on available governmental facilities;

(3) Whether a substantial change will be affected in the character of the neighborhood or a substantial detriment created for adjoining properties;

(4) Whether the difficulty can be obviated by some feasible method other than a variance;

(5) Whether, in view of the manner in which the difficulty arose, and considering all of the above factors, the interests of justice will be served by allowing the variance; and

(6) Whether the plight of the landowner is due to the circumstances unique to his property not created by the landowner.

(c) Unnecessary hardship on a landowner, by the denial of a dimensional variance, shall not be a factor in the determination to be made by the board of appeals. Conditions may be imposed on an applicant prior to granting a variance, which shall be written down and signed by the applicant prior to receiving a variance.

(d) The applicant for a variance which, in the opinion of the board of appeals, may result in a material adverse effect on the environment may be requested by the board to demonstrate the nature and extent of the effect.

(Ord. No. 369, § 16.046(16.109(5)), 6-26-1981; Ord. No. 653, 5-17-2002)

Sec. 48-195. - Hearings and appeals.

(a) Appeals may be taken by any person affected, including the city council, or by any officer, department, board or bureau of the city. Such appeal shall be taken within 15 days of entry of the decision in city records, by filing with the zoning administrator for hearing by the board of appeals a notice of appeal specifying the grounds thereof.

(b) Appeals shall be heard within 45 days after receipt, at a public hearing, notice to be given as required by Public Act No. 110 of 2006 (MCL 125.3101 et seq.). A decision shall be made within 30 days, in writing, setting forth reasons if the appeal is rejected.

(c) An appeal stays all proceedings in furtherance of the action appealed from, unless the board of appeals certifies that by reason of the facts stated in the certificate a stay would cause imminent peril to life or property.

(d)

The board of appeals may reserve or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and to that end shall have all the powers of the officer from whom the appeal was taken and may direct the issuance of a permit.

(e) The board shall keep complete and detailed records of all its proceedings, which shall include the minutes of its meetings, its findings and actions taken on each matter heard by it, including the final order. The order shall include the legal description of the property involved. Reasons for the decision shall be stated in writing. The board shall record the vote of each member on each question or, if a member is absent or fails to vote, will indicate such fact. All records shall be open for public inspection. Meetings shall be held at the call of the chairperson and at such other times as the board of appeals may determine.

(f) The concurring vote of a majority of the members of the board of appeals shall be necessary to reverse an order, requirement, decision or determination of an administrative official or body or to decide in favor of an applicant on a matter upon which they are required to pass under this chapter.

(g) All decisions by the board of appeals in granting variances or in hearing appeals shall be final, except that any affected person, or any department, board or commission, or the state with an interest affected shall have the right to appeal within 30 days after the decision to the circuit court in the county in which the land is located on questions of law and fact. For purposes in determining who constitutes a person with an "interest affected," it shall be deemed to include an applicant, the municipal body or a subdivision of the same and any person who was required to be given notice under state law for a public hearing.

(Ord. No. 369, § 16.050(16.110), 6-26-1981; Ord. No. 407, 12-20-1983; Ord. No. 522, 12-4-1992; Ord. No. 653, 5-17-2002; Ord. No. 693, § 2, 12-5-2006)

Sec. 48-196. - Removal.

Members of the board shall be removable for misfeasance, malfeasance or nonfeasance in office by the vote of six members of the city council, upon the filing of written charges with the city council. No member shall be removed prior to a public hearing, which shall be held within 30 days of the date of filing of the written charges.

(Ord. No. 369, § 16.055(16.111), 6-26-1981; Ord. No. 693, § 3, 12-5-2006)

Sec. 48-197. - Vacancies.

Vacancies occurring on the board of appeals shall be promptly filled by the city council and any member so appointed shall serve the balance of the preceding member's term and shall thereafter be subject to appointment in the manner set forth in section 48-188.

(Ord. No. 369, § 16.060(16.112), 6-26-1981)

Secs. 48-198—48-217. - Reserved.

DIVISION 5. - AMENDMENTS

*Footnotes:*

*--- **(5)** ---*

***State Law reference—** Zoning adoption and enforcement, MCL 125.3401 et seq.*

Sec. 48-218. - Governing provisions.

The regulations, restrictions and boundaries set forth in this chapter may be amended, supplemented or repealed in accordance with the provisions of this chapter.

(Ord. No. 369, § 16.090(17.100), 6-26-1981)

Sec. 48-219. - Initiation.

Amendments to the zoning district map may be initiated by the city council, the building and zoning administrator or the planning commission on any parcel in any district within the city. A person owning property may file a petition to amend the zoning classification affecting his property.

(Ord. No. 369, § 16.095(17.101), 6-26-1981; Ord. No. 375, 1-15-1982)

Sec. 48-220. - Referral to planning commission.

Amendments shall be referred to the planning commission for study and report and may not be acted upon by the city council until it has received the recommendation of the planning commission on the proposed amendment, or until 60 days have elapsed from the date of reference of the amendment without a report being prepared by the planning commission. Upon receipt of the report and recommendation of the planning commission, or after 60 days have passed without a recommendation from the planning commission, the city council, by majority vote, may adopt in whole or in part, deny or take any other action on the proposed amendment as it may deem advisable. Changes and amendments hereunder shall become effective immediately after passage by the city council, subject to the charter and statutory requirements of Public Act No. 110 of 2006 (MCL 125.3101 et seq.).

(Ord. No. 369, § 16.100(17.102), 6-26-1981)

Sec. 48-221. - Filing; publication.

Amendments shall be filed with the city clerk and published as required by Public Act No. 110 of 2006 (MCL 125.3101 et seq.).

(Ord. No. 369, § 16.105(17.103), 6-26-1981)

Sec. 48-222. - Hearing.

(a) No amendment shall be adopted until a public hearing has been held thereon by the planning commission.

(b) Said public hearing required by this chapter shall include notice as required by Public Act No. 110 of 2006 (MCL 125.3101 et seq.).

(c) No action shall be taken on any application for an amendment by the planning commission or the city council until the applicant shall have paid an appropriate filing fee as established by resolution of the city council from time to time.

(Ord. No. 369, § 16.110(17.104), 6-26-1981; Ord. No. 522, 12-4-1992)

Secs. 48-223—48-252. - Reserved.

DIVISION 6. - VIOLATIONS AND PENALTIES

Sec. 48-253. - General.

Uses of land and dwellings, buildings or structures including tents and trailer coaches, used, erected, altered, razed or converted in violation of this chapter are a nuisance per se.

(Ord. No. 369, § 16.170(19.100), 6-26-1981)

Sec. 48-254. - Complaints regarding violation.

Whenever a violation of this chapter occurs or is alleged to have occurred, any person or official may file a written complaint with the office of the building and zoning administrator stating fully the causes and bases thereof. The building and zoning administrator shall maintain a record of such complaints and shall take appropriate action pursuant to the provisions of this chapter.

(Ord. No. 369, § 16.175(19.101), 6-26-1981)

Sec. 48-255. - Unauthorized changes.

Any unauthorized change in the official zoning map shall be considered a violation of the provisions of this chapter.

(Ord. No. 369, § 16.180(19.102), 6-26-1981)

Sec. 48-256. - Governing provisions.

No building, structure or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with the provisions of this chapter. No license, permit, variance or action may be taken which violates the provisions of this chapter. The city shall not waive any of its rights or remedies against any person violating this chapter, which violations were performed in reliance on authorization erroneously given in violation of any provision contained herein. Any permit, license, variance or action authorized that is contrary to the provisions of this chapter is deemed illegal and invalid from date of the grant of authorization.

(Ord. No. 369, § 16.185(19.103), 6-26-1981)

Sec. 48-257. - Injunctive relief.

In addition to all other remedies, the city may institute appropriate action or proceedings to prevent, restrain, correct or abate violations or threatened violations and it is the duty of the city attorney to institute such action.

(Ord. No. 369, § 16.190(19.104), 6-26-1981)

Sec. 48-258. - Violation and penalty.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of, any other provision of this chapter shall be responsible for a municipal civil infraction.

(Ord. No. 369, § 16.195(19.105), 6-26-1981)

Secs. 48-259—48-279. - Reserved.

ARTICLE III. - DISTRICT REGULATIONS

DIVISION 1. - GENERALLY

Sec. 48-280. - Scope, intent and purpose.

(a) To accomplish the goals set forth in article I of this chapter, the establishment of zoning districts is essential. The district established describes the principal uses allowed, and where other uses may be appropriate under special circumstances, they can be obtained by applying for a special use permit. These special uses will be subject to certain conditions set forth in article II, division 2, of this chapter to ensure the use, not normally allowable, will not be in conflict with any goals the city hopes to achieve. This will give property owners some flexibility in the development of their land, and protect the general character and resources of the neighborhood and city.

(b) It is also important to note that even many principal uses allowed are subject to conditions, not because the land use involved is in conflict with other principal land uses, but by their very nature could be offensive unless specific standards are followed. Therefore, such standards for a variety of land uses are all collected in article VIII of this chapter, since it would be repetitive to include such conditions wherever the land use was found, since, to remain flexible, this chapter may allow a particular land use in more than one district.

(c) Therefore, general provisions apply to all land in the city. Environmental provisions apply to specified environmentally sensitive areas. In addition, certain land uses require specific regulations whether they are principal or special uses. If there is a special use allowed in a district, it is further subjected to the special use standards found in article II, division 2, of this chapter, as well as those standards regulating that use as a principal use. The special uses enumerated in the various districts are the only special uses intended to be allowed. The board of appeals shall have no power to add to the special uses by the grant of a land use variance.

(d) Therefore, the districts are set forth to offer an appropriate site for the different uses of land, and also give landowners in some areas a wider range of land uses, but only when conditions and assurances are secured that these otherwise prohibited uses will not cause conflict with the goals of the city or the neighborhood.

(e) Some districts are not established on a map since they represent a unique use of land by mixing different uses, or are so rarely established, such as public school buildings and facilities, the establishment of a specific site would limit options, cause severe use limitations of the land or cause an artificial appreciation to

the value of a specific site. These districts are known as planned unit residential development (PURD), planned unit development (PUD), and special use development (SUD), the last intended for public and nonprofit quasipublic persons. All are subject to conditions prior to approval.

(f) Since the city is a unique blend of developed and undeveloped areas, the districts attempt to recognize present neighborhood characteristics. The basic land use currently existing is residential, of a wide variety. Therefore, a variety of lot sizes attempts to recognize existing patterns. In addition, another flexibility is inserted in this chapter to recognize certain unique natural conditions, such as the dunes, to allow cluster home development on an area where construction is feasible, and allow the dunes to remain untouched, but utilize the total parcel land area in the computation of density requirements.

(g) For ease in locating dimensional standards, they all are compiled in section 48-773 to avoid repetitive listings.

(Ord. No. 369, § 15.370(5.100), 6-26-1981)

Sec. 48-281. - Districts established.

For the purposes set forth in section 48-2, the city does hereby establish the following land use districts:

(1) R-1 single-family residential;

(2) R-2 single-family residential;

(3) R-3 single-family residential;

(4) R-4 single-family residential;

(5) R-5 single-family residential;

(6) CR-6 cluster single-family residential;

(7) AR-7 apartments two story;

(8) AR-8 apartments four story;

(9) AG agricultural;

(10) REC recreational;

(11) PO professional office;

(12) GO general office;

(13) C-1 neighborhood commercial;

(14) C-2 general retail;

(15) C-3 major commercial;

(16) GI general industrial;

(17) PUD planned unit development;

(18) PURD planned unit residential development;

(19) SUD special use development; and

(20) CCD conservation cluster development.

(Ord. No. 369, § 15.375(5.101), 6-26-1981; Ord. No. 653, 5-17-2002)

Sec. 48-282. - District boundaries interpreted.

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

(1) Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines.

(2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

(3) Boundaries indicated as approximately following city limits shall be construed as following city limits.

(4) Boundaries indicated as following railroad lines shall be construed to be midway between the right-of-way lines.

(5) Boundaries indicated as following shorelines shall be construed to follow such shorelines and, in the event of change in the shoreline, shall be construed as moving with the actual shoreline.

(6) Boundaries indicated as approximately following the centerline of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such centerlines.

(7) Boundaries indicated as parallel to or extensions of features indicated in subsections (1) through (6) of this section shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.

(8) Where physical or natural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by subsections (1) through (7) of this section, the zoning board of appeals shall interpret the district boundaries.

(9) Insofar as some or all of the various districts may be indicated on the zoning map by patterns which, for the sake of map clarity, do not cover public rights-of-way, it is intended that such district boundaries do extend to the center of any public right-of-way.

(Ord. No. 369, § 15.380(5.102), 6-26-1981)

Secs. 48-283—48-312. - Reserved.

DIVISION 2. - R-1—R-4 SINGLE-FAMILY RESIDENTIAL DISTRICT

Sec. 48-313. - Intent.

The R-1 through R-4 districts are the most restrictive residential districts. All are single-family dwellings, escalating in lot size requirements depending upon the location, character of surrounding development, type and capacity of streets, availability of public facilities, potential availability of public facilities, proximity to shopping districts, soils and topography. All are intended to be one-family detached dwellings, to provide a residential family neighborhood environment of low-density housing and, under special permit conditions, related church and recreational facilities.

(Ord. No. 369, § 15.386(5.103(1)), 6-26-1981)

Sec. 48-314. - Principal uses.

(a) In the R-1 through R-4 single-family residential districts, no building or land shall be used for any purpose except the following:

(1) Single-family residential;

(2) State licensed residential facilities as required by section 206 of Public Act No. 110 of 2006 (MCL 125.3206);

(3) Home occupations subject to the provisions of section 48-854; and

(4) Public utilities.

(5) Parcels containing two single-family residential structures at the time of this article amendment adoption as defined in article VIII, section 48-1162.

(b) In the R-3 and R-4 districts only, subterranean or underground homes are allowed, subject to the provisions of section 48-852.

(Ord. No. 369, § 15.387(5.103(2)), 6-26-1981; Ord. No. 735, § 2, 7-5-2011)

Sec. 48-315. - Special permit uses.

(a) Subject to article II, division 2, of this chapter, relating to special permit uses, and specific provisions applicable to the specific land use, the following uses may be allowed in R-1 through R-4 districts:

(1) Football/baseball fields;

(2) Tennis/handball courts;

(3) Tracks; and

(4) Day care centers.

(b) In the R-1 and R-2 districts only, two-family dwellings are allowed subject to the provisions of section 48-1158.

(Ord. No. 369, § 15.388(5.103(3)), 6-26-1981; Ord. No. 380, 5-14-1982)

Secs. 48-316—48-333. - Reserved.

DIVISION 3. - R-5 SINGLE-FAMILY RESIDENTIAL DISTRICT

Sec. 48-334. - Intent.

The R-5 single-family residential district requires a large lot size primarily due to its location and high-water problems. It is located in an area not likely to receive public services and requires larger lot sizes to protect neighbors against potential well pollution. It has potential for other nonresidential uses due to larger lot sizes and a reduced chance to adversely affect surrounding neighbors, especially since much of the area contains larger acreage parcels.

(Ord. No. 369, § 15.391(5.104(1)), 6-26-1981)

Sec. 48-335. - Principal uses.

In an R-5 district, no building or land shall be used for any purpose except the following:

(1) Single-family residential;

(2) State licensed residential facilities as required by section 206 of Public Act No. 110 of 2006 (MCL 125.3206);

(3) Home occupations subject to section 48-854; and

(4) Reserved.

(5) Parcels containing two single-family residential structures at the time of this article amendment adoption as defined in article VIII, section 48-1162.

(Ord. No. 369, § 15.392(5.104(2)), 6-26-1981; Ord. No. 735, § 3, 7-5-2011; Ord. No. 834 , § 2, 5-2-2022)

Sec. 48-336. - Special permit uses.

Subject to article II, division 2, of this chapter, special permit uses, and specific provisions applicable to the specific land use, the following uses may be allowed in the R-5 single family residential districts:

(1) Agriculture;

(2) Farms;

(3) Kennels;

(4) Beaches;

(5) Baseball/football courts;

(6) Tennis/handball courts;

(7) Subterranean or underground dwellings, subject to the conditions of section 48-852;

(8) Single-family residential, subject to the dimensional requirements of an R-3 district unit;

(9) Single-family residential, subject to the dimensional requirements of an R-4 district unit;

(10) Single-family residential, subject to the requirements of the CR-6 clustered single-family residential unit principal uses.

(Ord. No. 369, § 15.393(5.104(3)), 6-26-1981; Ord. No. 521, 12-4-1992; Ord. No. 834 , § 3, 5-2-2022)

Secs. 48-337—48-360. - Reserved.

DIVISION 4. - CR-6 CLUSTERED SINGLE-FAMILY RESIDENTIAL DISTRICT

Sec. 48-361. - Intent.

(a) The CR-6 clustered single-family residential district is intended to allow a unique form of family living on a single described parcel of property, with greater density development than in most other single-family districts, with common areas for all families. Greater density and innovative architectural designs could reduce single-family living costs. Also, it is intended as a way of using developable land on a single described parcel while leaving the balance in its natural state, thus preserving certain natural resources, such as dunes,

woods, valleys or floodplains. At the same time, this land, which contains the resource worth preservation, may be computed in the land space requirements to prevent over-density, taxation of public services and the retention of the single-family neighborhood character.

(b) In addition, this housing form may be used in areas of transition between districts of different, sometimes conflicting uses, or between higher and lower density residential districts. Due to the unique features of each parcel of property, and the competing goals to be achieved, certain powers to control such development are retained while attempting to offer the landowners greater use of their land.

(Ord. No. 369, § 15.396(5.105(1)), 6-26-1981)

Sec. 48-362. - Principal uses.

No principal use of land is permitted in this CR-6 district except the following uses, after site plan approval, as set forth in article II, division 3 of this chapter, by the planning commission:

(1) Cluster family residential dwellings, subject to a site plan review by the planning commission;

(2) Single-family residential, subject to dimensional requirements of an R-4 district unit; and

(3) State licensed residential facilities as required by section 206 of Public Act No. 110 of 2006 (MCL 125.3206).

(4) Parcels containing two single-family residential structures at the time of this article amendment adoption as defined in article VIII, section 48-1162.

(Ord. No. 369, § 15.397(5.105(2)), 6-26-1981; Ord. No. 735, § 4, 7-5-2011)

Sec. 48-363. - Special development conditions required.

(a) Street ingress and egress to the major thorofares shall be kept to a minimum in the CR-6 clusterd single-family residential district.

(b) Any area to be dedicated for park recreation or open space purposes as a result of the application of this section shall be subject to review and approval of the planning commission for minimum size, shape, location, access, the character of any improvements and assurance of the permanence of the open space and its continued maintenance.

(c) The maximum number of homes in a cluster shall be subject to review by the planning commission, except that in no case shall a cluster contain more than six homes.

(d) No structure shall be located closer to a street right-of-way or service drive than 40 feet.

(e) Each cluster of one-family homes shall be separated from any other cluster of one-family homes by a distance determined by the number of homes in opposing clusters as regulated in the following scale:

| | | | | | | |
|---|---|---|---|---|---|---|
| Total homes in two opposing clusters: | 12 | 10 | 08 | 06 | 04 | 02 |
| Minimum distance (in feet): | 70 | 60 | 50 | 40 | 30 | 30 |

(f) In clusters containing two or more detached homes, the minimum distance between individual structures within a cluster shall be no less than 12 feet.

(Ord. No. 369, § 15.398(5.105(3)), 6-26-1981)

Sec. 48-364. - Special permit uses.

Subject to article II, division 2, of this chapter, relating to special permit uses, and specific provisions applicable to the specific land use, the following uses may be allowed in the CR-6 district:

(1) Apartments (medium rise, 2 stories) AR-7;

(2) Baseball/football/track fields; and

(3) Tennis/handball courts.

(Ord. No. 369, § 15.399(5.105(4)), 6-26-1981)

Secs. 48-365—48-386. - Reserved.

DIVISION 5. - AR-7 APARTMENTS (MEDIUM HEIGHT AND DENSITY) DISTRICT

Sec. 48-387. - Intent.

Two classes of apartment living are contemplated: this AR-7 class with medium height and density requirements, and a second which allows a higher height and density. With larger numbers of single persons present in society, more economic housing can be accomplished by apartment quarters. Difference in apartment heights and densities allows consideration of this type in some single-family residential areas as a special permit use, whereas the larger, higher type of structure would present a greater contrast to surrounding forms of construction, and not be as acceptable. Also, lesser density can allow the city greater flexibility in zoning location for this use, and provide more potential for apartment development, than would the potential sites for larger, bulkier structures with higher densities.

(Ord. No. 369, § 15.406(5.106(1)), 6-26-1981)

Sec. 48-388. - Principal uses.

No principal use of land is permitted in this AR-7 district except the following uses, after site plan approval, as discussed in article II, division 3, of this chapter, by the planning commission:

(1) Medium height and density apartments; and

(2) Principal uses allowed in the CR-6 single-family cluster residential district, subject to any requirements of that district use.

(Ord. No. 369, § 15.407(5.106(2)), 6-26-1981)

Secs. 48-389—48-419. - Reserved.

DIVISION 6. - AR-8 APARTMENTS (HIGH-RISE AND HIGH-DENSITY) DISTRICT

Sec. 48-420. - Intent.

Certain areas of the city lend themselves to a higher density living environment. These more economical forms of apartments constructed will contain larger numbers of persons who need to be in proximity to service centers. Also, allowing higher population density to be concentrated in areas where substantial public improvements have been made should provide for population growth with lower public investments. Since it is wiser to locate these densities near service centers and where improvements are in place, land costs will be higher. The compensating factor to the landowner will be the higher densities allowed to be developed. The height, four stories, or 45 feet, is limited by the physical capacity of fire equipment.

(Ord. No. 369, § 15.411(5.107(1)), 6-26-1981)

Sec. 48-421. - Principal uses.

No principal use of land is permitted in the AR-8 district except the following uses, after site plan approval, as discussed in article II, division 3, of this chapter, by the planning commission:

(1) High-rise and high-density apartments;

(2) Any principal use allowed in AR-7 district, and subject to conditions contained or referred to in same or other sections; and

(3) Convalescent/nursing homes.

(Ord. No. 369, § 15.412(5.107(2)), 6-26-1981)

Sec. 48-422. - Special permit uses.

Subject to article II, division 2, of this chapter, relating to special permit uses, and specific provisions applicable to the specific land use, the following uses may be allowed in the apartments (high-rise and density, AR-8) district: Any principal use allowed in PO, or C-1, subject to all provisions contained or referred to in such districts.

(Ord. No. 369, § 15.413(5.107(3)), 6-26-1981)

Secs. 48-423—48-442. - Reserved.

DIVISION 7. - AG AGRICULTURAL DISTRICT

Sec. 48-443. - Intent.

(a) Being one of the few cities with large undeveloped acreage, the city has an asset in the large parcels of land still being moderately used for farm purposes.

(b) Such land tracts offer yet another available lifestyle to the many provided for in this chapter. It is a declared intent to encourage the maintenance of this farmland for the development and maintenance of hobby and truck farms, for the production of animal or vegetative products for human consumption. In addition, forest

products and tree farms are becoming a valuable national commodity, for which the soil types present are particularly well-suited. Preservation of the open-space farmland is deemed essential.

(Ord. No. 369, § 15.416(5.108(1)), 6-26-1981)

Sec. 48-444. - Principal uses.

No principal use of land is permitted in this AG district except the following uses, after site plan approval, as outlined in article II, division 3, of this chapter, except it shall not be required for single-family residential:

(1) Farm dwellings, barns, stables, silos and accessory buildings, structures and uses customarily incidental to any of the foregoing permitted uses;

(2) State licensed residential facilities as required by section 206 of Public Act No. 110 of 2006 (MCL 125.3206);

(3) Agriculture, horticulture, viticulture, dairy farming, cattle raising, poultry raising, apiaries, farm forestry and other similar bona fide farming or agricultural enterprises excluding, however, rendering plants, commercial fertilizer production or garbage and waste feed disposal activities;

(4) Greenhouses or nurseries;

(5) Markets for the sale of products grown upon the type of premises described in subsections (3) and (4) of this section, together with incidental products related thereto not grown or produced upon the premises, but which are an unsubstantial part of the same business;

(6) Home occupations;

(7) Kennels;

(8) Quarries, sand, gravel and soil mines or farms, subject to conditions of article V, division 5;

(9) Worm farms;

(10) Riding stables; and

(11) Sawmills.

(Ord. No. 369, § 15.417(5.108(2)), 6-26-1981)

Sec. 48-445. - Special permit uses.

Subject to article II, division 2, of this chapter, relating to special permit uses, and specific provisions applicable to the specific land use, the following uses may be allowed in the AG district:

(1) Bowling alley;

(2) Skating rink (ice or roller);

(3) Athletic clubs or health spas;

(4) Automobile service station;

(5) Auto wash;

(6) Outdoor theatres;

(7) Golf courses;

(8) Recreational trailer camps; and

(9) Archery ranges.

(Ord. No. 369, § 15.418(5.108(3)), 6-26-1981)

Secs. 48-446—48-473. - Reserved.

DIVISION 8. - REC RECREATIONAL DISTRICT

Sec. 48-474. - Intent.

Certain areas in the city, having large undeveloped tracts of land, lend themselves to recreational uses not often available within a city limit. Some areas already are converted to these uses. Being located near a portion of the national interstate highway system, and a large urban population, these areas have present and potential value for recreational development. The area can be described as having a high water table and not readily suitable for intense residential development. Containing a small lake, streams and dunes, and adjacent to a state park with a well-developed nature center, various recreational pursuits can be expanded. Soil types and groundwater conditions also are similar to those found in the AG district and are, therefore, similarly suited for those purposes.

(Ord. No. 369, § 15.421(5.109(1)), 6-26-1981)

Sec. 48-475. - Principal uses.

No principal use of land is permitted in this REC district except the following uses, after site plan approval, as outlined in article II, division 3, of this chapter, by the planning commission, except single-family residential:

(1) Single-family residential;

(2) Home occupations, subject to the conditions of section 48-854;

(3) All principal uses of the AG district, as described in section 48-444, excepting sawmills;

(4) Golf courses;

(5) Archery ranges;

(6) Parks;

(7) Beaches;

(8) Nature reservation;

(9) Baseball/football fields;

(10) Outdoor tennis/handball courts; and

(11) Outdoor skating rinks (ice or roller).

(Ord. No. 369, § 15.422(5.109(2)), 6-26-1981; Ord. No. 387, 8-13-1982)

Sec. 48-476. - Special permit uses.

Subject to article II, division 2, of this chapter, relating to special permit uses, and specific provisions applicable to the specific land use, the following uses may be allowed in the REC district:

(1) Indoor tennis/handball courts;

(2) Indoor skating rinks (ice or roller);

(3) Bowling alley;

(4) Recreational vehicle park;

(5) Resorts;

(6) Gun and skeet; and

(7) Athletic clubs or health spas.

(Ord. No. 369, § 15.423(5.109(3)), 6-26-1981; Ord. No. 387, 8-13-1982)

Secs. 48-477—48-505. - Reserved.

DIVISION 9. - PO PROFESSIONAL OFFICE DISTRICT

Sec. 48-506. - Intent.

As a growing commercial, banking and residential center, the demand for professional services is rising. Certain professionals are trained many years, required to meet high standards and subject to strict regulation by their state-regulated agencies. The activity around their offices is normally low-volume and noncommercial. Advertising is nominal. Due to the nature of their business, historically these small office businesses normally congregate around commercially active areas. Because their uses may mix with their more commercially active sales counterparts, they may often be compatible. However, because of their lower-key nature and volume of traffic, the more active commercial retail-type business may not be as compatible in certain areas as the professional. Thus, there was a need for a separation of the two uses, allowing, however, the professional office use to mix with the active commercial land use district.

(Ord. No. 369, § 15.426(5.110(1)), 6-26-1981)

Sec. 48-507. - Principal use.

No principal use of land is permitted in this PO district, except the following uses, after site plan approval, as described in article II, division 3, of this chapter, by the planning commission:

(1) Attorney;

(2) Doctor;

(3) Dentist;

(4) Architect;

(5) Psychologists/family counselor (certified); and

(6) Clinics, professional corporations or associations of the professions listed in subsections (1) through (5) of this section.

(Ord. No. 369, § 15.427(5.110(2)), 6-26-1981)

Sec. 48-508. - Special permit uses.

Subject to article II, division 2, of this chapter, and specific provisions applicable to the specific land use, any principal use allowed in the GO district, described in division 10, may be allowed in the PO district.

(Ord. No. 369, § 15.428(5.110(3)), 6-26-1981)

Secs. 48-509—48-539. - Reserved.

DIVISION 10. - GO GENERAL OFFICE DISTRICT

Sec. 48-540. - Intent.

The purpose of a separate general office district is to recognize the growing demand for offices in the city, and to make a distinction among the more commercially active office, the professional office and the retailer. These types of offices may possibly blend by usage in another district, whereas other district land uses may not blend as compatibly in all areas where the general type of office activity could be situated.

(Ord. No. 369, § 15.431(5.111(1)), 6-26-1981)

Sec. 48-541. - Principal uses.

No principal use of land is permitted in this GO district except the following uses, after site plan approval, as desribed in article II, division 3, of this chapter, by the planning commission:

(1) Any principal use allowed in the PO district, as described in article III, division 9, of this chapter;
(2) Banks, credit unions, financial institutions;
(3) Loan companies;
(4) Personal service centers;
(5) Real estate brokerages;
(6) Insurance brokerages;
(7) Health and sport centers (physical fitness);
(8) Reporting/writing/clerical;
(9) Executive;
(10) Administrative; and
(11) Churches.

(Ord. No. 369, § 15.432(5.111(2)), 6-26-1981)

Sec. 48-542. - Special permit uses.

Subject to article II, division 2, of this chapter, and specific provisions applicable to the specific land use, the following uses may be allowed in the GO district:

(1) Any principal use allowed in the AR-7, AR-8 or the C-1 district; and

(2) Day care centers.

(Ord. No. 369, § 15.433(5.111(3)), 6-26-1981; Ord. No. 552, 5-20-1995)

Secs. 48-543—48-562. - Reserved.

DIVISION 11. - C-1 NEIGHBORHOOD COMMERCIAL DISTRICT

Sec. 48-563. - Intent.

There are certain small businesses which thrive on small volume neighbor trade. They are stop-and-go shops which do not rely on heavy volume trade, but are a real convenience if spaced properly throughout neighborhoods scattered through the city. It is not intended that they attract so much business that expansion becomes desirable, creating more traffic, more lighting, larger parking areas and larger buildings. It is difficult to list each type of business in this district; however, the intent is to describe businesses which are neighborhood service oriented, or smaller specialty shops not likely to be area-wide in attracting business. In certain selected neighborhoods, they can be of real benefit. However, the type of larger-volume shopping centers are not desirable in neighborhoods. Traffic, noise, lighting, increase in public services demand and aesthetics of building contrasts make the larger businesses incompatible. Therefore, they are a separate class.

(Ord. No. 369, § 15.436(5.112(1)), 6-26-1981)

Sec. 48-564. - Principal uses.

No principal use of land is permitted in the C-1 district except the following uses, after site plan approval, as described in article II, division 3, of this chapter, by the planning commission:

(1) Shops offering convenience goods such as food, drugs, liquor, hardware, gifts, antiques, laundromat;

(2) Dry cleaning pickup stations;

(3) Books, newsstands;

(4) Appliance repair;

(5) Barber and beauty shops;

(6) Baked goods;

(7) Dry goods;

(8) Jewelry;

(9) Clothing;

(10) Notions;

(11) Greenhouse with floral shop;

(12) Greeting card;

(13) Dressmaker/tailor;

(14) Liquor store; and

(15) Banks.

(Ord. No. 369, § 15.437(5.112(2)), 6-26-1981)

Sec. 48-565. - Special permit uses.

Subject to article II, division 2, of this chapter, and any special provisions applying to the specific land use, the following uses may be permitted in the C-1 district:

(1) Restaurants, including fast food;

(2) Furniture/carpentry;

(3) Automobile service station;

(4) Amusement centers;

(5) Billiard parlors;

(6) Game rooms;

(7) Laundry/dry cleaning;

(8) Any principal use found in the PO district or the GO district; and

(9) Day care centers.

(Ord. No. 369, § 15.438(5.112(3)), 6-26-1981; Ord. No. 552, 5-20-1995)

Secs. 48-566—48-593. - Reserved.

DIVISION 12. - C-2 GENERAL RETAIL DISTRICT

Sec. 48-594. - Intent.

This C-2 general retail district is intended as an area where merchants provide retail goods and services to the general public, usually on a larger scale than that found in the C-1 district. This area picks up more services such as food, beverage and motel, as well as home shops that are engaged in contract business outside their retail shop. Some types of contract businesses, which mix retail sales and contract sales off the premises, are subject to conditions, deemed compatible with normal retail establishments. Where the type of business which, of necessity, travels to other places to provide services, they normally entail larger parking, fenced enclosures for overnight outdoor vehicle storage and larger, cheaper storage buildings which are not deemed suitable for the more attractive, cleaner retail setting. Some retail businesses may find advantages in the general class of commercial activity (C-3 major commercial) described in division 13, but such activity is not deemed beneficial in the more specialized, large-volume retail-only district.

(Ord. No. 369, § 15.441(5.113(1)), 6-26-1981)

Sec. 48-595. - Principal uses.

No principal use of land is permitted in this C-2 district except the following uses, after site plan approval, as described in article II, division 3, of this chapter, by the planning commission:

(1) Major retail centers;

(2) Department stores;

(3) Discount centers;

(4) Bars;

(5) Restaurants, including fast food;

(6) Motels;

(7) Sales/repair of appliances, heating/air, plumbing, electric, furniture/carpentry;

(8) Paint and decorating;

(9) Dry cleaning stations;

(10) New car sales and used cars in conjunction with new car sales lot;

(11) Banks;

(12) Liquor store;

(13) Automobile service station;

(14) Printing shop, publishing, lithographing, electroplating;

(15) Amusement centers;

(16) Billiard parlors;

(17) Game rooms;

(18) Bowling alley;

(19) Skating; and

(20) Indoor tennis, squash or athletic clubs.

(Ord. No. 369, § 15.442(5.113(2)), 6-26-1981)

Sec. 48-596. - Special permit uses.

Subject to article II, division 2, of this chapter, and any special provisions applicable to the specific land use, the following uses may be permitted in the C-2 general retail district:

(1) Any principal use allowed in PO, GO and C-1 districts;

(2) Automotive engine repair facility;

(3) Day care centers;

(4) Car washes;

(5) Drive-through restaurant; and

(6) Kennels, but only in a building approved for use as an animal hospital.

(Ord. No. 369, § 15.443(5.113(3)), 6-26-1981; Ord. No. 493, 4-12-1991; Ord. No. 552, 5-20-1995; Ord. No. 595, 5-20-1995; Ord. No. 653, 5-17-2002; Ord. No. 769, § 2, 7-7-2015)

Secs. 48-597—48-625. - Reserved.

DIVISION 13. - C-3 MAJOR (OTHER) COMMERCIAL DISTRICT

Sec. 48-626. - Intent.

It will be the intent of this C-3 major (other) commercial district district to allow any other legitimate type of commercial activity not specified in other districts. Additionally, many commercial enterprises do not lend themselves to the general retail (C-2) district for the reasons mentioned in division 12. It is further anticipated many businesses in this district will need additional large outdoor areas since they will be using bulkier materials and equipment. To allow them in the prime commercial areas of retailing would wrongfully allow valuable potential retail land on high-traffic areas to be absorbed by the businesses contemplated in this division.

(Ord. No. 369, § 15.446(5.114(1)), 6-26-1981)

Sec. 48-627. - Principal uses.

No principal use of land is permitted in the C-3 district except the following uses, after site plan approval, as described in article II, division 3, of this chapter, by the planning commission:

(1) Automobile service station;
(2) Printing shop, publishing, lithographing, electroplating;
(3) Wholesale business and service;
(4) Truck terminal;
(5) Auto service body shop;
(6) Commercial repair garage;
(7) Auto wash;
(8) Bus stations and garages;
(9) Laundry/dry cleaning;
(10) Construction shops, storage and service;
(11) Building materials/supplier;
(12) Farm/heavy equipment sales and repairs; and
(13) Outdoor theatres.

(Ord. No. 369, § 15.447(5.114(2)), 6-26-1981; Ord. No. 653, 5-17-2002)

Sec. 48-628. - Special permit uses.

Subject to article II, division 2, of this chapter, and specific provisions applicable to the specific land use, the following uses may be allowed in the C-3 district:

(1) Roadside products;
(2) Greenhouses;
(3) Motels;
(4) Sales/repair of appliances, heating/air, plumbing, electric;

(5) Furniture/carpentry;

(6) Paint and decorating;

(7) Dry cleaning stations;

(8) New car sales;

(9) Amusement centers;

(10) Billiard parlors;

(11) Game rooms;

(12) Bowling alley;

(13) Skating;

(14) Indoor tennis, squash or athletic clubs;

(15) Used car, boats, motors, campers, motor homes, garden equipment sales and service;

(16) Any principal use allowed in the GI district;

(17) Restaurants, including fast food;

(18) Day care centers;

(19) Store and lock; and

(20) Churches.

(Ord. No. 369, § 15.448(5.114(3)), 6-26-1981; Ord. No. 373, 12-18-1981; Ord. No. 395, 3-15-1983; Ord. No. 552, 5-20-1995; Ord. No. 653, 5-17-2002; Ord. No. 662, 11-13-2003)

Secs. 48-629—48-659. - Reserved.

DIVISION 14. - GI GENERAL INDUSTRIAL DISTRICT

Sec. 48-660. - Intent.

(a) It is the intent to allow both a heavier and lighter type of industries in one industrial district. Because of the past history of neighboring communities also developing their industrial parks to accommodate even larger processes than available in the city, it is anticipated this district will not accommodate all types of industry. Also, the city has certain fire equipment limitations as to the size of buildings they can service. Other areas also have larger blocks of land more suitable with available services to handle the larger type industrial processes, which are not as close to in-place residential settings as found to exist in the city. The general goals of this use district include, among others, the following specific purposes:

(1) To provide sufficient space, in appropriate locations, to meet the needs of the municipality's expected future economy for all types of manufacturing and related uses;

(2) To protect abutting residential and business districts by separating them from manufacturing activities, and by prohibiting the use of such industrial areas for new residential development; and

(3) To promote manufacturing development which is free from danger of fire, explosions, toxic and noxious matter, radiation and other hazards, and from offensive noise, vibration, smoke, odor and other

objectionable influences.

(b) Subject to the limitations and with conditions to control some historically offensive characteristics, this district is formed to accommodate lighter, cleaner industrial activity.

(Ord. No. 369, § 15.451(5.115(1)), 6-26-1981)

Sec. 48-661. - Principal uses.

No principal use of land is permitted in this GI district except the following uses, after site plan approval, as described in article II, division 3, of this chapter, by the planning commission:

(1) Any use charged with the principal function of basic research, engineering, design and pilot or experimental product development or data processing when conducted within a completely enclosed building;

(2) Any of the following uses when the manufacturing, compounding or processing is conducted wholly within a completely enclosed building. That portion of the land used for open storage facilities for materials or equipment used in the manufacturing, compounding or processing shall be totally obscured by a wall or landscaped earth berm as regulated article IX of this chapter on those sides abutting the R-1 through C-3 districts, and on any front yard abutting a public thoroughfare except as otherwise provided in article IX of this chapter:

a. Enclosed warehousing and wholesale establishments and trucking facilities excluding store and lock facilities;

b. The manufacture, compounding, processing, packaging or treatment of products such as, but not limited to, bakery goods, candy, cosmetics, pharmaceuticals, food products, hardware and cutlery and tool gauge and light machine shops which serve light industrial products;

c. The manufacture, compounding, assembling or treatment of articles or merchandise from previously prepared materials such as, but not limited to, bone, canvas, cellophane, cloth, cork, elastomers, feathers, felt, fibre, fur, glass, hair, horn, leather, paper, plastics, rubber, precious or semiprecious metals or stones, sheet metal, shell, textiles, tobacco, wax, wire, wood and yarns;

d. The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay and kilns fired only by electricity or gas;

e. The manufacture of musical instruments, toys, novelties and metal or rubber stamps, or other molded rubber products;

f. The manufacture or assembly of electrical appliances, electronic instruments and devices, radios and phonographs;

g. Laboratories, experimental, film or testing;

h. Manufacturing and repair of electric or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like;

i. Central dry cleaning plants or laundries, provided that such plants shall not deal directly with consumer at retail; and

j. Private utilities, including buildings, necessary structures, storage yards and other related uses;

(3)

Warehouse, storage and transfer and electric or gas service buildings and yards; railroad transfer and storage tracks; railroad rights-of-way;

(4) Storage facilities for building materials, sand, gravel, stone, lumber and storage of contractor's equipment and supplies, provided such is enclosed within a building or within an obscuring wall, earth berm or fence on those sides abutting all R-1 through C-3 districts, and on any yard abutting a public thoroughfare; and

(5) Any use described below, provided all activities and materials are in enclosed buildings and no outdoor storage is allowed, except vehicles:

a. Enclosed service and repair shops, except vehicular repair;

b. Machinery and transportation equipment sales and service;

c. Freight or trucking terminals; and

d. Other light industrial use upon the finding by the planning commission that such use is of the same general character as those permitted and which will not be detrimental to the other uses within the district or to the adjoining land uses.

(6) Motion picture and broadcasting or recording studios.

(Ord. No. 369, § 15.452(5.115(2)), 6-26-1981; Ord. No. 653, 5-17-2002; Ord. No. 740, § 3, 11-1-2011)

Sec. 48-662. - Special permit uses.

Subject to article II, division 2, and any specific land use sections applicable, the following uses may be permitted:

(1) Agricultural food processing and warehousing;

(2) Furniture/carpentry;

(3) Construction shops storage and service;

(4) Engine and body repair and undercoating shops when completely enclosed;

(5) Lumber and planing mills when completely enclosed; and

(6) Multiuse inside self-storage facilities.

(Ord. No. 369, § 15.453(5.115(3)), 6-26-1981; Ord. No. 688, § 2, 6-6-2006)

Secs. 48-663—48-682. - Reserved.

DIVISION 15. - PUD PLANNED UNIT DEVELOPMENT DISTRICT

*Footnotes:*
*--- (**6**) ---*
***State Law reference—** Planned unit development, MCL 125.3503.*

Sec. 48-683. - Scope, intent and purpose.

This district is designed to provide the most flexible district land uses. It contemplates a mixture of any one of the land uses mentioned in this chapter. Because of the wide variety of uses which might be allowed, the potential for conflict with adjacent land uses is much greater. Therefore, it is the intent that the planning commission and city council may exercise a great deal of discretion in granting a special use permit for the mixed uses, keeping in mind the general spirit and intent in allowing a use or setting conditions.

(Ord. No. 369, § 15.456(5.116(1)), 6-26-1981)

Sec. 48-684. - Principal uses allowed.

Principal uses allowed in a PUD district are: None.

(Ord. No. 369, § 15.457(5.116(2)), 6-26-1981)

Sec. 48-685. - Special permit uses.

Any use mentioned in this chapter may be permitted, subject to the regulations of article II, division 2, and article II, division 4, relating to site plan review standards.

(Ord. No. 369, § 15.458(5.116(3)), 6-26-1981)

Secs. 48-686—48-713. - Reserved.

DIVISION 16. - PURD PLANNED UNIT RESIDENTIAL DEVELOPMENT DISTRICT

Sec. 48-714. - Scope, purpose and intent.

This PURD planned unit residential development district, like the PUD district described in division 15, shall allow a flexibility of land uses found in several districts, but it shall exclude all nonresidential uses. The district should have less opportunity of conflict with adjacent lands than a PUD district because of its strictly residential character. However, it is still the intent, in allowing a mixture of residential uses, that they not be allowed in districts R-1 and R-2 because they already contemplate a heavier residential density and are located in substantially developed areas which do not have significant environmental or natural resource conditions unique to the areas. Also, certain residential uses do not easily fit into the typical single-family residential area. For this reason, they are identified in the SUD district because of their unique nature as convalescent homes, day care centers, sanitariums, hospitals and mobile home parks.

(Ord. No. 369, § 15.461(5.117(1)), 6-26-1981)

Sec. 48-715. - Principal uses allowed.

Principal used allowed in a PURD district are: None.

(Ord. No. 369, § 15.462(5.117(2)), 6-26-1981)

Sec. 48-716. - Special permit uses.

(a) Subject to article II, division 2, and article II, division 4, relating to site plan review standards, and specific provisions applicable to the specific land use, all residential uses allowed in the residential districts, except residential uses allowed in article III, division 17, may be allowed in the PURD.

(b) A use permitted under this district may not be located in an R-1 or R-2 district.

(c) All planned residential developments shall comply with all applicable provisions of this Code, except those provisions which the planning commission shall find from competent evidence are not applicable to a particular planned residential development.

(Ord. No. 369, § 15.463(5.117(3)), 6-26-1981)

Secs. 48-717—48-745. - Reserved.

DIVISION 17. - SUD SPECIAL USE DISTRICT

Sec. 48-746. - Scope, purpose and intent.

Because of the unusual nature of a number of land uses, and the special considerations to be given them as they impact on adjoining land uses, or because the use will not often be found, this special district is created so each proposal can be weighted individually in regard to its size, location, public services required, fitness of the parcel, impact on neighboring uses, streets, traffic generated and effect on natural resources.

(Ord. No. 369, § 15.466(5.118(1)), 6-26-1981)

Sec. 48-747. - Principal uses allowed.

Principal uses allowed in a SUD district are: None.

(Ord. No. 369, § 15.467(5.118(2)), 6-26-1981)

Sec. 48-748. - Special uses permitted.

Subject to article II, division 2, and article II, division 4, relating to site plan review standards, and specific provisions applicable to the specific land use, the following uses may be allowed in the SUD district:

(1) Private and public schools;

(2) Churches;

(3) Hospitals and sanitariums;

(4) Convalescent and nursing homes;

(5) Mobile home parks;

(6) Private or institutional noncommercial recreation or community centers;

(7) Day care centers and nurseries;

(8) Private clubs, lodges, fraternal organizations;

(9) Social or recreational buildings (nonmunicipal) except those the chief activity of which is carried on or is customarily carried on for gain;

(10) Light industrial uses and general offices when the district is part of or adjacent to the county airport and such uses are enclosed in a building with no outside storage, except accessory vehicles, and upon finding by the planning commission that the use will not be detrimental to other uses in the district or to adjacent land use;

(11) Greenhouse with flower shop;

(12) Nonconforming single-family residential uses, structures and lots;

(13) Funeral homes; and

(14) Cemeteries.

(Ord. No. 369, § 15.468(5.118(3)), 6-26-1981; Ord. No. 439, 7-1-1986; Ord. No. 511, 7-2-1992; Ord. No. 544, 10-21-1994; Ord. No. 602, 8-18-1998; Ord. No. 653, 5-17-2002; Ord. No. 657, 3-14-2003)

Sec. 48-749. - Special conditions.

(a) Hazardous areas must be adequately fenced to avoid accidents, including such areas as public utility substations.

(b) Any permitted nonresidential structure preferably should be located outside of a residential district.

(c) If possible, all permitted nonresidential uses should front on a major street (minor arterial or collector).

(d) Motor vehicle entrance and exit should be made on a major street to avoid the impact of traffic generated by the nonresidential use upon the residential area.

(e) Site locations should be chosen which offer natural or manmade barriers that would lessen the effect of the intrusion of a nonresidential use into a residential area.

(f) Nonresidential uses should not be located so as to cause costly public improvements.

(Ord. No. 369, § 15.469(5.118(4)), 6-26-1981)

Sec. 48-750. - Special conditions for mobile home parks.

(a) Mobile home parks should avoid the following sites:

(1) Near expanding single-family development or areas well-suited for such; and

(2) On streets with anticipated major commercial or multifamily residential.

(b) Suitable locations include areas which have the following assets:

(1) On major collection streets, or immediately adjacent thereto; and

(2) Where public improvements and utilities are in place, and there will not be any required public outlay for improvements due to the location of such park.

(c) The granting of approval of special uses for mobile home or trailer parks shall be restricted and conditioned upon the following:

(1) No unusual hazards to life or property affecting convenient and efficient operation of fire emergency vehicles shall be caused by location of roads or structures.

(2)

No structures shall be located to restrict the access to sunlight or air, or to create a nuisance by reason of excessive motor vehicles or pedestrian traffic.

(3) No hazards or disturbing influences shall affect the neighboring uses by the emission of electrical discharge, dust, lights, vibration or noise.

(4) The design and construction shall be harmonious and appropriate in appearance with the general vicinity and such use will not detract from the essential character of the area.

(Ord. No. 369, § 15.470(5.118(5)), 6-26-1981)

Secs. 48-751—48-768. - Reserved.

DIVISION 18. - CCD CONSERVATION CLUSTER DEVELOPMENT

*Footnotes:*
*--- (**7**) ---*
***State Law reference—** Open space preservation, MCL 125.3506.*

Sec. 48-769. - Purpose.

The purpose of the CCD conservation cluster development district is to preserve the city's important natural features while permitting a reasonable use of the land consistent with the master land use plan. The provisions set forth encourage innovative housing developments through permanent dedication of open space and flexibility in individual lot area requirements. By grouping dwellings on a limited portion of a development property, the resulting effect is the preservation of much of the rural lands and natural features. Development carried out in accordance with this division is intended to retain and enhance the rural character found in the city.

(Ord. No. 653, § 15.476(5.120(1)), 5-17-2002)

Sec. 48-770. - Permitted uses.

A CCD may include the following land uses:

(1) Single-family residential dwellings with a minimum of 1,000 square feet of living area per dwelling unit;

(2) State licensed residential facilities as required by section 206 of Public Act No. 110 of 2006 (MCL 125.3206) with a minimum of 1,000 square feet of living area per dwelling unit;

(3) Accessory building as defined in section 48-1081;

(4) Recreational land uses; and

(5) Common open space.

(Ord. No. 653, § 15.477(5.120(2)), 5-17-2002)

Sec. 48-771. - Minimum parcel area.

All parcels of five acres or more in area within the R-3, R-4, R-5, PUD, PURD, REC and CR6 zoning districts shall be developed in accordance with this division.

(Ord. No. 653, § 15.478(5.120(3)), 5-17-2002)

Sec. 48-772. - General approval standards.

In addition to the specific standards set forth elsewhere in this division, the city shall evaluate each CCD application in accordance with the general approval standards for site plan approval set forth in section 48-121.

(Ord. No. 653, § 15.479(5.120(4)), 5-17-2002)

Sec. 48-773. - Dimensional standards.

(a) The following minimum dimensional standards shall apply to residential parcels and site condominium units in a CCD:

| | | |
|---|---|---|
| Setback standards | | |
| | Front yard | 25 feet |
| | Side yard | 8 feet |
| | Rear yard | 30 feet |
| Lot or parcel width area | | |
| | Minimum lot area | 9,000 square feet |
| | Minimum lot frontage | 75 feet |

(b) Common open space as defined in this chapter may not constitute less than 40 percent of the adjusted parcel acreage.

(Ord. No. 653, § 15.480(5.120(5)), 5-17-2002)

Sec. 48-774. - Ownership and control.

A proposed CCD shall be under single ownership or control. The applicant shall provide documentation of ownership or control in a form acceptable to the city.

(Ord. No. 653, § 15.481(5.120(6)), 5-17-2002)

Sec. 48-775. - Density standards.

(a) Except as provided in section 48-638, the total number of residential dwelling units permitted in a conservation cluster development shall be 125 percent of the base density. The base density shall be

determined by the following formula:

(1) The total area of the primary conservation area on the site (if any) shall be subtracted from the gross area of the site to determine the adjusted parcel acreage.

(2) The adjusted parcel acreage shall be multiplied by 85 percent to account for rights-of-way, drainage facilities and similar facilities.

(3) The resulting product shall be divided by the minimum lot area for the underlying zoning district, rounded to the nearest whole number.

(b) In the event the parcel includes more than one underlying zoning district, the calculation set of 40 percent in this section shall be applied to the portion of the site lying in each zoning district and the result for all districts shall be summed.

(Ord. No. 653, § 15.482(5.120(7)), 5-17-2002)

Sec. 48-776. - Added open space and density.

At the applicant's option, and in accordance with the other controlling portions of this chapter, the density of a CCD may be increased up to 130 percent of the base density, providing additional open space is provided. For each two percentage points the open space exceeds the minimum of 40 percent as set forth in subsection 48-773(b), the density may be increased by one percentage point above the base density.

(Ord. No. 653, § 15.483(5.120(8)), 5-17-2002)

Sec. 48-777. - Rural and scenic easement.

A rural and scenic easement shall be incorporated into a CCD consisting of a natural area at least 50 feet in depth provided parallel to and abutting any existing public road and including sufficient native vegetation to screen views into the development from off the site. Such rural and scenic easement may be included in the required common open space.

(Ord. No. 653, § 15.484(5.120(9)), 5-17-2002)

Sec. 48-778. - Public water and sewer.

A CCD shall be served with public water and sewer service or a licensed and approved community system.

(Ord. No. 653, § 15.485(5.120(10)), 5-17-2002)

Sec. 48-779. - Conservation cluster development review process.

The following steps shall be completed to implement a conservation cluster development:

(1) Prior to implementing a conservation cluster design project, applicants shall conduct a preliminary development review with the city zoning administrator. The purpose of this review will be for the applicant and the city to discuss the nature of the site and the development and to reach a consensus about the potential of the site for use as a conservation cluster development and to advise the city of the applicant's intent to proceed.

(2) An applicant interested in undertaking a conservation cluster development shall complete a site analysis and prepare a detailed site inventory. This shall include an analysis of nature soils, water features, wetlands, topography, vegetation, wildlife, views, endangered species, easements and rights-of-way, historic or cultural resources, steep slopes and other features. The applicant will rate and rank each feature in terms of its importance to preserving the overall character of the city and its rural character. This site analysis will be illustrated on a topographic survey of the site prepared by a licensed surveyor. The site analysis shall illustrate the topography of the site with not greater than two-foot contour intervals, all important woodlands, slopes, water bodies, wetlands and other features.

(3) Based on the site analysis, the applicant shall identify the primary conservation areas as defined herein. The total area within the primary conservation areas shall be determined. Secondary conservation areas shall be identified in order of their importance to the protection of the overall natural features of the site and its immediate vicinity. As a general guideline, the following is a listing of potentially important secondary conservation areas:

a. Riparian forests and woodlands, as defined in said plan;

b. Nonwooded shoreline and stream corridors;

c. Mature forests forming an integral part of a larger wooded area;

d. Isolated farmland woodlots;

e. Prominent meadows and hillsides;

f. Historic sites; and

g. Prime and/or unique farmlands.

(4) Secondary conservation areas may not constitute less than 40 percent of the adjusted parcel acreage. The applicant shall calculate the base density for the proposed development in accordance with the provisions of this chapter. Manmade water features such as ponds and retention basins may not constitute more than 50 percent of the required 40 percent conservation areas. All such manmade water features, as well as existing water features will be designed with best management practice criteria including the planting/preservation of buffer strips around the edges of ponds to trap fertilizer runoff, and the installation of pond aerators.

(5) Potential building sites shall be identified in areas outside of the primary or secondary conservation areas. The number of the potential building sites shall not exceed the permitted density determined in accordance with this chapter. The potential building sites shall be illustrated as an overlay on the site analysis.

(6) The roadway and trail system to serve the potential building sites shall be established. The roadway system shall comply with the terms of this chapter and the city's private road standards. The roadway system shall be illustrated as a further overlay on the site analysis. To the greatest extent possible, the roadway system shall be configured in a continuous network with dead-ends and culs-de-sac minimized.

(7) The lot or condominium lines shall be illustrated for each building site. These shall be reflected on an overlay on the site analysis. The dimensional requirements of this chapter shall be met in the layout of the lot lines.

(8)

A preliminary site plan shall be prepared which shall illustrate the proposed project layout including the primary and secondary conservation areas, other common open space, scenic easements, trails, building sites, roadway system, lot or condominium lines. In addition, a project phasing plan shall be prepared, if applicable, indicating the approximate time frame for each phase of the development. The preliminary site plan shall meet the standards of article II, division 3, of this chapter. The preliminary site plan shall include a detailed narrative description of the site analysis and the management plan for the perpetual preservation of the common open space proposed.

(9) The preliminary site plan and the site analysis with all overlays shall be presented to the zoning administrator for review and comment. Within 30 days of submission of all required information, the zoning administrator shall provide written comments on the preliminary site plan. Based on the comments of the zoning administrator, the applicant may make needed adjustments to the preliminary site plan and prepare a final site plan as directed by the zoning administrator or seek an advisory judgment from the planning commission on any issues in dispute prior to preparing a final site plan. When the final site plan is prepared, it shall be submitted for planning commission and city council review and approval in accord with article II, division 3, of this chapter, special use provisions.

(Ord. No. 653, § 15.486(5.120(11)), 5-17-2002; Ord. No. 717, § 2, 10-6-2009)

Sec. 48-780. - Use of open space.

Further subdivision of open space lands, or their use for other than recreation or conservation by the site owners, shall be prohibited. Pedestrian access points to open space are encouraged between rows of six or more lots or condominium units. Access points, where provided, must be of common ownership and shall be at least ten feet in width; provided, however, that access may be limited in areas of sensitive environmental features or wildlife habitat with the approval of the planning commission.

(Ord. No. 653, § 15.487(5.120(12)), 5-17-2002)

Sec. 48-781. - Waterway buffering.

All dwellings and accessory structures shall be located at least 50 feet from any lakes, ponds, rivers and streams. Only with approval of the planning commission and city council may a roadway be placed within this buffer area, and efforts should be made to eliminate any encroachment, when possible.

(Ord. No. 653, § 15.488(5.120(13)), 5-17-2002)

Sec. 48-782. - Preservation of common open space.

The applicant and all subsequent owners shall establish, register and maintain a viable legal entity which may be a homeowners' association, a condominium association or other organization acceptable to the city which shall assume responsibility for the preservation of common open space. Common open space shall be set aside by the applicant through an irrevocable conveyance to said entity through a deed, master deed, irrevocable conservation easement or other form of conveyance acceptable to the city. All forms of ownership intended to protect common open space within a conservation cluster development shall be subject to the review of the city attorney.

(Ord. No. 653, § 15.489(5.120(14)), 5-17-2002)

Sec. 48-783. - General development standards.

The following standards shall be observed in the preparation of a conservation cluster development:

(1) *Siting.* Dwelling units shall be carefully sited and designed to screen homes from off-site vantage points, and away from environmentally sensitive areas, existing agricultural uses and areas subject to land management practices that will cause dust, noise, smoke, odors or similar problems.

(2) *Stormwater.* A conservation cluster development shall meet the requirements of the county drain commissioner.

(3) *Prior to construction.* All required approvals shall be completed prior to the start of any construction, as required by this chapter.

(4) *Performance guarantees.* The city may require the posting of a performance bond or irrevocable letter of credit to assure the completion of the proposed conservation cluster.

(Ord. No. 653, § 15.490(5.120(15)), 5-17-2002)

Secs. 48-784—48-804. - Reserved.

DIVISION 19. - SCHEDULE OF REGULATIONS

Sec. 48-805. - Schedule limiting height, bulk, density and area by zoning district.

For an explanation of the schedule, see footnotes in section 48-806.

| Zoning District | Minimum Lot Area | | Maximum Height of Structure | | Minimum Yard Setback [(j), (a)] (Per Lot In Front) | | | | Minimum Floor Area Per Unit (Sq. Ft.) | Maximum of Lot Area Covered By All Buildings |
|---|---|---|---|---|---|---|---|---|---|---|
| | Area (Square Feet) | Width (Feet) | In Stories | In Feet | Front [(f)] | SIDES | | Rear | | |
| | | | | | | Least One | Total Of Two | | | |
| R-1 Single-Family | 7,200 | 60 | 2 | 30 | 25 | 6 | 16 | 30 | 768/1-Story<br>1250/2-Story | 30% |

| | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| R-2 Single-Family | 9,000 | 75 | 2 | 30 | 25 | 7 | 17 | 35 | 768/1-Story<br>1250/2-Story | 30% |
| R-3 Single-Family | 12,000 | 100 | 2 | 30 | 30 | 8 | 18 | 40 | 1000/1-Story<br>1660/2-Story | 30% |
| R-4 Single-Family | 16,000 | 120 | 2 | 30 | 40 | 10 | 25 | 50 | 1200/1-Story<br>1900/2-Story | 25% |
| R-5 Single-Family [(a), (i)] | 1 AC [(i)] | 190 | 2 | 30 | 40 | 25 | 50 | 60 | 1000/1-Story<br>1660/2-Story | 15% |
| CR-6 Clustered Res. [(b)] | 2 AC | 200 | 2 | 30 | 40 | 8 | 20 | 40 | 1000/1-Story<br>1660/2-Story | 30% |
| AR-7 Apartments [(c), (h)] | 2 AC | 200 | 2 | 30 | 40 | 25 | 50 | 40 | EFF-360<br>1 BR-500<br>2 BR-700<br>3 BR-900<br>4 BR—1000 | 30% |
| AR-8 Apartments [(d), (h)] | 2AC | 200 | 4 | 45 | 40 | 25 | 50 | 40 | | |

| | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| AG Agricultural (j), (k) | 5 AC | 200 | 2 | 30 | 40 | 25 | 50 | 60 | Same as R-3 for Residential. | 10% |
| REC Recreational (k) | 2 AC | 200 | 2 | 30 | 40 | 25 | 50 | 60 | Same as R-3 for Residential. | 10% |
| PO Professional Office | 12,000 | 100 | 2 | 30 | 25 | 10 | 30 | 25 | — | 35% |
| GO General Office | 12,000 | 100 | 2 | 30 | 25 | 10 | 20 | 25 | — | 35% |
| C-1 Neighborhood Comm. (e) | 12,000 | 100 | 2 | 30 | 25 | 10 | 20 | 25 | — | 35% |
| C-2 General Retail | 16,000 | 150 | 2 | 30 | 25 | 10 | 30 | 25 | — | 35% |
| C-3 Major Commercial | 20,000 | 200 | 2 | 30 | 25 | 10 | 30 | 25 | — | 35% |
| GI General Industrial | 20,000 | 150 | 2 | 50 | 45 | 20 | 40 | 25 | — | 50% |
| PURD Planned Res. Dev. (j) | 5 AC | | 2 | 30 | | | | 25 | — | 25% |
| PUD Planned Unit Dev. (j) | 0 AC | | 2 | 30 | | | | | — | 25% |
| SUD Special Use Dev. (j), (g) | | | | | | | | | | |

(Ord. No. 369, art 8, 6-26-1981; Ord. No. 831 , § 1, 3-1-2022)

Sec. 48-806. - Footnotes to schedule of regulations.

(a) In the case of corner lots, the designated side yard abutting a street shall be equal in depth to the front yard setback requirements for the district, except where the adjoining lot on the side street has an existing dwelling, the front yard setback need not be greater than established by the existing dwelling, but in no case shall the setback be reduced to less than 20 feet.

(b) Excepting R-1 through R-5 districts, minimum side and rear yard requirements shall not be less than 50 feet, plus one foot for each one foot in height of the building over 25 feet, when adjacent to an R-1 through R-5 residential district. In an R-5 district, there shall be a minimum lot depth of not less than 200 feet.

(c) Minimum yard width and area requirements may deviate not more than ten percent for approved subdivisions, provided the listed minimum lot sizes are met on an average, and further provided the allowed deviation will not result in the creation of an attendant increase in the number of lots.

(d) In the CR-6 district, the overall permitted density for cluster development shall not exceed four units per acre. The maximum number of dwellings in a cluster shall be subject to review by the planning commission, except that in no case shall a cluster contain more than six dwellings. Each cluster of one-family dwellings shall be separated from any other cluster of one-family dwellings, and each detached dwelling shall be separated from another detached dwelling as provided in article III, division 4, of this chapter.

(e) In the AR-7 district, the overall permitted density shall not exceed 12 units per acre. The total number of dwelling units in any one building shall not exceed 12 per story. Individual buildings shall maintain a minimum distance of 35 feet between buildings.

(f) In the AR-8 district, the overall permitted density shall not exceed 18 units per acre. The total number of dwelling units in any one building shall not exceed 12 per story. Individual buildings shall maintain a minimum distance of 35 feet between buildings. When either building exceeds a height of 25 feet, the minimum distance between buildings shall be equal to the height of the highest of the opposing buildings plus ten feet.

(g) In the C-1 district, no single business shall have a retail floor space in excess of 6,000 feet.

(h) For residential lots with lake frontage, the lake side shall be considered the front yard, and the setback is established in section 48-914.

(i) Mobile home trailer parks shall have a minimum of 20 acres.

(j) The ratio of efficiency apartments to other types in any apartment development shall not exceed a ratio of one efficiency to six regular apartments.

(k) Farms on those parcels of land separately owned outside the boundaries of a subdivision shall have not less than two acres for raising of farm animals, subject to the conditions found in section 48-1150.

(l) Private stables as an accessory use for not more than one horse on a lot not less than two acres in area and provided further that for each additional horse stabled thereon, one additional acre of land shall be provided. Horses shall not be pastured, fenced or penned within 200 feet of an adjacent dwelling, and shall be subject to the conditions found in section 48-1150.

(m)

Specific setbacks, greenbelts, berms, buffers or other conditions shall be set by the planning commission. Any requirements contained in the special use permit described in article II, division 2, of this chapter, or the site plan review procedures described in article II, division 3, of this chapter, may be waived if the goals set forth in this chapter, as well as the spirit and intent, can be achieved without the specific requirement.

(n) Single-family residential dwellings may be located on any lot meeting the standards for an R-5 residential district as found in the schedule of regulations in article III, division 19, of this chapter.

(Ord. No. 369, § 15.590, 6-26-1981; Ord. No. 373, 12-18-1981)

Secs. 48-807—48-835. - Reserved.

ARTICLE IV. - SUPPLEMENTAL REGULATIONS

Sec. 48-836. - Zoning affects every structure and use.

Except as hereinafter specified, no building, structure or premises shall hereafter be used or occupied, and no building or part thereof or other structure shall be erected, raised, moved, placed, reconstructed, extended, enlarged or altered, except in conformity with all the regulations herein.

(Ord. No. 369, § 15.150(3.100), 6-26-1981)

Sec. 48-837. - Plat violations.

Where the building and zoning administrator determines that an area is proposed for subdivision in violation of the land division act, Public Act No. 288 of 1967 (MCL 560.101 et seq.) or the subdivisions regulations of the city, no building permits shall be issued.

(Ord. No. 369, § 15.155(3.101), 6-26-1981)

Sec. 48-838. - Contrary to public improvement projects.

Where the city administrator certifies to the building and zoning administrator that buildings on unplatted areas are or may be in conflict with city, county or state improvement projects such as water, sewer, roads, etc., no building permits shall be issued until such conflicts have been resolved.

(Ord. No. 369, § 15.160(3.102), 6-26-1981)

Sec. 48-839. - Health hazards.

When the building and zoning administrator has reason to believe that sufficient potable water is not available or that a sewage permit will not be issued by the county environmental health department, he may refuse to issue a building permit until evidence of the availability of sufficient potable water and of the issuance of sewage permit has been furnished to him.

(Ord. No. 369, § 15.165(3.103), 6-26-1981)

Sec. 48-840. - Access.

No building permits shall be issued where the applicant fails to show that the property for which a permit is requested fronts or abuts for a minimum of 25 feet on an improved street or a permanent recorded nonobstructed easement of access or right-of-way to a street, which easement is not less than 25 feet in width.

(Ord. No. 369, § 15.170(3.104), 6-26-1981)

Sec. 48-841. - Redivision of substandard lots.

Where three or more adjacent lots are under single ownership at the time this chapter becomes applicable thereto, and each of such lots contain less than 90 percent of the zone district width and area requirements, such lots shall be redivided and utilized in conformance with this chapter; provided, however, that in any zoned district in which single-family residential is allowed as a principal use, a single-family dwelling may be constructed on any substandard lot of record in single ownership, regardless of its area or width if the owner thereof does not own nor can acquire adjoining property; provided, however, that such construction, to maintain neighborhood character, shall meet the area, side yard and setback requirements of at least 66 percent of the total number of developed lots within 400 feet of the lot in question on both sides of the same street; provided, further, that if there are no developed lots within the above space requirements, a building permit may issue, if all setback requirements are met, even though the lot area requirements are not met.

(Ord. No. 369, § 15.175(3.105), 6-26-1981; Ord. No. 373, 12-18-1981)

Sec. 48-842. - Size of dwelling.

No building to be used as a dwelling shall hereafter be erected or altered having a floor area of less than that required by article III, division 19, of this chapter. Floor area shall be computed interior usable floor space or the enclosed winterized portion of the house, measured from wall-to-wall, but not to include porches, breezeways, attics, basements or garages.

(Ord. No. 369, § 15.180(3.106), 6-26-1981)

Sec. 48-843. - Housing capacity.

No dwelling in any district, regardless of the number of families housed therein, shall be occupied so that there will be at any time an average of regular residents in excess of three per bedroom or eight per three-piece bath.

(Ord. No. 369, § 15.185(3.107), 6-26-1981)

Sec. 48-844. - Moving of houses, buildings and structures.

No preexisting home, building or structure shall be moved into the city from a point outside the city limits, or shall be moved from one location in the city to some other different location, and no such home, building or structure shall be moved unless and until the mover of the home, building or structure submits a site plan for review to the building

and zoning administrator's office, which shows the approximate location of the home, building or structure on the new, proposed location, and secures the following necessary permits from the building and zoning administrator and the city police department.

(Ord. No. 369, § 15.190(3.108), 6-26-1981)

Sec. 48-845. - Requirements for issuing building and zoning administrator's permit.

(a) The building and zoning administrator shall issue a permit approving the transfer after having made the following determinations:

(1) That adequate on-site facilities exist, such as water, gas, sewer and electricity, and that such utilities are available and will be installed or otherwise be made operable within six months of the transfer of the house, building or structure to its new location;

(2) That, prior to the moving of the house, building or structure, and after inspection, the house, building or structure will comply or will be brought into compliance with the city building code then in existence;

(3) That any necessary repairs needed to ensure compliance with the applicable state construction code will be completed within six months after issuance of the permit;

(4) That, after review of the proposed site plan, it is determined that the house, building or structure will comply with all applicable city zoning regulations, including lot size and floor size requirements, setback and buffer-zone requirements, and other aesthetic considerations contained in this chapter; and

(5) That the home, building or structure will comply with all the pertinent local, state and federal regulations regarding zoning, construction and installation in effect at the time of application.

(b) In the event the provisions of this section are not complied with, the building and zoning administrator may proceed under the provisions of the current uniform housing code in effect in the city, including the provisions authorizing the imposition of a personal obligation or a special assessment lien on the property in accordance with the procedure set forth in the uniform housing code;

(Ord. No. 369, § 15.191(1), 6-26-1981)

Sec. 48-846. - Mobile homes; additional requirements.

The owners of mobile homes who desire to locate their homes in residential areas outside mobile home parks must satisfy all of the following standards:

(1) The structure shall meet all construction standards of the United States Department of Housing and Urban Development mobile home construction and safety standards in effect at the time of application.

(2) The structure shall meet any interior square-foot minimum floor space area requirement of this chapter, and where there are more than two bedrooms, have an additional 150 square feet for each room over the minimum.

(3) The structure shall provide storage space not less than 15 percent of the interior living space of the dwelling, exclusive of auto storage, in a basement, attic or separate, enclosed structure of equal or better quality construction than the main structure.

(4) The interior shall have a minimum floor-to-ceiling height of 7½ feet.

(5) The structure shall have a width which is the lesser of 24 feet or the average width of the homes on the same street within 300 feet in either direction. In the event there are no homes within 300 feet in either direction, the minimum width shall be 24 feet.

(6) The dwelling shall be placed on the same foundation as required for on-site-built homes, constructed around the entire perimeter of the dwelling.

(7) All wheels, towing mechanisms or undercarriages shall be removed.

(8) The roof shall have a load rating of 40 pounds per square foot.

(9) The dwelling shall contain front and side, or front and rear, doors with permanent porch steps, if the difference in ground and entrance requires the same.

(10) The structure shall provide roof drainage.

(11) The structure shall provide the same gauge siding as required for on-site-built homes.

(12) Any additions or extensions shall be constructed according to all requirements of the state construction code.

(13) The structure shall comply with all the provisions of the fire code and this chapter.

(14) All effective requirements for the installation of mobile homes in mobile home parks as adopted by the state mobile home home commission, except as the same may conflict with the provisions of this section, shall be observed.

(Ord. No. 369, § 15.192(2), 6-26-1981)

Sec. 48-847. - Requirements for issuing police department permit.

The city police department shall issue its permit approving the moving of a house, building or structure, as herein provided, after having made the following determinations:

(1) A certain time has been specified during which the move will take place.

(2) The streets which will be used in the process of moving the house, building or structure have been specified, and their use approved.

(3) The mover has secured all necessary approval and has made all necessary arrangements for the alteration or rearrangement of any utilities which may be affected by the proposed route taken by the mover.

(4) Adequate provisions have been made to ensure the safe transportation of the home, building or structure, including the use of escort vehicles as required by the chief of police, to proceed and to follow the house, building or structure, during the actual move.

(5) Any security required by any affected utility, including electric, telephone and cable television, has been secured, and proof of the same is on file with the police department.

(Ord. No. 369, § 15.193(3), 6-26-1981)

Sec. 48-848. - Certificate of occupancy.

After receiving the necessary permits and complying with the requirements herein contained, the building and zoning administrator shall issue a certificate of occupancy.

(Ord. No. 369, § 15.194(4), 6-26-1981)

Sec. 48-849. - Conversion of dwellings.

The conversion of any building into a dwelling, or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families, shall be permitted only within a district in which a new building or similar occupancy would be permitted under this chapter, and only when the resulting occupancy will comply with the requirements governing new construction in such district with respect to minimum lot size, lot area per dwelling unit, percentage of lot coverage, dimensions of yards and other open spaces and off-street parking. Any conversion shall comply with the state construction code for new construction.

(Ord. No. 369, § 15.195(3.109), 6-26-1981)

Sec. 48-850. - Rear dwellings.

Except for parcels referred to in subsections 48-314(5), 48-335(5) and 48-362(4), no building in the rear of a main building on the same lot shall be used for residential purposes. Nonconforming lots containing rear dwellings shall be made conforming where possible to all other yard and open space requirements of this chapter. There shall be provided for each dwelling an unoccupied, unobstructed 25-foot recorded easement or right-of-way granting right of ingress and egress for public vehicles and/or public utilities, and the creation of a newly described parcel recorded with the city assessor shall be required for each rear dwelling so constructed.

(Ord. No. 369, § 15.200(3.100), 6-26-1981; Ord. No. 735, § 5, 7-5-2011)

Sec. 48-851. - Buildings and their uses.

No building or structure shall hereafter be erected, altered, repaired or modified that would:

(1) Exceed any height requirements;

(2) Accommodate a greater number of families than allowed;

(3) Occupy a greater percentage of lot area than that allowed; or

(4) Cause a violation of any minimum yard setbacks, open space or parking space requirements, or in any other manner violate any other provisions of this chapter.

(Ord. No. 369, § 15.205(3.111), 6-26-1981)

Sec. 48-852. - Subterranean or underground dwellings.

No subterranean dwelling as defined in section 48-5 may be constructed unless it complies with the following provisions:

(1) It shall meet all zoning, building and county or state health code requirements.

(2) The design shall be certified by a registered architect or engineer.

(3) The roof structure and truss work must be designed and certified by a registered architect or engineer, and otherwise meet or exceed any state construction code standards.

(4) Floor space requirements shall not include unfinished areas.

(5) Yard dimensions shall exclude any portion of ground which is covering any portion of the dwelling.

(6) No building permit shall be issued where, in the opinion of the building inspector, such site is unsuitable due to a reasonable apprehension of danger of flooding from surface or subterranean sources or is likely to be situated on a site which has a reasonable likelihood of erosion.

(7) A site plan review and approval must first be obtained from the planning commission.

(Ord. No. 369, § 15.210(3.112), 6-26-1981)

Sec. 48-853. - Building construction violations.

(a) No person, firm, partnership or corporation shall:

(1) Perform any construction without a building permit as required by the state construction code;

(2) Obtain a building permit without first submitting plans, drawings and specifications, which shall be in sufficient detail to enable the building inspector to determine if all building, zoning and other code requirements will be met and which shall contain other specific site details if required by other provisions contained in this chapter;

(3) Perform any construction in violation of the state construction code adopted and in effect at the time of the construction, or any state or local law, regulation or code, whichever may apply;

(4) Change any grade existing that is likely to cause erosion or water drainage to any adjacent property. The zoning administrator may apply the regulations on soil erosion and sedimentation control, part 91 of Public Act No. 451 of 1994 (MCL 324.9101 et seq.), for any size parcel; or

(5) Use a building in violation of the land uses allowed in the zoned district in which it is located.

(b) Penalties:

(1) One violation of this chapter or state construction codewithin any 12-month calendar year shall result in the imposition of a money penalty equal to two times the normal permit fee ascribed to the work for which a permit is required.

(2) Two violations of this chapter or state construction code within any 12-month calendar year shall result in the imposition of a money penalty equal to three times the normal permit fee ascribed to the work for which a permit is required.

(3) Three violations of this chapter or state construction codewithin any 12-month calendar year shall result in a suspension of that person's ability to pull or otherwise obtain a permit to perform any authorized work within the city for the next 12 consecutive months.

(Ord. No. 369, § 15.215(3.113), 6-26-1981; Ord. No. 525, 3-12-1993)

Sec. 48-854. - Home occupations.

Occupations engaged in within a dwelling by the resident or residents of the same are allowed if same comply with the following conditions and limitations:

(1) The occupations are operated in their entirety within the dwelling and not within any accessory building located upon the premises, and the incidental goods or services sold are made, assembled or performed wholly within the building.

(2) The occupations are only conducted by the person or persons occupying the premises as their principal residence.

(3) The dwelling has no exterior evidence, other than a permitted sign, to indicate that the same is being utilized for any purpose other than that of a dwelling.

(4) The occupation conducted therein is clearly incidental and subordinate to the principal use of the premises for residential purposes.

(5) No goods are sold from the premises which are not strictly incidental to the principal home occupation conducted therein.

(6) No occupation shall be conducted upon or from the premises which would constitute a nuisance or annoyance to adjoining residents by reason of noise, smoke, odor, electrical disturbance, night lighting or the creation of unreasonable traffic to the premises or cause any accumulation of materials, discarded materials or junk as defined in section 48-5 anywhere on the premises. Noise, smoke, odor, electrical disturbance or the source of lighting shall not be discernible beyond the boundaries of the property from which the occupation is conducted.

(7) Any such home occupation may be subject to inspection by the building inspector of the city and may be terminated by order of such inspector whenever the same fails to comply with this chapter.

(8) Whenever the building inspection department terminates a home occupation, the board of appeals, upon appeal to them of such termination, shall have the authority to determine whether or not a proposed use complies with this chapter and is within the spirit of the same to ensure the compatibility of any use with the character of the zoning classification in which the same is located and that the health, safety and general welfare of the neighborhood will not thereby be impaired.

(9) The space of the home occupation shall not exceed more than 25 percent of the dwelling, excluding accessory buildings, regardless of the site of the home occupation.

(10) No external or internal alterations shall be necessary to make the premises usable for the occupation.

(11) No mechanical or electrical equipment shall be used which is not normally found in a home.

(12) The business shall not allow more than three customers per day.

(13) No persons shall provide services or be employed in connection with a home occupation except family members residing on the premises.

(Ord. No. 369, § 15.220(3.114), 6-26-1981)

**State Law reference—** Instruction in craft or fine art is a home occupation for all single-family residences, MCL 125.3204.

Sec. 48-855. - Land uses prohibited.

No land may be used in violation of any of the following provisions:

(1) No land use shall cause air or water pollution; erosion; excessive noise, dust or obnoxious smell; water runoffs from property; or any activity which creates a hazard to adjacent land, improvements or occupants.

(2)

No future use different than the lawful use, or a valid noncomforming use, may be made of property unless specifically allowed without first obtaining a variance, zone change or special use permit, as may apply.

(3) No tin cans, stoves, garbage, automobile bodies, junk, refuse or any waste material as defined in section 48-5 shall be dumped or allowed to remain on any private or public land within the city unless as otherwise provided herein, or at such location as has been designated as a sanitary landfill by the city and the county health department.

(4) No private person may build, construct or add to, use or develop any private waste disposal plant, or lay pipes for disposal or treatment, application, incineration or storage of human, livestock, commercial or manufacturing wastes either liquid, gas or solid, without first obtaining a special use permit from the city. For purposes of this section, the terms "waste" and "disposal" shall be given broad interpretation, and not limited to waste standards as may be defined in other laws, rules or regulations of other governmental units or their agencies. The building administrator may waive the requirement for a special use permit in the case of on-site septic tanks and related drainage facilities when prior approval is obtained from the county health department.

(Ord. No. 369, § 15.225(3.115), 6-26-1981)

Sec. 48-856. - Area requirements.

No yard or lot existing at the time of passage of the ordinance from which this article is derived shall be reduced in size or area below the minimum requirements set forth herein. Yards or lots created after the effective date of the ordinance from which this article is derived shall meet at least the minimum requirements established by this chapter. Lot area and density shall be computed excluding lands normally under water, streets, alleys or drives, and any portion of a parcel used in common with another tenant or user of the whole parcel.

(Ord. No. 369, § 15.230(3.116), 6-26-1981)

Sec. 48-857. - Minimum requirements.

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements, adopted for the promotion of the public health, safety, convenience, comfort, prosperity or general welfare. Whenever the requirements of this chapter are in variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, the most restrictive, or that imposing the higher standards, shall govern.

(Ord. No. 369, § 15.235(3.117), 6-26-1981)

Sec. 48-858. - More than one principal building on a lot.

Not more than one principal building shall be located on a lot in an R-1, R-2, R-3, R-4 or R-5 district.

(Ord. No. 369, § 15.240(3.118), 6-26-1981)

Sec. 48-859. - Required yard space to be in district.

The required yard space for each building, structure or use shall fall entirely upon land within a district or districts in which the use is permitted.

(Ord. No. 369, § 15.245(3.119), 6-26-1981)

Sec. 48-860. - Application of chapter to activities of city.

The terms of this chapter shall not apply to lands, buildings, activities or uses of land or buildings if conducted by or on behalf of the city in the performance of those activities required or allowed under the state Constitution, state laws or city charter and ordinances.

(Ord. No. 369, § 15.250(3.120), 6-26-1981)

Sec. 48-861. - Accessory uses.

In all districts, accessory uses and structures shall be allowed which are customary and incidental to the principal or permitted use.

(Ord. No. 369, § 15.255(3.121), 6-26-1981)

Sec. 48-862. - Outdoor furnaces.

(a) *Purpose.* The purpose of this section is to prohibit outdoor furnaces so as to eliminate nuisance smoke, and to address the concerns regarding public health, safety and welfare of the city's residents.

(b) *Definitions.* Outdoor furnaces are defined to include any structure located upon property the primary function of which is to provide a heat source to an adjacent or adjoining residential structure where the principal source of heat is the burning of wood, coal, corn or other similar combustible products or fuel oil, or any combination of wood, coal, corn or fuel oil.

(c) *Prohibition.* Outdoor furnaces are not permitted to be located upon any parcel of property within the city.

(Ord. No. 695, § 1, 3-20-2007)

Secs. 48-863—48-887. - Reserved.

ARTICLE V. - ENVIRONMENTAL REGULATIONS

*Footnotes:*
*--- (**8**) ---*
***State Law reference—*** *Natural resources and environmental protection act, MCL 324.101 et seq.; the Great Lakes, MCL 324.32101 et seq.*

DIVISION 1. - GENERALLY

Sec. 48-888. - Purpose and intent.

(a) Because the city has many unique environmental characteristics such as lakes, shorelands, dunes, flood hazard areas, high-water areas and a growing airport in an expanding residential area, special provisions must regulate development in and around these fragile environmental zones to protect the natural

resources of air, water and soil.

(b) The intent of these provisions is to preserve these valuable resources. These regulations are tempered by the sometimes conflicting concept of maximizing the economic and social uses to be made of the land in and around these affected areas.

(c) However, where it is at all possible, some development is allowed. Sometimes it is restricted, and where it is not possible to eliminate the conflicts, prohibited. At the same time, a particular parcel may be unique, and some flexibility has been provided to request specific review of a particular use on a specific parcel.

(d) Therefore, these regulations are environmental and apply to all the land in the areas designated on the appendix maps on file in the office of the city clerk or public works director.

(Ord. No. 369, § 15.280(4.100), 6-26-1981; Ord. No. 728, § 1, 8-2-2010)

Sec. 48-889. - Airport approach zone.

The areas affected by the provisions of this section are designated on the map on file in the office of the city clerk, incorporated and made a part of this section called Appendix Two. The affected area is subject to the ordinance establishing county airport zoning regulations, adopted February 1, 1955, and amended October 8, 1975.

(Ord. No. 369, § 15.285(4.101), 6-26-1981)

**State Law reference—** Aeronautics code, MCL 259.1 et seq.; airport zoning act, MCL 259.431 et seq.

Sec. 48-890. - Drainage courses.

(a) The provisions of this section apply to the drainage courses depicted on the map on file in the office of the city clerk, incorporated by reference, and made a part hereof, known as Appendix Two.

(b) The following regulations are necessary due to foreseeable harm to the public health, safety and welfare without them, and past experience where injury to the community-at-large occurred during their absence.

(c) Specifically, they are necessary to allow natural dispersion of snow-melting runoffs, rain runoffs and natural drainage of undergroundwaters. Without such provisions, the following damage can be anticipated:

(1) New areas of surface water ponding;

(2) Erosion due to changed or limited watercourses;

(3) Flooding due to construction of natural drainage;

(4) Accumulations of undergroundwaters;

(5) Basement flooding;

(6) Damage to roads, culverts, abutments and bridges;

(7) Undue strain on road ditch capacity;

(8) Potential destruction to new construction in the path of a natural drain; and

(9) Loss of absorption capacities of low lands to inhibit flooding and cleanse effluent.

(d) The following conditions shall apply:

(1) No structures may be built in such drainage courses.

(2)

Such courses may not be filled, and the landowner shall keep same free of any debris; nor shall he allow any organic or inorganic material to accumulate to obstruct the flow of water.

(3) Such courses shall not be altered or changed in any way unless the landowner first obtains a site plan approval by the planning commission. In addition to the requirements of this section, the planning commission may use the requirements of the special use permits found in article II, division 2, of this chapter as a guide in their determination, and the commission shall also find the following as a condition of granting such permit, that the alteration will not:

a. Impede the flow of water, or cause ponding;

b. Cause erosion;

c. Cause loss of flooding water backup space;

d. Cause diversion of the course of water from the applicant's property to another location;

e. Cause water backup to public road ditches, or other private property;

f. Cause loss of flood-impeding capacity; or

g. Cause loss of area for effluent cleansing.

(4) Such approval shall not be necessary for landscaping, stabilization, terracing of embankments, construction of foot bridge across such courses and the drawing of such drainage course to create artificial ponds if, in the opinion of the building administrator, such proposed activity will not reduce the capacity of the course to fulfill its natural functions or adversely affect property upstream or downstream.

(Ord. No. 369, § 15.300(4.104), 6-26-1981)

**State Law reference—** Soil erosion and sedimentation control, MCL 324.9101 et seq.

Secs. 48-891—48-913. - Reserved.

DIVISION 2. - SHORELANDS

Sec. 48-914. - Shorelands; building regulations.

(a) The areas affected by the provisions of this division are designated on the map on file in the office of the city clerk, incorporated and made a part thereof, called Appendix Two.

(b) No structure may be built closer to a lake or stream than an adjacent principal structure, and where each adjoining parcel has a principal structure, then no closer than a straight line drawn from the front of each principal building, but in no case less than 50 feet from the high-water mark of the shore. An accessory structure shall be controlled by provisions of section 48-915, relating to shorelands management.

(Ord. No. 369, § 15.290(4.102), 6-26-1981; Ord. No. 653, 5-17-2002)

**State Law reference—** Shorelands protection and management, MCL 324.32301 et seq.

Sec. 48-915. - Shorelands development and management.

Any activity on the shorelands described in section 48-914 is subject to the following restrictions:

(1) The water side of the yard shall be considered the front yard.

(2) All accessory buildings shall be set back a minimum of 50 feet from the high-water mark, except piers, marinas, seawalls and similar water-related structures.

(3) All structures shall be a minimum of one foot above the ordinary high-water mark.

(Ord. No. 369, § 15.295(4.103), 6-26-1981)

Sec. 48-916. - Natural shore cover.

(a) Preservation of natural shrubs and trees is necessary to prevent erosion and to prevent surface effluent and nutrient flow from reaching the surface body of waters, its tributaries or drainage courses.

(b) Natural shrubbery shall be preserved along the shoreline and in a strip no less than 20 feet in width, and where removed it shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosions and preserving natural beauty.

(Ord. No. 369, § 15.296(4), 6-26-1981)

Sec. 48-917. - Filling, grading and dredging.

The zoning administrator may prohibit filling, grading or dredging which would result in substantial detriment to navigable waters by reason of erosion, sedimentation or impairment of fish or aquatic life within 300 feet of the shoreline.

(Ord. No. 369, § 15.297(5), 6-26-1981)

Sec. 48-918. - Special uses permitted.

(a) Certain special uses may be permitted subject to compliance with article II, division 2 of this chapter, which relates to special use permits, and with the additional conditions set forth in this section. These special uses are lagooning, or dredging, or commencing any work on any waterway, canal, ditch, lagoon, pond, lake or similar waterway within 300 feet of the normal high-water mark of the lake or stream covered by this section. This section shall not apply to terraces, runoff diversions and grassed waterways used for runoff retardation.

(b) In addition to the special use permit section requirements, the following standards shall also apply:

(1) The smallest amount of bare ground shall be exposed for as short a time as feasible.

(2) Temporary ground cover such as mulch shall be used, and permanent cover such as sod shall be planted.

(3) Diversions, silting basins, terraces and other methods to trap sediment shall be used.

(4) Lagooning shall be conducted in such a manner as to avoid creation of fish trap conditions.

(5) Fill shall be stabilized according to accepted engineering standards.

(6) Fill will not restrict a floodway or destroy the storage capacity of a floodplain.

(7) Sides of a channel or artificial watercourse shall be stabilized to prevent slumping.

(8) Sides of channels or artificial watercourses shall be constructed with side slopes of two units horizontal distance to one unit vertical or flatter, unless bulkheads or riprapping are provided.

(Ord. No. 369, § 15.298(6), 6-26-1981)

Sec. 48-919. - Overlapping jurisdiction.

In addition to the approvals and permits required and specified in this chapter, the building and zoning administrator shall, prior to the issuance of any city permit, be satisfied that permits for the particular development and/or construction have been approved from such state and/or federal agencies having jurisdiction in such matters pursuant to state or federal law.

(Ord. No. 369, § 15.299(7), 6-26-1981)

Secs. 48-920—48-941. - Reserved.

DIVISION 3. - FLOOD HAZARD ZONE

*Footnotes:*
*--- (**9**) ---*
***State Law reference—** Building and construction in floodplain, MCL 324.3108; subdivision within or abutting floodplain, plat requirements, MCL 560.138; subdivision within floodplain, conditions for approval, MCL 560.194.*

Sec. 48-942. - Purpose.

The flood hazard overlay zone is intended to promote public health, safety and general welfare and minimize public and private losses due to flood conditions. It shall:

(1) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion in flood heights or velocities;

(2) Require that uses vulnerable to floods, including facilities which serve such uses, shall be protected against flood damage at the time of initial construction;

(3) Control the alteration of natural floodplains, stream channels and natural protective barriers which are involved in the accommodation of floodwaters;

(4) Control filling, grading, dredging and other development which may increase erosion or flood damage; and

(5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

(Ord. No. 369, § 15.306(4.105(1)), 6-26-1981)

Sec. 48-943. - Area affected.

(a) The area affected by this overlay zone includes all areas in the city designated by the Federal Emergency Management Agency as areas of special flood hazard in a scientific engineering report entitled "The Flood Insurance Study for the City of Norton Shores" dated September 1977, with accompanying flood insurance rate maps and any revisions thereto and hereby adopted by reference and declared to be part of this chapter.

(b) The special flood hazard boundary is shown on Appendix Map Two, which is made part of this chapter and is on file in the office of the city clerk.

(Ord. No. 369, § 15.307(4.105(2)), 6-26-1981)

Sec. 48-944. - General zone requirements.

All new construction and substantial improvement to structures shall be constructed so that the lowest floor, including basement, shall be at or above base flood elevation, as an alternate nonresidential structure, together with attendant utilities, and sanitary facilities may be designed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyance, and shall:

(1) Be designed (or modified) to resist flotation, collapse or lateral movement of the structure;

(2) Be constructed with materials and utility equipment resistant to flood damage; and

(3) Be constructed by methods and practices that minimize flood damage.

(Ord. No. 369, § 15.308(4.105(3)), 6-26-1981)

Sec. 48-945. - Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that areas outside the flood hazard zone boundaries or land uses permitted within such districts will be free from flooding or flood damages. This chapter shall not create liability on the part of the city or by any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

(Ord. No. 369, § 15.309(4.105(4)), 6-26-1981)

Sec. 48-946. - Statements required.

Prior to the issuance of a building permit for structures to be located within a flood hazard zone, an applicant shall first be required to sign a statement he has been informed of the hazard and his construction will not give rise to a claim against the city for having authorized issuance of a building permit.

(Ord. No. 369, § 15.310(4.105(5)), 6-26-1981)

Sec. 48-947. - Utilities protection.

The planning commission shall require new or replacement water supply systems and/or sanitary sewage systems to be designed to minimize or eliminate infiltration of floodwaters into the system and discharges from the systems into floodwaters, and require on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding.

(Ord. No. 369, § 15.311(4.105(6)), 6-26-1981)

Sec. 48-948. - Interpretation.

Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the building and zoning administrator shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation, as provided in this chapter.

(Ord. No. 369, § 15.312(4.105(7)), 6-26-1981)

Sec. 48-949. - Nonresidential structures.

(a) A building permit may not be issued for construction or extension of a nonresidential structure in a flood hazard zone unless a site plan has been approved by the planning commission. In addition to the applicable requirements of article II, division 3, of this chapter, the commission shall also require the following information and conditions be met before approval is granted:

(1) *Application for site plan approval.* The application for site plan approval shall contain the following information and any other information requested by the commission:

a. A map in duplicate, drawn to scale showing the curvilinear line representing the regulatory flood elevation; dimensions of the lot; existing structures and uses on the lot and adjacent lots; soil type; dunes and natural protective barriers, if applicable; existing flood control and erosion control works; existing drainage elevations and ground contours; location and elevation of existing street, water supply and sanitary facilities; and other pertinent information.

b. A preliminary plan showing the approximate dimension, elevation and nature of the proposed use, amount, area and type of proposed fill; area and nature of proposed grading or dredging; proposed alteration of dunes, beaches or other natural protective barriers, if applicable; proposed flood protection or erosion control works; proposed drainage facilities; proposed roads, sewers, water and other utilities; and specifications for building construction and materials included in the floodproofing.

(2) *Technical assistance in evaluating project.* The commission shall obtain assistance of the city engineer for technical assistance in evaluating the proposed project in relation to flood heights and velocities, threatened erosion or wave action, the adequacy of the plans for flood erosion protection, the adequacy of drainage facilities and other technical matters.

(3) *Determining flood hazard.* The commission shall determine the specific flood or erosion hazard at the site and shall evaluate the suitability of the proposed use in relation to the flood hazard; if a permit is to be issued, the commission may attach appropriate conditions.

(b) In passing upon such application, the commission shall consider the technical evaluation of the engineer, all relevant factors and standards specified in other sections of this chapter.

(Ord. No. 369, § 15.313(4.105(8)), 6-26-1981)

Secs. 48-950—48-971. - Reserved.

DIVISION 4. - GROUNDWATER HAZARD OVERLAY AREA

*Footnotes:*
*--- (**10**) ---*
***State Law reference—** Water resources protection, MCL 324.3101 et seq.*

Sec. 48-972. - Findings of fact.

The groundwater hazard areas depicted on the map on file in the office of the city clerk, adopted by reference and made a part hereof, known as Appendix Two, are subject to periodic inundation which can result in loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for relief and impairment of tax base, all of which adversely affect the public health, safety and general welfare.

(Ord. No. 369, § 15.316(4.106(1)), 6-26-1981)

Sec. 48-973. - Statement of intent.

It is the intent of these regulations to promote the public health, safety and general welfare and to minimize any losses or damage to property described in section 48-972 by requiring certain provisions designed to:

(1) Restrict or prohibit uses which are dangerous to health, safety or property;

(2) Require that uses vulnerable to high water fluctuating water tables, including public facilities which serve such uses, shall be protected against damage at the time of initial construction;

(3) Minimize expenditures in drainage control projects and emergency relief; and

(4) Protect individuals from buying lands which are unsuited for intended purposes because of high-water hazards.

(Ord. No. 369, § 15.317(4.106(2)), 6-26-1981)

Sec. 48-974. - Compliance.

No structure of land shall hereafter be used and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of this chapter and other applicable regulations which apply to uses within the jurisdiction of this chapter.

(Ord. No. 369, § 15.318(4.106(3)), 6-26-1981)

Sec. 48-975. - Warning and disclaimer of liability.

The degree of protection required by this chapter is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. High-water conditions may be increased by manmade or natural causes. This chapter does not imply that land uses permitted within this high-water hazard area will be free from remedial expenses or damages. This chapter shall not create liability on the part of the city or any officer or employee thereof for any damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

(Ord. No. 369, § 15.319(4.106(4)), 6-26-1981)

Sec. 48-976. - Statements required.

Prior to the issuance of building permits for structures to be located within a groundwater hazard zone, an applicant shall first be required to sign a statement he has been informed of the hazard and his construction will not give rise to a claim against the city for having authorized issuance of a building permit.

(Ord. No. 369, § 15.320(4.106(5)), 6-26-1981)

Sec. 48-977. - Utilities protection.

The planning commission shall require new or replacement water supply systems and/or sanitary sewage systems to be designed to minimize or eliminate infiltration of waters into the system and discharges from the systems into waters, and require on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them in high-water condition.

(Ord. No. 369, § 15.321(4.106(6)), 6-26-1981)

Sec. 48-978. - Interpretation.

Where interpretation is needed as to the exact location of the boundaries of the areas of special high-water hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the building and zoning administrator shall make the necessary interpretation.

(Ord. No. 369, § 15.322(4.106(7)), 6-26-1981)

Secs. 48-979—48-999. - Reserved.

DIVISION 5. - SOIL REMOVAL, SAND AND GRAVEL MINING AND RELATED LAND USE ACTIVITIES AND STRUCTURES

> *Footnotes:*
> *--- **(11)** ---*
> ***State Law reference—** Soil erosion and sedimentation control, MCL 324.9101 et seq.; soil conservation districts law, MCL 324.9301 et seq.; sand dunes protection and management, MCL 324.35301 et seq.*

Sec. 48-1000. - Scope, purpose and intent.

It is the purpose of this section to regulate all those areas and activities of the city not covered by part 353 of Public Act No. 451 of 1994 (MCL 324.35301 et seq.), sand dunes protection and management, which relates to the initial barrier dunes of Lake Michigan. When that Act does not apply, the following provisions shall control. The purpose is to preserve the natural resources and landscape, to prevent erosion and reduction of stabilizing ground cover, to protect residents from dangerous conduct and to provide means to rehabilitate the land.

(Ord. No. 369, § 15.326(4.107(1)), 6-26-1981)

Sec. 48-1001. - Application requirements.

(a) No sand, soil or gravel mining or excavation shall be permitted except by special permit issued by the building and zoning administrator, after application has been made and approved by the city planning commission. The application shall include a development plan, operational statement and rehabilitation plan. The following information shall be submitted:

(1) *Site plan.* A site plan shall be prepared by a registered civil engineer, registered surveyor or landscape architect. The site plan shall be an 18-inch by 26-inch or larger sepia or other reproducible, along with ten copies of the plan, which shall include the following:

a. North point, scale and date;

b. Extent of the area to be excavated;

c. Location, width and grade of all easements or rights-of-way on or abutting the property;

d. Location of all structures on the property;

e. Location of all areas on the property subject to inundation or flood hazard, and the location, width and directions of flow of all watercourses and flood control channels that may be affected by the excavation;

f. Benchmarks;

g. Existing elevations of the total property at intervals of not more than 100 feet in both north-south and east-west directions and existing elevations of abutting properties at intervals of not more than 100 feet around the perimeter of the property and 100 feet from property lines. This requirement can be modified by the planning commission on applications for mining, if the size of the site and uniformity of the grade is such that this information is not necessary in the review process of the application;

h. Typical cross-sections, showing the extent of over-burden, extent of sand and gravel deposits and the water table;

i. Processing and storage areas;

j. Proposed fencing, gates, parking and signs;

k. Ingress-egress roads, plus on-site roads and proposed surface treatment and means to limit dust;

l. A map showing access routes between the property and the nearest arterial road; and

m. Areas to be used for ponding.

(2) *Operational statement.* An operational statement shall include:

a. The approximate date of commencement of the excavation and the duration of the operation;
b. Proposed hours and days of operation;
c. Estimated type and volume of the excavation;
d. Method of extracting and processing, including the disposition of over-burden or top soils;
e. Equipment proposed to be used in the operation of the excavation;
f. Operating practices proposed to be used to minimize noise, dust, air contaminants and vibration; and
g. Methods to prevent pollution of surface or undergroundwater.

(3) *Rehabilitation plan.* A rehabilitation plan shall include:

a. A statement of planned rehabilitation, including methods of accomplishment, phasing and timing;
b. A plan indicating the final grade of the excavation; any water features included in the rehabilitation and methods planned to prevent stagnation and pollution; landscaping or vegetative planting; and areas of cut or fill. This plan, if clearly delineated, may be included with the site plan. For quarry applications, the final grade shall mean the approximate planned final grade;
c. A phasing plan, if the excavation of the site is to be accomplished in phases. This plan shall indicate the area and extent of each phase and the approximate timing of each phase; and
d. The method of disposing of any equipment or structures used in the operation of the excavation upon completion of the excavation.

(b) The application also shall include the following:

(1) The name, address and signature of the property owners and applicant;
(2) A written legal description or record of survey of the property;
(3) A bond, cash deposit or deposit of negotiable securities and public liability insurance shall be provided to ensure conformance to city operational and reclamation standards; and
(4) In agricultural areas, a soils report, prepared by a person qualified to analyze agricultural soils, shall be required for all proposals where the top soil is not to be replaced upon completion of the excavation.

(Ord. No. 369, § 15.327(4.107(2)), 6-26-1981)

Sec. 48-1002. - Review standards for approval.

The planning commission may consider the following factors in their review of the permit application:

(1) The need for the removal, and alternate solutions not requiring removal;
(2) The impact of the removal process and methods of removal on adjoining areas;
(3) The extent and amount of removal of valuable surface topsoil, and destruction of land uses by the removal;
(4) The increased hazards to neighbors, water, land or air; and
(5) Whether the spirit and intent of the objectives of the city master plan and this chapter are being preserved or promoted.

(Ord. No. 369, § 15.328(4.107(3)), 6-26-1981)

Secs. 48-1003—48-1032. - Reserved.

DIVISION 6. - FILLING OF LAND

Sec. 48-1033. - Filling of land.

No use of land for filling with borrow fill sand, gravel, cinders, industrial waste or any material of any form or nature shall be allowed without a fill permit issued by the building and zoning administrator.

(Ord. No. 369, § 15.330(4.108), 6-26-1981)

Sec. 48-1034. - Application.

Every application for a permit to fill land shall be accompanied by a specification sheet showing the grade level proposed for the fill, a statement as to the materials to be used, the period of time over which the fill will be brought in and the contour of the lot after the proposed fill is completed. The application will be made in writing to the building and zoning administrator.

(Ord. No. 369, § 15.331(4.108(1)), 6-26-1981)

Sec. 48-1035. - Permit to fill.

The building and zoning administrator will issue the permit to fill land after he has determined:

(1) That such filling will not cause surface water to collect or to run off onto adjoining lands contrary to normal and natural drainage;

(2) That such fill material will not unreasonably cause blowing dust, grime, fumes or odors;

(3) That such fill will not decay or rot in such a manner as to cause holes or soft areas to develop in the lands so filled;

(4) That upon completion of such fill the property will be left in such a condition that it may be properly used for the use designated for the area in this chapter and maps;

(5) That such fill shall not operate to prohibit light and air to the adjoining properties;

(6) That such filling operations will not be conducted before sunrise or after 8:00 p.m.;

(7) That the transportation of such fill material will be made in trucks or vehicles properly suited to such transport so that it will not be spread upon the highways and roads to the city;

(8) That such fill will not cause any hazard of fire and that combustible materials shall not become any part of the fill material; and

(9) That the filling will be carried out under the terms and conditions above set forth and that the building and zoning administrator may, if he is concerned about the applicants fulfilling the above conditions, require a performance bond in favor of the city and conditioned upon the applicant faithfully carrying out all of the terms and conditions of the permit.

(Ord. No. 369, § 15.332(4.108(2)), 6-26-1981)

Secs. 48-1036—48-1053. - Reserved.

DIVISION 7. - LAKE MICHIGAN DUNES ZONE

Sec. 48-1054. - Seawalls, revetments and groins.

(a) Building permits for seawalls, revetments and groins may be authorized by the planning commission provided they are constructed of such materials and are of a height and color so as not to detract from the natural beauty of the shoreline.

(b) In regard to groins, an engineering determination shall be included in the building permit application establishing the effects of the proposed groins on adjacent beaches.

(Ord. No. 369, § 15.340(4.109(5)), 6-26-1981)

Sec. 48-1055. - Preservation of natural shore cover.

Preservation of the natural shore cover is necessary to protect scenic beauty, control erosion and reduce effluent and nutrient flow from the shoreland; hence, its removal is prohibited. This provision shall not apply to the removal of dead, diseased or dying trees at the discretion of the landowner, or to silvicultural thinning upon recommendation of a forester.

(Ord. No. 369, § 15.341(4.109(6)), 6-26-1981)

Sec. 48-1056. - Sand mining.

No removal and mining of sand is permitted in the dunes overlay district unless authorized under the provisions of part 353 of Public Act No. 451 of 1994 (MCL 324.35301 et seq.), sand dune protection and management, or the provisions of article V, division 5, of this chapter.

(Ord. No. 369, § 15.342(4.109(7)), 6-26-1981)

DIVISION 8. - MODEL LOW IMPACT DEVELOPMENT (LID) STORMWATER MANAGEMENT STANDARDS

Sec. 48-1057. - Scope and applicability.

(a) This division shall apply to all development within the City of Norton Shores requiring site plan approval.

(b) Exemptions:

(1) Any activity that will disturb an area less than one acre, or

(2) Any activity that will increase an impervious area or contiguous impervious area less than 10,000 square feet, or

(3) The construction of any fence that will not alter existing terrain or drainage patterns.

(4) Development in environmentally unfeasible locations, e.g., Brownfields.

(Ord. No. 733, § 3, 5-2-2011)

Sec. 48-1058. - LID/stormwater management application materials.

For all development requiring a site plan approval which requires excavation, the following information shall be presented on a plan or plans drawn to scale with supporting documents and technical details as necessary:

(1) An existing condition site assessment providing baseline information on features which may include slope profiles showing existing gradients, soil types, trees and other vegetation, natural water bodies, historic water tables, wetlands and sensitive natural communities, and site features that aid in stormwater management, including natural drainageways and forested and vegetated lands located on stream, lake and wetland buffers;

(2) A soil erosion and sediment control plan that incorporates accepted best management practices as recommended by the State of Michigan. Permits for erosion and sedimentation control are administered by the Muskegon County Public Works Department.

(3) A stormwater management plan identifying the construction disturbance area and demonstrating that stormwater runoff is minimized through the use of natural drainage systems and on-site infiltration and treatment techniques. The plan shall demonstrate that soils best suited for infiltration are retained and that natural areas consisting of tree canopy and other vegetation are preserved, preferably in contiguous blocks or linear corridors where feasible, for protection of the best stormwater management features identified in the site assessment. The city may consider and impose appropriate safeguards, modifications and conditions relative to the general standards and guidelines listed in section 48-1061 of this division.

(Ord. No. 733, § 3, 5-2-2011)

Sec. 48-1059. - General pre-development and construction site standards.

All development in the City of Norton Shores is subject to the following pre-development and construction site standards to ensure that all sources of soil erosion and sediment on the construction site are adequately controlled, and that existing site features that naturally aid in stormwater management are protected to the maximum extent practical.

(1) *Minimize land disturbance.* Development of a lot or site shall require the least amount of vegetation clearing, soil disturbance, duration of exposure, soil compaction and topography changes as possible.

a. To the extent feasible, soils best suited for infiltration shall be retained and natural areas consisting of tree canopy and other vegetation shall be preserved, preferably in contiguous blocks or linear corridors.

b. The time the soil is left disturbed shall be minimized. The city may require project phasing to minimize the extent of soil disturbance and erosion during each phase of site development.

c. There shall be no soil compaction except in the construction disturbance area, which shall be identified and delineated in the field with appropriate safety or landscape fencing. In areas outside the disturbance area there shall also be no storage of construction vehicles, construction materials,

or fill, nor shall these areas be used for circulation.

(2) *Preserve natural areas.* Development shall not result in an undue adverse impact on fragile environments, including wetlands, wildlife habitats, streams, lakes, steep slopes, floodplains, aquifers, water tables and vegetated riparian buffers.

a. Open space or natural resource protection areas shall be retained preferably in contiguous blocks or linear corridors where feasible, for the protection of the best stormwater management features identified in the site assessment as required in subsection 48-1058(1) of this division.

b. Forested lands located on stream, lake and wetland buffers and steep slopes are priority areas and clearing them shall be avoided in order to protect wildlife habitats and prevent erosion and sedimentation resulting from stormwater runoff.

c. A minimum 50-foot vegetated buffer shall be established along any lakes, streams and/or any other water bodies located within the property lines.

d. Lot coverage and building footprints shall be minimized and where feasible, development clustered, to minimize site disturbance and preserve large areas of undisturbed space. Environmentally sensitive areas, such as areas along streams, wetlands, and steep slopes shall be a priority for preservation and open space.

(3) *Manage water, prevent erosion and control sediment during construction.* Applicants shall maintain compliance with the accepted erosion prevention and sediment control plan as required by subsection 48-1058(2) of this division and as permitted by the Muskegon County Public Works Department.

a. Runoff from above the construction site must be intercepted and directed around the disturbed area in a manner that would create the least amount of erosion or conveyance of sediment.

b. On the site itself, water must be controlled, and kept at low velocities, to reduce erosion in drainage channels.

c. The amount of sediment produced from areas of disturbed soils shall be minimized by utilizing best management practices control measures such as vegetated strips, diversion dikes and swales, sediment traps and basins, check dams, stabilized construction entrances, dust control, and silt fences.

(4) Immediate seeding and mulching or the application of sod shall be completed at the conclusion of each phase of construction, or at the conclusion of construction if not phased.

(Ord. No. 733, § 3, 5-2-2011)

Sec. 48-1060. - Low impact development design.

The use of LID design approaches is preferred and shall be implemented to the maximum extent practical given the site's soil characteristics, slope, and other relevant factors. To the extent that LID design approaches are not proposed in the stormwater management plan, as required in subsection 48.1058(3) of this division, the applicant shall provide a full justification and demonstrate why the use of LID approaches is not possible before proposing to use conventional structural stormwater management measures which channel stormwater away from the development site.

(Ord. No. 733, § 3, 5-2-2011)

Sec. 48-1061. - LID/stormwater general post-construction review standards and guidelines.

(a) All applications for development are subject to the following post construction stormwater management standards and guidelines to ensure that stormwater management approaches that maintain natural drainage patterns and infiltrate precipitation are utilized to the maximum extent practical.

(b) Standards are statements that express the development and design intentions of this division. The guidelines suggest a variety of means by which the applicant might comply with the standards. The guidelines are intended to aid the applicant in the design process and the city when reviewing applications. Options for compliance with the standards are not limited to the guidelines listed.

(1) *Standard 1: Vegetation and landscaping.* Vegetative and landscaping controls that intercept the path of surface runoff shall be considered as a component of the comprehensive stormwater management plan. Suggested vegetative and landscaping controls include:

a. Direct runoff from roads, driveways, parking lots and other types of drivable or walkable surfaces to vegetated areas to allow for water infiltration.

b. Design parking lot landscaping to function as part of the development's stormwater management system utilizing vegetated islands with bio-retention functions.

c. Incorporate existing natural drainage ways and vegetated channels, rather than the standard concrete curb and gutter configuration to decrease flow velocity and allow for stormwater infiltration.

d. Divert water from downspouts away from driveway surfaces and into bio-retention areas or rain gardens to capture, store, and infiltrate stormwater on site.

e. Encourage construction of vegetative LID stormwater controls (bio-retention, swales, filter strips, buffers) on lands held in common.

(2) *Standard 2: Development on steep slopes.* Development on steep slopes equal to or in excess of 15 percent shall be sited and constructed, and slopes stabilized to minimize risks to surface and groundwaters and to protect neighboring properties from damage. Steep slope development shall include the following practices:

a. Prohibit development, regrading and clearing of vegetation on land where the slope is greater than 25 percent.

b. Locate house sites, subsurface sewage systems and parking areas on the flattest portion of the site.

c. Minimize crossing steep slopes with roads and driveways and lay them out to follow topographic contours in order to minimize soil and vegetation disturbance. Avoid long driveways.

(3) *Standard 3: Reduce impervious surfaces.* Stormwater shall be managed through land development strategies that emphasize the reduction of impervious surface areas such as streets, sidewalks, driveway and parking areas and roofs. Reduce impervious surfaces utilizing the following criteria:

a. Evaluate the minimum widths of all streets and driveways to demonstrate that the proposed width is the narrowest possible necessary to conform with safety and traffic concerns and requirements.

b. Reduce the total length of residential streets by examining alternative street layouts to determine the best option for increasing the number of homes per unit length.

c.

Minimize the number of residential street culs-de-sac and incorporate vegetated islands to reduce their impervious cover. The radius of culs-de-sac should be the minimum required to accommodate emergency and maintenance vehicles. Consider alternative turnaround areas.

d. Reduce driveway lengths by minimizing setback distances. Encourage common driveways.

e. Use permeable pavement for parking stalls and spillover parking, sidewalks, driveways and bike trails.

f. Establish parking maximums and utilize shared parking for uses with different peak demand periods.

g. Reduce building footprints by using more than one floor level.

(4) *Standard 4: Low impact integrated management practices (IMPs).* Stormwater shall be managed through the use of small-scale controls to capture, store and infiltrate stormwater close to its source. This can be accomplished by:

a. Create vegetated depressions, commonly known as bio-retention areas or rain gardens, that collect runoff and allow for short-term ponding and slow infiltration. Rain gardens consist of a relatively small depressed or bowl shaped planning bed that treats runoff from storms of one inch or less.

b. Use filter strips or bands of dense vegetation planted immediately downstream of a runoff source to filter runoff before it enters a receiving structure or water body. Natural or manmade vegetated riparian buffers adjacent to water bodies provide erosion control, sediment filtering and habitat.

c. Utilize shallow grass-lined channels to convey and store runoff.

d. Incorporate rooftop gardens which partially or completely cover a roof with vegetation and soil or a growing medium, planted over a waterproofing membrane.

e. Use permeable paving and sidewalk construction materials that allow stormwater to seep through into the ground.

f. Use rain barrels and cisterns of various sizes that store runoff conveyed through building downspouts.

g. Utilize tree box filters placed below grade, covered with a grate, filled with filter media and planted with a tree, to act both as a water retention tank and a natural filter.

(Ord. No. 733, § 3, 5-2-2011)

Sec. 48-1062. - Independent consultants.

The city may retain independent consultants to facilitate the review of applications for development subject this bylaw and whose services shall be paid for by the applicant. The consultant(s) shall work at the city's direction and shall provide the city such reports and assistance, as the city deems necessary to determine compliance with this bylaw.

(Ord. No. 733, § 3, 5-2-2011)

Sec. 48-1063. - Other ordinances.

This division is in addition to all other ordinances of the City of Norton Shores and all applicable federal laws and enforcement and penalties, and laws of the State of Michigan.

(Ord. No. 733, § 3, 5-2-2011)

Secs. 48-1064—48-1080. - Reserved.

ARTICLE VI. - ACCESSORY USES

Sec. 48-1081. - Accessory buildings.

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

(1) Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this chapter applicable to the main building.

(2) Detached accessory buildings shall not be erected in any required yard, except a rear yard, or except a private garage may be constructed in a side yard if it maintains the regular side yards and setback distance required for a principal building.

(3) A detached accessory building may occupy not more than 25 percent of a required rear yard, plus 40 percent of any nonrequired rear yard. The maximum allowable size of a detached accessory structure shall be based on the size of the parcel as follows:

| Detached Accessory Structure Maximum Size | |
|---|---|
| *Parcel Size* | *Maximum Allowable Size* |
| Less than 1 acre | 1,000 square feet |
| 1 acre to 2.49 acres | 1,250 square feet |
| 2.5 acres to 4.9 acres | 1,500 square feet |
| 5 acres to 6.9 acres | 1,750 square feet |
| 7 acres or larger | 2,000 square feet |

(4) No detached accessory building shall be located closer than six feet to any main building, nor shall it be located closer than five feet to any side or rear lot line.

(5) No detached accessory building in the zoning districts R-1 through R-5, CR-6, PO, GO, or C-1 districts shall exceed one story or 14 feet in height, unless the accessory structure exceeds 1,250 square feet. No accessory structure greater than 1,250 square feet shall exceed 16 feet in height. Accessory buildings in all other districts may be constructed to equal the permitted maximum height of structures in said districts, subject to planning commission review and approval.

(6) When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard line required on the lot in rear of such corner lot. When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the side lot line of the lot to its rear, said building shall not project beyond the side yard line of the lot in the rear of such corner lot.

(7) When an accessory building in any residence, business or office district is intended for other than the storage of private motor vehicles, the accessory use shall be subject to the approval of the planning commission.

(8) An existing detached accessory structure may not be structurally attached to a principal structure if the distance between the two structures is greater than 15 feet.

(Ord. No. 369, § 15.500(6.100(1)—(7)), 6-26-1981; Ord. No. 653, 5-17-2002; Ord. No. 749, §§ 2, 3, 2-5-2013; Ord. No. 810 , §§ 1—3, 3-3-2020)

Sec. 48-1082. - Accessory vehicle storage.

In any district which has residential use as a principal use, or in a PURD (planned unit residential district), the parking of licensed or outdoor storage of passenger automobiles, one commercial vehicle of less than one-ton carrying capacity, one recreational camping vehicle (whether self-motorized or trailer-type) and one trailer carrying other recreational equipment shall be permitted. All other parking and storage of vehicles shall be prohibited as an accessory use.

(Ord. No. 369, § 15.501(6.100(8)), 6-26-1981)

Sec. 48-1083. - Second detached accessory building.

On any property in the City of Norton Shores where a detached accessory building is already in existence, a second accessory building must meet the requirements of section 48-1081, but its square footage shall not exceed 200 feet. No more than two detached accessory buildings shall exist on any residentially-zoned parcel of property.

(Ord. No. 732, § 2, 12-7-2010)

Secs. 48-1084—48-1102. - Reserved.

ARTICLE VII. - NONCONFORMING USES, LOTS AND STRUCTURES

*Footnotes:*
*--- (**12**) ---*
***State Law reference—** Nonconforming uses or structures, MCL 125.3208.*

Sec. 48-1103. - Intent.

(a) Within the districts established by this chapter, and with the exception of signs, billboards and their nonconformance, which shall be separately regulated by section 48-1296(13) or any subsequent amendments, there exist lots, structures and uses of land and structures which were lawful before this

chapter was effective, but which would be prohibited, regulated or restricted under the terms of this chapter or amendments thereto.

(b) It is the intent of this chapter to permit these nonconformities to continue until they are removed, but not to encourage their continuance.

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

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

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

(Ord. No. 369, § 15.530(7.100), 6-26-1981; Ord. No. 653, 5-17-2002)

Sec. 48-1104. - Nonconforming lots of record.

In any district in which single-family dwellings are permitted, notwithstanding other limitations imposed by other provisions of this chapter, a single-family dwelling and customary necessary building may be erected on any single lot of record at the effective date of adoption or amendment of this chapter, as long as any structure shall meet the required set backs, height restrictions and minimum floor area provisions for the designated zoned district.

(Ord. No. 369, § 15.535(7.101), 6-26-1981; Ord. No. 653, 5-17-2002)

Sec. 48-1105. - Nonconforming uses of land.

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

(1) No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this chapter.

(2) No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this chapter.

(3)

If any such nonconforming use of land ceases for any reason for a period of 30 days, any subsequent use of such land shall conform to the regulations specified by this chapter for the district in which such land is located.

(4) No additional structure not conforming to the requirements of this chapter shall be erected in connection with such nonconforming use of land.

(Ord. No. 369, § 15.540(7.102), 6-26-1981; Ord. No. 372, 11-12-1981; Ord. No. 653, 5-17-2002)

Sec. 48-1106. - Nonconforming structures.

Where a lawful structure exists at the effective date of adoption or amendment of this chapter that could not be built under the terms of this chapter by reason of restriction on area, lot coverage, height, yards or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

(1) No such structure may be enlarged or altered in any way which increases its nonconformity.

(2) Should such structure be moved for any reason, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

(Ord. No. 369, § 15.545(7.103), 6-26-1981; Ord. No. 653, 5-17-2002)

Sec. 48-1107. - Nonconforming uses of structures.

If a lawful use of a structure, or of structure and land in combination, exist at the effective date of adoption or amendment of this chapter, that would not be allowed in the district under the terms of this chapter, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

(1) No existing structure devoted to a use not permitted in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered unless it is changed to a use permitted in the district in which it is located.

(2) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this chapter, but no such use shall be extended to occupy any land outside such building.

(3) Any nonconforming use of a structure, or structures and land, may be changed to another nonconforming use provided that the board shall find that the proposed use is permitted in the most restrictive zone district in which the existing or former use is first allowed. In such case, the structure and properties shall be made to comply with all conditions applicable to such most restrictive zone district. Except as otherwise provided, no other structural alterations shall be allowed.

(4) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use or more restrictive use, shall thereafter conform to the regulations for the district in which such structure, or structure and land, are located or permitted, and the nonconforming use may not thereafter be resumed.

(5) When a nonconforming use of a structure, or structure and land in combination, is discontinued or abandoned for 12 consecutive months, the structure or structure and land combination, shall not thereafter be used except in conformance with the provisions of the district in which it is located.

(6) Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

(Ord. No. 369, § 15.550(7.104), 6-26-1981; Ord. No. 653, 5-17-2002)

Sec. 48-1108. - Repairs and maintenance.

(a) On any building devoted in whole or in part to any nonconforming use, repair and maintenance work may be made provided that the cubic content of the building as it existed at the time of adoption of amendment of this chapter is not increased.

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

(Ord. No. 369, § 15.555(7.105), 6-26-1981; Ord. No. 653, 5-17-2002)

Secs. 48-1109—48-1139. - Reserved.

ARTICLE VIII. - SPECIFIC LAND USE CONDITIONS

DIVISION 1. - GENERALLY

Sec. 48-1140. - Scope, purpose and intent.

(a) The establishment of regulations of land use activities in the city ranges from general provisions in article IV of this chapter which apply to all land in the city; to general environmental provisions in article V of this chapter, regulating the extent of use and development in certain areas which are environmentally sensitive to the zoned districts; and article III, regulating the types of uses to be made of land in various districts of the city.

(b) Article III, division 19, of this chapter imposes certain minimum open space, setback, building size and acreage requirements before land use may be used for the purposes allowed (principal uses) or permitted (special uses permitted).

(c) This article (VIII) singles out certain land uses which can cause complaints from adjacent landowners, or are designed to protect the long-range development interests of the city by imposing these conditions on specific land uses, some of which can be found in several use districts. Where a land use is generally found in only one district, the conditions of use and site development for those uses will be specified in those districts.

(d) Rather than repeating the conditions each time the specific use is mentioned either as a principal or permitted use, this article has accumulated specific conditions which must be followed, whether the use is a principal or permitted use. In addition, these regulations are also designed for implementation in site plans where site plan review is necessary by the planning commission. They are mandatory, and will be in addition to discretionary decisions to be made by any agency of the city in carrying out the duties imposed on the agency in carrying out the requirements of this chapter.

(e) Some regulations in this article are designed to be minimum development regulations, while others are intended to be conditions governing future conduct of the activities on the land being used for a specified purpose. These regulations are in addition to other general, environmental, or district regulations.

(f) Where any provision herein conflicts with any dimensional requirement of section 48-773, the specific provision contained herein shall apply.

(g) Due to the fact that the PUD, SUD and the PURD will not be duplicated in other districts, and due to the special nature of their optional uses, their general conditions shall be treated separately. However, where a specific land use regulated by this article is included in a proposed plan in one of the above special use districts, then both sets of conditions shall apply.

(Ord. No. 369, § 15.680(10.100), 6-26-1981)

Sec. 48-1141. - Animal hospitals and clinics.

The following conditions shall apply to animal hospitals and clinics:

(1) No animal hospital or clinic may be located adjacent to a residential lot on any side.

(2) No animal may be left outside between 9:00 p.m. and 7:00 a.m.

(3) All pens must be a minimum of 150 feet from any adjacent property line.

(4) Waste material may not be disposed of on the premises unless the parcel is five acres minimum, and such method of handling and disposal shall not cause a threat of polluting the undergroundwater table, or create a nuisance caused by odor, runoff, or like acts.

(Ord. No. 369, § 15.690(10.102), 6-26-1981)

Sec. 48-1142. - Auto service body shops and commercial garages.

It is the intent of this section to provide standards for automotive service body shops and commercial garages. Generally, the auto service body shops and garages will be located near high volume arterial highways.

(1) *Uses included.* The following uses may be permitted in conjunction with automotive service body shops and commercial garages:

a. Automobile towing, including parking of a wrecker and inoperative vehicles waiting for immediate repair;

b. Parking and storage of inoperative vehicles, providing that such parking or storage shall be within an enclosed building or shall be screened by an opaque fence not less than six feet in height and in no case shall the material stored exceed the height of the screen or be visible from any roadway; and

c. Major automobile repair.

(2) *Site development.*

a. There shall be 300 square feet of site area for each space intended for storage of inoperable vehicles.

b. The minimum site width shall be 200 feet, with a minimum site area of 20,000 square feet.

c. Commercial garages shall have an additional 1,000 square feet of site area for each additional service bay over two. There shall also be 300 square feet of additional site area for each space intended for storage of inoperable vehicles.

d. All equipment including automobile washing, dismantling, repairing equipment and body or mechanical repair shall be entirely enclosed within a building. Any portion of a building containing an auto body shop or washing areas shall consist of a solid exterior masonry wall or equivalent, approved by the building and zoning administrator with no openings other than those required for access. There shall be no outdoor storage of merchandise such as tires, lubricants and other accessory equipment except that outdoor trash storage may be provided in a properly screened container.

e. All vehicles upon which work is performed shall be located entirely within a building.

f. No automobile which is left for repair may remain on the premises longer than 30 days. Any inoperable automobile which is involved in a collision, and may not be repaired at that location, because of the nature or extent of repairs, may not be left on the premises for a period exceeding three days.

g. The automobile service body shop or commercial garage shall provide one parking space for each person employed during any given period of the day. Each required parking space shall be no less than 200 square feet in area.

(Ord. No. 369, §§ 15.696(10.103(1)), 15.697(10.103(2)), 15.698(10.103(3)), 6-26-1981)

Sec. 48-1143. - Automotive engine repair facilities within C-2 classification.

It is the intent of this section to provide standards for automobile engine repair facilities within C-2 classification.

(1) *Uses included.* The following uses may be permitted in conjunction with automobile engine repair facilities: the general automotive repair, rebuilding or reconditioning of engines, not to include body work.

(2) *Site development standards.* The uses listed in subsection (1) of this section shall comply with the following site development standards:

a. All repairing equipment shall be entirely enclosed within a building. There shall be no outdoor storage of new merchandise or used parts and outdoor trash storage must be provided in a properly screened container.

b. All vehicles upon which work is being performed shall be located entirely within a building.

c. In addition to the parking required by section 48-1266, one paved parking space shall be provided for each person employed at the facility during any given period of the day.

(Ord. No. 493, §§ 15.699.1(10.103(a)(1)), 15.699.2(10.103(a)(2)), 15.699.3(10.103(a)(3)), 4-12-1991)

Sec. 48-1144. - Automobile service stations.

It is the intent of this section to provide standards for automobile service stations. Generally, automobile service stations will be located adjacent to arterial or collector streets and intended to serve residential neighborhoods.

(1) *Uses included.* The following uses may be permitted in conjunction with automobile service stations:

a. Retail sales of gasoline, oil and similar products;

b. Automobile washing; and

c. Automobile maintenance, including minor mechanical repairs.

(2) *Site development standards.* The uses listed in subsection (1) of this section shall comply with the following site development standards:

a. Gasoline service stations shall have 500 square feet of additional site area for each additional pump over four.

b. All equipment including hydraulic hoist, pits and oil lubrication, greasing and automobile washing, and repairing equipment shall be entirely enclosed within a building. Any such portion of a building containing washing areas shall consist of a solid exterior masonry wall or equivalent, approved by the building and zoning administrator, with no openings other than those required for access. There shall be no outdoor storage of merchandise such as tires, lubricants and other accessory equipment except that outdoor trash storage may be provided in a properly screened container.

c. All activities, except those required to be performed at the fuel pump, shall be carried on inside a building. All vehicles upon which work is performed shall be located entirely within a building.

d. There shall be no aboveground tanks for the storage of gasoline, liquified petroleum gas, oil or other inflammable liquids or gas.

e. The automobile service station shall provide one parking space for each person employed at the station during any given period of the day. Each required parking space shall be no less than 200 square feet in area. No outdoor storage or parking of vehicles other than those used by employees while on duty, will be permitted.

(Ord. No. 369, §§ 15.701(10.104(1)), 15.702(10.104(2)), 15.703(10.104(3)), 6-26-1981)

Sec. 48-1145. - Billiard parlors and game rooms.

The following conditions shall apply to billiard parlors and game rooms:

(1) Children under 16 years of age may not remain on the premises after 9:00 p.m.

(2) No betting or gambling shall be allowed an the premises.

(3) The above uses shall not be allowed adjacent to residential areas, other than AR-7 or AR-8.

(Ord. No. 369, § 15.705(10.105), 6-26-1981)

Sec. 48-1146. - Convalescent homes.

The following conditions shall apply to convalescent homes:

(1) Adequate off-street parking to the side or rear of any building shall be provided for employees and guests.

(2) No material of any kind may be stored on the exterior of the building.

(3) An area of 1,000 square feet of yard space shall be provided for every available patient space.

(4) The perimeter of the land upon which the home is located shall have a ten foot buffer strip with continuous screening bushes or plants which shall attain a minimum height of five feet, except as regulated by article XII of this chapter, relating to fences.

(5) Outdoor yard facilities of a recreational nature shall be installed, such as shuffleboard or horseshoe pits.

(6) The yard space shall be flat and maintained with grass.

(Ord. No. 369, § 15.715(10.107), 6-26-1981)

Sec. 48-1147. - Day care centers.

The following conditions shall apply to day care centers:

(1) No more than ten children may be accommodated in any house located in a single-family residential area.

(2) A separate room or rooms containing a minimum of 150 square feet per child must be available for use by the children.

(3) Adequate driveway space to accommodate four cars must be available.

(4) No employees may be hired in a day care center located in a residential neighborhood.

(5) All other provisions pertaining to any home occupation applicable to a day care center shall be observed.

(Ord. No. 369, § 15.720(10.108), 6-26-1981)

Sec. 48-1148. - Drive-in restaurants, outdoor theatres, miniature golf; go-kart and amusement parks.

It is the intent of this section to provide development regulations for drive-in restaurants, outdoor theatres, miniature golf, go-kart and amusement parks and other similar exterior commercial enterprises which potentially present particular problems in their relationships to adjacent uses and traffic patterns in which they are permitted. Drive-in restaurants, outdoor theatres, miniature golf, go-kart and amusement parks and other commercial uses shall comply with the following site development standards:

(1) The minimum site size shall be one acre.

(2) The minimum lot width at the building line shall be 200 feet.

(3) The outdoor space used for parking shall be hard surfaced, dust-free and adequately drained.

(4) All areas used for the storage of trash and rubbish shall be screened by a vertical screen consisting of structural or plant materials no less than six feet in height, with a view-obstructing door.

(5) The management of drive-in restaurants, outdoor theatres, miniature golf, go-kart and amusement parks and other commercial establishments shall provide adequate trash and litter containers, and the policing for the parking lot and the shoulders of adjacent roadways. These areas shall be completely cleared of accumulated debris as often as necessary.

(6) Exterior lighting shall be so installed that the surface of the source of light shall not be visible from any bedroom window, and so arranged as far as practical to reflect light away from any residential use, and in no case shall more than one foot candle power of light cross a lot line five feet above the ground into a residential district.

(Ord. No. 369, §§ 15.726(10.109(1)), 15.727(10.109(2)), 6-26-1981)

Sec. 48-1149. - Junk or salvage yards.

No junk, salvage or auto reduction yards shall be permitted in any district in the city.

(Ord. No. 369, § 15.740(10.112), 6-26-1981)

Sec. 48-1150. - Farms and animals.

The following conditions shall apply to farms containing animals:

(1) No barn may be located closer than 200 feet from the road right-of-way, or 150 feet from the nearest adjacent lot line.

(2) No farming operations using equipment shall be allowed after 10:00 p.m. or before 6:00 a.m.

(3) No refuse, offal or manure may be spread within 200 feet of any adjacent residential dwelling.

(4) Farm animals shall be fenced or penned with materials sufficient to contain the animals. Any animals running at large shall be prima facie evidence that the enclosure was not sufficient.

(5) No farm animal may be fenced or penned within 200 feet of any adjacent dwelling, or at any point closer than 150 feet of a road right-of-way unless in a pasture. A definable front, side or back yard shall not be considered a pasture.

(6) Adjacent property owners may use a common fence, but where a property owner having a preexisting fence objects, the other property owner shall provide his own enclosure not closer than one foot from the other fence.

(Ord. No. 369, § 15.730(10.110), 6-26-1981; Ord. No. 653, 5-17-2002)

Sec. 48-1151. - Horseback riding stables.

It is the intent of this section to provide standards for riding stables. The general intent is to permit such activities where the location, structures and trails will not cause significant environmental damage and adjoining properties and districts will not be adversely affected.

(1) Roadways shall be adequate to service guests but no more extensive than is necessary and shall be maintained in a passable condition adequate for access of ingress, egress and on-site movement of emergency vehicles.

(2) Water supply and wastewater disposal and treatment systems and facilities shall be approved by the county health department.

(3) The location and improvement of the proposed trail system must be reasonably safe and not cause significant environmental damage.

(4) The system for trail maintenance is capable of implementation and is maintained.

(5) The proposed trail system will not unreasonably affect adjoining property.

(6) The proposed plan for operating the trail system, including hours of the day for use, safety, emergency facilities, regulation and control of trails and off-trail areas, trail relationship to available toilet and waste disposal facilities, is found by the planning commission to be adequate for environmental protection, health, safety of trail users and the general community.

(7) Assembly and rest areas shall include adequate parking areas, toilet facilities and solid waste containers and the planning commission may impose other limitations and requirements found necessary to fulfill the purposes of this chapter.

(Ord. No. 369, §§ 15.736(10.111(1)), 15.737(10.111(2)), 6-26-1981)

Sec. 48-1152. - Kennels.

It is the intent of this section to provide development and operational regulations for kennels which potentially present particular problems to adjacent uses.

(1) The structure and fenced in area which will house the kennelled animals shall be placed no closer than 150 feet from the front lot line and 100 feet from the rear and side lot lines, and no closer than 300 feet to any residence other than the owner's.

(2) Adequate buffering measures shall be provided to reduce irritants to the sensory perceptions. The intensity level of sounds shall not exceed 55 decibels (dBA) at the common lot line when adjacent to residential uses and residential districts. The sound levels shall be measured with a type of audio output meter approved by the United States Bureau of Standards.

(Ord. No. 369, §§ 15.746(10.113(1)), 15.747(10.113(2)), 6-26-1981)

Sec. 48-1153. - General retail (C-2) district.

The following conditions shall apply to all uses found in the C-2 district (general retail):

(1) *Site and performance standards.*

a. All buildings shall front on an arterial collector street.

b. Snow storage in parking lots shall not be placed to obstruct a clear vision for ingress or egress for a distance of less than 75 feet.

(2) *Site development requirements.*

a. Any setback, sign, buffer strip, parking and other applicable provisions of this chapter shall be observed.

b. Lighting which causes glare to adjoining properties, to motorists, or is of a similar nature to traffic safety devices, or blinking or flashing shall be prohibited.

c. Parking lots with more than 100 spaces shall install proper ingress and egress signs, and shall install a red-and-white-lettered "STOP" sign at exit driveways.

d. Parking lots must be paved and be adequately drained.

e. At least 50 percent of the floor area must be devoted to retail sales as opposed to wholesale sales or warehousing storage floor area requirements.

(Ord. No. 369, §§ 15.750(10.114), 15.751(10.114(1)), 15.752(10.114(2)), 6-26-1981)

Sec. 48-1154. - Neighborhood commercial (C-1) district.

The following conditions apply to all uses allowed in a neighborhood commercial (C-1):

(1) All business, servicing or processing, except for off-street parking, shall be conducted within a completely enclosed building.

(2)

All business establishments shall be retail or service establishments dealing directly with customers. All goods produced on the premises shall be sold at retail on premises where produced.

(Ord. No. 369, §§ 15.755(10.115), 15.756(10.115(1)), 6-26-1981)

Sec. 48-1155. - Private parks/winter sports areas.

The following conditions shall apply to private parks/winter sports areas:

(1) All improvements, buildings and structures shall be found by the planning commission to not pose any health or safety hazard nor to pose significant damage to the environment.

(2) Proposed plans for the operation, use and maintenance of the property and facilities do not pose hazards, adversely affect adjoining properties and districts, nor adversely affect the environment.

(3) Proposed plans adequately provide for water supply, wastewater treatment and disposal, solid waste disposal, fire and police protection.

(4) No building, structure, parking area or other improvement shall be placed closer than 100 feet from adjoining public or private right-of-way, property lines or waterway.

(5) When a trail system is proposed, a plan shall show the location of the trail system and include hours of the day or night use, safety and emergency facilities, regulation and control of trails and off-trail areas, trail relationship to available toilet and waste disposal facilities, and said plan must be found by the planning commission to be adequate for environmental protection, health and safety of trail users and the general community.

(6) Assembly areas shall include adequate ingress and egress roads, parking areas, toilet facilities and solid waste containers.

(Ord. No. 369, §§ 15.760(10.116), 15.761(10.116(1)), 6-26-1981)

Sec. 48-1156. - Shooting ranges, gun clubs and skeet clubs.

The following conditions shall apply to shooting ranges, gun clubs and skeet clubs:

(1) Minimum lot area of 40 acres;

(2) Minimum front, side and rear yards of 250 feet;

(3) Hours of operation shall be 9:00 a.m. until 4:00 p.m.;

(4) Separation from residential dwellings and districts; the shooting range shall not be closer than one-quarter mile from all dwellings, residentially zoned districts and farm animals; and

(5) Rifle and pistol ranges shall have adequate backstops that meet the approval of the planning commission.

(Ord. No. 369, §§ 15.765(10.117), 15.766(10.117(1)), 6-26-1981)

Sec. 48-1157. - Wholesaling establishments and transportation terminals.

It is the intent of this section to provide regulations for wholesaling establishments with indoor and outdoor storage and transportation terminals.

(1) The outdoor space for parking and storage shall be hard surfaced and adequately drained.

(2) All areas used for outdoor storage shall be screened by a vertical screen consisting of structural or plant materials no less than six feet in height.

(3) The planning commission shall review all plans and reach decisions concerning the following:

a. The size and character of the proposed use;

b. The extent of traffic congestion or hazard which would be occasioned by the proposed use;

c. The total effect of the proposed use on adjoining properties and the surrounding neighborhoods; and

d. The frequency of use, hours of operation, parking requirements, ingress and egress, lighting and maintenance of any parking lots.

(Ord. No. 369, §§ 15.771(10.118(1), 15.772(10.118(2)), 6-26-1981)

Sec. 48-1158. - Two-family dwellings.

(a) *Intent.* It is the intent of this section to provide standards for two-family dwellings which may potentially present particular problems in their relationship to single-family residential uses.

(b) *Site development standards.*

(1) Two-family dwellings shall only be located on property zoned R-1 or R-2 single-family residential provided the property abuts on or across the street from a zoning district other than an R-1 through R-5 single-family residential district.

(2) The structure and site shall have an appearance that will not have an adverse effect upon adjacent residential property.

(3) The structure will be so located on the lot as to provide adequate separation by distance from adjacent residential properties so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land.

(4) If the site is located in an area where sanitary sewer is not available, then the site must be of sufficient size and width to provide on-site sewage disposal facilities that will not cause a potential health problem to adjacent property owners.

(5) All two-family dwellings will be so constructed as to provide side-by-side dwellings with substantial first floor living areas for each individual dwelling.

(6) The use, in the opinion of the planning commission and city council, is reasonably related to the overall needs of the community and to the existing land use.

(Ord. No. 369, § 15.775(10.119), 6-26-1981; Ord. No. 380, 5-14-1982)

Sec. 48-1159. - Impact studies.

(a) *Requirements.* The city may require a development impact assessment, or traffic impact assessment or study, or market study of the potential impact of any development encompassing a total of five acres or more for site plan review. special land use review, or rezoning. The assessments will be in conformance with the requirements below and prepared by persons qualified by education and experience.

(b) *Development impact assessment.*

(1) A development impact assessment may be required to permit the city to determine the potential impact of the proposed development on:

a. Municipal services (fire, police, sewer, water, library, roads, solid waste disposal and parks);

b. Natural environment (soils, wildlife, vegetation, stormwater, air and water quality and natural watercourses); and

c. Adjacent land uses (noise, property values and compatibility in bulk, height, design and open space).

(2) The development impact assessment will contain information adequate to allow a determination as to the overall effect of the proposed development on the area affected by the proposed development and to the city as a whole. The community development director shall determine the level of detail and the elements required in the development impact assessment. The extent to which the development conforms with the city's master plan shall be considered in determining the necessity and elements of the development impact assessment.

(3) The planning commission or city commission, upon review of the submitted development impact assessment, may require additional information it deems necessary to adequately assess the overall effect of the development.

(c) *Traffic impact assessment, traffic impact study.*

(1) The level of detail required for either a traffic impact assessment or study is based upon the expected amount of traffic to be generated by the proposed use, based on generally accepted traffic engineering sources such as the Michigan Handbook entitled "Evaluating Traffic Impact Studies."

(2) A traffic impact assessment shall be required for projects expected to generate either between 50-99 directional trips during peak hour traffic or 500-750 directional trips during a typical day. The assessment shall evaluate current and future inbound and outbound traffic operations at site access points and shall support and describe proposed access design and other mitigation measures that will positively affect traffic operations at these points.

(3) A traffic impact study shall be required for projects expected to generate either 100 or more directional trips in the peak hour or over 750 trips on an average day. The impact study shall evaluate current, background and future traffic operations at site access points and major signalized or non-signalized intersections in proximity to the site. The impact study must also describe and support proposed access design and other mitigation measures that will positively affect traffic operations at the site and nearby intersections. The traffic impact study must take into account the master plan in analyzing future traffic developments.

(d) *Market study.*

(1) When required by the community development director, planning commission or city council, an applicant shall detail and address the financial impact of a proposed special use, including but not limited to whether and how the proposed special use will now and in the reasonably foreseeable future:

a. Impact the general objectives of the master plan as amended;

b. Be operated and maintained so as to be harmonious and appropriate in appearance with existing or intended characters located in the general vicinity;

c. Disturb existing or future neighboring uses;

d. Create additional requirements at public cost for public facilities and services; and

e. Be a detrimental impact to the economic welfare of the city.

(2) The city may, at the applicants expense, chose to have the market study evaluated by a competent firm, person or corporation, so as to advise the city as to the appropriateness of the conclusions rendered in the market study.

(Ord. No. 653, § 15.780(10.120), 5-17-2002)

Sec. 48-1160. - Cemeteries.

(a) *General requirements.* The provisions of this section apply to cemeteries.

(1) A detailed, scaled site plan addressing the following additional requirements must be submitted for review and approval by the planning commission and city council.

(2) Cemeteries shall be located on unplatted land, on a site of at least 10 acres.

(3) Notwithstanding the minimum lot area for any zone, there shall be not more than 1,500 plots per net acre (less walkways, driveways and buffers).

(4) No crematoriums shall be permitted.

(b) *Access requirements.*

(1) All access shall be provided from a public or secondary thoroughfare, having a right-of-way of 66 feet or more. The entrance driveways must be constructed to city specifications and all interior roadways must be completed with a concrete or asphaltic surface with a minimum width of 20 feet.

(2) Adequate off-street waiting space shall be provided for funeral processions so that no vehicle stands or waits in a dedicated right-of-way.

(3) The site proposed for a cemetery shall not interfere with the development of a system of collector and larger streets.

(c) *Site development requirements.*

(1) All sides of the cemetery shall be screened from any residential view, as well as the street, by providing a screen consisting of natural and/or new vegetation, initially not less than 6 feet in height, measured from the surface of the ground.

(2) All cemeteries shall maintain a minimum 50 foot landscaped strip on all property lines abutting residential property as well as along all streets, measured from the property/right-of-way line. All graves or burial plots shall be set back at 50 feet from any property line and any street bounding the cemetery, measured from the property/right-of-way line. All buildings and structures, including mausoleums, shall be set back at 100 feet from any property line and any street bounding the cemetery, measured from the property/right-of-way line.

(3) Approval of the site plan shall be contingent on a satisfactory drainage plan approved by the city's department of public works.

(4) No interments shall be made within 150 feet of any well used for drinking water purposes. Written assurances must also be provided that water supplies of surrounding properties will not be contaminated by burial activity within the proposed cemetery.

(5) No burial plots or facilities shall be permitted within an established floodplain land.

(6) No burial plots shall be established where interment would occur below the groundwater table.

(7) The plan shall include an approved public water supply and/or well for site irrigation.

(8) No approval for cemetery use will be issued until written final approval has been obtained from the county health department.

(d) *Completion requirements.* No interments shall be made until paved streets, basic landscaping and all stormwater retention facilities have been constructed.

(Ord. No. 657, § 15.781(10.121), 3-14-2003)

Sec. 48-1161. - Multiuse inside self-storage facilities.

The provisions of this section apply to multiuse inside self-storage facilities.

(1) A market study must be submitted addressing:

a. How the project would impact the general objectives of the master plan;

b. How it would be operated so as to be harmonious and appropriate in appearance with the existing character of the surrounding area or intended land uses;

c. Whether it would create additional requirements at public cost for public facilities and services;

d. Whether it would disturb existing or future neighborhoods; and

e. If it would be a detriment to the economic welfare of the city.

(2) All units in the proposed structure must be equipped with an interior/indoor access.

(3) The units will be used primarily for industrial and commercial storage.

(4) All buildings will be entirely climate controlled.

(Ord. No. 688, § 3(15.782(10.122)), 6-6-2006)

Sec. 48-1162. - Parcels containing two detached single-family structures.

The provisions of this section apply to parcels zoned R-1, R-2, R-3, R-4, R-5, and CR-6 which contain two detached, single-family principal structures at the time of this chapter's adoption. When one of the principal structures is destroyed or removed from the premises, the following standards shall apply to the replacement of this structure:

(1) The replacement principal structure will meet all setback, height and lot coverage requirements of the corresponding zoned district as defined in article III, division 19, schedule of regulations.

(2) The replacement principal structure shall not exceed by more than ten percent the first floor area of the previous principal structure.

(3) There shall be provided for each new replacement principal structure an unoccupied, unobstructed 25-foot recorded easement or right-of-way granting right of ingress and egress for public vehicles and/or public utilities.

(Ord. No. 735, § 6, 7-5-2011)

Secs. 48-1163—48-1176. - Reserved.

DIVISION 2. - WIRELESS COMMUNICATIONS TOWERS AND ANTENNAS

Sec. 48-1177. - Definitions.

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

*Alternative tower structure* means manmade trees, clock towers, bell steeples, church spires, light poles, elevator bulkheads and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

*Antenna* means any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless communications signals or other communication signals.

*FAA* means the Federal Aviation Administration.

*FCC* means the Federal Communications Commission.

*Height* means the distance measured from the finished grade of the parcel at the center of the front of the building or structure to the highest point on the tower or other building or structure, including the base pad and any antenna, when referring to a tower or other building or structure upon which an antenna is mounted.

*Lattice tower* means a support structure constructed of vertical metal struts and cross braces, forming a triangular or square structure which of ten tapers from the foundation to the top.

*Preexisting towers* and*preexisting antennas* means any tower or antenna for which a building permit or special use permit has been properly issued prior to the effective date of the amendment to the ordinance from which this division is derived, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

*Tower* means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guyed towers or monopole towers, used for the transmission or reception of radio, telephone, cellular telephone, television, microwave or any other form of telecommunication signals. The term includes the structure and any support for the structure.

(Ord. No. 585, § 15.710(10.106(2)), 10-21-1997; Ord. No. 653, 5-17-2002)

Sec. 48-1178. - Purpose and goals; special use permits; standards.

(a) *Purpose.* The purpose of this division is to establish general guidelines for siting wireless communications towers and antennas.

(b) *Goals.* This division's goals are to:

(1) Protect residential areas and land uses from potential adverse impacts of towers and antennas;

(2) Encourage the location of towers and antennas in nonresidential areas;

(3) Minimize the total number of towers and antennas throughout the city;

(4) Promote the joint use of existing tower sites rather than the construction of additional towers;

(5) Promote the location of towers and antennas in areas where the adverse impact on the city is minimal;

(6) Promote the configuration of towers and antennas to minimize their adverse visual impact through careful design, siting, landscape screening, and innovative camouflaging techniques;

(7) Promote telecommunications services in the city which are quick, effective, and efficient;

(8) Protect the public health and safety of the city and its residents; and

(9) Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

To further these goals, the city shall consider its land use plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

(c) *Applicability.*

(1) *New towers and antennas.* All new towers and new antennas in the city shall be subject to this section, except as otherwise provided in this section.

(2) *Amateur radio station operators/receive only antennas.* This section shall not govern any tower, or the installation of any antenna, that is under 70 feet in height and is owned and operated by a federally-licensed amateur radio station or is used exclusively for receive only antennas.

(3) *Preexisting tower and antennas.* Preexisting towers and preexisting antennas shall not be required to meet the requirements of this section, other than the requirements of subsections (e)(6) and (e)(7) of this section.

(d) *Locations for special use permits.* Special use permits for towers and antennas shall only be granted for the following locations:

(1) Municipal building complex;

(2) Public works garage;

(3) Mona Shores High School stadium;

(4) Elks Park;

(5) Oakridge golf course/WKBZ radio station;

(6) Grand Haven Road industrial areas, including a city-owned lot at the southwest corner of Farr and Grand Haven Roads where the lift station is located;

(7) Jack Loeks'/radio station property at the southeast corner of Getty and Summit;

(8) 3530 Henry Street (27-107-100-0016-00);

(9) 2850 Lincoln Street (27-002-100-0023-00); and

(10) 455 Ellis Road (27-120-100-0013-00).

(e) *General requirements.*

(1) *Principal accessory use.* Antennas and towers may be considered either principal or accessory uses. A different existing use of or on the same lot shall not preclude the installation of an antenna or tower on that lot.

(2) *Lot size.* Even though antennas or towers may be located on leased portions of a lot, the dimensions of the entire lot shall be used to determine if the installation of a tower or antenna complies with the regulations of the applicable zoning district, including but not limited to setback requirements, lot-coverage requirements and other such requirements.

(3) *Inventory of existing sites.* Each applicant for an antenna and/or tower shall provide to the zoning administrator an inventory of its existing towers, antennas or sites approved for towers or antennas, that are either within the jurisdiction of the city or within one mile of the city borders, including specific information about the location, height, and design of each tower or antenna.

(4) *Tower finish.* Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.

(5) *Tower site.* At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend them into the natural setting and surrounding buildings.

(6) *Antenna color.* An antenna and its supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

(7) *Lighting.* Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.

(8) *State or federal requirements.* All towers and antennas must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this section shall bring such towers and antennas into compliance with such revised and applicable standards and regulations within six months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to comply with such revised and applicable standards and regulations shall constitute grounds for the city to seek a court order, authorizing the city or its designee to remove the tower or antenna at the owner's expense.

(9) *State construction codes; safety standards.* The owner of a tower or antenna shall ensure its structural integrity by maintaining it in compliance with standards contained in applicable state construction codes and applicable standards published by the Electronic Industries Association, as amended from time to time. If the city suspects that a tower or an antenna does not comply with such codes and standards and constitutes a danger to persons or property, then the city may proceed under applicable state law (i.e. Public Act No. 144 of 1992 (MCL 125.538 et seq.)) or common law to bring the tower or antenna into compliance or to remove the tower or antenna at the owner's expense.

(10) *Measurement.* Tower setbacks and separation distances shall be measured and applied to facilities located in the city without regard to municipal and county jurisdictional boundaries.

(11) *Not essential services.* Towers and antennas shall be regulated and permitted pursuant to this section. They shall not be regulated or permitted as essential services, public utilities or private utilities.

(12)

*Franchises.* Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in the city have been obtained; they shall file a copy of ail required franchises with the public works director.

(13) *Signs.* No signs shall be allowed on an antenna or tower.

(f) *Permitted uses.*

(1) *Generally.* The uses listed in this section are deemed to be permitted uses by right in any zoning district and shall not require a special use permit.

(2) *Permitted uses.*

a. Antennas or towers located on property owned, leased, or otherwise controlled by the city are permitted uses, provided a license or lease authorizing such antenna or tower has been approved by the city.

b. Antennas not more than 30 feet in height and located upon legally-existing lattice electric transmission towers are permitted uses.

(g) *Special use permits.*

(1) *Generally.* The following provisions shall govern the issuance of special use permits for towers or antennas.

a. If the tower or antenna is not a permitted use under subsection 5. of this section, then a special use permit shall be required for the construction of a tower or the placement of an antenna in any zoning district.

b. Applications for special use permits under this section shall be subject to the general procedures and requirements of this zoning ordinance for specified uses, except as modified in this section.

c. In granting a special use permit, the planning commission and city council may impose such conditions that they conclude are necessary to minimize any adverse effect of the proposed tower or antenna on adjoining properties.

d. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.

(2) *Processing special use applications.*

a. Applicants for a special use permit for a tower or an antenna shall submit the following information, in addition to any other information required by this chapter.

1. A scaled site plan showing the location, type and height of the proposed tower or antennas; on site land uses and zoning; adjacent land uses and zoning (even if adjacent to another municipality); land use plan classification of the site and all properties within the applicable separation distances set forth in subsection (g)(2)e. of this section; adjacent roadways; proposed means of access, setbacks from property lines, elevation drawings of the proposed tower or antenna and any other structures; topography; parking; and other information deemed necessary by the public works director, planning commission, or city council to assess compliance with this chapter;

2. Legal description of the lot and the leased portion of the lot (if applicable);

3.

The setback distance between the proposed tower or antenna and the nearest dwelling, platted residentially zoned properties, and unplatted residentially zoned properties;

4. The separation distance from other towers or antennas described in the inventory of existing sites submitted pursuant to subsection (e)(3) of this section, the type of construction of those existing towers or antennas, and the owners/operators of those existing towers and antennas, if known;
5. A landscape plan showing specific landscape materials;
6. Method of fencing, finished color and, if applicable, the method of camouflage and illumination;
7. A description of compliance with the requirements of this section, and of all applicable federal, state, county or city laws, rules, regulations and ordinances;
8. A notarized statement by the applicant for a tower, indicating if the tower will accommodate additional antennas for future users;
9. A description of the services to be provided by the proposed new tower or antenna, and any alternative ways to provide those services without the proposed new tower or antenna; and
10. A description of the feasible locations of future towers or antennas within the city based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower or antenna is erected.

b. *Factors considered in granting special use permits for towers or antennas.* In addition to any other standards specified in this division for considering special use permit applications, the planning commission and city council shall consider the following factors in determining whether to issue a special use permit under this chapter:

1. Height of the proposed tower or antenna;
2. Proximity of the proposed tower or antenna to residential structures and residential district boundaries;
3. Nature of uses on adjacent and nearby properties;
4. Surrounding topography;
5. Surrounding tree coverage and foliage;
6. Design of the proposed tower or antenna, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
7. Proposed ingress and egress to the proposed tower or antenna;
8. Availability of suitable existing towers or antennas, alternative tower structures, alternative locations, other structures, or alternative technologies not requiring the use of towers or antennas or other structures, as discussed below in this section;
9. The effect of the proposed tower or antenna on the surrounding neighborhood; and
10. Whether or not the proposed tower or antenna is located in zoning districts or on structures where the city intends at least most towers and antennas in the city to be located, as subsequently described in this section.

c.

*Availability of suitable existing towers, antennas, alternative tower structures, other structures or alternative technologies.* No new tower or antenna shall be permitted unless the applicant demonstrates that no existing tower, antenna, alternative tower structure or alternative technology or alternative location can provide the services sought by the applicant without the erection of the applicant's requested new tower or antenna. Evidence that no existing towers, antennas, alternative tower structures, other structures or alternative technologies can provide the services sought by the applicant may consist of the following:

1. The applicant could demonstrate that no existing towers, antennas, alternative tower structures, alternative technology or other structures are available within the geographical area which meet the applicant's engineering requirements.
2. The applicant could demonstrate that existing towers, antennas, alternative tower structures or other structures are not of sufficient height to meet the applicant's engineering requirements, and that their height cannot be increased to meet such requirements.
3. The applicant could demonstrate that existing towers, alternate tower structures or other structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment, and that their strength cannot practically be increased to provide that support.
4. The applicant could demonstrate that the proposed antenna would cause electromagnetic interference with existing towers or antennas, or that existing tower or antennas would cause interference with the applicant's proposed antenna.
5. The applicant could demonstrate that the costs to collocate an antenna exceed the costs of erecting a new tower or antenna.
6. The applicant could demonstrate that there are other limiting factors that render existing towers, antennas, alternative tower structures, and other structures or locations are unsuitable.
7. The applicant could demonstrate that an alternative technology that does not require the use of towers or antennas is cost-prohibitive or unsuitable.

d. *Setbacks.* The following setback requirements shall apply all towers for which a special use permit is required:
   1. Towers must be set back a distance equal to at least 75 percent of the height of the tower from any adjoining lot line.
   2. Guys and accessory buildings must satisfy the minimum setback requirements for the applicable zoning district.

e. *Separation.* The following separation requirements shall apply to all towers for which a special use permit is required:
   1. Separation of towers from off-site uses/designated areas.
      (i) Tower separation shall be measured from the base of the tower to the lot line of the off-site uses and/or designated areas as specified in Table 1, except as otherwise provided in Table 1.
      (ii) Separation requirements for towers shall comply with the minimum standards established in Table 1.

TABLE 1

| Off-Site Use/Designated Area | Separation Distance [1] |
|---|---|
| Single-family or two-family dwelling units [2] | 200 feet or three times the height of the tower, whichever is greater |
| Unimproved "Single-Family or Multiple-Family Residential" land which is either platted or has preliminary subdivision plan approval which is not expired | 200 feet or three times the height of the tower, whichever is greater |
| Other unimproved residentially zoned lands [3] | 100 feet or the height of the tower, whichever is greater |
| Existing multiple-family dwelling units | 100 feet or the height of the tower, whichever is greater |
| Nonresidentially zoned lands or nonresidential uses, if not covered by any of the above categories | None: only setbacks established by this division apply |
| [1] Separation measured from base of tower to closest building setback line. | |
| [2] Included modular homes and mobile homes used for living purposes. | |
| [3] Includes any unplatted residentially zoned properties without a valid preliminary subdivision plan or valid development approval and any "multiple-family residential" zoning district land. | |

2. Separation distances between towers.

(i) Separation distances between towers shall be applicable for and measured between the proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower.

(ii) Separation distances between towers shall comply with the minimum distances (listed in linear feet) established in Table 2.

TABLE 2
EXISTING TOWERS TYPES

| | *Lattice* | *Guyed* | *Monopole 75 Feet in Height or Greater* | *Monopole Less Than 75 Feet in Height* |
|---|---|---|---|---|
| Lattice | 5,000 | 5,000 | 1,500 | 750 |
| Guyed | 5,000 | 5,000 | 1,500 | 750 |
| Monopole 75 Feet in Height or Greater | 1,500 | 1,500 | 1,500 | 750 |
| Monopole Less than 75 Feet in Height | 750 | 750 | 750 | 750 |

f. *Security fencing.* Towers for which a special use permit is required shall be enclosed by security fencing not less than six feet in height and shall also be equipped with appropriate anticlimbing devices.

g. *Landscaping.* The following requirements shall govern the landscaping surrounding towers for which a special use permit is required.

1. Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences or included in a residential zone, The standard buffer shall consist of a landscaped strip at least four feet wide outside the perimeter of the compound.
2. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible, in some cases, such as towers sited on large wooded lots, the planning commission and city council may conclude that natural growth around the property perimeter may be a sufficient buffer.

(h) *Accessory utility buildings.* All utility buildings and structures accessory to a tower or an antenna shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements of the underlying zoning district. Ground-mounted equipment shall be screened from view by suitable vegetation, except where a design of nonvegetative screening better reflects and complements the architectural character of the surrounding neighborhood.

(i) *Removal of abandoned antennas and towers.* Notwithstanding anything to the contrary elsewhere in this zoning ordinance, any antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within 90 days of receipt of notice from the city notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within the 90 days shall be grounds for the city to proceed under applicable state law to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

(j) *Expansion of nonconforming use.* Notwithstanding any other provisions of this division to the contrary, towers that are constructed and antennas that are installed in accordance with this chapter shall not be deemed to be the expansion of a nonconforming use or structure.

(k) *Amateur radio station operator/receive only antennas.* Antennas and towers less than 70 feet in height may be erected in the designated rear yard in any zoning district if in compliance with the following restrictions:

(1) No part of any tower or antenna shall be constructed, located or maintained at any time, permanently or temporarily, in or upon any required setback area for the district within which the antenna or tower is located.

(2) The required setback for antenna and tower not rigidly attached to a building, shall be equal to the height of the antenna and tower. Those antenna and towers rigidly attached to a building and whose base is on the ground, may reduce this required setback by the amount equal to the distance from the point of attachment to the ground.

(3)

No tower shall be in excess of height equal to the distance from the base of the antenna and tower to the nearest overhead electrical power line which serves more than one dwelling or place of business, less five feet.

(4) Metal towers shall be constructed of, or treated with, corrosive resistant material. Wooden poles shall be impregnated with rot-resistant substances.

(5) No part of any antenna or tower, nor any lines, cables, equipment or wires or braces in connection with either, shall at any time extend across or over any part of the right-of-way, public street, highway, sidewalk or property line.

(6) Towers with antenna shall be designed to withstand a uniform wind loading as prescribed by the applicable state construction code, the provisions of which are hereby incorporated by reference.

(7) Antenna and metal towers shall be grounded for protection against direct strikes by lightning and shall comply as to electrical wiring and connections with all applicable local statutes, regulations and standards.

(8) Every tower affixed to the ground shall be protected to discourage climbing of the tower by unauthorized persons.

(Ord. No. 585, § 15.710(10.106(1), (3)—(10)), 10-21-1997; Ord. No. 611, 4-16-1999; Ord. No. 653, 5-17-2002; Ord. No. 728, § 1, 8-2-2010; Ord. No. 729, § 1, 1-4-2011; Ord. No. 764, § 1, 5-2-2005; Ord. No. 766, § 1, 5-4-2015)

Sec. 48-1179. - Motion picture and broadcasting or recording studios.

The following conditions shall apply to motion picture and broadcasting or recording studios:

(1) Motion picture and broadcasting or recording studios shall be entirely contained within an enclosed building.

(2) No on-site housing of personnel and talent is permitted.

(Ord. No. 740, § 4, 11-1-2011)

Secs. 48-1180—48-1235. - Reserved.

ARTICLE IX. - LAND BUFFERS, GREENBELTS AND BERMS

Sec. 48-1236. - Scope, purpose and intent.

(a) It is the purpose of this article to require buffers, greenbelts or berms around certain land uses. Primarily, it is designed to save natural vegetation, where possible. Where it is not possible, or more attractive alternative landscaping of equal amounts is available, it is the thrust of this article to preserve the green spaces in the city, rather than creating open spaces void of any, or little, vegetation.

(b) The goal is to expand the number of developments which have exercised this option voluntarily, and have created attractive businesses, which the city believes will lead to expanded economic development and new jobs, by creating the most attractive market and job place in the region.

(c)

The scope of these regulations is limited to all business enterprises, including multiresidential developments. An additional intent is to soften the impact of a development on any adjoining property, particularly if it is abutting a different use. But even if it abuts a similar use, it is the intent to allow some additional degree of individuality to a particular site through landscape use and design.

(d) In addition, buffer strips are intended to maintain or improve air quality, stabilize soils, increase groundwater filtration, decrease wind velocity, reduce noise, and create zones of privacy.

(Ord. No. 369, § 15.850(12.100), 6-26-1981)

Sec. 48-1237. - General requirements.

(a) Whenever a greenbelt or buffer strip is required, the area shall be improved and maintained with landscaping consisting of grass, shrubbery, trees or other approved plants. The planning commission may allow the existing vegetation or a portion of the existing vegetation to remain as fulfilling all or part of the landscaping requirements.

(b) Whenever possible, after consideration of the size, location, species and root formation, the planning commission shall require part or all of the existing trees to remain in the landscaped area.

(c) Residential multiple-family developments shall be encouraged to leave enough existing trees to provide shade for at least 50 percent of the yard space. No tree exceeding ten inches in diameter in any part of the yard area, with the exception of the building locations, parking lots, and walkways, shall be removed without planning commission approval.

(d) For the purpose of determining landscaping and screening requirements, all yards fronting on a street shall be considered a front yard.

(e) These general provisions shall be in addition to the specific provisions of section 48-1238.

(Ord. No. 369, § 15.855(12.101), 6-26-1981)

Sec. 48-1238. - Special conditions for specific land uses.

(a) *CR-6, AR-7, AR-8, AG, REC AND PO districts.* In the CR-6, AR-7, AR-8, AG, REC, and PO districts, a landscaped yard shall be provided and maintained as follows:

(1) Along all streets and traveled rights-of-way, the yard shall be a minimum of 20 feet in depth, as measured from the street right-of-way. The yard shall extend along the entire frontage of the lot, except for driveways, and shall be kept clear of all storage, structures and parking. When the landscaped yard lies between a street and an off-street parking area, an earth berm, evergreen hedge, or similar planting shall be provided as screening between the off-street parking area and the street. The planning commission may approve an alternate method of screening, such as a wall, solid fence, or planter, if found to be more compatible with the proposed development. The screening shall be a minimum of three feet high, as measured from the adjacent finished surface of the parking area, and shall be required for all off-street parking areas located in a front yard. An additional yard depth or screening height may be required if, in the discretion of the planning commission, a greater distance is required for the promotion of the goals of this chapter.

(2)

Along all side and rear boundary lines, the landscaped area shall be at least ten feet in width, and shall be kept clear of all storage, structures and parking.

(b) *GO, C-1, C-2, AND C-3 districts.* In the GO, C-1, C-2, and C-3 districts, a landscaped yard shall be provided and maintained as follows:

(1) In the same manner as the requirements of subsection (a)(1) of this section.

(2) Along side or rear boundary lines, when adjacent to a residential district (R-1 through R-5, CR-6, AR-7, and AR-8), the landscaped area shall be at least 20 feet in width.

(3) Whenever any business or office use (i.e., structure, storage or parking area) is adjacent to and within 100 feet of the residential use or zone (R-1 through R-5, CR-6, AR-7, and AR-8), there shall be provided screening along the boundary of the residential property. The screening shall consist of a solid fence, wall, earth berm, evergreen hedge, or equivalent not less than six feet in height.

(c) *GI district.* In the GI district, a landscaped yard shall be provided and maintained as follows:

(1) In the same manner as set forth in subsection (a) of this section, except the yard depth shall be 30 feet.

(2) Along side or rear boundary lines when adjacent to nonindustrial property, the landscaped area shall be at least 25 feet in width.

(3) Whenever any industrial use (i.e., structure, storage, or parking area) is adjacent to and within 100 feet of a nonindustrial district, there shall be provided screening along the boundary of the nonindustrial district. The screening shall consist of a solid fence, wall, earth berm, evergreen hedge or equivalent not less than six feet in height.

(Ord. No. 369, §§ 15.861(12.102(1)), 15.862(12.102(2)), 15.863(12.102(3)), 6-26-1981)

Secs. 48-1239—48-1264. - Reserved.

ARTICLE X. - OFF-STREET PARKING REQUIREMENTS

Sec. 48-1265. - General regulations.

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

(1) Off-street parking spaces may be located within a front, side or rear yard with the exception that parking spaces are not allowed within any required landscaped buffer yards as defined in article IX.

(2) Off-street parking for other than residential use shall be either on the same lot or within 300 feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot, except that no off-street parking for use in a nonresidential district shall be permitted in a residential district. Ownership shall be shown of all lots or parcels intended for use as parking by the applicant.

(3)

Required residential off-street parking spaces shall consist of a parking strip, parking bay, driveway, garage or combination thereof and shall be located on the premises they are intended to serve.

(4) Minimum required off-street parking spaces shall not be replaced by any other use unless and/or until equal parking facilities are provided elsewhere.

(5) Off-street parking existing at the effective date of the ordinance from which this article is derived, in connection with the operation of an existing building or use, shall not be reduced to an amount less than hereinafter required for a similar new building or new use.

(6) Two or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.

(7) In the instance of dual function of off-street parking spaces where operating hours of buildings do not overlap, the zoning board of appeals may grant an exception.

(8) The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited in required off-street parking areas.

(9) For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which the planning commission considers is similar in type.

(10) When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half shall be disregarded and fractions over one-half shall require one parking space.

(11) For the purpose of computing the number of parking spaces required, the definition of the term "usable floor area" as defined in this chapter shall govern.

(Ord. No. 369, § 15.900(13.100), 6-26-1981)

Sec. 48-1266. - Schedule of off-street parking spaces.

The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule, unless specified in any other section of this chapter:

| Use | | | Minimum number of parking spaces per unit of measure |
|---|---|---|---|
| 1. | Residential Uses | | |
| | (1) | Assisted Living | 1 space per 3 dwelling units |
| | (2) | Dwelling, One- and Two-Family | 2 spaces per unit |
| | (3) | Dwelling, Multiple Family | 2 spaces per unit |
| | (4) | Manufactured Housing | 2 spaces per dwelling, plus 1 off-community street space per 10 dwelling units |
| | (5) | Nursing Home | 1.5 spaces per 1,000 square feet of gross floor area |
| | (6) | Residential Above Retail or Office | 1.2 spaces for each dwelling unit, plus parking for the nonresidential uses as determined in this section 48-1266 |
| 2. | Institutional and Related Uses | | |
| | (1) | Airport | 1 space per each 5 aircraft parking spaces |

| | | | |
|---|---|---|---|
| | (2) | Cemetery | 1 space per employee of largest working shift, plus 1 space for each 3 seats of seating capacity in any facility for internment services |
| | (3) | Church | 1 space per 4 seats in primary gathering area |
| | (4) | Educational Facility | 1 space per employee of largest shift, plus 1 space for each classroom and 1 space for each 4 seats of seating capacity in any auditorium or gymnasium |
| | (5) | Golf Course | 6 spaces per hole |
| | (6) | Hospitals, Clinics, Urgent Care | 1 space per employee in the largest shift plus 1 space for each 3 beds dedicated to in-patient care and 1 space for each 1,000 square feet of area dedicated to out-patient services |
| | (7) | Library | Applicant shall demonstrate parking demand, but not less than 1 space per 500 square feet of gross floor area |
| | (8) | Nursing Care Facility | 1 space per employee in the largest shift plus 1 space for each 4 beds |
| | (9) | Park | 3 spaces per 1 acre of park land |
| | (10) | Place of Public Assembly | 1 space per 4 seats of legal capacity |
| | (11) | Recreational Community Center | 3 spaces per 1,000 square feet of gross floor area |
| | (12) | Trade or Industrial School | Applicant shall demonstrate parking demand, but not less than 1 space per 300 square feet of gross floor area |
| 3. | Commercial Uses | | |
| | (1) | Automobile Gas Station | 1 space per 150 square feet dedicated to retail activity, plus 1 space at each fuel pump, plus 1 stacking space per fuel nozzle |
| | (2) | Automobile Repair, all types | 1 space per employee of largest shift, plus 1 space per service bay |
| | (3) | Automobile Auto Wash | 3 stacking spaces per bay, plus 1 space per 350 square feet of retail/office space, not including car wash bays |
| | (4) | Bank | 1 space per 300 square feet of gross floor area |
| | (5) | Bed and Breakfast | 2 spaces for the principal dwelling use, plus 1 off-street space per rental room |
| | (6) | Day Care, Group and Commercial | 2 spaces for the principal dwelling use, if applicable, plus 1 space per employee of largest shift, plus 1 space per 4 clients |
| | (7) | Drive-through Business | 5 stacking spaces per drive-through lane with window service or 3 stacking spaces for drive-through ATM, in addition to any spaces required for the non-drive-through use |
| | (8) | Dry-Cleaning and Laundry Establishment, all types | 1 space per 350 square feet of retail space, plus 1 space per each 3 coin-operated machines, if applicable, and 1 space per each employee of the largest shift |

| | | | |
|---|---|---|---|
| | (9) | Eating and Drinking Establishment | 1 space per 3 seats of legal capacity |
| | (10) | Health Club | 4 spaces for each 800 square feet of gross floor area |
| | (11) | Home Occupation | 2 spaces for the principal dwelling use, plus up to 2 additional off-street spaces |
| | (12) | Hotel and Motel | 1 space per rental room |
| | (13) | Laundromats | 1 space for each 3 washing and dry cleaning machines |
| | (14) | Marina | 1 space per 1.5 slips or racks |
| | (15) | Mixed Use Development | 1.2 spaces for any dwelling unit, plus parking for any nonresidential uses as provided herein |
| | (16) | Mortuary | 1 space per employee of largest shift, plus 1 space per 4 seats of legal capacity |
| | (17) | Motor Vehicle Sales and Service Establishment | 1 space for each 400 square feet of gross floor area of sales room, plus 1 space for each auto service stall in the service room |
| | (18) | Multi-tenant Commercial Establishment | Applicant shall demonstrate parking demand, but not less than 1 space per 300 square feet of gross floor area |
| | (19) | Open-Air Business | 1 space per 350 square feet of indoor space devoted to retail activity, plus 1 space for each 2,000 square feet of outdoor display area |
| | (20) | Personal Service Business | 1 space per 350 square feet of gross floor area |
| | (21) | Recreation Facility, Commercial | Applicant shall demonstrate parking demand |
| | (22) | Recreation Facility, Outdoor | Applicant shall demonstrate parking demand |
| | (23) | Retail Business or Retail Sales dealing primarily in consumable and convenience goods | 1 space per 300 square feet of gross floor area up to 50,000 square feet of gross floor area, plus 1 space for each 400 feet of gross floor area in excess of 50,000 square feet |
| | (24) | Retail Business or Retail Sales dealing primarily in durable goods | 1 space per 250 square feet of gross floor area up to 10,000 square feet, plus 1 space for each 350 square feet of gross floor area in excess of 10,000 square feet |
| | (25) | Showroom | 1 space per 1,000 square feet of gross floor area |
| 4. | Office and Service Uses | | |
| | (1) | Medical Office | 1 space for each employee of the largest working shift, plus 1 space per 200 square feet of gross floor area |
| | (2) | Office Building | 1 space per 300 square feet of gross floor area |
| | (3) | Government Building | 1 space per 300 square feet of gross floor area, unless the Planning Commission determines a less parking allotment will effectively serve the use |
| | (4) | Professional Service Establishment | 1 space per 450 square feet of gross floor area |
| | (5) | Veterinary Hospital | 1 space per 300 square feet of gross floor area |
| 5. | Industrial, Storage and Related Uses | | |

| | | | |
|---|---|---|---|
| | (1) | Broadcasting or Recording Studio | 1 space for each 1,000 square feet of gross floor area |
| | (2) | Contractor's Establishment | 1 space per employee of the largest shift, plus 1 space for each 500 square feet of any retail or showroom space |
| | (3) | Manufacturing, Compounding, Processing | 1 space per employee of the largest shift, plus 1 space per 2,000 square feet of gross floor area |
| | (4) | Motion Picture Studio | 1 space for each 800 square feet of gross floor area |
| | (5) | Power Generating Facility | 1 space per employee of largest shift, plus 5 visitor spaces |
| | (6) | Research and Development | 1 space per employee of the largest shift, plus 5 visitor spaces |
| | (7) | Self-Service Storage Facility | 1.5 spaces per 100 storage units |
| | (8) | Warehouse | 5 spaces, plus 1 per employee on the largest shift |
| | (9) | Wholesale Facility | 1 space per 350 square feet of sales space, plus 1 space per employee of largest shift |

(Ord. No. 369, § 15.905(13.101), 6-26-1981; Ord. No. 740, § 5, 11-1-2011; Ord. No. 741, § 3, 1-3-2012)

Sec. 48-1267. - Off-street parking space layout, standards, construction and maintenance.

Whenever the off-street parking requires the building of an off-street parking facility, such off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations:

(1) No new parking lots, including all entrances and exits, shall be constructed unless and until a permit therefor is issued by the building and zoning administrator. A site plan for the construction and development of the parking lot shall be submitted to the planning commission and the city engineer for review and recommendation. No permit shall be issued until the planning commission and the city engineer are satisfied that the site plan, as submitted, shows that the provisions of this section will be fully complied with.

(2) Plans for the layout of off-street parking facilities shall be in accord with the design standards as set forth in the transportation and traffic engineering handbook by the Institute of Traffic Engineers.

(3) All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.

(4) Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles. Ingress and egress to a parking lot lying in an area zoned for other than single-family residential use shall not be across land zoned for single-family residential use.

(5) Each entrance and exit to and from any off-street parking lot located in an area zoned for other than single-family residential use shall be at least 20 feet distant from adjacent property located in any single-family residential district, and a sufficient distance from any street corner to allow the full development of the required radius curbing. The location and number of driveways allowed will be subject to a

determination of the traffic impact on the street system. The number of driveways will be held to a minimum with the location of the driveways subject to the impact of traffic operations of left turn and through traffic movements.

(6) The off-street parking area shall be provided with landscaped buffer areas and screening as required by the provisions of article IX.

(7) The entire parking area, including parking spaces and maneuvering lanes, required under this section shall be provided with asphaltic or concrete surfacing in accordance with specifications approved by the city engineer. The parking area shall be surfaced within eight months of the date the occupancy permit is used. Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property, street right-of-way, or toward buildings. All plans for surface water drainage shall be reviewed and approved by the city engineer.

(8) Off-street parking areas shall have all parking spaces adequately marked to designate stall depth and width and traffic circulation.

(9) All lighting used to illuminate any off-street parking area shall be so installed as to be confined within and directed onto the parking area only.

(10) In all cases where a wall or screening extends to an alley which is a means of ingress and egress to an off-street parking area, it shall be permissible to end the wall not more than ten feet from such alley line in order to permit a wider means of access to the parking area.

(11) A parking lot with ten or more parking spaces shall provide the following landscaping within the parking lot:

a. One tree shall be required per ten parking spaces, or fraction thereof.

b. No parking space shall be more than 100 feet from a tree.

c. At least 75 percent of the required trees shall be deciduous trees.

(12) The parking lot site plan shall include bioretention swales or other low impact design (LID) solutions to utilize rainwater for on-site irrigation. The minimum size of such swales shall be 36 square feet per tree.

(13) All parking lot lighting must be clearly illustrated on the site plan, including poles, wall packs, decorative lighting, etc. Only lighting approved on a site plan shall be permitted. All lighting, including freestanding, pole, canopy and building mounted, shall be night-sky friendly, fully shielded and directed downward to prevent off-site glare and illumination.

(Ord. No. 369, § 15.910(13.102), 6-26-1981; Ord. No. 741, § 4, 1-3-2012)

Sec. 48-1268. - Off-street loading and unloading.

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

(1) In commercial districts, loading space shall be provided in the rear yard, or in a side yard if approved by the planning commission, in the ratio of at least ten square feet per front foot of building and shall be computed separately from the off-street parking requirements. Where an alley exists or is provided at

the rear of buildings, the rear buildings setback and loading requirements may be computed from the center of said alley.

(2) Within a GI district all spaces shall be laid out in the dimension of at least ten by fifty feet, or 500 square feet in area, with a clearance of at least 14 feet in height. Loading dock approaches shall be provided with a pavement having an asphaltic or Portland cement binder so as to provide a permanent, durable and dustless surface. All spaces in a GI district shall be provided in the following ratio of spaces to floor area.

| Gross Floor Area (square feet) | Loading and Unloading<br>Space Required |
|---|---|
| 0—1,400 | None |
| 1,401—20,000 | One space |
| 20,001—100,000 | One space for each twenty thousand (20,000) square feet in excess of twenty thousand and one (20,001) square feet |
| 100,001 and over | Five spaces |

(3) All loading and unloading in a GI district shall be provided off-street in the rear yard or interior side yard, and shall in no instance be permitted in a front yard. In those instances where exterior side yards have a common relationship with an industrial district across a public thoroughfare, loading and unloading may take place in said exterior side yard when the setback is equal to at least 50 feet.

(Ord. No. 369, § 15.915(13.103), 6-26-1981)

Secs. 48-1269—48-1294. - Reserved.

ARTICLE XI. - SIGNS

*Footnotes:*
*--- (**13**) ---*
***State Law reference—** Highway advertising act, MCL 252.301 et seq.*

Sec. 48-1295. - Purpose.

The purposes of this article are:

(1) To permit such signs as will not, by reason of their size, location, construction or manner of display, endanger life and limb, confuse or mislead traffic, obstruct vision necessary for traffic safety, or otherwise endanger the public morals, health or safety; and

(2) To regulate such permitted signs in such a way as to create land use patterns compatible with major land use objectives; to retard visual blights and to prevent such signs from causing annoyance or disturbance to the citizens and residents of the city.

(Ord. No. 369, § 15.940(14.100), 6-26-1981)

Sec. 48-1296. - General provisions.

The following conditions shall apply to all signs erected or located in any use district, except where specifically excluded herefrom:

(1) *Prohibited signs.* All signs which are not expressly permitted by this chapter are hereby prohibited. This prohibition is intended to include, but is not limited to, portable signs, such as teepee, triangular, fold-up, roll-out or T-shaped signs not falling within the definitions of either freestanding, projecting or wall signs, and the prohibition also includes flags, banners (excluding decorative banners), pennants and streamers other than the flag, emblem or insignia of a nation or political unit.

(2) *Permits.* All signs shall conform to the codes and ordinances of the city. No sign shall be constructed, and no existing sign shall be renovated, altered, or moved unless a sign permit and necessary electrical permit is obtained from the building and zoning administrator and electrical inspector. A sign permit shall be issued by the building and zoning administrator only if the proposed sign conforms in all respects to the provisions of this article, and other provisions of the zoning ordinance and state construction code of the city. The sign permit fee schedule shall be determined by resolution of the city council and a copy of said resolution shall be on file with the building and zoning administrator. A permit shall not be required, however, for the performance of ordinary maintenance and repair.

(3) *Advertising signs.* No sign shall be permitted except that which directs attention to a business or profession conducted as a permitted use, or to one principal commodity, service or entertainment sold or offered as a permitted use, upon the property where such sign is located; provided, however, that off-premises advertising signs shall be permitted in the GI general industrial district, but must be located at least 100 feet but not more than 1,000 feet from the edge of the right-of-way of U.S. 31; and provided further that such off-premises signs shall not be erected closer than 1,000 feet to another off-premises advertising sign on the same side of the highway. The maximum height of off-premises advertising signs shall not exceed 30 feet.

(4) *Interference with public right-of-way.* No sign or portion thereof, except those erected and maintained by the city, county, state or federal governmental agencies to direct or control traffic, shall be located on or project into or overhang an area within ten feet of the edge of a public right-of-way or dedicated public easement unless the building and zoning administrator determines that the sign is constructed, or otherwise situated, in such a manner that it does not obstruct pedestrian or vehicular vision of traffic. In no case, however, shall any sign or portion thereof, other than a traffic control or directional sign, be located on or project into or overhang a public right-of-way or dedicated public easement.

(5) *Traffic signs.* All traffic directional and control signs required by city, county, state or federal agencies shall be permitted in all use districts. No permit shall be required for such signs.

(6) *Real estate signs.* Signs advertising land or buildings for rent, lease or sale shall be permitted when located on the land or building intended to be rented, leased or sold, subject to the regulations of the appropriate zoning districts.

(7) *Confusion with traffic signs.* No sign shall be erected at any location where it may, by reason of its position, shape, color or other characteristics, interfere with, obstruct the view of, or be confused with any authorized traffic sign, traffic signal or other traffic device, nor shall any sign make use of the terms

"stop," "look," "turn," "danger" or any other word, phrase, symbol or character in such a manner as to interfere with, mislead or confuse traffic.

(8) No sign with moving parts, motion pictures or flashing or blinking lights shall be permitted.

(9) *Political signs.* All signs erected by candidates for an elective office shall be governed by the following requirements:

a. No signs shall be erected more than 45 days prior to an election.

b. All signs shall be removed within one week after the election.

c. No sign shall be located on or project into or overhang an area within the edge of a public right-of-way or dedicated public easement.

d. No sign shall be erected at any location where it may, by reason of its position, size, shape, color or other characteristics, interfere with, obstruct the view of, or be confused with any authorized traffic sign, traffic signal or other traffic device, nor shall any sign make use of the words "stop," "look," "turn," "danger" or any other word, phrase, symbol or character in such a manner as to interfere with, mislead or confuse pedestrian or vehicular traffic.

e. No sign shall contain moving parts, motion pictures, changing colors or flashing or blinking lights, or any pictorial intermittent signs.

f. All noncommercial political signs shall be limited in size as follows:

| Zone District | Size (square feet) |
|---|---|
| R-1 through R-5 | 16 |
| CR-6, AR-7, AR-8, AG, REC, PO, GO and C-1 | 32 |
| C-2 and C-3 | 50 |
| GI | 100 |

(10) *Signs on vehicles.* The provisions of this chapter are not applicable to bumper stickers or other types of signs affixed to vehicles where their presence thereon is only incidental to the primary purpose of said vehicles as transportation.

(11) *Informational or directional signs.* No permit shall be required for informational or directional signs, as herein defined, having a maximum area of five square feet.

(12) *Maintenance.* All signs shall be kept clean and in a good state of repair. Signs which are not maintained or which no longer serve the purpose for which they were permitted, or which have been abandoned, shall be removed by the latest owner, or by the city at the expense of such owner.

(13) *Nonconforming signs.* Every sign or other advertising structure in existence on adoption of this sign ordinance which violates or does not conform to the provisions hereof, shall not be renovated, altered or moved unless it be made to comply with the provisions of this sign ordinance, except that this provision shall not prevent the owner from changing the advertising copy of a nonconforming sign and except further that this provision shall not prevent the board of appeals from granting authorization to alter, renovate or move a nonconforming sign or substitute another sign for a nonconforming sign if said

authorization reduces the degree of nonconformance. An existing freestanding sign may be repaired or replaced with a new freestanding sign not to exceed the height of the existing sign, 20 feet, or the maximum size permitted in the corresponding zoned district, whichever is lesser.

(14) *Projecting signs.* All projecting signs, other than informational or directional signs, in the following districts shall have a minimum clearance of 12 feet from ground level, with a maximum height of 25 feet or the roofline of the building from which the sign projects, whichever is less: PO professional office, GO general office, C-1 neighborhood commercial, C-2 general retail, C-3 major commercial and GI general industrial.

(15) *Wall signs.* All signs attached parallel to the wall of a building, including signs painted on the wall of a building, shall not exceed an area of 20 percent of the area of the side of the building on which said sign appears. No wall sign attached to a building shall project above the roofline of the building on which it appears, nor shall such sign project more than one foot from the face of the wall.

(16) *Mobile signs.* One mobile trailer type sign not exceeding 8 feet in length or 4 feet in height shall be permitted for a period not to exceed seven days for the purpose of advertising a new business, a related business or a new owner, lessee or franchise of an existing business, any of which conditions has been in existence for a period not exceeding four months. Lighting of said sign shall conform to all provisions contained in subsection 8 of this section. A permit shall be required prior to the sign being placed on the property. A mobile trailer type sign shall not be allowed in R-1, R-2, R-3, R-4, R-5 residential districts, CR-6 cluster districts or AR-7, AR-8 apartment districts.

(17) *Ground sign* means a sign supported by a monument, placed in the ground surface and not attached to any building.

(18) *Entranceway sign* means a ground sign that designates the street entranceway to a residential, industrial or commercial subdivision, apartment complex, condominium development, similar multiparcel development or permitted institution, from a public right-of-way. The maximum height of any ground sign shall not exceed ten feet.

(19) *Height of ground sign or entranceway sign* means the vertical distance measured from the natural surface grade of the land without including any berm, landscaping, grading or other artificially or unnaturally constructed or raised portion of land beneath the midpoint of the face of the sign to the highest point of the sign or supporting structure. The maximum height of ground signs shall not exceed ten feet.

(20) *Electronic message board sign* means an on-premises sign, or portion thereof, that displays electronic static images, static graphics or static pictures, with or without textual information. Such a sign has the capability of being changed or altered by electronic means on a fixed display screen composed of a series of lights including light emitting diodes (LEDs), fiber optics, lightbulbs, or other illumination devices within the display area where the message is displayed. The following conditions shall apply to all electronic message board signs:

a. Signs that scroll, flash, or convey the appearance of movement or animation of a message shall not be permitted.

b. Minimum duration of message shall be five seconds.

c.

The area of the changeable copy shall be included in the maximum sign area permitted. The message board shall not exceed 60 percent of the total sign area permitted.

d. Maximum brightness levels for electronic message board signs shall not exceed .2 footcandles over ambient light levels measured within 150 feet of the sign. To obtain a building permit, certification must be provided to the city demonstrating that the sign has been pre-set to automatically adjust the brightness to these levels or lower.

e. Electronic message board signs shall not be permitted in any residential zoning district or development.

f. Electronic message board signs shall not emit any sound.

g. If a message display is not working properly, its use will be discontinued until its repair.

h. Electronic message board signs shall be permitted as part of on-site freestanding signage only and shall not be permitted on or as part of off-premises advertising signs.

(21) *Decorative banner* shall mean a sign of cloth, plastic or vinyl with no other substantial backing hung or projecting from a pole, provided said sign is not commercial in nature, does not advertise a specific product or item and contains no business logo or advertisement of any kind, subject to the following conditions:

a. Decorative banner signs shall be attached to light poles contained wholly within the on-site parking facility associated with the development site, or on utility poles located within the street frontage of the parcel. For signs on utility poles, written permission must be obtained from the pole owner.

b. Decorative banner signs shall be a maximum of 48 inches in height and 30 inches in width.

c. Decorative banners signs may not be illuminated through any means other than existing lighting approved for the development site.

d. Decorative banners signs shall be kept in good condition. Any banner sign that is torn, faded or damaged in any way shall be removed.

(22) *Not-for-profit athletic field sign* means an on-premises sign attached to athletic field fences at not-for-profit athletic fields subject to the following conditions:

a. Athletic field signs shall be made of fabric, plastic or other non-rigid material.

b. Athletic field signs shall be a maximum of 48 inches in height and 96 inches in width.

c. Athletic field signs may face inward or outwards.

d. Athletic field signs shall be kept in good condition. Any athletic field sign that is torn, faded or damaged in any way shall be removed.

(23) *Electronic off-premises advertising signs* shall comply with the following conditions:

a. Signs shall not change content or move more frequently than once every eight seconds.

b. Those that involve motion or rotation of any part of the structure, running animation or displays, or flashing or moving lights shall be prohibited. This subdivision does not apply to a sign or sign structure using a digital billboard with static messages or images that change if the rate of change between two static messages or images does not exceed more than one change per eight seconds, each change is complete in one second or less, and the sign possesses and utilizes automatic

dimming capabilities so that the maximum luminescence level is not more than 0.3 footcandles over ambient light levels measured at a distance of 150 feet for those sign faces less than or equal to 300 square feet, measured at a distance of 200 feet for those sign faces greater than 300 square feet but less than or equal to 378 square feet, measured at a distance of 250 feet for those sign faces greater than 378 square feet and less than 672 square feet, and measured at a distance of 350 feet for those sign faces equal to or greater than 672 square feet. In addition to the above requirements, signs exempted under this subdivision shall be configured to default to a static display in the event of mechanical failure.

c. No sign shall display such intensity or brilliance that it interferes with the effectiveness of official traffic signs, devices or signals.

d. Signs shall be equipped with both a dimmer control and photocell that automatically adjust the intensity of the display according to natural ambient light conditions.

e. Signs shall be designed and equipped to freeze the device in one position or immediately discontinue the display if a malfunction occurs.

f. The transition between content shall be instantaneous and without special effects.

g. The content displayed shall be complete in itself, without continuation to the next message or to any other sign.

h. The content shall not resemble a warning, danger signal or traffic control sign.

i. The maximum height of off-premises electronic advertising signs shall not exceed 30 feet.

(24) *Out-of-business establishment.* If a sign advertises a business, attraction, or other enterprise or activity that is no longer operating or being offered or conducted, that sign shall be considered abandoned and the following conditions shall apply:

a. The sign faces shall be removed and replaced with blank faces, or covered within 60 days after written notice from the city to the sign owner, owner of the property where the sign is located, or other party having control over the sign. If the sign is covered, the manner of covering shall be approved by the city and the sign shall remain covered for no more than 30 days, at the expiration of which the sign faces shall be removed and replaced consistent with this ordinance.

b. Any expense incurred by the city incidental to removal shall be paid by the sign owner, owner of the property where the sign is located, or other party having control over the sign.

(Ord. No. 369, § 15.945(14.101), 6-26-1981; Ord. No. 453, 2-16-1988; Ord. No. 653, 5-17-2002; Ord. No. 731, § 2, 3-1-2011; Ord. No. 736, §§ 2—4, 7-19-2011; Ord. No. 739, § 2, 10-4-2011; Ord. No. 779, §§ 1, 3, 6-7-2016; Ord. No. 781, §§ 1—3, 8-1-2016; Ord. No. 799, § 1, 9-4-2018)

Sec. 48-1297. - District requirements.

In addition to the requirements of section 48-1296, the requirements in the following sections shall apply to signs in various zoning districts.

(Ord. No. 369, § 15.950(14.102), 6-26-1981)

Sec. 48-1298. - Residential districts R-1 through R-5; signs permitted.

The following signs shall be permitted within residential districts R-1 through R-5:

(1) One unlighted name plate not over two square feet in area for each dwelling unit, no permit required for such sign.

(2) One unlighted real estate sign advertising the sale or rental of only the premises on which it is maintained, and not exceeding a total area of 8 square feet for any parcel with less than 250 feet of street frontage or an area not exceeding the lesser of one square feet for each thirty feet of frontage or 20 square foot for parcels with greater than 250 feet of street frontage. No permit shall be required for such sign.

(3) On temporary sign not exceeding 20 square feet in area in real estate development containing 25 or more lots.

(4) One freestanding sign for any church, school, public institution or nonprofit organization (such as a club or fraternal or religious organization), provided that such sign is only used for the purpose of announcing the name of the organization and the general nature and time of its activities but contains no commercial brand name nor trademark advertising. The size of such sign shall not exceed 100 square feet or one square foot for each ten feet of street frontage contained in such organization's lot or lots on which such sign is located (where such sign is located on a corner lot, the longer only of the two street frontages owned by such organization shall be counted), whichever shall be the smaller. Further, in the case of an indirectly lighted sign, no such indirectly lighted sign shall be permitted which faces the front or side lot line of a lot in a residential district where the sign is within 100 feet of such lot line.

(5) Entranceway signs, subject to the following:

a. Area. A sign's area shall be one square foot of sign for one foot of setback, measured from the centerline of the fronting street with a maximum of 24 square feet. Setback is to be measured to the leading edge of the sign.

b. Height. The height of the sign may not exceed ten feet.

c. Placement. A sign may be placed not less than ten feet from any street right-of-way and only in yards adjacent to streets at the entrance to the subdivision, apartment complex, condominium development or permitted institution.

(Ord. No. 369, § 15.951(14.102(1)), 6-26-1981; Ord. No. 541, 3-19-1994; Ord. No. 653, 5-17-2002)

Sec. 48-1299. - Cluster district CR-6, apartment districts AR-7 and AR-8; signs permitted.

The following signs shall be permitted within CR-6 cluster districts and AR-7 and AR-8 apartment districts:

(1) Any sign permitted and as regulated in residential districts R-1 through R-5.

(2) One unlighted or indirectly lighted sign not exceeding 12 square feet in area which identifies a multiple-family building or group of buildings in the same project.

(3) Entranceway signs, subject to the following:

a. Area. A sign's area shall be one square foot of sign for one foot of setback, measured from the centerline of the fronting street with a maximum of 24 square feet. Setback is to be measured to the leading edge of the sign.

b. Height. The height of the sign may not exceed ten feet.

c.

Placement. A sign may be placed not less than ten feet from any street right-of-way and only in yards adjacent to streets at the entrance to the subdivision, apartment complex, condominium development or permitted institution.

(Ord. No. 369, § 15.952(14.102(2)), 6-26-1981; Ord. No. 653, 5-17-2002)

Sec. 48-1300. - Agricultural district (AG) and recreational district (REC); signs permitted.

The following signs shall be permitted within the agricultural (AG) and recreational (REC) districts:

(1) Any sign permitted and as regulated in the R-1 through R-5 districts.

(2) One ground sign not exceeding 25 square feet in area for any permitted agricultural or recreational use provided the sign is used only for the purpose of identifying the name of the establishment or organization, and further provided that residential dwelling units are excluded from this provision.

(3) One wall sign shall be permitted on each wall facing an adjacent public street for each separate business, with a maximum of two such signs for each business and additional informational or directional signs shall be permitted provided that each sign is attached parallel to the wall of the building and further that the total area of all signs attached to one wall of a building does not exceed 20 percent of the area of that side of the building.

(4) Ground or projecting directional signs not exceeding five square feet in area shall be permitted to provide information such as the location of parking areas or service areas, intended to direct traffic already on the premises.

(Ord. No. 369, § 15.953(14.102(3)), 6-26-1981; Ord. No. 653, 5-17-2002)

Sec. 48-1301. - Professional office (PO) district and general office (GO) district; signs permitted.

The following signs shall be permitted within the professional office (PO) and general office (GO) districts:

(1) Any sign permitted and as regulated in residential districts R-1 through R-5.

(2) One ground sign shall be permitted per building not to exceed 50 square feet in area.

(3) One wall sign shall be permitted on each wall facing an adjacent public street for each separate business, with a maximum of two such signs for each business and additional informational or directional signs shall be permitted provided that each sign is attached parallel to the wall of the building and further that the total area of all signs attached to one wall of a building does not exceed 20 percent of the area of that side of the building.

(4) Ground or projecting directional signs not exceeding five square feet in area shall be permitted to provide information such as the location of parking areas or service areas, intended to direct traffic already on the premises.

(5) One projecting sign shall be permitted per building, not to exceed 12 square feet in area.

(6) Entranceway signs, subject to the following:

a. Area. A sign's area shall be one square foot of sign for one foot of setback, measured from the centerline of the fronting street with a maximum of 24 square feet. Setback is to be measured to the leading edge of the sign.

b. Height. The height of the sign may not exceed ten feet.

c. Placement. A sign may be placed not less than ten feet from any street right-of-way and only in yards adjacent to streets at the entrance to the subdivision, apartment complex, condominium development or permitted institution.

(7) Decorative banner signs subject to the decorative banner sign provisions.

(Ord. No. 369, § 15.954(14.102(4)), 6-26-1981; Ord. No. 653, 5-17-2002; Ord. No. 731, § 2, 3-1-2011; Ord. No. 736, § 5, 7-19-2011)

Sec. 48-1302. - Neighborhood commercial district C-1; signs permitted.

The following signs shall be permitted within the neighborhood commercial (C-1) district:

(1) Any sign permitted and as regulated in residential districts R-1 through R-5.

(2) One ground sign shall be permitted per building not to exceed 32 square feet in area.

(3) One wall sign shall be permitted on each wall facing an adjacent public street for each separate business, with a maximum of two such signs for each business and additional informational or directional signs shall be permitted provided that each sign is attached parallel to the wall of the building and further that the total area of all signs attached to one wall of a building does not exceed 20 percent of the area of that side of the building.

(4) Ground or projecting directional signs not exceeding five square feet in area shall be permitted to provide information such as the location of parking areas or service areas, intended to direct traffic already on the premises.

(5) One projecting sign shall be permitted per building not to exceed 20 square feet in area.

(6) Decorative banner signs subject to the decorative banner sign provisions.

(Ord. No. 369, § 15.955(14.102(5)), 6-26-1981; Ord. No. 653, 5-17-2002; Ord. No. 736, § 6, 7-19-2011)

Sec. 48-1303. - General retail district C-2 and major commercial district C-3; signs permitted.

The following signs shall be permitted within the general retail (C-2) and major commercial (C-3) districts:

(1) Any sign permitted and as regulated in residential districts R-1 through R-5.

(2) One ground sign shall be permitted per building not to exceed 50 square feet in area.

(3) One wall sign shall be permitted on each wall facing an adjacent public street for each separate business with a maximum of two such signs for each business and additional informational or directional signs shall be permitted provided that each sign is attached parallel to the wall of the building and further that the total area of all signs attached to one wall of a building does not exceed 20 percent of the area of that side of the building.

(4) Ground or projecting directional signs not exceeding five square feet in area shall be permitted to provide information such as the location of parking areas or service areas, intended to direct traffic already on the premises.

(5) One projecting sign shall be permitted per building not to exceed 20 square feet in area.

(6) Decorative banner signs subject to the decorative banner sign provisions.

(Ord. No. 369, § 15.956(14.102(6)), 6-26-1981; Ord. No. 653, 5-17-2002; Ord. No. 736, § 7, 7-19-2011)

Sec. 48-1304. - General industrial district GI; signs permitted.

The following signs shall be permitted within the general industrial (GI) district:

(1) Any sign permitted and as regulated in residential districts R-1 through R-5.

(2) One ground sign shall be permitted per building, not to exceed an area of six square feet for each ten feet of street frontage on which street said sign is located, or the longer of two frontages when said sign is located on a corner, and further providing that the maximum area for any freestanding sign shall be 100 square feet.

(3) One wall sign shall be permitted on each wall facing an adjacent public street for each separate business with a maximum of two such signs for each business and additional informational or directional signs may be attached parallel to the wall of the building and further that the total area of all signs attached to one wall of a building does not exceed 20 percent of the area of that side of the building.

(4) Ground or projecting directional signs not exceeding five square feet in area shall be permitted to provide information such as the location of parking areas or service areas, intended to direct traffic already on the premises.

(5) One projecting sign shall be permitted per building not to exceed 50 square feet in area.

(6) Freestanding off-premises advertising signs not exceeding 672 square feet in area shall be permitted when located at least 100 feet but not more than 1,000 feet from the edge of the right-of-way of U.S. 31, provided that such off-premises advertising signs shall not be erected closer than 1,000 feet to another off-premises advertising sign on the same side of the highway.

(7) Entranceway signs, subject to the following:

a. Area. A sign's area shall be one square foot of sign for one foot of setback, measured from the centerline of the fronting street with a maximum of 24 square feet. Setback is to be measured to the leading edge of the sign.

b. Height. The height of the sign may not exceed ten feet.

c. Placement. A sign may be placed not less than ten feet from any street right-of-way and only in yards adjacent to streets at the entrance to the subdivision, apartment complex, condominium development or permitted institution.

(8) Decorative banner signs subject to the decorative banner sign provisions.

(9) Electronic off-premises advertising signs, as defined in subsection 48-1296(23), subject to the following:

a. A sign shall not exceed 672 square feet in area.

b. A sign shall be at least 100 feet but not more than 1,000 feet from the edge of the right-of-way of U.S. 31.

c. A sign shall not be closer than 1,750 feet to another sign utilizing electronic messaging on either side of the highway facing the same direction of oncoming traffic.

(Ord. No. 369, § 15.957(14.102(7)), 6-26-1981; Ord. No. 653, 5-17-2002; Ord. No. 736, § 8, 7-19-2011; Ord. No. 779, § 2, 6-7-2016)

Sec. 48-1305. - PUD, planned unit development.

In considering signage proposed as part of a PUD, the planning commission and city council shall use as a guide the respective regulations contained herein for the intended and permitted use of the property located within the PUD.

(Ord. No. 653, § 15.958(14.102(8)), 5-17-2002)

Secs. 48-1306—48-1323. - Reserved.

ARTICLE XII. - FENCES

Sec. 48-1324. - Installation permit; restrictions.

Fences on all lots of record in all residential districts which enclose property are permitted in any yard, subject to the following conditions:

(1) No fence shall be erected prior to the issuance of an installation permit. Fences projecting into a front yard or a designated side yard facing a street shall be reviewed by the building and zoning administrator prior to issuance of a permit. The following restrictions shall apply to fences in front or designated side yards abutting a street:
   a. The fences shall be residential in nature and intent. Farm-type fences shall be excluded from all residential districts, except such fences shall be permitted on farm land in residential districts.
   b. Fences shall not exceed four feet in height, except where otherwise permitted in this section, and shall not obstruct vision to an extent greater than 50 percent of their total area.
   c. Fences shall not extend into the street right-of-way at the front property line.
   d. Living fences (hedges, shrubbery, etc.) obscuring walls, berms or signs, located in a required front yard setback, that may obstruct the vision of traffic for persons exiting from a driveway, alley, etc., shall not exceed a height of two feet.
   e. No wall of any kind shall be permitted, and no shrubbery, sign or other obstruction to vision above a height of two feet from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of 25 feet from their point of intersection; except that in the interests of public safety, corner clearance requirements may be made more restrictive upon recommendation of the city police department.
(2) Fences within a side or rear yard shall not exceed six feet in height, measured from the surface of the ground, and shall not extend beyond the required minimum front yard.
(3) Fences on lots of record shall not contain barbed wire, electric current, charge of electricity, broken glass caps, or chainlink-type fences with sharp wire edges exposed.
(4) Fences which enclose public or institutional parks, playgrounds, or public landscaped areas, situated within an area developed with recorded lots shall not exceed eight feet in height, measured from the surface of the ground and shall not obstruct vision to an extent greater than 25 percent of their total

area.

(Ord. No. 369, § 15.990(15.100), 6-26-1981; Ord. No. 643, 8-31-2001)

Sec. 48-1325. - Deer fencing.

Deer fencing is permitted on private property if all the following are met:

(1) Deer fencing may only be around gardens or landscaped areas and is not to be used as a boundary between properties.

(2) Deer fencing may not exceed eight feet in height (including poles) and must be constructed only of see-through nylon ("mesh") and polypropylene plastic materials that are green, brown, and black in color (wood, vinyl, metal, or similar materials are not permitted).

(3) Deer fencing shall be placed directly on the ground and it shall be supported on its own.

(4) Deer fencing shall not be placed in the road right-of-way.

(5) Deer fencing must remain open air; no fencing or roof structure is permitted.

( Ord. No. 841 , § 1, 1-3-2023)

Secs. 48-1326—48-1346. - Reserved.

ARTICLE XIII. - SATELLITE ANTENNAS

Sec. 48-1347. - Definition.

The term "satellite antenna" means a dish antenna greater than three feet in diameter the purpose of which is designed for use as an earth based station for the reception of communications or other signals from orbiting satellites or other extraterrestrial sources together with such other incidental transmission equipment related to such purpose.

(Ord. No. 369, § 16.275(22-1), 6-26-1981; Ord. No. 419, 12-18-1984)

Sec. 48-1348. - Permit required.

No person, individual, corporation, business, occupation or partnership shall install a satellite antenna on premises owned, occupied, leased or rented without first having applied for and received a building permit from the zoning and building administrator.

(Ord. No. 369, § 16.275(22-2), 6-26-1981; Ord. No. 419, 12-18-1984)

Sec. 48-1349. - Application.

An applicant for a permit under this section shall, prior to the granting of approval, supply the following information:

(1) The dimension of antenna;

(2) A rough sketch showing:

a. The proposed location of the antenna;

b. The location of existing structures, buildings, sheds or residences on the premises; and

c. The location of all immediately adjoining structures, buildings, sheds or residences;

(3) The proposed screening or buffer;

(4) The installers recommended location; and

(5) A legal description of property owned.

(Ord. No. 369, § 16.275(22-3), 6-26-1981; Ord. No. 419, 12-18-1984)

Sec. 48-1350. - Location of antennas in certain areas.

For property located in areas zoned R-1, R-2, R-3, CR-6, PUD, PURD or SUD, no satellite antenna shall be constructed or installed in any front or side yard as defined in section 48-5, nor within 15 feet of any lot line as defined in section 48-5. In all other zoned areas, no satellite antenna shall be constructed or located in any front yard as defined section 48-5 nor within 15 feet of any lot line as defined in section 48-5.

(Ord. No. 369, § 16.275(22-4), 6-26-1981; Ord. No. 419, 12-18-1984)

Sec. 48-1351. - Improper use or alteration.

A satellite antenna shall not be used, or contain any commercial or residential advertisement, nor shall it be painted or altered from its original form and condition.

(Ord. No. 369, § 16.275(22-5), 6-26-1981; Ord. No. 419, 12-18-1984)

Sec. 48-1352. - Diameter and height of antenna.

No satellite antenna shall be greater than 12 feet in diameter, nor stand taller than 15 feet from the immediately adjacent ground level.

(Ord. No. 369, § 16.275(22-6), 6-26-1981; Ord. No. 419, 12-18-1984)

Sec. 48-1353. - Antenna shall be enclosed.

Except when prohibited by verified and documented transmission difficulties, a satellite antenna shall be enclosed with suitable buffer material, including but not limited to, fences, shrubs and trees.

(Ord. No. 369, § 16.275(22-7), 6-26-1981; Ord. No. 419, 12-18-1984)

Sec. 48-1354. - Antenna shall be grounded.

A satellite antenna shall be grounded for protection against a direct strike by lightning.

(Ord. No. 369, § 16.275(22-8), 6-26-1981; Ord. No. 419, 12-18-1984)

Sec. 48-1355. - One antenna per lot.

There shall not be more than one satellite antenna allowed for each lot.

(Ord. No. 369, § 16.275(22-9), 6-26-1981; Ord. No. 419, 12-18-1984)

Sec. 48-1356. - Removal of equipment.

All satellite antenna, support apparatus, cables, lines, and wires shall be removed within 14 days after the use has been discontinued.

(Ord. No. 369, § 16.275(22-10), 6-26-1981; Ord. No. 419, 12-18-1984)

Sec. 48-1357. - Appeals.

Appeals of adverse determinations shall be handled in accordance with article II of this chapter.

(Ord. No. 369, § 16.275(22-11), 6-26-1981; Ord. No. 419, 12-18-1984)

Secs. 48-1358—48-1380. - Reserved.

ARTICLE XIV. - WIND TURBINES AND WIND ENERGY FACILITIES

Sec. 48-1381. - Purpose and intent.

The purpose of this section is to establish guidelines for siting wind turbines and wind energy facilities. This section's goals are as follows:

(1) To promote the safe, effective, and efficient use of wind turbines and wind energy systems installed to reduce the on-site consumption of electricity supplied by utility companies.

(2) To lessen potential adverse impacts wind turbines and wind energy facilities may have on residential areas and land uses through careful design, siting, noise limitations, and innovative camouflaging techniques.

(3) To avoid potential damage to adjacent properties from turbine failure through engineering and proper siting of turbine structures.

(Ord. No. 702, § 2, 8-6-2008; Ord. No. 714, § 2, 7-17-2009)

Sec. 48-1382. - Definitions.

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

*Applicant* means the person or entity filing an application under this article.

*Facility owner* means the entity or entities having an equity interest in a wind energy facility, including their respective successors and assigns.

*Hub height* means the distance measured from the surface of the tower foundation to the height of the wind turbine hub, to which the blade is attached.

*Nonparticipating landowner* means any landowner except those on whose property all or a portion of a wind energy facility is located pursuant to an agreement with the facility owner or operator.

*Occupied building* means a residence, school, hospital, church, public library or other building used for public gathering that is occupied or in use when the permit application is submitted.

*Operator* means the entity responsible for the day-to-day operation and maintenance of a wind energy facility.

*Roof-mounted wind turbine* means a single wind energy conversion system that is mounted to the roof of any structure with a maximum rotor diameter of seven feet.

*Turbine height* means the distance measured from the surface of the tower foundation to the highest point of the turbine rotor plane.

*Wind turbine* means a freestanding or roof-mounted, single wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower, and pad transformer, if any. This may also include an anemometer.

*Wind energy facility* means an electric generating facility, whose main purpose is to supply electricity, consisting of one or more wind turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

(Ord. No. 702, § 3, 8-6-2008; Ord. No. 714, § 3, 7-17-2009)

Sec. 48-1383. - Permitted uses.

(a) A single wind turbine not to exceed 70 feet in height shall be considered a permitted accessory use on a single parcel in any zoning district, if it meets the standards and requirements of this section.

(b) A single wind turbine not to exceed 200 feet in height shall be considered a permitted accessory use on a single parcel in any district where GI General Industrial is listed as a principal or special use if it meets the standards and requirements of this section.

(c) Roof-mounted turbines shall be considered a permitted accessory use on parcels in any nonresidential zoning district with a minimum separation of at least one rotor/blade diameter.

(d) One roof-mounted wind turbine shall be considered a permitted accessory use on any residentially zoned parcel. A second roof-mounted unit on a residentially zoned parcel necessitates the issuance of a special use permit with a minimum separation between the units of at least one rotor/blade diameter.

(e) A single wind turbine 70—200 feet in height shall be considered a special use in any residential development, existing or proposed, subject to the standards and requirements of this section. Said turbine would be in lieu of future, individual wind turbines on individual parcels within the development.

(f) A wind energy facility shall be considered a special use in the wind energy facility overlay district subject to the standards and regulations of this section.

(Ord. No. 702, § 4, 8-6-2008; Ord. No. 714, § 4, 7-17-2009)

Sec. 48-1384. - Permit required.

(a) No wind turbine or wind energy facility shall be constructed or located within the City of Norton Shores unless a permit has been issued to the facility owner or operator approving construction of the facility under this article.

(b) Any physical modification to an existing and permitted wind energy facility that materially alters the size, type and number of wind turbines or other equipment shall require a permit amendment under this article. Like-kind replacements shall not require a permit modification.

(c) Wind turbines in all zoning districts and the wind energy facility overlay district may be subject to Federal Aviation Administration (FAA) approval.

(Ord. No. 702, § 5, 8-6-2008; Ord. No. 714, § 5, 7-17-2009)

Sec. 48-1385. - Special use permit application—Wind energy facilities.

(a) Wind energy facilities shall be subject to the special use permit and site plan provisions of the Norton Shores zoning regulations, articles IX and XI and shall comply with all of the following standards:

(b) The applications shall contain the following:

(1) A narrative describing the proposed wind energy facility, including an overview of the project; the project location; the approximate generating capacity of the wind energy facility; the approximate number, representative types and height or range of heights of wind turbines to be constructed, including their generating capacity, dimensions and respective manufacturers, and a description of ancillary facilities.

(2) An affidavit or similar evidence of agreement between the property owner and the facility owner or operator demonstrating that the facility owner or operator has the permission of the property owner to apply for necessary permits for construction and operation of the wind energy facility.

(3) Identification of the properties on which the proposed wind energy facility will be located, and the properties adjacent to where the wind energy facility will be located.

(4) A site plan showing the planned location of each wind turbine, property lines, setback lines, access road and turnout locations, substation(s), electrical cabling from the wind energy facility to the substation(s), ancillary equipment, building, and structures, including permanent meteorological towers, associated transmission lines, and layout of all structures within the geographical boundaries of any applicable setback.

(5) Documents related to decommissioning.

(6) Other relevant studies, reports, certifications and approvals as may be reasonably requested by the City of Norton Shores to ensure compliance with this article.

(7) The proposed site shall have documented annual wind resources sufficient for the operation of the proposed wind turbine generator; provided, however, this standard shall not apply to an anemometer tower. No wind turbine shall be approved without submission of a wind resource study documenting wind resources on the site over a minimum of one year. Said study shall indicate the long-term commercial economic viability of the project. Anemometers to be placed shall be calibrated regularly to ensure a measurement of error of one percent or less. All anemometers shall be placed at the expected hub height of the wind turbine to be used. Sufficient wind resources, as described by the U.S.

Department of Energy, include areas with a wind power class 4 or higher. The city shall retain the services of an independent, recognized expert to review the results of the wind resource study prior to acting on the application for special use permit. This review shall be at the expense of the applicant.

(8) The minimum site area for a wind energy facility, or an anemometer tower erected prior to a wind energy facility, shall be 20 acres and must meet required setbacks and any other standards of this ordinance.

(9) Each proposed wind turbine or anemometer tower shall be set back from any adjoining lot line or public or private road right-of-way a distance equal to twice the height of the turbine.

(10) For any newly proposed wind turbine or anemometer tower, a "wind access buffer" equal to a minimum of five rotor diameters shall be observed from any existing off-site wind turbine generator tower.

(c) Within 30 days after receipt of a permit application, the City of Norton Shores will determine whether the application is complete and advise the applicant accordingly.

(d) Within 60 days of a completeness determination, the Norton Shores Planning Commission will schedule a public hearing. The applicant shall participate in the hearing and be afforded an opportunity to present the project to the public and municipal officials, and answer questions about the project. The public shall be afforded an opportunity to ask questions and provide comment on the proposed project.

(e) Within 120 days of a completeness determination, or within 45 days after the close of any hearing, whichever is later, the City of Norton Shores City Council will make a decision whether to issue or deny the permit application.

(Ord. No. 702, § 6, 8-6-2008; Ord. No. 714, § 6, 7-17-2009)

Sec. 48-1386. - Same—Wind turbines in residential developments.

(a) A single wind turbine 70—200 feet in height shall be subject to the special use permit and site plan provisions of the Norton Shores zoning chapter, articles IX and XI and shall comply with all of the following standards.

(b) The application shall contain the following:

(1) A narrative describing the project location, the approximate generating capacity of the wind turbine, the height of the turbine to be constructed, and a description of ancillary facilities.

(2) An affidavit or similar evidence of agreement between all property owners in the development demonstrating that the applicant has the permission of all property owners to apply for necessary permits for construction and operation of the wind turbine.

(3) A site plan showing the planned location of the wind turbine and ancillary equipment, property lines, and setback line.

(4) Documents related to decommissioning.

(5) Other relevant studies, reports, certifications and approvals as may be reasonably requested by the City of Norton Shores to ensure compliance with this article.

(6) The proposed site shall have documented annual wind resources sufficient for the operation of the proposed wind turbines generator; provided, however, this standard shall not apply to an anemometer tower. No wind turbine shall be approved without submission of a wind resource study documenting wind resources on the site over a minimum of one year. Said study shall indicate the long-term

commercial economic viability of the project. Anemometers to be placed shall be calibrated regularly to ensure a measurement of error of one percent or less. All anemometers shall be placed at the expected hub height of the wind turbine to be used. Sufficient wind resources, as described by the U.S. Department of Energy, include areas with a wind power class 4 or higher. The city shall retain the services of an independent, recognized expert to review the results of the wind resource study prior to acting on the application for special use permit. This review shall be at the expense of the applicant.

(7) Each proposed wind turbine or anemometer tower shall be set back from any adjoining lot line a distance equal to the overall height of the tower.

(c) Within 30 days after receipt of a permit application, the City of Norton Shores will determine whether the application is complete and advise the applicant accordingly.

(d) Within 60 days of a completeness determination, the Norton Shores Planning Commission will schedule a public hearing. The applicant shall participate in the hearing and be afforded an opportunity to present the project to the public and municipal officials, and answer questions about the project. The public shall be afforded an opportunity to ask questions and provide comment on the proposed project.

(e) Within 120 days of a completeness determination, or within 45 days after the close of any hearing, whichever is later, the City of Norton Shores City Council will make a decision whether to issue or deny the permit application. Approval of said turbine would be in lieu of future, individual wind turbines on individual parcels within the development.

(Ord. No. 702, § 7, 8-6-2008; Ord. No. 714, § 7, 7-17-2009)

Sec. 48-1387. - Wind turbine design and installation.

(a) *Compliance with building code.* All wind turbines shall comply with the building code currently adopted by the city. Building permits for all wind turbines must be issued to a licensed contractor and applications shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footing. An engineering analysis of the tower showing compliance with the currently adopted building code and certified by a licensed professional engineer shall also be submitted.

(b) *Braking system.* All wind turbines shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.

(c) *Compliance with applicable electrical codes and standards.* All electrical components of the wind turbine shall conform to relevant and applicable local, state and national codes, and relevant and applicable international standards.

(d) *Visual appearance; power lines.*

(1) Wind turbines shall be either monopole, monolithic tube or lattice style construction, and a nonobtrusive color such as white, off-white or gray.

(2) Roof-mounted wind turbines are not subject to color restrictions except that they must be maintained in their original manufactured color.

(3) Wind turbines shall not be artificially lighted, except to the extent required by the Federal Aviation

Administration or other applicable authority that regulates air safety.

(4) Wind turbines shall not display advertising, except for one sign no greater than two square feet identifying the turbine manufacturer, and one sign no greater than two square feet providing the owner's name, address and telephone number for emergency calls. Both signs must be located on the lowest ten feet of the structure.

(5) On-site transmission and power lines between wind turbines shall, to the maximum extent practicable, be placed underground.

(e) *Warnings.*

(1) A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.

(2) Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of ten feet from the ground.

(f) *Climb prevention/locks.*

(1) Wind turbines shall not be climbable up to 15 feet above ground surface.

(2) All access doors to wind turbines and electrical equipment shall be locked to prevent entry by nonauthorized persons.

(Ord. No. 702, § 8, 8-6-2008; Ord. No. 714, § 8, 7-17-2009)

Sec. 48-1388. - Wind turbine height.

(a) Maximum height for a single wind turbine in all zoning districts except those where general industrial uses are permitted, not constructed as part of a wind energy facility, shall be limited to 70 feet.

(b) Maximum height for a single wind turbine in those districts where general industrial is listed as a principal or special use shall be limited to 200 feet, subject to all setback requirements.

(c) Maximum height for a single wind turbine serving a residential development shall be limited to 200 feet.

(d) Maximum height for turbines located in the wind energy facility overlay district shall be determined by the required setbacks from the adjacent property lines and road right-of-way(s).

(Ord. No. 702, § 9, 8-6-2008; Ord. No. 714, § 9, 7-17-2009)

Sec. 48-1389. - Setbacks.

(a) All wind turbines shall be set back from the nearest property line a distance of not less than the normal setback requirements for that zoning classification or equal to the turbine height, whichever is greater. The setback distance shall be measured to the center of the wind turbine base.

(b) Those turbines rigidly attached to a building and whose base is on the ground may reduce the required property line setback by the amount equal to the distance from the point of attachment to the ground.

(c) Wind turbines shall be set back from the nearest occupied building a distance not less than ten feet.

(d) All wind turbines shall be set back from the nearest public road a distance equal to the turbine height, as measured from the right-of-way line of the nearest public road to the center of the wind turbine base. Those turbines rigidly attached to a building and whose base is on the ground may reduce this required setback by

the amount equal to the distance from the point of attachment to the ground.

(Ord. No. 702, § 10, 8-6-2008; Ord. No. 709, § 2, 12-16-2008; Ord. No. 714, § 10, 7-17-2009)

Sec. 48-1390. - Noise and shadow flicker.

(a) Audible sound from any and all wind turbines or wind energy facilities shall not exceed 45 dba, as measured at the exterior of an occupied building on a nonparticipating landowner's property.

(b) The property owner of a wind turbine or wind energy facility owner and operator shall make reasonable efforts to minimize shadow flicker to any occupied building on a nonparticipating landowner's property.

(Ord. No. 702, § 11, 8-6-2008; Ord. No. 714, § 11, 7-17-2009)

Sec. 48-1391. - Utility notification.

No wind turbine shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

(Ord. No. 702, § 12, 8-6-2008; Ord. No. 714, § 12, 7-17-2009)

Sec. 48-1392. - Signal interference.

The applicant shall make reasonable efforts to avoid any disruption or loss of radio, telephone, television or similar signals, and shall mitigate any harm caused by the wind turbine or wind energy facility.

(Ord. No. 702, § 13, 8-6-2008; Ord. No. 714, § 13, 7-17-2009)

Sec. 48-1393. - Decommissioning.

(a) The property owner or facility owner and operator shall, at its expense, complete decommissioning of a wind turbine or wind energy facility within 12 months after the end of the useful life of the facility or individual wind turbine. The wind energy facility or individual wind turbine will presume to be at the end of its useful life if no electricity is generated for a continuous period of 12 months.

(b) Decommissioning shall include removal of wind turbines, building, cabling, electrical components, roads, foundations to a depth of 36 inches, and any other associated facilities.

(c) Disturbed earth shall be graded and reseeded.

(Ord. No. 702, § 14, 8-6-2008; Ord. No. 714, § 14, 7-17-2009)