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INTENT, PREAMBLE, AND ENACTING CLAUSE

CITY OF KEEGO HARBOR ORDINANCE NUMBER 243

An Ordinance to regulate and restrict the location and use of buildings, structures, and land for trade, industry, residence, and for public and semi-public or other specified uses; and to regulate and limit the height and bulk of buildings and other structures; to regulate and determine the size of yards, courts, and open spaces; to regulate and limit the density of population and for said purposes to divide the City into districts and establishing the boundaries thereof; providing for changes in the regulations, restrictions, and boundaries of such districts; define certain terms used herein; providing for the enforcement; establishment of the Board of Appeals; and imposing penalties for the violation of this Ordinance.

INTENT

All land zones are hereby declared to be exclusive and restricted to the designated areas.

PREAMBLE

Pursuant to the authority conferred by Public Act No. 110 of the Public Acts of 2006 of the State of Michigan, and act amendatory thereto, in such case, made and provided and for the purpose of promoting and protecting the public health, safety, peace, moral comfort, convenience, and general welfare of the inhabitants of the City of Keego Harbor by protecting and conserving the character and social and economic stability of the residential, commercial, industrial and other use areas; by securing the most appropriate use of land; preventing overcrowding of land and the undue congestion of population; providing adequate light, air, and reasonable access; and facilitating adequate and economical provision of transportation, water, sewer, schools, recreation, and other public requirements, and by other means, all in accordance with a comprehensive plan, now therefore:

(Ordinance 440, 11/13/12)

ENACTING CLAUSE

THE CITY OF KEEGO HARBOR ORDAINS:

ARTICLE I
SHORT TITLE

SECTION 1.00

This Ordinance shall be known and may be cited as "The City of Keego Harbor Zoning Ordinance." Within the following text it may be referred to as the "Ordinance."

ARTICLE II

DEFINITIONS

SECTION 2.00

For the purpose of this Ordinance certain terms, words and phrases shall, whenever used in this Ordinance, have the meaning herewith defined as follows:

The word "person" includes a firm, association, organization, partnership, trust, company, or corporation, public or private, as well as the individual; the present tense includes the future tense, the singular number includes the plural and plural number includes the singular; the word "shall" is mandatory, and the word "may" is permissive; the words "used" or "occupied" include the words "intended", "designed", or "arranged to be used or occupied"; the word "building" includes the word "structure" and the word "dwelling" includes the word "residence"; the word "lot" includes the words "plot" and "parcel".

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

ACT: The term "act" or "doing of an act" includes "omission to act".

ADULT FOSTER CARE CONGREGATE FACILITY: means an adult foster care facility with the approved capacity to receive more than 20 adults to be provided with foster care. Facilities are subject to conditional use approval. See "State Licensed Residential Facilities" defined in this section.

ADULT REGULATED USES: Definitions: As used in this Ordinance, the following definition shall apply to adult regulated uses:

- (a) Halfway House: A facility established by the Michigan Department of Corrections in connection with a jail, prison, or other correctional institution or facility as a residence for three or more persons committed to the jail, prison, or correctional institution prior to full release from supervision including any period of parole.

ALLEY: A public or legally established private thoroughfare, other than a street, affording a secondary means of vehicular access to abutting property and not intended for general traffic circulation.

AGRICULTURAL LAND: means substantially undeveloped land devoted to the production of plants and animals useful to humans, including, but not limited to, forage and sod crops, grains, feed crops, field crops, dairy products, poultry and poultry products, livestock, herbs, flowers, seeds, grasses, nursery stock, fruits, vegetables, Christmas trees, and other similar uses and activities.

DEFINITIONS

AIRPORT: means an airport licensed by the Michigan department of transportation, bureau of aeronautics under section 86 of the aeronautics code of the state of Michigan, 1945 PA 327, MCL 259.86.

ALLEY: A public or legally established private thoroughfare, other than a street, affording a secondary means of vehicular access to abutting property and not intended for general traffic circulation.

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

APARTMENTS: The dwelling units in a multiple dwelling as defined herein:

- (a) Efficiency Apartment: Is a dwelling unit of OR less than 350 square feet of floor area consisting of not more than one (1) room in addition to kitchen and necessary sanitary facilities.
- (b) One Bedroom Unit: Is a dwelling unit containing a minimum floor area of at least six hundred (600) square feet consisting of not more than three (3) rooms, including one bedroom in addition to kitchen and necessary sanitary facilities.
- (c) Two Bedroom Unit: Is a dwelling unit containing a minimum floor area of at least eight hundred (800) square feet, consisting of not more than four (4) rooms, including two bedrooms, in addition to kitchen and necessary sanitary facilities.
- (d) Three or More Bedroom Units: Is a dwelling unit wherein for each room in addition or the four rooms permitted in a two (2) bedroom unit, there shall be provided an additional area of two hundred (200) square feet to the minimum floor area of eight hundred (800) square feet in addition to the kitchen and necessary sanitary facilities.

ATTACHED WIRELESS COMMUNICATIONS FACILITY: A wireless communications facility affixed to an existing structure, such as an existing building, tower, water tank, utility pole, etc. utilized to receive and transmit federally or state licensed communications services via duly licensed segments of the radio frequency spectrum. This definition shall not include support structures.

AUTOMOBILE REPAIR GARAGE: A Building or premises where the following services may be carried out in a completely enclosed building: general repairs, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service such as body, frame, or fender straightening and repair; painting and under-coating of automobiles.

AUTOMOBILE SERVICE CENTER: A building or premises used primarily for the sale and installation of major automobile accessories, such as tires, batteries, radios, air conditioners and mufflers, plus such services as brake adjustment, and wheel alignment and balancing; but excluding any major mechanical repairs, collision work, under-coating or painting. Sale of gasoline (stored only in underground tanks) shall be incidental to the above enumerated activities.

BALCONY: An elevated platform, covered or uncovered by a roof, screened or unscreened, projecting from the wall of a building or structure (see Section

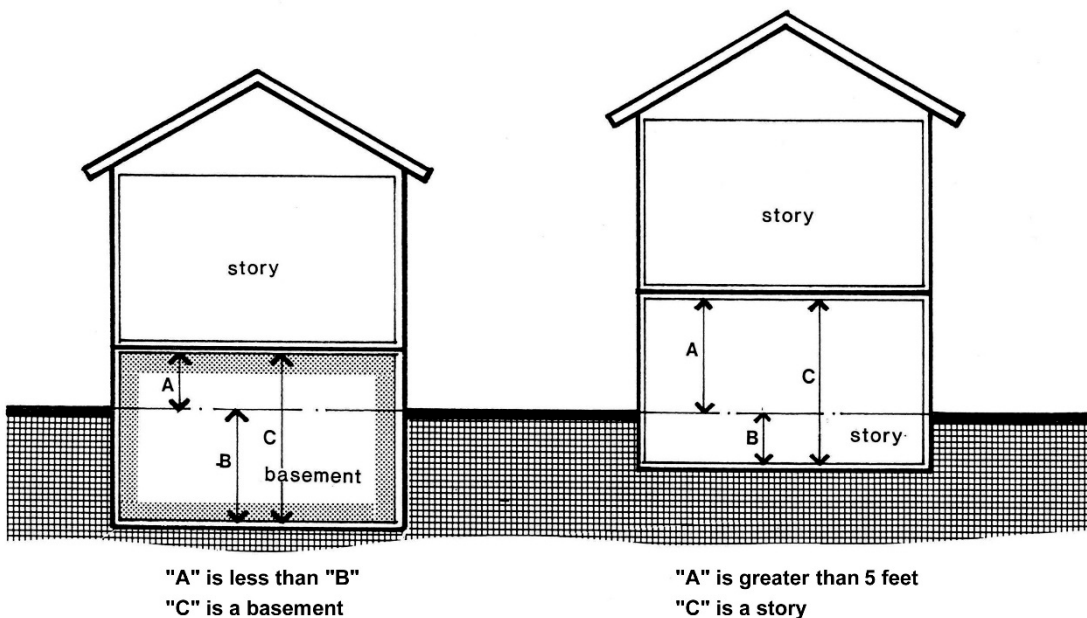
DEFINITIONS

15.11(c) - Permitted Projections into Required Open Space).

BANQUET HALL: A building or part of a building used or available for use for the gathering of people for specific functions or for entertaining a large group of people, where food and beverages are generally provided.

BAR/LOUNGE: A bar/lounge is any establishment that serves alcohol to the customer in a ready-to-consume state past 11 p.m.¹ such an establishment may stay open until 2:00 a.m. and may also provide entertainment for patrons.

BASEMENT: That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story, and shall not be used for dwelling units, offices, retail sales or manufacturing, but may be used for storage, heating and utility facilities, etc. (See basement and story illustration)



Basement and Story

BEDROOM: A room designed or used in whole or in part for sleeping purposes.

BED-N-BREAKFAST INN: A dwelling in which overnight accommodations are

¹ In a decision issued by Oakland County Circuit Court Judge Richard D. Kuhn on July 20, 1999, the definition of bar/lounge as amended by Ordinance 328 was declared invalid. Judge Kuhn found that the 11 p.m. restriction in the definition was pre-empted by Michigan Liquor Control Law. The definition prior to the amendment reads as follows: *A bar or lounge is a type of restaurant which is operated primarily for the dispensing of alcoholic beverages, although the sale of prepared food or snack may also be permitted. If a bar or lounge is part of a larger dining facility, it shall be defined as that part of the structure so designated or operated.*

DEFINITIONS

provided or offered for transient guests for compensation, including provision for a morning meal only and for overnight guests only.

BILLBOARD: Any non-accessory sign, device, design, words, letters, numbers or trademark which makes anything known to the general public and is the principal use of the lot or parcel on which it is located.

BLOCK: A block shall be that property abutting on one side of a street and lying between the two nearest intersecting streets or alleys and extending back to another street or alley or to the City Boundary.

BOARDING HOUSE: (The terms boarding house, rooming house and lodging house are used synonymously in this Ordinance. A building, other than a hotel, where for compensation and/or prearrangement for periods exceeding ten days, lodging and meals are provided for three or more persons or together with one dwelling unit for occupancy by management.

BOARD OF APPEALS: The Zoning Board of Appeals of the City of Keego Harbor.

BOAT: See Recreation Vehicle. (Ord. 338, 2/19/1998)

BOAT DOCK/WELL: The water area in which a boat lies when it is made fast to shore installations. (Ord. 338, 2/19/1998)

BOAT LIFT: A device referred to as a hoist, davits, etc., that may be used to raise boats or cargo. (Ord. 338, 2/19/1998)

BOAT PIER: See Pier. (Ord. 338, 2/19/1998)

BOAT PORT: Any covered structure open on all sides designed for the storage of boats and marine equipment. (Ord. 338, 2/19/1998)

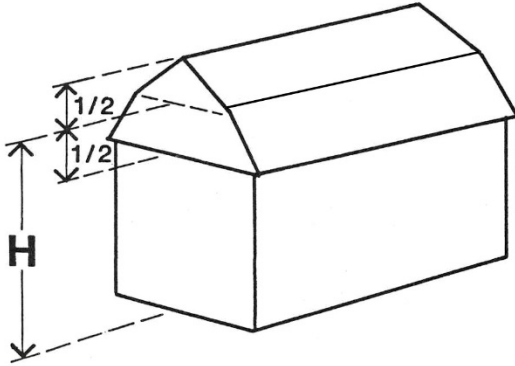
BUILDABLE AREA: The space remaining on a lot after compliance with the minimum required setbacks of this Ordinance.

BUILDING: Any structure including a mobile home or mobile structure, or a pre-manufactured or pre-cut structure above or below ground, temporary or permanent, having one or more floors or any structure, temporary or permanent, with a roof and designed or intended primarily for the shelter, support, or enclosure of persons, animals and property of any kind.

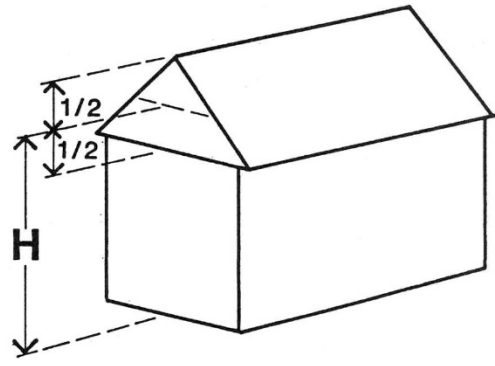
BUILDING ACCESSORY: A subordinate building.

BUILDING HEIGHT: The vertical distance measured from the established grade to the highest point of the roof surface if a flat roof; to the deck line of mansard roofs; and to the mean height level between eaves and ridge of gable, studio hip and gambrel roofs; and 75 percent of the height of an "A" frame.

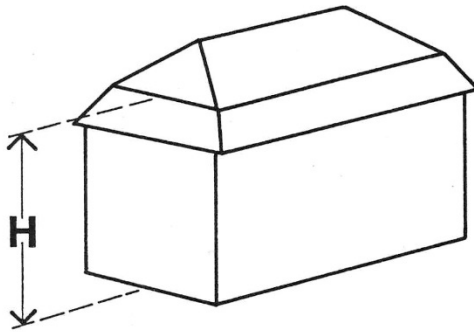
DEFINITIONS



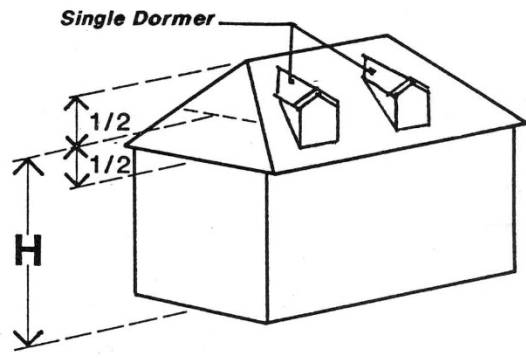
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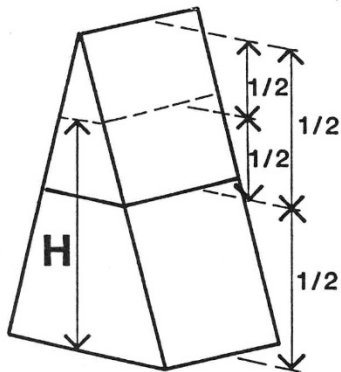
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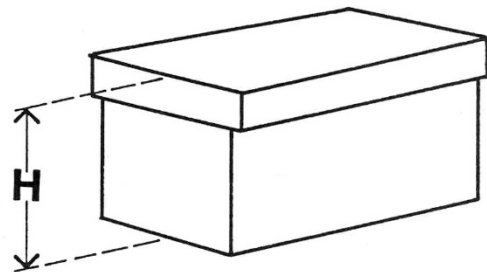
MANSARD



HIP



A-FRAME



FLAT

Building Height

DEFINITIONS

BUILDING, MAIN OR PRINCIPAL: A building or, where the context so indicates, a group of buildings in which is conducted the main or principal use of the lot on which building or group of buildings is located.

BUILDING LINE: A line formed by the building foundation where any portion of a building exceeds eight (8) feet in width and projects more than two (2) feet beyond the foundation, the face of the building shall form said building line. For the purposes of the ordinance, a building line is the same as a front setback line.

CENTRAL BUSINESS DISTRICT (CBD): The area along Orchard Lake Road between the centerline of Beechmont and the centerline of Willow Beach Avenue and the area along Cass Lake Road between the intersection of Orchard Lake Road and the centerline of Kenrick (Ord. 386, 3/21/2002).

CENTRAL BUSINESS DISTRICT FRINGE (CBD-Fringe): The area along Orchard Lake Road east of the centerline of Beechmont and the area along Orchard Lake Road between the centerline or ~~Beechmont~~ Willow Beach and the centerline of Pridham Road (Ord. 386, 3/21/2002).

CENTRAL BUSINESS OVERLAY DISTRICT: The area along Orchard Lake Road between the centerline of Beechmont and the centerline of Willow Beach Avenue and the area along Cass Lake Road between the intersection of Orchard Lake Road and the centerline of Beland, and as defined in Section 15.05.

CHILD CARE CENTER OR DAY CARE CENTER: A facility, other than a private residence, receiving one or more preschool or school age children for care for periods of less than 24 hours a day, and where the parents are not immediately available to the child, as defined in Public Act 116 of 1973.

CLINIC: A place for the care, diagnosis and treatment of sick or injured persons, and those in need of medical or minor surgical attention. A clinic may incorporate customary laboratories and pharmacies incidental or necessary to its operation or to the service of its patients, but may not include facilities for in-patient care or major surgery.

CLUB: An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics or similar activities. but in no way operated for profit.

COMMON USE LOT: Any private site, platted lot or other parcel held in common by a subdivision, association, similar agency or group of individuals, or held in common by virtue of the terms of a plat of record; which provides common use riparian access to non-riparian lots or land owners or is utilized for the on-land storage of recreational vehicles. (Ord. 338, 2/19/1998)

CONDOMINIUM: A plan or project as established and approved in conformance with the Michigan Condominium Act, Act 59 of the Public Acts of 1978, as amended.

CONSERVATION EASEMENT: means that term as defined in section 2140 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.2140.

COURT: A yard, other than a required open space, on the same lot with a building or group of buildings, and which is bounded on two or more sides by such building or buildings.

DEFINITIONS

DECK: A platform, commonly constructed of wood, which is typically attached to a house, and which is typically used for outdoor leisure activities (see Section 15.11(c) - Permitted Projections into Required Open Space).

DEVELOPMENT RIGHTS: means the rights to develop land to the maximum intensity of development authorized by law.

DISTRICT: This term is synonymous with the term "Zone" or "zoning district"; a portion of the City within which, on a uniform basis, certain uses of land and buildings are permitted and within which certain regulations and requirements apply under the provisions of this Ordinance.

DOCK (BOAT WELL): See Boat Dock/Well. (Ord. 338, 2/19/1998)

DRIVE-IN ESTABLISHMENT: A business establishment so developed that its principal retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve motor vehicles or serve patrons while in the motor vehicle (e.g., car wash, gasoline service stations, restaurants, cleaners, banks, theaters, etc.).

DUMPSTER: A container used for the temporary storage of rubbish, pending collection, having a capacity of at least two (2) cubic yards.

DWELLING UNIT: One or more rooms with bathroom and principal kitchen facilities designed as a self-contained unit for occupancy by one family for living, cooking and sleeping purposes.

- (a) Dwelling Unit, Manufactured: A dwelling unit which is substantially built, constructed, assembled, and finished off the premises upon which it is intended to be located.
- (b) Dwelling Unit, Site Built: A dwelling unit which is substantially built, constructed, assembled, and finished on the premises which are intended to serve as its final location. Site built dwelling units shall include dwelling units constructed of pre-cut materials and panelized wall, roof and floor section when such sections require substantial assembly and finishing on the premises which are intended to serve as its final location.

DWELLING, MULTIPLE-FAMILY: A building or portion thereof containing three or more dwelling units. This definition includes three family houses, four family houses, and apartment houses, but does not include trailer camps or mobile home parks.

DWELLING, SINGLE-FAMILY (One-Family): A detached building containing not more than one dwelling unit designed for residential use of one (1) family only, provided:

- (a) It complies with the minimum square footage requirements of this Ordinance for the zone in which it is located.
- (b) It has a minimum width across front, side and rear elevations of twenty (20) feet and complies in all respects with the City building code, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed by the City building

DEFINITIONS

code, then and in that event, such federal or state standard or regulation shall apply; further provided that the provisions of this section shall not have the effect of making one family dwellings, which exist as of the effective date of this Ordinance, non-conforming.

- (c) It is firmly attached to a permanent foundation constructed on the site in accordance with the City building code. Said foundation shall have a wall of the same perimeter dimensions as the dwelling and shall be constructed of such materials and type as required in the applicable building code for one-family dwellings. In the event that the dwelling is a mobile home, as defined herein such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission and shall have a perimeter wall as required.
- (d) In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels and towing mechanism removed. Additionally, no dwelling shall have any exposed undercarriage or chassis.
- (e) The dwelling contains a storage capability area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction equal to or of better quality than the principal dwelling, which storage area shall be equal to 10 percent of the square footage of the dwelling or 100 square feet, whichever shall be less.
- (f) The dwelling is aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof over-hang of not less than six inches on all sides, or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling; has not less than two exterior doors with the second one being in either the rear or side of the dwelling; and contains steps connected to said exterior door areas or to porches connected to said door areas where a difference in elevation requires the same.

The compatibility of design and appearance shall be determined in the first instance by the Building Official upon review of the plans submitted for a particular dwelling, subject to appeal by an aggrieved party to the Zoning Board of Appeals within a period of thirty (30) days from the receipt of notice of said Building Official's decision. Any determination of compatibility shall be based upon the standards set forth in this definition of single family "dwelling" as well as the character, design and appearance of one or more residential dwellings to the extent of less than twenty (20) percent of the lots situated within said area; or, where said area is not so developed, by the character, design and appearance of one or more single family dwellings located outside of mobile home parks throughout the City.

- (g) The dwelling contains no additions or rooms or other areas which are not constructed with a quality of workmanship equal to the original structure, including permanent attachments to the principal structure and construction of foundations as required herein.

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- (h) The dwelling complies with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
- (i) The foregoing standard shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law.
- (j) All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable building code provisions and requirements.

DWELLING, TWO-FAMILY: A detached building containing two dwelling units.

DWELLING, ROW OR TOWN HOUSE: A row of three or more attached one family dwellings, not more than two and one-half (2 1/2) stories in height, in which each dwelling has its own front entrance and rear entrance.

EFFICIENCY APARTMENT: A dwelling unit with a bathroom and principal kitchen facilities designed as a self-contained unit for occupancy for living, cooking and sleeping purposes and having no separate designated bedroom.

ELDERLY HOUSING - DEPENDENT: A multiple-family housing form with central dining facilities provided as a basic daily service to each dwelling unit. Each elderly dwelling unit may or may not contain cooking facilities.

ELDERLY HOUSING - INDEPENDENT: A multiple-family housing form with full facilities for self-sufficiency in each individual elderly dwelling unit and no central dining facility.

ELDERLY PERSON: Individuals at least sixty-two (62) years of age, or households in which head of the household is at least sixty-two (62) years of age. If only one member of the household meets the age requirements, the death or hospitalization of that person shall not cause the household to lose the elderly status.

ENCLOSED: A structure that is surrounded on three (3) or more sides by glass, masonry, brick, screening wall or other similar material, greater than four (4) feet in height is considered to be enclosed. (Ord. 364, 12/21/2000)

ERECTED: Build, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction. Excavation, fill, drainage, painting, plastering, sewers and the like shall be considered a part of erection.

ESSENTIAL SERVICES: Those services as outlined below, which are designed and constructed to directly, serve local users within the geographic boundaries of the City. Such essential services include 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, collection, communications, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals,

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hydrants, and similar equipment, but not including storage yards, sales offices, commercial buildings, or wireless communications facilities that are solely used for private, commercial purposes.

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

EXCEPTION (SPECIAL EXCEPTION): A use specified in this Ordinance as permissible in a use district only if special conditions are met.

FAMILY: One or more persons related by blood, adoption or marriage, living and cooking together as a single non-profit housekeeping unit, inclusive of household servants. A number of persons living and cooking together as a single non-profit housekeeping unit having a continuing non-transient domestic character though not related by blood, adoption or marriage, shall be deemed to constitute a family. This definition shall not include any society, club, fraternity, sorority, group of students, association, lodge, combine, federation, group, coterie, or organization which is not a recognized religious order, nor include a group of individuals whose association is temporary and resort/seasonal or similar to a boarding house, motel or hotel, or for an anticipated limited duration of a school term or terms on a similar determinable period.

FAMILY DAY CARE HOME: A family day care home is a private home in which 1 but less than 7 minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year.

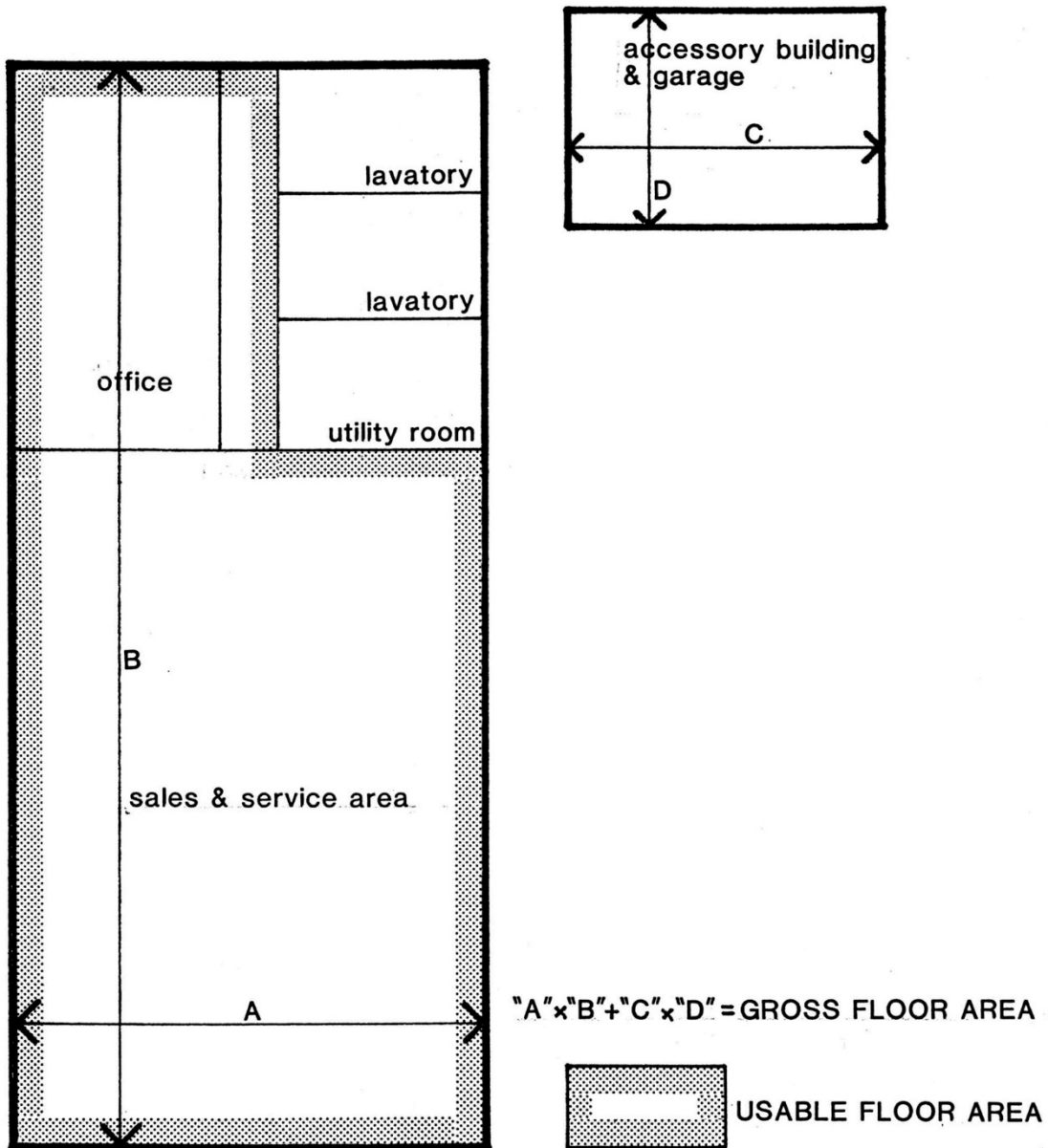
FENCE: An unroofed man-made structure designed as a barrier. It may be made of wood, metal or other material, such as vinyl. It may be ornamental or intended for or capable of enclosing a piece of land, preventing ingress and egress, dividing, bounding or simply marking a line. A fence, for the purposes of this ordinance, is any such structure, exceeding twelve (12) inches above grade, and the vertical surface area of which is a minimum of 50 percent open to the free passage of air and light. (see "Point of Observation") (Ordinance 428 12/15/11)

FILLING: The depositing or dumping of any matter onto or into the ground, except common household gardening and ground care.

FLOOD HAZARD AREA: The flood hazard area shall coincide with the boundaries of the areas indicated within the limits of the 100-year flood in the report titled "The Flood Insurance Study for the City of Keego Harbor", dated June 1982, with accompanying Flood Insurance Rate Maps and Flood Boundary and Floodway Maps.

FLOOR AREA: Area measured to the exterior face of exterior walls and to the center line of interior partitions.

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Floor Area Terminology

FLOOR AREA, USEABLE RESIDENTIAL: The sum of the horizontal area of the first story measured to the exterior walls; plus similarly measured, that area of all other stories having more than eight-four (84) inches of head room which may be made useable for human habitation; but excluding the floor area of basements, attics, attached or unattached garages, breezeways, unenclosed porches, and accessory buildings. (See "Floor area terminology" illustration)

DEFINITIONS

FLOOR AREA, USEABLE NON-RESIDENTIAL: The sum of the horizontal area of the first story measured to the exterior face of exterior walls, plus the similarly measured area of all other stories, including mezzanines which may be made fit for occupancy, including the floor area of basements used for activities related to the principal use, such as storage, but excluding public hallways and corridors, restroom facilities and furnace and utility rooms.² Parking space located within a building shall not be considered useable floor area. In those cases where useable floor area cannot be determined (such as in an unoccupied retail building), useable floor area shall be equal to eighty percent (80%) of the total floor area of the building. (See "Floor area terminology" illustration)

FLOOR AREA RATIO: The combined gross floor area of all buildings on a lot, including accessory buildings but excluding the floor area of basements (including walk-outs that conform with the definition of "basement"), attics, breezeways, and unenclosed porches, divided by the lot area. (Ord. 338, 2/19/1998)

FLOOR, GROUND: That portion of a building which is partly below grade but so located that the vertical distance from the average grade to the ceiling is greater than the vertical, distance from the average grade to the floor. A ground floor shall be counted as a story.

FOSTER CARE FAMILY HOME: Means a private residence with the approved capacity to receive not more than six (6) adults who shall be provided foster care for five (5) or more days per week and for two (2) or more consecutive weeks. The Adult Foster Care Home licensee shall be a member of the household and an occupant of the residence. Halfway houses sponsored by the Michigan Department of Correcting are not considered licensed foster care facilities. (Section 3, subsection 5, Act 218, Public Acts of 1979.) See "State Licensed Residential Facilities" defined in this section.

GASOLINE SERVICE STATION: See Automobile Service Center.

GARAGE, REPAIR: See Automobile Repair Garage.

GARAGE, PRIVATE: An accessory building having not more than seven hundred twenty (720) square feet in area to be used for the storage of non-commercial vehicles, provided that not more than one commercial vehicle of less than one ton capacity may be stored in said private garage and there shall be no services or commodities offered to the public in connection therewith. (See Section 15.13 ACCESSORY BUILDINGS).

GARAGE COMMUNITY: An accessory building for the storage of non-commercial vehicles, with no public shop or service facilities in connection therewith.

GARAGE, PUBLIC PARKING: A structure available to the public for the parking and storage of motor vehicles, including such accessory uses as the sale at retail of gasoline (stored only in underground tanks) or motor oil and the washing, polishing and lubrication of motor vehicles, all within the structure.

GRADE: The ground elevation established for the purpose of regulating the number of

² The Zoning Board of Appeals has ruled that all storage areas are to be included in the definition of Useable Non-Residential Floor Area. (January 1997)

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stories and the height of the building. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

GREENWAY: means a contiguous or linear open space, including habitats, wildlife corridors, and trails, that links parks, nature reserves, cultural features, or historic sites with each other, for recreation and conservation purposes.

HOME OCCUPATION: An occupation or profession conducted entirely within a dwelling or accessory structure by the inhabitants thereof, where such use is clearly incidental to the principal residential use of the dwelling. (Ord. 377, 11/15/2001)

HOSPITAL: An institution providing health services, primarily for in-patients, plus medical and surgical care for the sick or injured including such related facilities as laboratories, out-patient departments, central service facilities and staff offices.

HOTEL: (Including Motel) A building or buildings containing primarily rooming units with the number of dwelling units being not greater than ten percent (10%) of the total number of rooming units, and, with the exception of the units occupied by the management staff, used only for the accommodation of transients.

IMPROVEMENTS: means those features and actions associated with a project that are considered necessary by the body or official granting zoning approval to protect natural resources or the health, safety, and welfare of the residents of a local unit of government and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening, and drainage. Improvements do not include the entire project that is the subject of zoning approval.

INTENSITY OF DEVELOPMENT: means the height, bulk, area, density, setback, use, and other similar characteristics of development.

JUNK: For the purpose of this Ordinance, "junk" in addition to including garbage and rubbish shall mean unlicensed motor vehicles, machinery, appliances, product, merchandise with parts missing, or scrap metals, or other scrap materials that are damaged, deteriorated or are in a condition which renders them incapable of performing the function for which they were intended.

JUNK YARD: An open area of more than two hundred (200) square feet, including an automobile wrecking yard, used for the purchase, sale, exchange, disassembly, storage processing, baling or packaging of junk, including but not limited to scrap metals, unusable machinery or motor vehicles, tires, bottles, and paper, and not including uses established entirely within enclosed buildings.

KENNEL: Any lot or premises on which three (3) or more dogs or cats, four (4) months or more old, are permanently or temporarily boarded, or are kept for the purpose of breeding or selling.

LABORATORY: An establishment devoted to scientific, industrial or business research and experimental studies including testing and analyzing, but not including manufacturing of any nature.

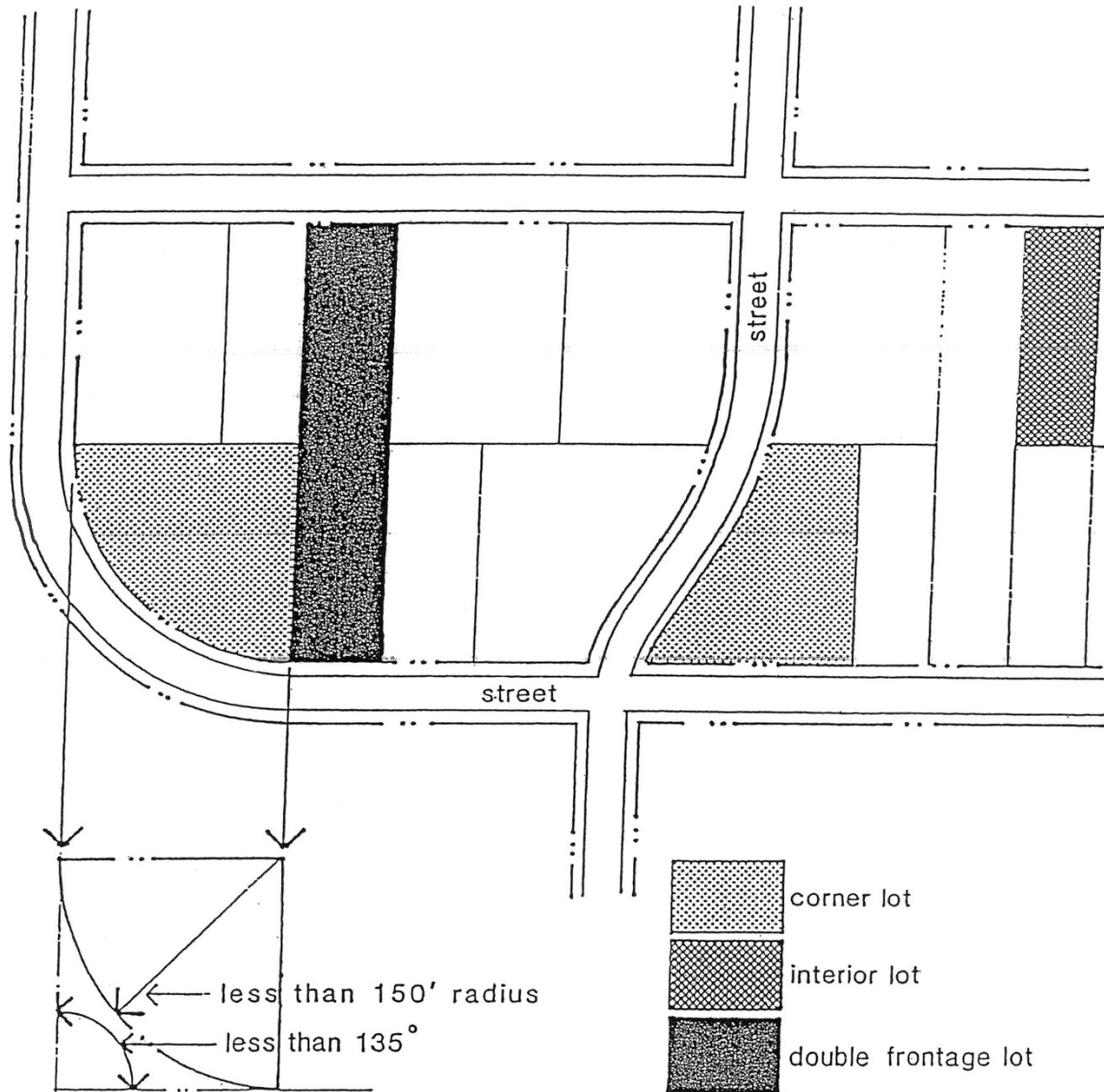
DEFINITIONS

LANDSCAPING: The treatment of the ground surface with live materials such as, but not limited to, grass, ground cover, trees, shrubs, vines and other growing horticultural material. In addition, the combination or design may include other decorative surfacing such as wood chips, crushed stone, or mulch materials not to exceed twenty (20%) percent of the total for any landscape area. Structural features such as fountains, pools, statues, and benches shall also be considered a part of landscaping but such objects alone shall not meet the requirements of landscaping. In addition, artificial plant materials shall not be permitted in required landscape areas.

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

LODGING HOUSE: See Boarding House.

DEFINITIONS



Corner, Interior & Double Frontage Lots

LOT, CORNER: A lot where the interior angle of two adjacent sides at the intersection of two streets is less than one hundred thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Ordinance if the arc is of less radius than one hundred fifty (150) feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than one hundred thirty-five (135) degrees. (See "lot" illustration)

LOT, INTERIOR: Any lot other than a corner lot or through lot. (See "lot" illustration)

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LOT, THROUGH OR DOUBLE FRONTAGE LOT: A double frontage lot, not a corner lot, having a street for both front and rear lot lines. (See "lot" illustration)

LOT, WATERFRONT: A waterfront lot is a lot adjoining Cass Lake, Dollar Lake or Sylvan Lake or any of their canals. (See Section 15.15 Waterfront Yards) (Ord. 338, 2/19/1998)

LOT, ZONING: A tract or parcel of land which is designated by its owner or developer as a tract to be used, developed or built on as a unit, under single ownership or control. A zoning lot may or may not coincide with a Lot of Record.

LOT AREA: The total horizontal area within the lot lines of a lot. For lots fronting or adjacent to private streets, lot area shall mean that area within lot lines and not including any portion of said private street. For waterfront lots, lot area shall mean that area within lot lines and not including any submerged area of any lake, canal, river or pond (below the shoreline or ordinary high water mark). (Ord. 338, 2/19/1998)

LOT COVERAGE: That part or percent of the lot covered by the area of all buildings including accessory buildings. (Ord. 338, 2/19/1998)

LOT DEPTH: The horizontal distance between the front and rear lot lines measured along the median between the side lot lines.

LOT LINES: The lines bounding a lot as defined herein:

- (a) **Front Lot Line:** In the case of an interior lot, that line separating the lot from the street. In the case of a through lot, the line separating the lot from that street which is designated in an application for a Building Permit, or in any manner as the front street. In the case of a corner lot, the lines, separating the lot both from that street which is designated as the front street in an application for Building Permit and from the side street are front lot lines.
- (b) **Rear Lot Line:** That line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long lying farthest from the front lot line, and wholly within the lot.
- (c) **Side Lot Lines:** Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line. A lot line separating a lot from a side street is a front lot line.

LOT OF RECORD: A parcel of land, the dimensions of which are shown on a recorded plat on file with the County Register of Deeds, or any parcel recorded with the Oakland County Register of Deeds, which has been separated, which exists as described. A lot of record must front a public street which is dedicated for access as a public street.

LOT WIDTH: The length of a straight line measured between the two points where the building line or setback line intersects the side lot lines. (See "yard terms" illustration)

MAJOR THOROUGHFARES: An arterial street which is designed as a major thoroughfare on the Master Plan for the City.

MANUFACTURED BUILDING: Is defined by the following features or characteristics:

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- (a) Mass-produced in a factory;
- (b) Designed and constructed for transportation to a site for installation and use when connected to required utilities;
- (c) Either an independent, individual building or a module for combination with other elements to form a building on the site.

MANUFACTURED HOUSING: A manufactured building or portion of a building designed for long-term residential use.

MARGINAL ACCESS ROAD: A service roadway parallel to a feeder road; which provides access to abutting properties and protection from through traffic.

MARINA: A facility which extends into or over waterways in the City and provides docking for four (4) or more boats, or offers service to the public or members of the marina for docking, storing and loading of boats. A marina shall include a common lot within a subdivision, a common area within a condominium or any other parcel of land held in common by a subdivision, association, similar agency or group of individuals which provides docking, storing and loading for four (4) or more recreational watercraft. A marina may include boat docking or mooring facilities which are made available for rent or lease, including clubhouses, parking lots, boat service facilities, and other facilities or uses customarily incidental to a marina. (Ord. 338, 2/19/1998)

MASTER PLAN (COMPREHENSIVE PLAN): The official comprehensive plan, as amended, for the development of Keego Harbor including but not limited graphic and written proposals for thoroughfares, parks, schools, public buildings, land use and the general physical development of the City.

MARQUEE: A roof-like structure of a permanent nature projecting from the wall of a building.

MEZZANINE: An intermediate or fractional story between the floor and ceiling of a main story occupying not more than one-third (1/3) of the floor area of such main story.

MOBILE HOME: A structure, transportable in 1 or more sections, which is built on a 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. Mobile home does not include a recreational vehicle.

MOBILE HOME PARK: A parcel or tract of land under the control of a person upon which 3 or more mobile homes are located on a continual nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home and which is not intended for use as temporary trailer park.

MOORING: To secure by cable and anchors, as a vessel. (Ord. 338, 2/19/1998)

MOTEL: See Hotel.

NONCONFORMING BUILDING: (Nonconforming structure) A building or structure (or portion thereof) lawfully existing at the time of adoption of this Ordinance or a subsequent amendment thereto, that does not conform to the provisions of this

DEFINITIONS

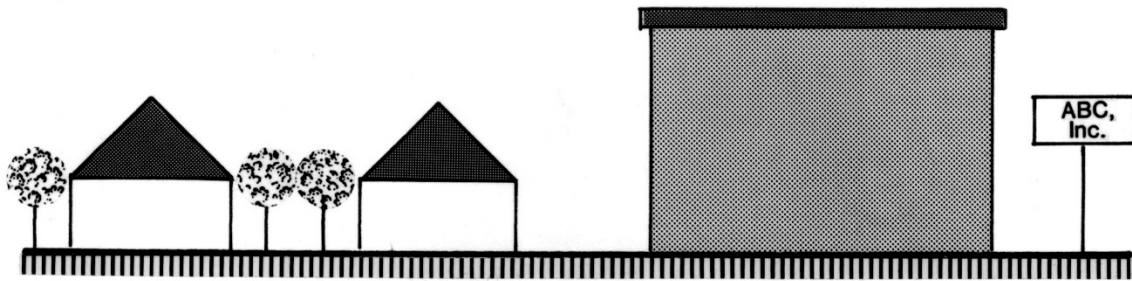
Ordinance relative to height, bulk, area, placement or yards for the zoning district in which it is located.

NONCONFORMING LOT OF RECORD: A platted or unplatted parcel of land, lawfully existing at the effective date of this ordinance or amendments thereto, that does not conform to the ordinance provisions for the zoning district in which it is located.

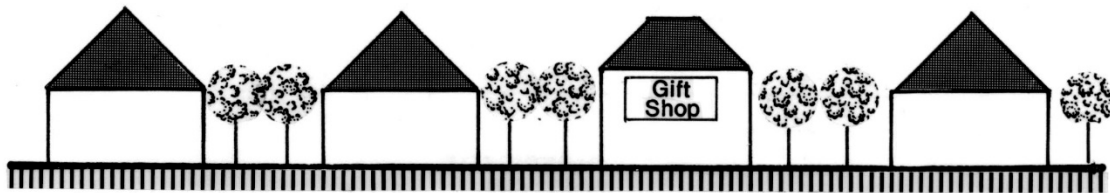
NONCONFORMING USE: A use of a building or structure or of a parcel or tract of land, lawfully existing at the time of adoption of this Ordinance or a subsequent amendment thereto, that does not conform to the regulations of this Ordinance for the zoning district in which it is situated.

NONCONFORMING USE AND BUILDING: A use and a building lawfully existing at the time of adoption of this Ordinance or a subsequent amendment thereto which do not conform to the use and height, bulk, placement or yard provisions for the zoning district in which situated.

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Nonconforming Building and Use



Nonconforming Use

(Residence converted to commercial use in residential district)

Nonconforming Use

NURSERY, PLANT MATERIAL: A space, building or structure, or combination thereof, for the storage of live trees, shrubs, or plants offered for retail sale on the premises including products used for gardening or landscaping. The definition of nursery within the meaning of this Ordinance does not include any space, building or structure used for the sale of fruits, vegetables or Christmas trees.

A home for the care of children, the aged, the infirmed, or a place of rest for persons suffering serious bodily disorders, wherein two (2) or more persons are cared for. A convalescent or nursing home is subject to the licensing requirements of applicable State laws (Public Act 139 of 1956, as amended).

OCCUPANCY, CHANGE OF: The term "change of occupancy" shall mean a discontinuance of an existing use and the substitution therefore of a use of a different kind or class, or the expansion of a use.

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OCCUPIED: Used in any way at the time in question.

OFF-STREET PARKING LOT: A facility other than for single or two-family dwellings providing parking 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 (3) vehicles.

OPEN-FRONT STORE: A business establishment so developed that service to the patron may be extended beyond the walls of the structure, not requiring the patron to enter the structure. The term "open front store" shall not include automobile service stations or used car lots.

OFF-STREET LOADING SPACE: A facility or space which permits the standing, loading or unloading of trucks and other vehicles other than on or directly from a public right-of-way.

PARKING SPACE: A permanently paved area of land adequate to carry out the off-street parking regulations of this Ordinance, and an area for each motor vehicle of not less than nine (9) feet wide by twenty (20) feet long exclusive of drives, aisles and entrances giving access thereto, and fully accessible for the parking of permitted vehicles.

PATIO/TERRACE: A paved open space of land located at grade adjacent to a residential dwelling unit, no part of which is roofed, which is used for private entertainment or leisure activities (see Section 15.11(c) - Permitted Projections into Required Open Space).

PET: A domesticated dog, cat, canary, parakeet, parrot, gerbil, hamster, guinea pig, turtle, fish, rabbit, or similar animal.

PIER: A structure extending outward from the shore line for use as a promenade or to secure and provide access to boats. (Also see Wharf.) (Ord. 338, 2/19/1998)

PILE, SPRING OR MOORING: A column of timber steel or concrete driven into the ground below the water to tie off or otherwise moor a boat. (Ord. 338, 2/19/1998)

PLANNING COMMISSION: The City Planning Commission of Keego Harbor created by Ordinance, being the agency designated to prepare a Zoning Ordinance and to recommend amendments to same Ordinance, in accordance with authority of Section 5, Act 207, Public Act 1921, as amended, shall throughout this Ordinance be known as the Planning Commission.

POINT OF OBSERVATION: The determination of the percentage of openness to the free passage of air and light in fences, privacy screens and walls shall be made from a specific point of observation. The point of observation shall be a point ten (10) feet away from the structure; perpendicular to the vertical surface plane of the structure and as viewed from a height above grade which is equal to 50 percent of the structure's height.

PORCH: A covered entrance to a building or structure which may be enclosed with screen material which projects out from the main wall of such building or structure, and has an integral roof with the principal building or structure to which it is attached (see Section 15.11(c) - Permitted Projections into Required Open Space).

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PRIVACY SCREEN: Any unroofed man-made vertical structure intended and used as a visual barrier designed to inhibit or prevent observation of an area, from a point or points off the lot, and the vertical surface of which is less than 50 percent open to the free passage of air and light. (see "Point of Observation")

PROPERTY LINES: The lines bounding a lot, the lot lines.

PUBLIC UTILITY: Any person, firm or corporation, municipal department or board, duly authorized to furnish and furnishing under Federal, State or Municipal regulations to the public: gas, steam, electricity, sewage disposal, water, transportation and communications such as telephone, cable television, mobile phone towers, etc.

RECREATION LAND: Any public or private owned lot or land that is utilized for recreation activities such as, but not limited to camping, swimming, picnicking, hiking, nature trails, hunting, boating, and fishing.

RECREATION VEHICLE: "Recreation Vehicles" shall include the following:

- a) Travel Trailer: A portable vehicle on a chassis, which is designed to be used as a temporary dwelling during travel, recreational and vacation uses and which may be identified as a "travel trailer" by the manufacturer. Travel trailers generally contain sanitary, water and electrical facilities.
- (b) Camper Trailer (pop-up): A canvas folding structure, mounted on wheels and designed for travel and vacation use.
- (c) Pick-Up Camper: A structure designed to be mounted on a pick-up or truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling during the process of travel, recreational, and vacation uses.
- (d) Boat: A watercraft (including, but not limited to any vessel, ship, motorboat, sailboat, barge, scow, tugboat or rowboat) which is any one of the following:
 - greater than 12 feet in length,
 - having a motor or engine of more than five (5) horsepower,
 - used for rental or other commercial purposes, or
 - registered or required to be registered with the Michigan Department of State.
- (e) Boat/Personal Watercraft: A vessel that meets all of the following requirements:
 - uses a motor driven propeller or an internal combustion engine powering a water jet pump as its primary source of propulsion,
 - is designed without an open load carrying area that would retain water, and
 - is designed to be operated by one (1) or more persons positioned on, rather than within, the confines of the hull.
 - registered or required to be registered with the Michigan Department of State.
- (f) Motor Home: A recreational vehicle intended for temporary human habitation, sleeping, and/or eating, mounted on a chassis with wheels and capable of being

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moved place to place under its own power. Motor homes generally contain sanitary, water, and electrical facilities.

- (g) Other Recreational Equipment: Other recreational equipment includes snowmobiles, all-terrain or special terrain vehicles, utility trailers, plus the normal equipment to transport them on the highway. (Ord. 338, 2/19/1998)

RELIGIOUS INSTITUTION: A facility used for regular organized religious worship and related activities, including living quarters for church ministry or other members of the religious order who carry out their duties primarily on the site, religious education classes, and limited recreation facilities.

RESTAURANT: A restaurant is any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state, and whose method of operation is characteristic of a carry-out, drive-in, drive-through, fast food, standard restaurant, or combination thereof, as defined below:

- (a) Restaurant, Carry-Out: A carry-out restaurant is a restaurant whose method of operation involves sale of food, beverages, and/or frozen desserts in disposable or edible containers or wrappers in a ready-to-consume state for consumption off the premises.
- (b) Restaurant, Drive-In: A drive-in restaurant is a restaurant whose principal method of operation involves the delivery of prepared food so as to allow its consumption in a motor vehicle or elsewhere on the premises, but outside of an enclosed building.
- (c) Restaurant, Drive-Through: A drive-through restaurant is a restaurant whose method of operation involves the delivery of prepared food to the customer in a motor vehicle, typically through a drive-through window, for consumption off the premises.
- (d) Restaurant, Fast-Food: A fast-food restaurant is a restaurant whose method of operation involves minimum waiting for delivery of ready-to-consume food to the customer at a counter or cafeteria line for consumption at the counter where it is served, or at tables, booths, or stands inside or outside of the structure, or for consumption off the premises, but not in a motor vehicle at the site.
- (e) Restaurant, Standard: A standard restaurant is a restaurant whose method of operation does not include the sale of alcohol and involves either:
 - 1. The delivery of prepared food by waiters and waitresses to customers seated at tables within a completely enclosed building, or
 - 2. The prepared food is acquired by customers at a cafeteria line and is subsequently consumed by the customers at tables within a completely enclosed building.

DEFINITIONS

- (f) **Restaurant, Serving Alcohol:** A restaurant whose method of operation includes the sale of alcohol for consumption on-site and whose method of operation includes a closing time of no later than 11:00 p.m.³ and either:
1. The delivery of prepared food by waiters and waitresses to customers seated at tables within a completely enclosed building, or
 2. The prepared food is acquired by customers at a cafeteria line and is subsequently consumed by the customers at tables within a completely enclosed building.

ROADSIDE STAND: A temporary or existing permanent structure containing not more than two hundred (200) square feet of enclosed floor area and operated for the purpose of selling agricultural, dairy, or poultry products raised or produced only by the proprietor of the stand by his family.

ROOMING HOUSE: See Boarding House.

ROOMING UNIT: A room or group of rooms, forming a single habitable unit used for living and sleeping, but not containing kitchen or eating facilities.

SATELLITE DISH ANTENNA: An accessory use which incorporates a solid, open mesh, or bar configured surface, which is typically in the shape of a shallow dish or cone, and which is in excess of 36 inches but not greater than ten (10) feet in diameter at its widest dimension. Such devices are designed to receive radio or electromagnetic signals from orbitally based satellites. Because of their weight, mass, and restriction to the free passage of light and air, such uses require specific regulatory guidelines.

SETBACK LINE, REQUIRED: A line, marking the setback distance from the street or lot lines, which establishes minimum required front, side, rear or waterfront open space of area. (Ord. 338, 2/19/1998)

SEXUALLY ORIENTED BUSINESS. Sexually Oriented Businesses and their operational characteristics are further defined as follows:

1. Adult Arcade means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, internet or mechanically controlled still or motion picture machines, projectors or other image producing devices are maintained to show images and where the images so displayed are distinguished or characterized by the depicting or describing of "sexually explicit activities" or "specific anatomical areas".
2. Adult Bookstore or Adult Video Store means an establishment which offers for sale or rental for any form of consideration, as one of its principal business purposes, any one or more of the following:
 - a. Books, computer diskettes, tapes or hard drives, magazines, periodicals or other printed matter or photographs, films, motion pictures, video matter or photographs, cassettes or video reproductions, slides or other visual representation which depict or

³ In a decision issued by Oakland County Circuit Court Judge Richard D. Kuhn on July 20, 1999, the 11 p.m. restriction in the definition was declared to be pre-empted by Michigan Liquor Control Law.

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describe "sexually explicit activities" or "specified anatomical areas"; or

b. Instruments, devices or paraphernalia which are designed for use in connection with "sexually explicit activities"; or

c. Items, materials, gimmicks, or paraphernalia depicting, displaying, advertising or packaged as "sexually explicit activities" or depict or describe "specified anatomical areas".

d. For purposes of this Section, "principal business purpose" means:

e. The devotion of a significant or substantial portion, meaning at least twenty-five (25%) percent of its in-store inventory (either measured by display area or retail value) in the items listed above; or

f. The receipt of twenty-five (25%) percent of more of its revenues from the sale of the items listed above; or

g. The devotion of a significant or substantial portion of its advertising expenditures to the promotion of the sale, rental or viewing, of books, magazines, periodicals or other printed matter, or photographs, film, motion pictures, video cassettes, compact discs, slides or other visual representations, items, materials, gimmicks, or paraphernalia which are characterized by the depiction, description display, advertising or packaging of "sexually explicit activities" or "specified anatomical areas".

h. An establishment may have other principal business purposes that do not involve the offering for sale, rental or viewing of materials depicting or describing "sexually explicit activities" or "specified anatomical areas", and still be characterized as an adult book store, adult novelty or retail store or adult video store. Such other business purposes will not serve to exempt such establishment from being categorized as an adult bookstore, adult novelty store or adult video store, so long as the establishment falls within the definition of an adult bookstore, adult novelty store or adult video store as set forth above.

3. Adult Cabaret means a nightclub, bar, restaurant, bottle club, or similar commercial establishment, whether or not alcoholic beverages are sold, which features:

a. persons who appear in a state of restricted nudity; or

b. live performances, exhibitions, shows, dances, revues, floorshows, songs or other similar presentation which are characterized by the partial exposure of "specified anatomical areas"; or

c. films, motion pictures, video cassettes, compact discs, slides or other photographic reproductions which are characterized by the depiction or description of "sexually explicit activities" or "specified anatomical areas".

d. This definition does not include a theater which features occasional live nude performances with serious literary, artistic or political value and that have no adverse secondary effects.

4. Adult Massage Parlor means any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other manipulation of the human body occurs as part of or in

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connection with specified sexual activities, or where any person providing such treatment, manipulation, or service related thereto, exposes his or her specified anatomical areas. An Adult Massage Parlor, in contrast to a Myotherapy Establishment, is considered a sexually oriented business for purposes of these regulations.

5. Adult Motel means a hotel, motel or similar commercial establishment which:

a. offers accommodations to the public for any form of consideration and provide patrons with closed-circuit television transmission, films, motion pictures, video cassettes, compact discs, slides or other photographic reproductions which are regularly characterized by the depiction or description of "sexually explicit activities" or "specified anatomical areas"; or which advertises the availability of this adult type of material by means of a sign, visible from the public right-of-way, or by means of any off-premises advertising, including, but not limited to, newspapers, magazines, pamphlets or leaflets, radio, internet or television; or

b. permits patrons to be filmed or photographed performing "sexually explicit activities" or displaying "specified anatomical areas" for electric transmission over the World Wide Web; or

c. offer a sleeping room for rent for a period of time that is less than ten (10) hours; or

d. allow a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.

6. Adult Motion Picture Theater means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, compact discs, slides or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "sexually explicit activities" or "specified anatomical areas".

7. Adult Theater means a theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified anatomical areas" or by the performance of "sexually explicit activities". This definition does not include a theater which features occasional live nude performances with serious literary, artistic or political value and that have no adverse secondary effects.

8. Adult Use Business means an adult arcade, adult bookstore, adult novelty or retail store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude modeling studio and/or a sexual encounter establishment or any business determined by the City to be an adult use, due to the activities of the business which involve characteristic of adult uses, such as nudity, semi-nudity, exposure of "sexually explicit activities" and/or "specified anatomical areas". The definition of "adult use business" shall not include an establishment where a medical practitioner, psychologist, psychiatrists or similar professional person licensed by the State engages in medically approved and recognized sexual therapy.

9. Employee means a person who works or performs in and/or for an adult use business, regardless of whether or not said person is paid a salary, wage or other compensation by the operator of said business.

10. Entertainer means a person who performs some type of activity or poses with the

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intent of allowing others to witness that activity or pose.

11. Escort means a person, who for consideration in any form, agrees or offers to act as a companion guide or date for another person, or who agrees or offers to privately perform as an entertainer, including, but not limited to, the modeling of lingerie, the removal of clothing, the performance of a dance or skit, or the providing of specified sexual activities for another person. Under this definition, "privately" shall mean a performance for an individual, or that individual's guests.

12. Escort Agency means a person or business association who furnishes, offers to furnish or advertises to furnish escorts as one of its primary business purposes, for a fee, tip or other consideration.

13. Establishment means and includes any of the following:

a. the opening or commencement of any sexually oriented business as a new business;

b. the conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;

c. the location or relocation of any sexually oriented business.

14. Licensee means the individual listed as an applicant on the application of a sexually oriented business license, or a person whose name a license to operate an adult use business has been issued.

15. Licensing Officer means the Clerk of the City of Pontiac or his/her designee.

16. Manager means an operator, other than a licensee, who is employed by a sexually oriented business to act as a manager or supervisor of employees, or is otherwise responsible for the operation of the sexually oriented business.

17. Massage means the treating of external parts of the body for remedial or hygienic purposes, consisting of stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating with the hands or with the aid of any mechanical or electrical apparatus or appliances, with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointment or other such similar preparations commonly used in the practice of massage, under such circumstances that it is reasonably expected that the person to whom the treatment is provided shall pay any consideration whatsoever therefore. For purposes of this Ordinance, the term "bodywork" shall mean massage.

18. Myotherapy Establishment means any individual, group of individuals, person or business which engages in the practice of massage as defined herein, and which has a fixed place of business where any person, firm, association, partnership, limited liability company or corporation carries on any of the activities as defined herein. Myotherapy establishment shall also include, but not be limited to, a Turkish bath parlor, steam bath, sauna, magnetic healing institute, health club, health spa, or physical fitness club or business that offers massages on occasion or incidental to its principal operation, as well as an individual's home where a person is engaged in the practice of massage for consideration. The definition of sexually oriented business shall not include the practice of massage in a licensed hospital, sanitarium, nursing home, medical clinic or the

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offices of a physician, surgeon, chiropractor, osteopath, psychologist, clinical social worker and family counselor, who are licensed to practice their respective professions in the State of Michigan, or who are permitted to practice temporarily under the auspices of an associate or an establishment duly licensed in the State of Michigan, clergymen, certified members of the American Massage and Therapy Association and certified members of the International Myomassethics Federation.

19. Nude Model Studio means any place where a person appears in a state of nudity or displays "specific anatomical areas", and is provided money or any form of consideration to be observed, sketched, drawn, painted, sculpted, photographed or similarly depicted by other persons. This includes modeling studios that provide for nude modeling on an occasional basis, but it does not include modeling studio whose primary function is to provide art classes as part of a college, university or educational institution and which is certified by the State of Michigan.

20. Operator means the owner, licensee, manager or person in charge of any premises.

21. Peep Booth means an adult motion picture theater with a viewing room or cubical of less than one hundred fifty (150) square feet of floor space.

22. Premises or Licensed Premises means any premises that requires a sexually oriented business license and that is classified as a sexually oriented business.

23. Principal Owner means any person owning, directly or beneficially: a) ten percent (10%) or more of a corporation's equity securities; b) ten percent (10%) or more of the membership interests in a limited liability company; or c) in the case of any other legal entity, ten percent (10%) or more of the ownership interests in the entity.

24. Private Room means a room in a hotel/motel that is not a peep booth, has a bed and a bath in the room or adjacent room, and is used primarily for lodging.

25. Semi-Nude means a state of dress in which clothing covers no more than the genitals, pubic region and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

26. Sexual Encounter Center means a business or commercial enterprise that, as one (1) of its primary business purposes, offers a place where two (2) or more persons may congregate, associate or consort for the purpose of "sexually explicit activities" or the exposure of "specified anatomical areas" for any form of consideration, including, but not limited to:

- a. physical contact in the form of wrestling or tumbling between persons of the same or opposite sex; or
- b. activities when one or more of the persons is in a state of nudity or semi-nudity; or
- c. permits patrons to display or be filmed or photographed performing "sexually explicit activities" or displaying "specified anatomical areas" for recording or transmission over the World Wide Web or any other media.

27. Sexually Explicit Activities means and includes any of the following:

- a. the fondling or other erotic touching of human genitals, pubic region, buttocks, anus

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or female breasts; or

b. sex acts, normal or perverted, actual or simulated, including, but not limited to, intercourse, oral copulation or sodomy; or

c. masturbation, actual or simulated; or

d. any activity intended to arouse, appeal to or gratify a person's lust, passions or sexual desires; or

e. human genitals in a state of sexual stimulation, arousal or tumescence; or

f. excretory function as part of or in connection with any of the activity set forth in (a) through (e) above.

28. Sexually Oriented Business means an establishment that provides adult entertainment appealing to the sexual interests of its customers, including adult arcade, adult bookstore or adult video store, adult novelty or retail store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, sexual encounter center or similar establishment or any place that permits patrons to be filmed or photographed performing "sexually explicit activities" or displaying "specified anatomical areas" for electronic transmission over the internet, film, motion picture, videocassette, DVD, Blue-Ray or other similar photographic reproduction.

"Sexually oriented" when used to describe film, motion picture, videocassette, DVD, slides, or other photographic reproductions shall mean film, movies, motion picture, videocassette, DVD, slides or other photographic reproductions that regularly depict material which is distinguished or characterized by an emphasis on matter depicting or describing "sexually explicit activities" or "specified anatomical areas" offered for observation by the patron(s) on the premises of a sexually oriented business. The definition of "sexually oriented business" shall not include an establishment where a medical practitioner, psychologist, psychiatrist or similar professional person licensed by the State engages in medically approved and recognized sexual therapy or a myotherapy establishment.

29. Specified Anatomical Areas means and includes any of the following:

a. less than completely and opaquely covered human genitals, pubic region or pubic hair, buttock, or female breast or breasts of any portion thereof that is situated below a point immediately above the top of the areola, or any combination of the foregoing; or

b. human genitals in a state of sexual arousal, even if opaquely and completely covered.

30. Specified Criminal Acts means sexual crimes against children, sexual abuse, criminal sexual conduct, rape, crimes classified as sexual crimes by the State of Michigan or any other state, or crimes connected with another adult use business, including, but not limited to, the distribution of obscenity, prostitution and/or pandering.

31. Significant or Substantial Portion means twenty-five percent (25%) or more of the term modified by such phrase.

32. Substantial Enlargement of a sexually oriented business means the increase in floor area occupied by the business by more than twenty-five percent (25%), as the floor

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area exists on the date of adoption of this ordinance.

33. Tenant Space means a securable area separated from other area by walls and doors that are available for lease or rent within a multi-tenant building, such as tenant spaces typically found within a shopping mall or strip.

34. Transfer of Ownership or Control of a sexually oriented business means and includes any of the following:

- a. the sale, lease or sublease of the business;
- b. the transfer of securities which constitute a controlling interest in the business, whether by sale, exchange or similar means; or
- c. the establishment of a trust, gift or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

SHOPPING CENTER: Any multi-tenant building with two (2) or more tenants having individual entrances, or, any commercial development with two (2) or more buildings sharing a common parking lot.

SHORELINE, ORDINARY HIGH WATER MARK: 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, the configuration of the soil surface and the vegetation. (Ord. 338, 2/19/1998)

SIGN: The use of any words, numerals, figures, devices, designs or trademarks by which anything is made known to the general public and is visible off the lot.

SITE PLAN: A plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this ordinance.

SPECIAL EXCEPTION: (See Exception).

STATE LICENSED RESIDENTIAL FACILITY: State Licensed Residential Facility. Any structure constructed for residential purposes that is licensed by the State of Michigan pursuant to Michigan Public Act 116 of 1973 (the Child Care Licensing Act) or Michigan Public Act 218 of 1979 (the Adult Foster Care Facility Licensing Act). This definition includes adult foster care facilities, foster family homes, foster family group homes, family day care homes, and group day care homes.

Note: that wherever the term "*private home*" is used in the state licensed residential facilities definitions, it shall mean a private residence in which the licensee or registrant permanently resides as a member of the household, which residency is not contingent upon caring for children or employment by a licensed or approved child placing agency.

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

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2. Adult foster care facility means a residential structure that is licensed to provide foster care, but not continuous nursing care, for unrelated adults over the age of 17. Adult foster care facilities are subject to all applicable provisions, definitions, and regulations of Michigan Public Act 218 of 1979, as amended (MCL [400.701](#) et seq.).

a. The following types of adult foster care facilities are provided for by this Ordinance:

b. *Adult foster care family home* means a private home with the approved capacity to receive not more than six adults to be provided with foster care. The adult foster care family home licensee shall be a member of the household and an occupant of the residence.

c. *Adult foster care small group home* means an adult foster care facility with the approved capacity to receive not more than 12 adults to be provided with foster care. Facilities with the approved capacity for seven or more adults are subject to conditional use approval.

d. *Adult foster care large group home* means an adult foster care facility with the approved capacity to receive at least 13 but not more than 20 adults to be provided with foster care. Facilities are subject to conditional use approval.

e. Adult foster care facility does not include any of the following:

f. A licensed child caring institution, children's camp, foster family home, or foster family group home, subject to the limitations contained in section 3(4f) of Michigan Public Act 218 of 1979, as amended (MCL [400.703](#)).

g. A licensed foster family home that has a person who is 18 years of age or older placed in the foster family home under section 5(7) of Michigan Public Act 116 of 1973, as amended (MCL [722.115](#)).

h. An establishment commonly described as an alcohol or a substance abuse rehabilitation center; a residential facility for persons released from or assigned to adult correctional institutions; a maternity home; or a hotel or rooming house that does not provide or offer to provide foster care.

i. A veterans' facility created by 1885 PA 152, MCL [36.1](#) to [36.12](#).

3. Adult foster care congregate facility means an adult foster care facility with the approved capacity to receive more than 20 adults to be provided with foster care. Facilities are subject to conditional use approval.

4. Family day care home means a private home in which one but fewer than seven minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home in which care is given to an unrelated minor child for more than four weeks during a calendar year.

5. Foster family home means a private home in which one but not more than four minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household under the Michigan adoption code,

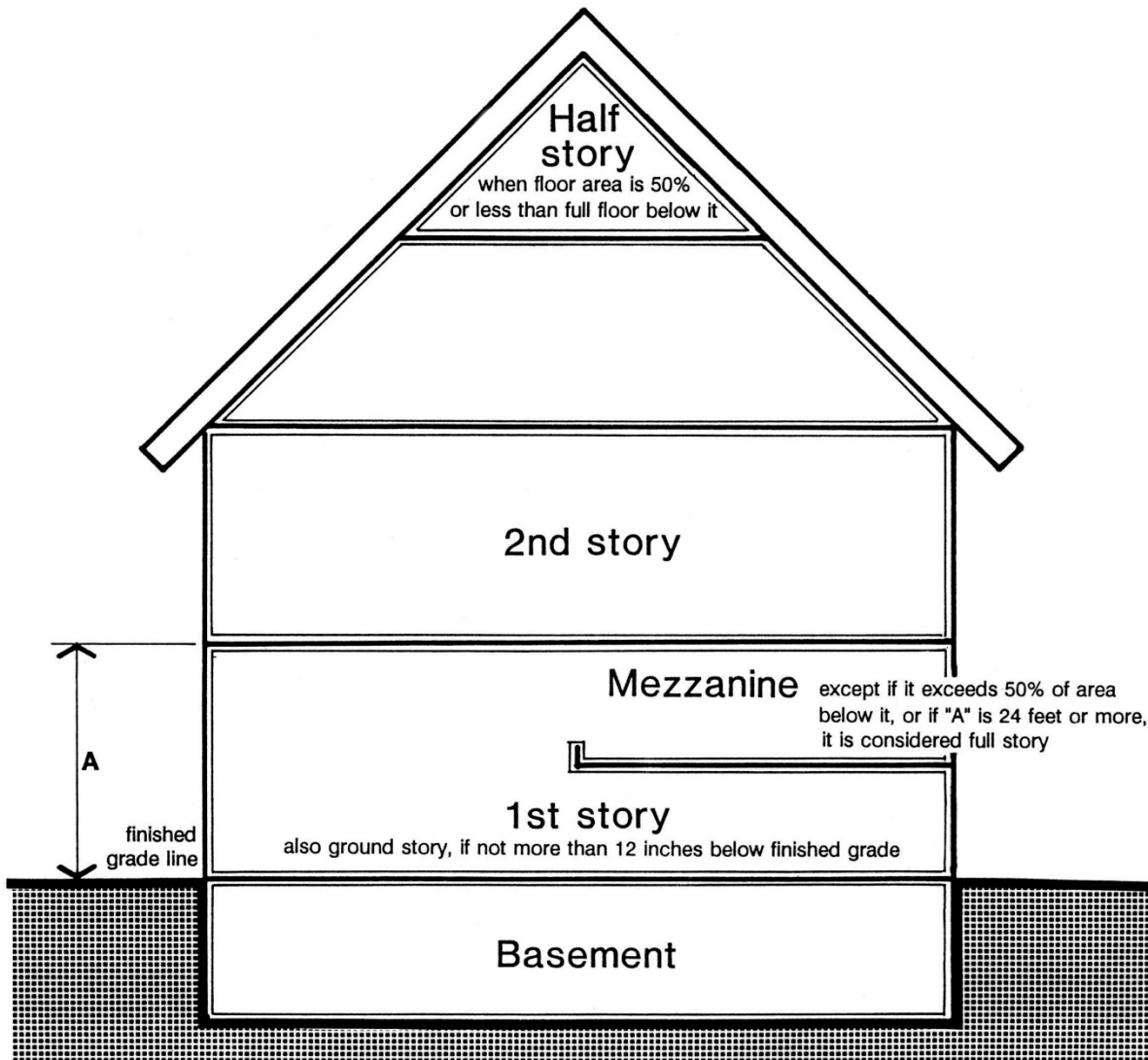
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are given care and supervision for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.

6. Foster family group home means a private home in which more than four but fewer than seven minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household under the Michigan adoption code, are given care and supervision for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.

7. Group child day care home means a private home in which more than 6 but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group child day care home includes a home in which care is given to an unrelated minor child for more than 4 weeks during a calendar year.

STORY: That portion of a building included between the upper surface of any floor, and the upper surface of any floor above; or any portion of a building between the topmost floor and the roof having a usable floor area to at least 50 percent of the usable floor area of the floor immediately below it. A top floor area under a sloping roof with less than 50 percent of the usable floor area is a half story. The first story shall be considered the lowest story of which the ceiling is more than 4 feet above the average contact ground level at the exterior walls of the building. (See basic structural terms illustration.)



Basic Structural Terms

STREET: A public thoroughfare which affords the primary means of access to abutting property.

STREET LINE: (Right-of-Way Line) A dividing line between the street and a lot.

STRUCTURE: Any constructed or erected material, the use of which requires location on the ground or attachment to something having location on the ground, including, but not limited to, buildings, towers, sheds, decks, fences, and signs, but excepting walks, drives, pavements, and similar access or circulation facilities.

TEMPORARY USE, TEMPORARY BUILDING: A use or building permitted to exist for a limited period, including during periods of construction of a main building or use, or for special events.

TOURIST HOME: A dwelling in which overnight accommodations are provided or

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offered for transient guests for compensation, without provision for meals.

TOWNHOUSE: One in a row of at least three units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common and fire-resistant walls. (Ord. 340, 4/16/1998)

TOXIC/HAZARDOUS WASTE: Waste or a combination of waste and other discarded material including solid, liquid, semisolid, or contained gaseous material which because of its quality; concentration; or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or increase in serious irreversible illness or serious incapacitating, but reversible illness, or pose a substantial present or potential hazard to human health or the environment if improperly treated, stored, transported, disposed of, or otherwise managed.

TRAILER COACH: A vehicle, self-propelled or non-self propelled, so designed and constructed as to permit its being used as a conveyance on the public streets and licensable as such, and of a nature that will permit permanent occupancy as a dwelling unit or rooming unit for one or more persons.

TRASH STORAGE AREA: Any exterior space, which is not a principal use, used for the location of containers, structures, or other receptacles intended for the temporary storage of garbage, rubbish, or other solid waste material.

TRUCK STORAGE: An area used for the temporary storage of private trucks or trucks for hire.

TRUCK TERMINAL: A structure to which goods, except raw or unprocessed agricultural products, natural minerals, or other resources, are delivered for immediate distribution or to be amalgamated for delivery in larger units to other points in the metropolitan area; or for distribution or amalgamation involving transfer to other modes of transportation.

UNDEVELOPED STATE: means a natural state preserving natural resources, natural features, scenic or wooded conditions, agricultural use, open space, or a similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children's play area, greenway, or linear park. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public.

USE, ACCESSORY: A subordinate use which is customarily incidental to the principal use on the same lot or parcel.

USE, CHANGE OF: A change from, conversion to, or replacement of the principal use of land and/or building. The addition of another principal use to a lot or building shall also constitute a change of use. A change in the specific primary function of a lot or building shall constitute a change of use.

VARIANCE: A modification of the literal provisions of this Ordinance granted by the Zoning Board of Appeals in situations or under circumstances where permitted by law.

WALL: Any unroofed man-made structure which has a foundation and also has an exterior vertical surface of brick or stone, and no more than 25 percent of the vertical surface of which is open to the free passage of air and light.

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WATERCRAFT: See Recreational Vehicle. (Ord. 338, 2/19/1998)

WHARF: A structure parallel to the shore line. (Ord. 338, 2/19/1998)

WIRELESS COMMUNICATIONS FACILITY: All facilities, structural, attached, accessory or otherwise, related to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals and may include, but is not limited to radio towers, television towers, telephone devices and exchanges, microwave relay towers, telephone transmission equipment building and commercial mobile radio service facilities. Citizen band radio facilities, short wave facilities, ham and amateur radio facilities, television reception antennae, satellite dishes, and government facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority are not included in this definition. A wireless communications facility shall not be included under the existing definition of "essential services".

WIRELESS COMMUNICATIONS FACILITY, COLOCATION: The location by two (2) or more wireless communications providers, public authority or other duly authorized party of wireless communications facilities on an existing structure, tower or building, in a manner that reduces the overall need for additional or multiple freestanding single use communications facilities within the City of Keego Harbor.

WIRELESS COMMUNICATIONS FACILITY, EQUIPMENT: The set of equipment and network components used in the provisions of wireless communications services, including but not limited to, antennas, receivers, transmitters, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding wireless communications support structures.

WIRELESS COMMUNICATIONS FACILITY, EQUIPMENT COMPOUND: An area surrounding or adjacent to the base of a wireless communications support structure and within which wireless communications facility equipment is located.

WIRELESS COMMUNICATIONS SUPPORT STRUCTURE (Tower): Any wireless communications facility erected or modified to support attached wireless communications facilities, or other antennae or facilities, including supporting lines, cables, wires, braces, and masts intended primarily for the purpose of mounting an attached wireless communications facility or similar apparatus above grade. This includes, but are not limited to, any ground or roof-mounted pole, monopoles, lattice towers, light poles, utility support structures, wood pole, guy wired tower, spire, other similar structure, or combination thereof, or other structures which appear to be something other than a mere support structure.

YARD: The open spaces on the same lot with a main building, unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance, and as defined herein: (See "yard lot" illustration)

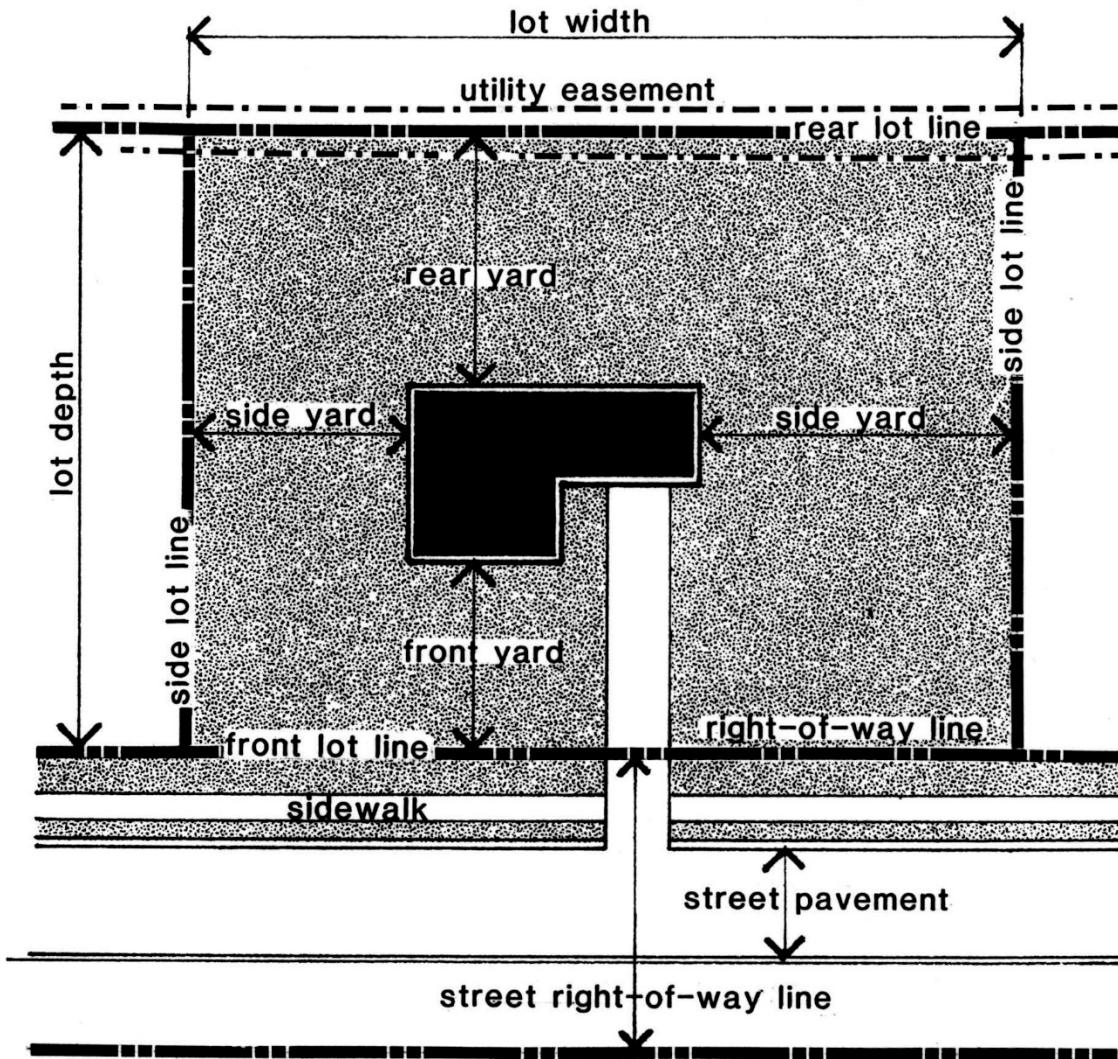
- (a) Front Yard: An open space extending the full width of the narrowest side of the lot which faces the street, the depth of which is the minimum horizontal distance between the front lot line and the front setback line.
- (b) Front Yard, Double: An open space on corner lots (as defined in this Ordinance) extending the full width of the lot on both sides facing the intersecting streets. Unless specifically noted otherwise in this Ordinance, both open spaces facing each

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street shall be considered front yards with setbacks as required in each particular zoning district.

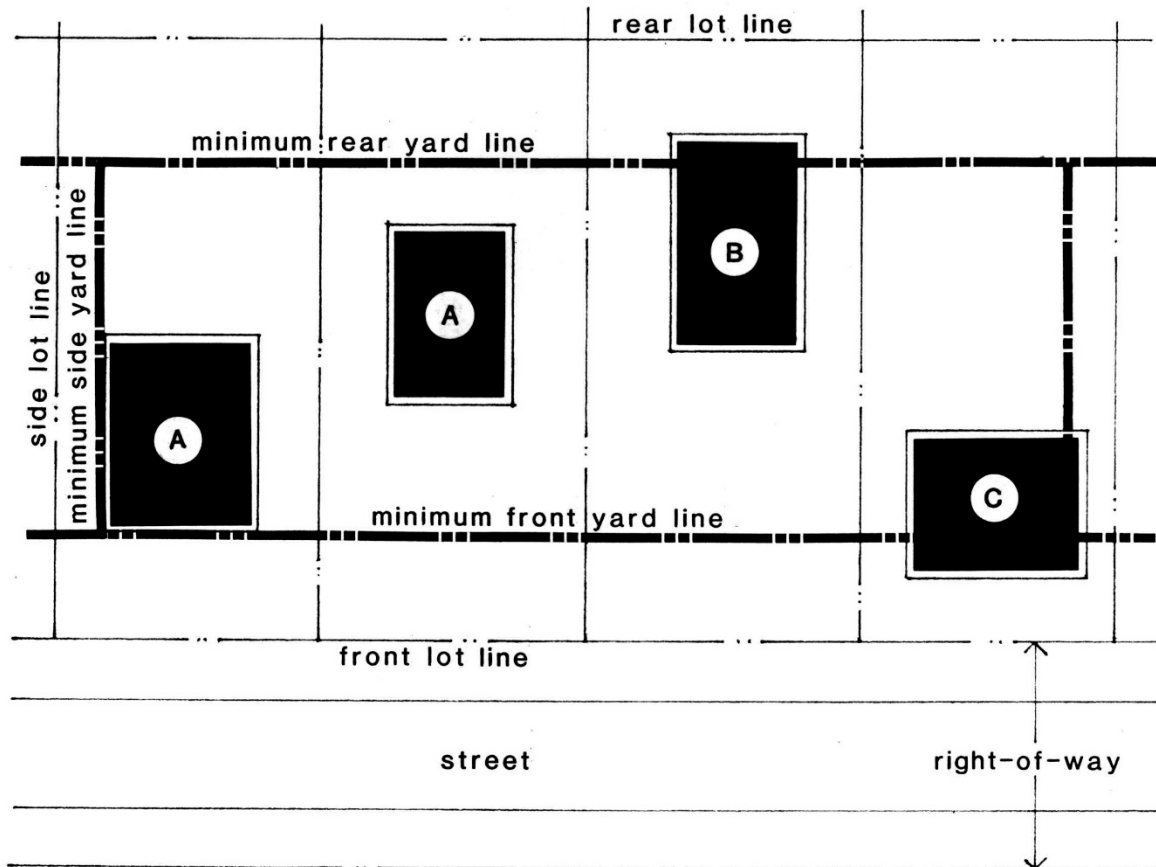
- (c) Side Yard: An open space, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the side setback line.
- (d) Rear (Back) Yard: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line or established zoning district line and nearest line of the principal buildings.
- (e) Waterfront Yard: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the shoreline and nearest line of the principal building. (Ord. 338, 2/19/1998)

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Yard Terms

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Legend

- A Structures satisfying minimum yard requirements.
- B Structure with deficient rear yard.
- C Structure with deficient front and side yards.

Yard Requirements

ZONING DISTRICTS AND MAP

ARTICLE III

ZONING DISTRICTS AND MAP: CONFORMITY TO ORDINANCE REGULATIONS

SECTION 3.00 - ZONING DISTRICTS ESTABLISHED

For the purposes of this Ordinance, the City of Keego Harbor is here-divided into the following Zoning Districts:

R-1 and R-2 One Family Residential Districts

R-T Townhouse Residential District (Ord. 340, 4/16/1998)

R-M Multiple Family District

R-MH Mobile Home District

P-1 Vehicular Parking District

C-1 Local Business District

C-2 General Business District

O-1 Office District

M-1 Light Industrial District

In addition, sections of the above Zoning Districts may be located in floodplain and other water areas.

SECTION 3.01 - ZONING DISTRICT BOUNDARIES

The boundaries of the Zoning Districts enumerated in Section 3.00 are hereby established as shown on the Zoning Map, City of Keego Harbor, and this text, and which map with all notations, references, and such information shown thereon shall be as much a part of this ordinance as if fully described herein.

In accordance with the provisions of this Ordinance and Act 207, of the Public Acts of the State of Michigan, 1921, as amended, changes made in district boundaries or other matter portrayed on the Zoning Map, such changes shall be entered on the Zoning Map promptly after the amendment has been approved by the City Council and has been published in a newspaper of general circulation in the City. The changes in the exact boundaries or other matters affecting the Zoning Map shall be legibly portrayed on the Zoning Map.

No changes of any nature shall be made in the Zoning Map or matters shown thereon except in conformity with the procedures set forth in this ordinance. Any unauthorized

ZONING DISTRICTS AND MAP

change of whatever kind by any person or persons shall be considered a violation of this ordinance punishable as provided for in this ordinance.

Regardless of the existence of purported copies of the Zoning Map which may, from time to time, be made or published, the Zoning Map shall be located in the office of the City Clerk and shall be the final authority as to the current zoning status of all land and water areas, buildings, and other structures in the City.

SECTION 3.02 - INTERPRETATION OF ZONING DISTRICT BOUNDARIES

Where, due to the scale, lack of details, or illegibility of the Zoning Map, there is any uncertainty, contradiction, or conflict as to the intended location of any zoning district boundaries shown thereon, interpretation concerning the exact location of district boundary lines shall be determined upon written application, to Zoning Board of Appeals. The Board in arriving at a decision on such matters shall apply the following standards:

- (a) The boundaries of zoning districts are intended to follow centerlines of alleys, streets, or other rights-of-way, water courses, or lot lines, or be parallel or perpendicular there unless such district boundary lines are otherwise clearly indicated on the Zoning Map.
- (b) Where district boundaries are so indicated that they approximately follow lot of record lines such lines shall be constructed to be boundaries.
- (c) In unsubdivided property, or where a district boundary divides a lot of record, the location of such boundary, unless shown by dimensions of the zoning map, shall be determined by use of the map scale shown thereon.

SECTION 3.03 - ZONING OF VACATED AREAS

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

SECTION 3.04 - ZONING OF ANNEXED AREAS

Any area annexed to the City of Keego Harbor shall immediately upon such annexation, be automatically classified as an R-1 District if a zoning map for said area has been adopted by the Council. The Planning Commission shall recommend appropriate zoning for such areas within three (3) months after the matter is referred to the Planning Commission by the Council.

SECTION 3.05 - CONFORMITY TO ORDINANCE REGULATIONS

- (a) No structure or land shall hereafter be used or occupied and structure or part thereof shall be erected; constructed, moved, altered, except in conformity with the regulations, specified in this ordinance.

ZONING DISTRICTS AND MAP

- (b) Except as otherwise provided herein regulations governing land and building use, minimum lot size, lot area per dwelling unit building height, building placement, required yards, and other pertinent factors are hereby established as stated in the detailed provisions for each of the Zoning Districts. In each Zoning District a permitted use of land or buildings is subject only to the minimum requirements specified for such use in the Zoning District in which such use is located plus applicable requirements found elsewhere in this Ordinance. A use permitted subject to special conditions shall be a use of land or building requiring some measure of individual consideration, and therefore subject not only to the minimum requirements specified for such use in the Zoning District in which such use is located, and applicable requirements found elsewhere in this Ordinance, but also to any special conditions imposed in this Ordinance.
- (c) No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.
- (d) No yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth therein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this Ordinance.
- (e) Essential services shall be permitted as authorized and regulated by law and the ordinances of the City of Keego Harbor.

SECTION 3.06 - CONFLICTING REGULATIONS

Whenever any provision of the Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this Ordinance shall govern. Any use that would constitute a violation of federal, state or local law and/or regulations shall be prohibited. (Ordinance 430 12/15/11)

SECTION 3.07 - PERMISSIVE ZONING CONCEPT

Land uses are permitted specifically in the various zoning districts of this Ordinance. Where not specifically permitted, uses are thereby specifically prohibited unless construed to be similar to a use expressly permitted. No land contained within any zoning district within the City of Keego Harbor shall be used for any purpose other than those uses specifically set forth in the following sections, except as permitted by Article XII.

ARTICLE IV

NR NEIGHBORHOOD RESIDENTIAL DISTRICT

SECTION 4.00 - INTENT

Neighborhood Residential districts are defined by their collective character. In order to maintain this character, standards that ensure compatibility of size and style are critical. The existing character of Keego's residential neighborhoods is largely defined by the existing platted lots of record ranging in size from 30 feet to 50 feet. This greatly defines the character of the community as a pedestrian friendly, walkable community and the provisions of this Article are intended to preserve and enhance this character.

SECTION 4.01 - PRINCIPAL USES PERMITTED

The following uses shall be permitted, subject to any limitations described herein:

- (a) Single-family dwelling (detached).
- (b) Publicly owned and operated parks, parkways and recreational facilities.
- (c) Family Day Care Homes.
- (d) Signs, as provided in Article XIV - Signs.
- (e) Adult Foster Care Family Home with 6 or fewer clients.
- (f) Public, parochial and other private elementary, intermediate and/or high schools offering courses in general education, subject to the following condition: No building shall be closer than fifty (50) feet to any property line when said property line abuts or is adjacent to land zoned for residential purposes.
- (g) Religious Institutions, subject to the following:
 - 1. Buildings of greater than the maximum height allowed in this district may be permitted provided front, side, and rear yards are increased above the minimum required yards by one (1) foot for each foot of building height that exceeds the maximum height allowed.
 - 2. At least one boundary of the lot upon which the church is to be constructed shall border a street designated as a collector thoroughfare having an existing and/or planned right-of-way of at least 86 feet in width.

SECTION 4.02 - PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS

The following uses shall be permitted, subject to the specific conditions hereinafter imposed for each use and subject further to review and recommendation by the City Planning Commission and approval by City Council.

- (a) State Licensed Residential Facilities with 7 or more clients.
- (b) Utility and public service facilities and uses needed to serve the immediate vicinity, including transformer stations, lift stations and switchboards but excluding storage yards.
- (c) Municipal buildings, libraries, museums, fire stations, and similar facilities when constructed so as to be compatible with the uses existing in the immediate area.
- (d) Bed-n-Breakfast Inns and/or Tourist Homes not to exceed a height of three stories, subject to the following requirements:
 - 1. Bed-n-Breakfast inns and tourist homes shall remain as single family homes in appearance, and shall have no internal or external structural alterations. An example would be enlarging the kitchen for volume food service.
 - 2. Off-street parking shall be provided for the households and guests as follows: Two (2) parking spaces plus one (1) additional space per room to be rented.
 - 3. There shall be ample open space other than that required to accommodate the required off-street parking. Natural screening by use of plant materials or other screening may be required to screen parking areas from adjoining residential properties. Off-street parking in front yard areas shall not be permitted.
 - 4. Food may only be served in an inn to those persons renting an inn room only during their stay at the inn.
 - 5. A residential structure shall not have or be converted to more rental rooms than the number of bedrooms which exist at the time of enactment of this Ordinance.
 - 6. One (1) wall sign not to exceed a total area of eight (8) square feet shall be permitted for identification purposes only.
- (e) Attached wireless communications facilities, subject to the following requirements and the requirements specified in Section 15.28:
 - 1. No attached wireless communications facilities, with the exception of television antennas, may be erected on a residential structure or associated accessory structure.
 - 2. Where an attached wireless communications facility is proposed on the roof of a building, the switching equipment module must be adequately screened or architecturally compatible with the design of the building. The switching equipment module may be located within the principal building or may be an accessory building, provided that an accessory building conforms with all district

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requirements for principal buildings, including yard setbacks and building height.

3. The attached wireless communications facility shall be erected on a building in a manner that is not prominently visible from the ground, injurious to the character of the neighborhood or otherwise detrimental to the public safety and welfare. The attached wireless communications facility shall be located and designed to be harmonious with the surrounding area, and to be aesthetically and architecturally compatible with the natural environment, as well as the environment as altered by development.
- (f) Wireless communications support structures on public or quasi-public/institutional sites subject to the requirements specified in Section 15.28.
- (g) Common use lots utilized for the docking or mooring of boats or the storage of recreational vehicles, subject to the following conditions:
1. All recreational vehicles docked, moored, or stored on the lot shall be the property of, and currently registered and licensed to a member of the subdivision, association, similar agency or group of individuals who hold the lot in common.
 2. Docking space shall be limited to the maximum number of boats allowed by the Department of Environmental Quality marina operating permit.
 3. All waterfront structures and appurtenances shall comply with the requirements of Section 15.15, Waterfront Yards.
 4. There shall be no repair or dismantling of recreational vehicles on the site.
 5. On-land storage of recreational vehicles shall comply with the standards of Section 4.05, Parking and Storage of Recreational Vehicles on Vacant Residentially Zoned Lots. (Ord. 338, 2/19/1998)

SECTION 4.03 - ACCESSORY USES PERMITTED

Accessory buildings and uses, including private garages, garden houses, non-commercial gardening, tool houses, non-commercial greenhouses, non-commercial swimming pools, and home occupations as provided in Section 15.29. (See section 15.13 Accessory Buildings). Off-street parking; storage of not more than two (2) recreational vehicles, as defined in Section 2.00 Definitions, "Recreation Vehicles". The storage or parking of recreational vehicles shall be subject to Section 4.04 and 4.05. In addition, any other use customarily incidental to the principal uses enumerated in Section 4.01 and 4.02 are permitted. (Ord. 338, 2/19/1998)

SECTION 4.04 - RECREATIONAL VEHICLE PARKING IN RESIDENTIAL DISTRICTS

Not more than two (2) recreational vehicles, as defined in Section 2.00, may be parked or stored by the owner and/or occupant on residentially-used property subject to the following conditions:

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- (a) The recreational vehicle(s) must be currently registered and licensed in the name of a current owner and/or occupant of the dwelling unit.
- (b) Boats stored out of water shall not exceed 22 feet in length, provided pontoon boats may be allowed up to 35 feet in length and 12 feet in height.
- (c) A recreational vehicle parked or stored shall not be connected to electricity, water, gas, or sanitary sewer facilities.
- (d) A recreational vehicle shall not be used for living, lodging or housekeeping purposes.
- (e) A recreational vehicle must be stored in the rear or side yard of the lot, but not closer than three (3) feet to a side or rear property line. Where side yards do not provide sufficient space for a recreational vehicle, a recreational vehicle may be stored in the front open space, provided that a side open space of not less than five (5) feet must be maintained between the vehicle and the property line, and the length of the recreation vehicle shall not exceed twenty-five (25) feet. No recreational vehicle shall be stored on a public street right-of-way. Recreational vehicles may be stored within the clear vision triangle of a waterfront lot between September 15 and May 15.
- (f) A recreational vehicle designed for use on the streets and highways may be parked in a driveway of a residence if it is the sole means of transportation to and from work for one or more of the residents.
- (g) Notwithstanding the above provisions concerning "Location", a recreational vehicle may be parked elsewhere on the premises prior to or after a trip for loading or unloading purposes for a period of not more than 48 hours prior to and 48 hours after use of the vehicle within a seven (7) day period.
- (h) The parked or stored recreational vehicle must be kept in good repair. The vehicle must be capable of being moved from place to place.
- (i) The provisions concerning connection to utilities, use as living quarters, and location may be waived for a period of up to two weeks to permit repair or lodging purposes of the occupant's or owner's recreational vehicle or to permit the parking of a recreational vehicle of a guest. Permits for any such waiver shall be obtained from the Building Inspector or Code Enforcement Officer. No more than two (2) permits shall be issued for each activity (repair, lodging, storage of guest vehicle) per calendar year.
- (j) For the purposes of this Section, two (2) personal watercraft, snowmobiles, all-terrain vehicles, or motorcycles stored on a single trailer shall be counted as one (1) recreational vehicle. (Ord. 338, 2/19/1998)

SECTION 4.05 - PARKING AND STORAGE OF RECREATIONAL VEHICLES ON VACANT RESIDENTIALLY ZONED LOTS

Not more than two (2) recreational vehicles, as defined in Section 2.00 Definitions, may be parked or stored on a vacant, separate lot of record than the principal structure subject to the following conditions.

- (a) All recreational vehicles shall be currently registered and licensed to a current resident of Keego Harbor.
- (b) The following recreational vehicles parked or stored outdoors may not exceed:
 - 1. Travel trailer, thirty-five (35) feet or less in length.
 - 2. Camper trailer (pop-up), shall be stored in a collapsed position to a height not more than six (6) feet.
 - 3. Pick-up camper, thirty-two (32) feet or less in length.
 - 4. Watercraft, thirty-five (35) feet or less in length, but not to exceed twelve (12) feet in height, either mounted on a boat trailer or unmounted; also boat trailer without boat mounted.
 - 5. Motor home, forty (40) feet or less in length.
- (c) Storage of recreational vehicles shall be in the rear one-third of the lot, but, not closer than five (5) feet to a side or rear property line. Recreational vehicles may be stored within the clear vision triangle of a waterfront lot between September 15 and May 15. (Ord. 338, 2/19/1998)
- (d) Recreational vehicles which are parked or stored shall be in good repair. Open storage of partially or disassembled component parts is prohibited. The vehicles must be capable of being moved from place to place.
- (e) Recreational vehicles shall not be used for living, lodging or housekeeping purposes.
- (f) Recreational vehicles parked or stored shall not be connected to electricity, water, gas, or sanitary sewer facilities.
- (g) The owner of a recreational vehicle shall not park or store such a recreational vehicle in such a manner as to create a dangerous or unsafe condition on the lot where parked or stored. Parking or storage in such a fashion that the recreational vehicle, whether loaded or not, may readily tip or roll, shall be considered a dangerous and unsafe condition.
- (h) The ground underneath the stored recreational vehicles must be surfaced and maintained to avoid muddy conditions and an unkempt appearance. It can be surfaced with natural ground cover, gravel, or crushed stone.
- (i) Landscaping located at the rear and sides of the storage area shall comply with requirements in Section 15.23 (d)(6) so as to create an evergreen or landscaped screen.

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- (j) For the purposes of this Section, two (2) personal watercraft, snowmobiles, all-terrain vehicles, or motorcycles stored on a single trailer shall be counted as one (1) recreational vehicle. (Ord. 338, 2/19/1998)

SECTION 4.06 - FRONT YARD PARKING IN RESIDENTIAL DISTRICTS

- (a) The following standards, subsections (b) through (f), shall apply to residential construction that consists of one or more of the following:
 - 1. Construction of single-family house
 - 2. Construction of a garage
 - 3. Alterations to an existing house of a value equal to or greater than 40% of the current taxable value.
- (b) Driveways may be no wider than 12 feet with the exception of that portion of a driveway within 30 feet of the front of a garage and directly in front of the garage doors. The maximum driveway width in front of the garage shall not exceed 24 feet.
- (c) The entire parking area shall consist of an improved surface of concrete, asphalt, or brick.
- (d) No vehicle parked in a front yard parking space shall encroach into the public right-of-way or extend over a side lot line.
- (e) The parking area shall be more or less perpendicular (60-120 degrees) to the street right-of-way. A circular driveway is permitted where the interior greenspace is a minimum of three hundred (300) square feet, and a minimum of fifteen (15) feet in every dimension.
- (f) The front yard area that is not improved as parking area shall be landscaped with either grass or other living ground cover.

(Ordinance 441, 11/13/12)

SECTION 4.07 - ARCHITECTURAL DESIGN STANDARDS

All proposed residential development shall utilize quality architecture to ensure that buildings are compatible with surrounding uses, protect the investment of adjacent landowners and blend harmoniously into the streetscape. Single family detached structures shall comply with the following standards:

The following standards shall apply to all new residential development, substantial redevelopment (equal to or greater than 25% of the taxable value of the property), or any facade modification.

- 1. Purpose

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Architectural design is a key element in establishing a sense of place for a community. Buildings of high quality contribute to the attractiveness and economic well-being of a community, making it a better place to live and work. Keego Harbor recognizes the importance of good architecture and its lasting impact.

The objective of these design standards is to direct builders toward creating buildings of timeless character that are in harmony with the natural and built environment. This is a function of good architectural principles such as selecting durable materials, composing elevations using good proportions, selecting harmonious colors, and combining all the architectural elements in a balanced composition.

2. Architectural Design Elements

- a. Building Materials - Select materials possessing durability and aesthetic appeal.
- b. Windows - Windows are the main element contributing to an inviting facade. They give visual interest to a facade. Provide a large quantity of attractive windows on a facade that fronts a street.
- c. Architectural Features - Include architectural features on the building facade that provide texture, rhythm, and ornament to a wall.
- d. Colors - Select natural and neutral colors that are harmonious with both the natural and man-made environment. Stronger colors can be used as accents to provide visual interest to the facade.
- e. Garage Location – The need for storage on residential lots must be balanced with the visual impact garages have, especially on small lots. Most of the lots in Keego Harbor either have no garage or have a detached garage.
- f. Porches – Keego Harbor’s desire to be a walkable community is enhanced by the provision of front porches throughout the residential neighborhoods of the City. Front porches are encouraged over front loaded garages and side entrance houses.
- g. Roof Elements – Traditional roof shapes and materials are typically found in the neighborhoods of Keego Harbor and are encouraged. Dormers and other elements are encouraged to break-up large expanses of roofs.
- h. Composition - It is not sufficient to include the desired architectural elements on a facade, but to arrange them in a harmonious and balanced manner. The following category provides weight to the architectural composition of the building.

3. Method of Evaluation

An *architectural design checklist* will be accompanied with all applicable building permit applications. The design standards are not intended to promote buildings that appear uniform and similar. Variety and creativity in design are encouraged. The standards are structured in a point rating system, with

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desirable architectural elements given positive points and undesirable elements given negative points.

The points assigned for each category are weighted according to its importance. The standards apply to all residential building facades with the facade facing a public road, private road, or water body being more heavily weighted.

The minimum acceptable score is: 90 points.

Any modification to the facade shall not result in a reduction in the score of the building at the time of the requested modification.

SECTION 4.08 - AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS

1. Lot Area:

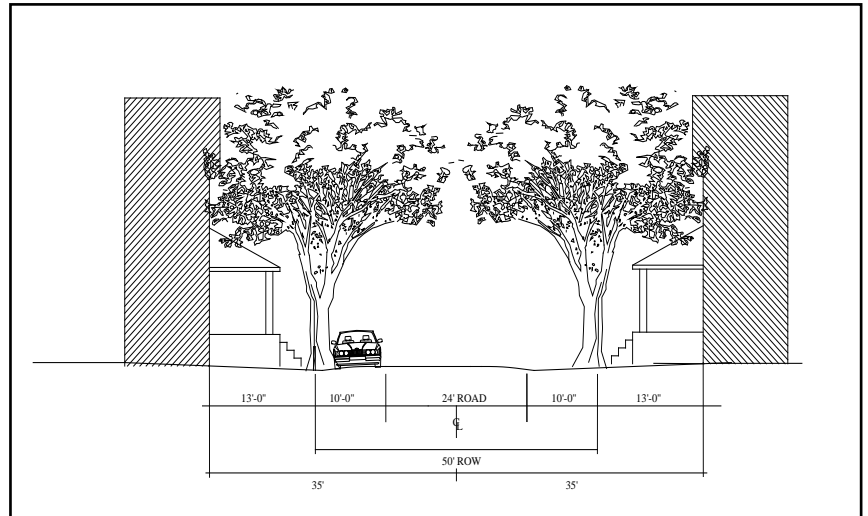
- (a) Any existing lot created prior to January 1, 2003 shall be considered a buildable lot in the NR District provided the lot area is greater than 3,000 square feet;
- (b) Any lot created after January 1, 2003 must conform to the average lot size of the lots on the same side of the street between two closest intersecting streets or 6,000 square feet, whichever is less.

2. Lot Width:

- (a) Any existing lot created prior to January 1, 2003 shall be considered a buildable lot in the NR District provided the lot width is greater than 30 feet;
- (b) Any lot created after January 1, 2003 must conform to the average lot width of the lots on the same side of the street between the two closest intersecting streets or 50 feet, whichever is less.

3. **Front Yard Setback:**

- (a) The front yard setback shall be determined by the average front yard setbacks of the 2 nearest conforming lots on each side of the subject lot. The applicant for a building permit shall provide an engineered drawing



supporting the setback calculation. In no case shall the front yard setback be less than thirty-five (35) feet from the centerline of the road.

4. **Side Yard Setback:**

- (a) 30% of the lot width with one side no less than 10%.

5. **Side Yard Facing a Street:**

- (a) The side yard setback shall be determined by the average setbacks of the lots on the same street side between two intersecting streets. In no case shall the setback be less than 20' from the edge of the road pavement.

6. **Rear Yard Setback:**

- (a) 25' from rear property line.

7. **Through Lots:**

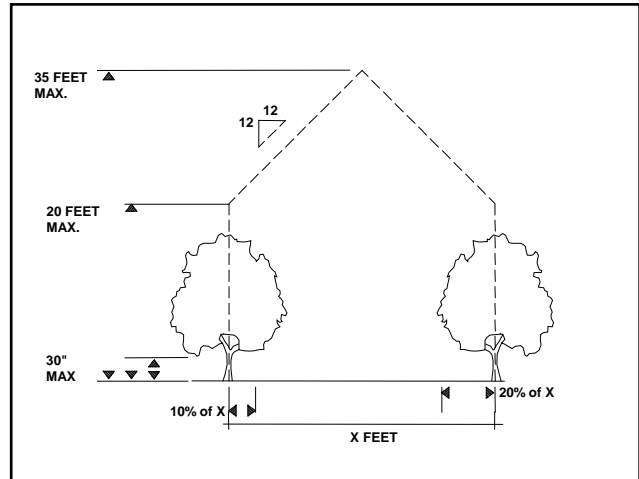
- (a) The front and rear setbacks on a through lot shall be consistent with the front yard setback requirements of this Section.

8. **Waterfront Setback:**

- (a) The waterfront setback shall be determined by the average setbacks of the 2 nearest conforming houses on each side of the subject lot. In the event any of the lots required to determine the average are vacant, a minimum setback of fifty (50) feet shall be used.

9. **Building Height:**

- (a) Building height shall not exceed thirty-five (35) feet and may contain no more than two and one half stories. The building shall not encroach into the day light plane created by a line forming a 45 degree angle from a point eighteen (18) feet above the grade at the side property line. Eaves and other decorative elements may encroach into the day light plane.



10. **Lot Coverage:**

- (a) Maximum lot coverage shall not exceed 30%.

11. **Access Standards:**

- (a) Any primary structure shall have full frontage on a public ROW or approved private road easement.

12. **Minimum Usable Floor Area:**

- (a) Usable floor area shall be at least 800 square feet.

ARTICLE IV(A)

R-T TOWNHOUSE RESIDENTIAL DISTRICT

SECTION 4A.00 - INTENT

The R-T Townhouse Residential District is intended to provide sites for single family attached or townhouse residential structures, along with other residentially-related uses. R-T districts are generally located to serve as a buffer or zone of transition between major thoroughfares, multiple family, or nonresidential uses and single family residential neighborhoods. Townhouse residential development is differentiated from other types of multiple family residential development because it is designed to be compatible with single family residential neighborhoods in building design, materials and site layout.

SECTION 4A.01 - PRINCIPAL USES PERMITTED

The following uses shall be permitted, subject to any limitations described herein:

- (a) Two-family townhouse residential dwellings, subject to the following:
1. Townhouses shall be designed with individual entrances which face onto the public right-of-way. Corner units shall be designed with an entrance facing at least one (1) public right-of-way.
 2. Buildings shall front towards the street. Blank walls may not face a street and buildings must have windows and architectural features on all walls facing a public or private street. The front facade shall contain a minimum of twenty percent (20%) windows. In addition, buildings shall consist of a pitched roof or other similar styled roof which is compatible with existing single family buildings in the surrounding neighborhood.
 3. No more than four (4) units may be located in any single building. (Ord. 400, 3/20/2003)
 4. Townhouses shall be constructed of a minimum of fifty percent (50%) brick, stone, or decorative masonry building materials. The Planning Commission shall have the discretion to waive this requirement if there is a determination that the proposed materials will result in attractive design that is compatible with adjacent single family neighborhoods.
 5. For sites which are corner lots or have frontage on more than one (1) street, a minimum front yard setback of twenty-five (25) feet shall be maintained along the frontage of all streets.
 6. The distance between townhouse buildings shall be a minimum of twenty (20) feet.

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7. Balconies, open porches, stoops, covered walkways, bay windows, and raised dooryards shall be permitted to encroach a maximum of ten (10') feet into the required front yard setback.
8. Parking shall be located at the rear of the site, with access provided on a side street, if possible.
9. Two (2) parking spaces shall be provided for each dwelling unit. The spaces shall be supplied in an attached or detached garage. Additional surface parking may be provided in the rear yard, provided it is screened from the public right-of-way and adjacent residential areas. Parking shall not be permitted in the front yard. The Planning Commission may require additional on-site visitor parking.
10. A six foot (6') high decorative masonry screen wall constructed of materials which match the buildings shall be required between townhouse residential and single family residential districts. The wall shall be reduced to a maximum height of three (3) feet above grade within twenty-five (25) feet of any street. The Planning Commission shall have the discretion to waive the screen wall requirement when it is determined that a landscape buffer will provide adequate screening.
11. A paved pedestrian connection shall be provided between the public sidewalk and the entrance of individual units. With the exception of these paved sidewalks, the remainder of the front yard shall be landscaped.
12. The vehicular maneuvering aisle located at the rear of the site shall be a minimum of eighteen (18) feet wide.
13. All unpaved areas shall be landscaped. Foundation plantings consisting of a minimum of one (1) canopy tree or eight (8) shrubs per townhouse unit are required to be planted on the site.
14. For sites developed as condominiums, a master deed, by-laws, and open space/maintenance agreement must be provided for review by the City. The condominium documents shall be agreed upon by the City and the applicant and filed with the Oakland County Register of Deeds prior to issuance of a building permit for any construction in accordance with site plans.
15. As a condition of approval of the site plan by the City Council, the applicant may be required to provide a performance guarantee for improvements to the site.
 - (b) Publicly owned and operated parks, parkways and recreational facilities.
 - (c) Family Day Care Homes.
 - (d) Signs, as provided in Article XIV - Signs.
 - (e) Adult Foster Care Family Home with 6 or fewer clients.
 - (f) Public, parochial and other private elementary, intermediate and/or high schools offering courses in general education, subject to the following condition: No building shall be closer than fifty (50) feet to any property line when said property line abuts or is adjacent to land zoned for residential purposes.
 - (g) Religious Institutions, subject to the following:
 1. Buildings of greater than the maximum height allowed in this district may be permitted provided front, side, and rear yards are increased above the minimum required yards by one (1) foot for each foot of building height that exceeds the maximum height allowed.

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2. At least one boundary of the lot upon which the church is to be constructed shall border a street designated as a collector thoroughfare having an existing and/or planned right-of-way of at least 86 feet in width.

SECTION 4A.02 - PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS

The following uses shall be permitted, subject to the specific conditions hereinafter imposed for each use and subject further to review and recommendation by the City Planning Commission and approval by City Council.

- (a) State Licensed Residential Facilities with 7 or more clients.
- (b) Utility and public service facilities and uses needed to serve the immediate vicinity, including transformer stations, lift stations and switchboards but excluding storage yards.
- (c) Municipal buildings, libraries, museums, fire stations, and similar facilities when constructed so as to be compatible with the uses existing in the immediate area.
- (d) Bed-n-Breakfast Inns and/or Tourist Homes not to exceed a height of three stories, subject to the following requirements:
 1. Bed-n-Breakfast inns and tourist homes shall remain as single family homes in appearance, and shall have no internal or external structural alterations. An example would be enlarging the kitchen for volume food service.
 2. Off-street parking shall be provided for the households and guests as follows: Two (2) parking spaces plus one (1) additional space per room to be rented.
 3. There shall be ample open space other than that required to accommodate the required off-street parking. Natural screening by use of plant materials or other screening may be required to screen parking areas from adjoining residential properties. Off-street parking in front yard areas shall not be permitted.
 4. Food may only be served in an inn to those persons renting an inn room only during their stay at the inn.
 5. A residential structure shall not have or be converted to more rental rooms than the number of bedrooms which exist at the time of enactment of this Ordinance.
 6. One (1) wall sign not to exceed a total area of eight (8) square feet shall be permitted for identification purposes only.
- (e) Attached wireless communications facilities, subject to the following requirements and the requirements specified in Section 15.28:
 1. No attached wireless communications facilities, with the exception of television antennas, may be erected on a residential structure or associated accessory structure.
 2. Where an attached wireless communications facility is proposed on the roof of a building, the switching equipment module must be adequately screened or architecturally compatible with the design of the building. The switching equipment module may be located within the principal building or may be an accessory building, provided that an accessory building conforms with all district requirements for principal buildings, including yard setbacks and building height.

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3. The attached wireless communications facility shall be erected on a building in a manner that is not prominently visible from the ground, injurious to the character of the neighborhood or otherwise detrimental to the public safety and welfare. The attached wireless communications facility shall be located and designed to be harmonious with the surrounding area, and to be aesthetically and architecturally compatible with the natural environment, as well as the environment as altered by development.
- (f) Wireless communications support structures on public or quasi-public/institutional sites subject to the requirements specified in Section 15.28.

SECTION 4A.03 - ACCESSORY USES PERMITTED

Accessory buildings and uses, including attached or detached garages (not carports), tool houses, home occupations (See section 15.13 Accessory Buildings) subject to the provisions of section 15.29 home Occupations, and off-street parking shall be permitted. The storage or parking of recreational vehicles shall be subject to Section 4A.04. In addition, any other use customarily incidental to the principal uses enumerated in Section 4A.01 and 4A.02 are permitted. (Ord. 377, 11/15/2001)

SECTION 4A.04 - RECREATIONAL VEHICLE PARKING IN TOWNHOUSE RESIDENTIAL DISTRICTS

Not more than one (1) recreational vehicle, as defined in Section 2.00, may be parked or stored by the owner and/or occupant per unit in townhouse residential districts subject to the following conditions:

- (a) The site must be able to accommodate the storage of recreational vehicles without encroachment into vehicle maneuvering aisles or without creating a shortage of required and/or additional visitor parking on the site, as determined by the Planning Commission. All areas for storage of recreational vehicles must be paved and screened from adjacent residential districts and the public right-of-way with a masonry screen wall or landscape screen.
- (b) The recreational vehicle(s) must be currently registered and licensed in the name of a current owner and/or occupant of the dwelling unit.
- (c) Boats stored out of water shall not exceed 22 feet in length, provided pontoon boats may be allowed up to 35 feet in length and 12 feet in height.
- (d) A recreational vehicle parked or stored shall not be connected to electricity, water, gas, or sanitary sewer facilities.
- (e) A recreational vehicle shall not be used for living, lodging or housekeeping purposes.
- (f) A recreational vehicle must be stored in the rear yard of the lot, provided the vehicle does not encroach into the vehicle maneuvering lane. No recreational vehicle shall be stored on a public street right-of-way.
- (g) Notwithstanding the above provisions concerning "Location", a recreational vehicle may be parked elsewhere on the premises prior to or after a trip for loading or unloading purposes for a period of not more than 48 hours prior to and 48 hours after use of the vehicle within a seven (7) day period.

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- (h) The parked or stored recreational vehicle must be kept in good repair. The vehicle must be capable of being moved from place to place.
- (i) For the purposes of this Section, two (2) personal watercraft, snowmobiles, all-terrain vehicles, or motorcycles stored on a single trailer shall be counted as one (1) recreational vehicle.

SECTION 4A.05 - AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS

Development Standards

Lot Minimums

Area (sq/ft)	----
Width (feet)	----

Maximum Building

Stories	2
Height (feet)	25

Maximum Lot Coverage

All Buildings (%)	----
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Minimum Setback (Measured from Lot Line in feet)¹

Front Open Space ⁽²⁾	25
Least One	10
Total of Two	20
Rear Open Space	25

Minimum Useable Floor Area

Per Unit (sq/ft)	1,200 ⁽³⁾
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Notes to Development Standards

- (1) Properties abutting water shall also comply with Section 15.15, Waterfront Land Setbacks.
- (2) Front yard setbacks are measured from the edge of the existing and/or planned right-of-way, said planned right-of-way as shown on the officially adopted Master Plan. Where a parcel or lot is at an intersection, the setback shall be measured from the maximum requirement for the district considering each side as a front yard area.
- (3) Townhouses must have a minimum floor area of 1,200 square feet per unit. (Ord. 340, 4/16/1998)

Type	SF RES (NR)	RES (R-T)	MFR (R-M) (R-ME)	MOB HOME (R-MH)	COM
Adult Foster Care, Family Home (6 or less adults)	P	P	P	P	P
Adult Foster Care, Small Group Home (7-12 adults)	SLU	SLU	SLU	SLU	P
Adult Foster Care, Large Group Home (13-20 adults)	SLU	SLU	SLU	SLU	SLU
Adult Foster Care, Congregate Facility (20 or more adults)					SLU
Day Care, Family Home (6 or less children)	P	P	P	P	

R-T TOWNHOUSE DISTRICT

Day Care, Group Home <small>(7-12 children)</small>	SLU	SLU	SLU	SLU	
Day Care Center					P
Key: P = Permitted; SLU = Special Land Use					

ARTICLE V

**R-M MULTIPLE FAMILY
RESIDENTIAL DISTRICT**

SECTION 5.00 - INTENT

The R-M Multiple-Family Residential District is intended to provide a proper environment for families who live in low-rise multiple family dwellings. Such families normally are smaller in size than those living in single-family dwellings. The RM District, in addition to being designed to furnish sites for various types of multiple-family dwelling structures, (including town houses, row houses, and apartments), also generally serves as a zone of transition between non-residential districts and lower density one-family residential districts.

SECTION 5.01 - PRINCIPAL USES PERMITTED

All uses permitted in the NR Neighborhood Residential District and the following uses: subject to any limitations described herein:

- (a) Multiple-family dwellings of a low-rise type, including but not limited to: row houses, terraces, town houses, apartments.
- (b) Rooming houses.
- (c) Publicly owned and operated libraries, museums, parks, parkways and recreational facilities.
- (d) Family Day Care Homes.
- (e) Adult Foster Care Family Home with 6 or fewer clients.
- (f) Public, parochial and other private elementary, intermediate and/or high schools offering courses in general education, subject to the following condition: No building shall be closer than fifty (50) feet to any property line when said property line abuts or is adjacent to land zoned for residential purposes. (e) Signs, as provided in Article XIV - Signs.
- (g) Religious Institutions, subject to the following:
 - 1. Buildings of greater than the maximum height allowed in this district may be permitted provided front, side, and rear yards are increased above the minimum required yards by one (1) foot for each foot of building height that exceeds the maximum height allowed.

2. At least one boundary of the lot upon which the church is to be constructed shall border a street designated as a collector thoroughfare having an existing and/or planned right-of-way of at least 86 feet in width.
- (h) Attached wireless communications facilities, collocation of an attached wireless communications facility, and attached wireless communications facilities consisting of a utility pole, all subject to the standards in Section 15.28.

SECTION 5.02 - PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS

The following uses shall be permitted, subject to the specific conditions hereinafter imposed for each use and subject further to permission of the Council following review and recommendation by the City Planning Commission.

- (a) Utility and public service facilities and uses needed to serve the immediate vicinity, including transformer stations, lift stations and switchboards but excluding storage yards.
- (b) Day Care, Group Home (7-12 children) subject to the following conditions:
 1. The lot upon which the nursery school is located contains at least three hundred (300) square feet of land area per pupil, and is at least fifteen thousand (15,000) square feet in area.
 2. Play space for children shall have a minimum area of five thousand (5,000) square feet, and shall be fenced and screened from any adjoining residential area with planting.
 3. No dormitory accommodations shall be provided.
- (c) Colleges, universities, and other such institutions of higher learning, public and private, offering courses in general, technical, or religious education, provided no building other than a structure for residential purposes shall be closer than fifty (50) feet to any property line which abuts or is adjacent to land zoned for residential purposes.
- (d) Private noncommercial recreational centers; and non-profit swimming pools.
- (e) Docking and mooring of boats or the storage of boats out of water, subject to the following conditions:
 1. Docking space shall be limited to the maximum number of boats allowed by the Department of Environmental Quality marina operating permit, subject to site plan and special land use review and approval by the City Council.
 2. All boats and personal watercraft must be currently registered in the name of a current owner and/or occupant residing on the property.
 3. All waterfront structures, appurtenances, and recreational vehicles shall comply with the requirements of Section 15.15, Waterfront Yards.
 4. There shall be no repair or dismantling of boats on the site.

R-M DISTRICT

5. Boats stored out of water shall not exceed 22 feet in length, provided pontoon boats may be allowed up to 35 feet in length and 12 feet in height.
 6. All watercraft shall be stored a minimum distance of ten (10) feet from abutting residential zoned property lines, and be screened from adjacent residential properties and the public right-of-way by a greenbelt or screen fence, seven (7) feet in height. Where possible, watercraft shall be setback from the road at least twenty (20) feet, and shall be stored a minimum of twenty (20) feet from the shoreline. (Ord. 338, 2/19/1998)
- (f) General hospitals, except those for criminals and those solely for the treatment of persons who are mentally ill or have contagious diseases, not to exceed a height of three (3) stories or forty (40) feet subject to the following conditions:
1. All ingress to and egress from the site shall be directly onto a major thoroughfare, having and existing or planned right-of-way width of at least one hundred and twenty (120) feet as indicated on the Major Thoroughfare Plan.
 2. Ambulance delivery and service areas when visible from adjacent land zoned for residential purposes shall be obscured from view by a wall at least six (6) feet in height.
 3. The minimum distance between any structure and a property line shall be seventy-five (75) feet.
- (g) Nursing homes, subject to the following conditions:
1. All ingress to and egress from the site shall be directly onto a major or secondary thoroughfare, having an existing or planned right-of-way width of at least eighty-six (86) feet as indicated on the Major Thoroughfare Plan.
 2. The minimum distance between any structure and a property line shall be forty (40) feet.
- (h) Bed-n-Breakfast Inns and/or Tourist Homes subject to the requirements outlined in Section 4.02(f) of this ordinance.
- (i) State Licensed Residential Facilities with 7 or more clients.
- (j) Wireless communications support structures subject to the requirements specified in Section 15.28.

SECTION 5.03 - ACCESSORY USES PERMITTED

Accessory buildings and uses, including:

- (a) Community garages; tool houses; swimming pools not exceeding 60 feet in length which are part of a multiple-family project.
- (b) Off-street parking.
- (c) Any other uses customarily incidental to the principal uses in Section 5.01 and 5.02 are permitted.

(d) Home occupations subject to the provisions of section 15.29 Home Occupations.
(Ord. 377, 11/15/2001)

SECTION 5.04 - AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS

Development Standards

Lot Minimums

Area (sq/ft)	(1)
Width (feet)	100

Maximum Building

Stories	2 ½
Height (feet)	30

Maximum Lot Coverage

All Buildings (%)	30
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Minimum Setback (Measured from Lot Line in feet)²

Front Open Space ⁽³⁾	30 ⁽⁴⁾
Least One	20 ⁽⁴⁾
Total of Two	40 ⁽⁴⁾
Rear Open Space	30 ⁽⁴⁾

Minimum Useable Floor Area

Per Unit (sq/ft)	(1)
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Notes to Development Standards

(1) Minimum land area per dwelling unit for R-M District as follows:

R-M DISTRICT

Number of Bedrooms	Minimum Land Area per Unit (square feet)	Minimum Floor Area per Unit (square feet)	Maximum Density (dwelling units/acre)	Minimum Lot Width
Efficiency Unit	4,200	600	10.4	Dependent upon site arrangement.
1-Bedroom Unit	4,200	600	10.4	However, development of one lot
2-Bedroom Unit	5,445	800	8.0	shall meet requirements set forth
3-Bedroom Unit	6,800	1,000	6.4	above

- (2) Properties abutting water shall also comply with Section 15.15, Waterfront Land Setbacks.
- (3) Front yard setbacks are measured from the edge of the existing and/or planned right-of-way, said planned right-of-way as shown on the officially adopted Master Plan. Where a parcel or lot is at an intersection, the setback shall be measured from the maximum requirement for the district considering each side as a front yard area.
- (4) Spacing of multiple dwellings shall be controlled by the following schedule:

Building Relationship	Overall Distance Between Buildings
Front to Front	50 Feet
Front to Rear	60 Feet
Rear to Rear	60 Feet
Rear to Side	45 Feet
Side to Side	20 Feet
Corner to Corner	15 Feet

Parking may be permitted in up to fifty (50) percent of the required yard provided that there shall be at least 20 feet of yard space between said parking area and the multiple family building.

Type	SF RES (NR)	RES (R-T)	MFR (R-M) (R-ME)	MOB HOME (R-MH)	COM
Adult Foster Care, Family Home (6 or less adults)	P	P	P	P	P
Adult Foster Care, Small Group Home (7-12 adults)	SLU	SLU	SLU	SLU	P
Adult Foster Care, Large Group Home (13-20 adults)	SLU	SLU	SLU	SLU	SLU

R-M DISTRICT

Adult Foster Care, Congregate Facility (20 or more adults)					SLU
Day Care, Family Home (6 or less children)	P	P	P	P	
Day Care, Group Home (7-12 children)	SLU	SLU	SLU	SLU	
Day Care Center					P
Key: P = Permitted; SLU = Special Land Use					

SECTION 5.05 - REQUIRED GREENWAY

Where the RM District directly abuts a single family district, the RM uses constructed therein shall provide a ten (10) foot wide Greenway in those areas where the required screen wall is not required. The Greenway shall be constructed in accordance with Section 15.23 of this Ordinance.

ARTICLE VI

**R-MH RESIDENTIAL
MOBILE HOME PARK DISTRICT**

SECTION 6.00 - INTENT

The R-MH residential Mobile Home Park District is intended to provide a suitable environment with adequate space and proper supporting facilities for families and persons living in mobile home parks. All mobile home parks shall comply with Act 419 of 1976, as amended and also meet all of the requirements contained in this Ordinance.

SECTION 6.01 - PRINCIPAL USES PERMITTED

The following uses shall be permitted, subject to any limitations described herein:

(a) Mobile Home Parks

Each park to be located on a parcel of land of not less than ten (10) acres with the entire parcel under the control or ownership of a natural person, individual, partnership, association, trust corporation or any other legal entity or combination thereof-, together with any buildings, structures, enclosures, street, drives, equipment or facilities used or intended for use incidental to the development and occupancy of such mobile homes; subject to the requirements as established and regulated by the state laws of Michigan and, in addition, shall satisfy the following minimum requirements:

1. Site

All mobile home parks shall be located on a site which is adequately graded so as to insure proper drainage and freedom from stagnant pools of water.

2. Access of Public Roads

All mobile home parks shall have access to a public thoroughfare or shall be connected to a public thoroughfare.

3. Roadway Standards

All roadways in the mobile home park shall be hard surfaced, and shall meet all road construction standards of the Mobile Home Commission Rules. Internal road widths shall conform to the following standards: Two-way streets within a mobile home park shall have a minimum width of 21 feet where no parallel parking is permitted, 31 feet where parallel parking is permitted along one side of the street, and 41 feet where parallel parking is permitted along both sides of the street. The minimum width of a one-way street shall be 13 feet where no

R-MH DISTRICT

parallel parking is permitted, 23 feet where parallel parking is permitted along one side, and 33 feet where parallel parking is permitted along both sides.

4. Pedestrian Circulation System

A pedestrian circulation system shall be designed, constructed, and maintained for safe and convenient movement from all mobile home sites to principal destinations within the park and connection to the public pedestrian circulation system outside the park, if such a system exists. A pedestrian circulation system shall satisfy the following requirements:

- a. Internal roads may be used as pedestrian ways except where concentrations of either pedestrian or vehicular traffic are likely to lead to congestion or hazards.
- b. Separate pedestrian ways shall be provided in locations where pedestrian traffic is concentrated, if use of the roads creates a hazard because of concentrations of either pedestrian or vehicular traffic.
- c. Separate pedestrian ways shall be provided at points where use of roads would lead to unduly circuitous pedestrian routes to principal destinations. If possible, walks shall be through interior areas away from heavy or fast-moving traffic.
- d. Where steps are installed, they shall rise no steeper than 5 feet vertically and 10 feet horizontally. Handrails shall be installed in compliance with R 408.30446 of the Michigan Administrative Code.
- e. Where steps are installed along common pedestrian walkways, ramps shall be installed in compliance with R 408.30445 of the Michigan Administrative Code.
- f. A common pedestrian walkway shall have a minimum width of 3 feet.
- g. An individual pedestrian walkway shall connect to a common pedestrian walkway, or to a road where common walkways do not exist to individual driveways or parking spaces and the mobile home foundation. An individual pedestrian walkway shall be not less than 3 feet in width.

5. Utilities

Each mobile home park and individual mobile home site shall be serviced by and connected to the city water and city sanitary sewer system. All telephone, electric and other utility lines of any nature within the mobile home park shall be underground. Each mobile home, caretaker's office and all service or recreational buildings shall be equipped with at least one (1) fire extinguisher with a minimum 2A-10-B-C rating and at least one (1) smoke detector approved by a nationally recognized independent testing laboratory. Each fire extinguisher shall be examined periodically and shall be kept at all times in useable condition. If central television antenna systems, cable television, or other such services are provided, the distribution systems shall be underground and shall be constructed and installed pursuant to State and Local codes and ordinances.

R-MH DISTRICT

6. Lighting

Service roadway, parking and service area lights shall be installed so as to permit the safe movement of vehicles and pedestrians at night. All vehicular and pedestrian circulation system within a mobile home park shall be illuminated as follows:

- a. Access to points to public thoroughfares shall be lighted. If the public thoroughfare is lighted, the illuminated level shall not exceed the average illumination level of an adjacent illuminated thoroughfare.
- b. Outdoor recreational facilities shall be adequately lighted, when in use.
- c. All lighting shall be so located and shielded as to direct the light away from individual mobile homes.

7. Screening

Where a mobile home park abuts property planned, zoned, and/or used for residential purposes, a completely obscuring seven (7) foot high fence and/or a ten (10) foot wide landscaped greenbelt of plant materials, spacing and heights in accordance with Section 13.04 shall be provided on the park side of the boundary. Proper maintenance shall be the responsibility of the mobile home park.

8. Recreation/Open Space

- a. A mobile home park that contains fifty (50) or more mobile home sites shall have at least one (1) easily accessible open space area containing not less than twenty-five thousand (25,000) square feet. The total of the land dedicated for open space shall not be less than two (2) percent of the park's gross acreage that is approved for construction pursuant to a permit to construct, but no less than twenty-five thousand (25,000) square feet.
- b. Optional improvements such as swimming pools, recreational buildings, children's playgrounds, picnic areas, game fields and courts or similar areas or facilities shall be considered as fulfilling part or all of the total open space requirement. If optional improvements are provided, they may be consolidated into a single facility.

9. Garbage and Refuse Disposal

There shall be provided in all mobile home parks a system of garbage and refuse disposal. Such system shall be reviewed and approved and shall meet the requirements of the Michigan Department of Public Health's Standards for Mobile Home Parks.

10. Business

No business of any kind shall be conducted at any location in a mobile home park except that of the management office. New or used mobile homes located on lots within the mobile home development to be used and occupied on that site may be sold by a licensed dealer and/or broker. This section shall not prohibit the sale of a used mobile home by a resident of the mobile home development provided the development permits the sale.

R-MH DISTRICT

11. Parking

There shall be provided a minimum of two (2) parking spaces per mobile home site and a minimum of one (1) parking space for every three (3) mobile home sites shall be provided for visitor parking located convenient to the area served. All parking spaces maneuvering lanes shall be dimensioned in accordance with Section 13.02 of this code. All parking spaces and parking compounds shall be hard surfaced and constructed in accordance with the Mobile Home Commission Rules.

12. Signs

One (1) free standing sign identifying the mobile home park, not more than fifty (50) square feet in area may be maintained at or adjacent to the principal entrance to the park. It shall have no flashing illumination.

13. Completion of Improvements

No mobile home shall be permitted to occupy space in a mobile home park until all building permits are secured, applicable fees paid and inspections have been performed in accordance with the s and ordinances of the City. The required boundary screening and/or fence shall also be in place or a bond or certified check in amount of 100 percent of the estimated cost of such fact shall be deposited with the Treasurer to guarantee composition of greenbelt planting and fence installation. No individual mobile home site shall be occupied or re-occupied by a new home until properly placed on its stand, skirted, and connected to utilities through the proper issuance of the required permits and certificate of occupancy.

14. Site Plan

Each application for a permit for development of a mobile home park shall be accompanied by a site plan showing all details of development and site plan approval as outlined in this Ordinance shall be complied with.

- (b) Attached wireless communications facilities, collocation of an attached wireless communications facility, and attached wireless communications facilities consisting of a utility pole, all subject to the standards in Section 15.28.
- (c) Adult Foster Care Family Home with 6 or fewer clients.
- (d) Public, parochial, and other private elementary, intermediate, and/or high schools offering courses in general education, subject to the following condition: No building shall be closer than fifty (50) feet to any property line when said property line abuts or is adjacent to land zoned for residential purposes.
- (e) Religious Institutions, subject to the following:
 - 1. Buildings of greater than the maximum height allowed in this district may be permitted provided front, side, and rear yards are increased above the minimum required yards by one (1) foot for each foot of building height that exceeds the maximum height allowed.

R-MH DISTRICT

2. At least one boundary of the lot upon which the church is to be constructed shall border a street designated as a collector thoroughfare having an existing and/or planned right-of-way of at least 86 feet in width.
- (f) Family Day Care Homes.
- (g) State Licensed Residential Facilities with 7 or more clients.

SECTION 6.02 - PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS

The following uses shall be permitted, subject to the specific conditions hereinafter imposed for each use and subject further to permission of the Council following review and recommendation by the City Planning Commission:

- (a) Utility and public service facilities and uses needed to serve the immediate vicinity, including transformer stations and switchboards but excluding storage yards.
- (b) Wireless communications support structures subject to the requirements specified in Section 15.28.

SECTION 6.03 - ACCESSORY USES PERMITTED

Accessory buildings and uses, customarily incidental to the principal permitted uses enumerated in Section 6.01 and 6.02 are permitted.

- (a) Utility buildings.
- (b) Carport (unenclosed).
- (c) Community building that may provide services for the residents of the mobile home park such as a laundromat.
- (d) Home occupations subject to the provisions of section 15.29 Home Occupations. (Ord. 377, 11/15/2001)

SECTION 6.04 - AREA AND BULK REQUIREMENTS

- (a) Minimum Lot Area: The minimum total site area shall be ten (10) acres.
- (b) Minimum Lot Width: three hundred (300) feet.
- (c) Minimum Yards (Setbacks):
 - Front: fifty (50) feet from any public right-of-way.
 - Side, Least One: ten (10) feet.
 - Side, Total Two: twenty (20) feet.
 - Rear: ten (10) feet.A mobile home shall be a minimum of:
 1. twenty (20) feet from any part of another mobile home,
 2. ten (10) feet from any detached structure and seven and one-half (7 1/2) feet from an on-site parking of an adjacent mobile home site,

R-MH DISTRICT

3. fifty (50) feet from a permanent building,
 4. ten (10) feet from a natural or man-made lake, waterway,
 5. seven (7) feet from pedestrian walkways and sidewalks,
- (d) Maximum Height: two and one-half (2 1/2) stories or thirty-five (35) feet.
- (e) Minimum Floor Area Per Dwelling Unit: 600 square feet.

ARTICLE VII

P-1 VEHICULAR PARKING DISTRICT

SECTION 7.00 - INTENT

The P-1 Vehicular Parking District is intended to provide locations for publicly or privately owned off-street parking for passenger vehicles in areas where the public interest justifies the siting of such parking. Usually this parking is designed to serve a district which has developed without adequate off-street parking facilities. It also may serve as a transitional use buffer between residential and nonresidential uses.

SECTION 7.01 - PRINCIPAL USES PERMITTED

The following uses shall be permitted, subject to any limitations described herein:

- (a) Public off-street parking lots and garages, subject to regulations imposed by the City.
- (b) Private off-street parking facilities, including parking lots and community garages, subject to the following:
 - 1. The parking areas shall be accessory to and for use in connection with one (1) or more business, research or industrial establishments located in adjoining business or industrial districts, or in connection with one or more existing professional or institutional office buildings or institutions.
 - 2. Parking areas shall be used solely for parking of motor vehicles, for periods of less than one (1) day.
 - 3. No commercial repair work or service of any kind, or sale or display, shall be conducted in such parking areas.
 - 4. No signs of any kind, other than signs designating entrances, exits and conditions of use, shall be maintained on such parking areas.
 - 5. No buildings other than community garages shall be erected upon such premises and they shall not exceed twenty-five (25) feet in height.
 - 6. Such parking lots shall be contiguous to an RM, C-1, C-2, O-1, or M-1 District, or separated only by a public street or private driveway from the aforementioned districts.
- (c) Attached wireless communications facilities, collocation of an attached wireless communications facility, and attached wireless communications facilities consisting of a utility pole, all subject to the standards in Section 15.28.

SECTION 7.02 PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS

The following uses shall be permitted, subject to the specific conditions hereinafter imposed for each use and subject further to permission of the Council following review and recommendation by the City Planning Commission.

(a) Parking garages subject to the following:

1. Entrances and exits to the garage shall be from surface off-street parking to drive areas and shall not be entered or exited directly onto a public thoroughfare.
2. Parking decks shall be properly screened so as to obscure the view of automobiles and provide safety barriers and outside walls.
3. No maintenance, service or repairs shall be permitted or conducted in the building.
4. Parking garages shall be further subject to Article XXII, Schedule of Regulations for area and bulk requirements.

(b) Wireless communications support structures on public or quasi-public/institutional sites subject to the requirements specified in Section 15.28.

SECTION 7.03 - ACCESSORY USES PERMITTED

Accessory buildings and uses shall be limited to shelter built for attendants (including fare collection booths in public parking facilities) not to exceed fifteen (15) feet in height.

SECTION 7.04 - AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS

Area, height, bulk and placement requirements, unless otherwise specified, are as provided in Article XXIV, Schedule of Regulations.

ARTICLE VIII

C-1 LOCAL BUSINESS DISTRICT

SECTION 8.00 - INTENT

The C-1 Local Business District is designated to meet the day-to-day convenience shopping and service needs of persons residing in adjacent residential areas. Protection of nearby residential districts is considered of importance, thus businesses which might tend to be a nuisance to immediately surrounding residential areas are excluded, even though the goods sold or services offered might fall within the convenience classification.

SECTION 8.01 - PRINCIPAL USES PERMITTED

The following uses shall be permitted, provided that all business servicing or processing (except for off-street parking or loading) shall be conducted within a completely enclosed building; that all businesses shall be of a retail or service nature dealing directly with consumers; and that all goods produced on the premises be sold at retail on the same premises:

- (a) Retail businesses, including but not limited to such uses as markets selling groceries, meats, fruit, produce, dairy products and baked goods; stores selling drugs, dry goods, notions, shoes, clothing, hardware, books, jewelry, radios, televisions, and related items; variety stores; florist shops; antique shops.
- (b) Personal service shops, provided that each such shop occupies a total usable floor area of not more than 4,000 square feet, including but not limited to such uses as: frame shops, repair shops (watch, television, shoe repair, etc.), tailor and dressmaking shops, beauty parlors, barber shops, photographic studios, self-service Laundromats, and dry cleaning pick-up stations.
- (c) Offices, including executive, administrative, and professional offices, establishments which perform financial or personal or business services, including banks, savings and loan companies, insurance and real estate offices, small loan companies, and similar agencies, provided that accessory drive-through facilities shall be subject to Conditional Use Approval (see Section 8.02).
- (d) Medical and dental offices and clinics, and offices of other professionals offering services.

C-1 DISTRICT

- (e) Publicly-owned and operated libraries and museums.
- (f) Community centers.
- (g) Adult Foster Care Family Home with 6 or fewer clients.
- (h) Public, parochial and other private elementary, intermediate and/or high schools offering courses in general education, subject to the following condition: No building shall be closer than fifty (50) feet to any property line when said property line abuts or is adjacent to land zoned for residential purposes.
- (i) Religious Institutions, subject to the following:
 - 1. Buildings of greater than the maximum height allowed in this district may be permitted provided front, side, and rear yards are increased above the minimum required yards by one (1) foot for each foot of building height that exceeds the maximum height allowed.
 - 2. At least one boundary of the lot upon which the church is to be constructed shall border a street designated as a collector thoroughfare having an existing and/or planned right-of-way of at least 86 feet in width.
- (j) Signs, as provided in Article XIV.
- (k) Art Galleries.
- (l) Attached wireless communications facilities, collocation of an attached wireless communications facility, and attached wireless communications facilities consisting of a utility pole, all subject to the standards in Section 15.28.
- (n) Uses similar to the above provided it is demonstrated that such uses are necessary to provide normal day-to-day needs for the population of the surrounding neighborhood.
- (o) State Licensed Residential Facilities, Adult Foster Care, Small Group Home with 7-12 clients.

SECTION 8.02 - PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS

The following uses shall be permitted, subject to the specific conditions hereinafter imposed for each use and subject further to permission of the City Council following review and recommendation by the Planning Commission:

- (a) Automobile service centers and quick oil change shops, subject to the following:
 - 1. Any such facility shall have a minimum of one hundred sixty (160) feet of frontage on the principal street serving the station.

C-1 DISTRICT

2. All buildings shall be set back not less than fifty (50) feet from all street right-of-way lines.
 3. Curbs, curb cuts, driveway widths, and acceleration and deceleration lanes shall meet the requirements of the agencies having jurisdiction thereof
 4. No structure shall be located closer than one hundred (100) feet to any residentially-zoned land.
 5. Gasoline storage tanks shall be located underground and no closer than 100 feet to any property line.
 6. Pump islands shall be located no closer than twenty-five (25) feet to any property line.
 7. All trash, waste, and discarded material shall be screened from view and confined so as to be completely contained within an enclosure with a gate.
- (b) Veterinary offices and clinics providing medical, surgical, and grooming facilities for small non-farm animals, subject to the following:
1. No such use shall be located closer than one hundred (100) feet to any residentially-zoned or used property.
 2. All such facilities shall be completely enclosed in a building in such a manner as to produce no offensive odor or audible sound beyond the lot line.
 3. An adequate, enclosed method of refuse storage and disposal shall be maintained so that no public nuisance shall be created at any time.
- (c) Utility and public service facilities and uses needed to serve the immediate vicinity, including transformer stations and switchboards, but excluding storage yards.
- (d) Bed-n-breakfast inns and tourist homes, subject to the requirements outlined in Section 4.02(e).
- (e) Carry-out restaurants, but not including drive-in, drive-through, or fast-food restaurants.
- (f) Private Service clubs, fraternal organizations, banquet halls, and meeting halls. Those establishments with hours of operation between 11 p.m. and 6 a.m. shall meet standards set forth in subsection (h) below.
- (g) Commercial establishments with hours of operation between 11 p.m. and 6 a.m. (excluding bars and lounges), subject to the following:
1. Parking areas shall be configured as to prevent vehicular headlights from shining into adjacent residentially zoned and used property, whenever possible. If this is not possible, parking areas configured such that vehicular headlights are directed toward public rights-of-way shall provide continuous screening at a minimum height of three (3) feet. The Planning Commission shall have the discretion to require an obscuring wall, fence, berm, landscape plantings, or a combination thereof.

C-1 DISTRICT

2. Ingress and egress drives and primary circulation lanes shall be located away from residential areas to minimize vehicular traffic and noise which may become a nuisance to adjacent residential areas, wherever practical.
 3. All building entrances to be utilized by patrons shall be located on the side(s) of the building which does not abut residentially zoned or used property, wherever possible, to minimize the potential for patrons to congregate outside of building entrances and create noise which may become a nuisance to adjacent residential areas.
 4. Screening not less than six (6) feet in height shall be provided along all property lines abutting residentially zoned or used areas. The Planning Commission shall have the discretion to require an obscuring wall, fence, berm, landscape plantings, or a combination thereof.
 5. All parking lot lighting shall be screened with shoebox-type metal halide light fixtures which are directed downward at all times.
 6. Neon, fluorescent, or similar decorative lighting located on the building, signs, or in other areas on the site shall not be visible from adjacent residential properties between 11 p.m. and 6 a.m.
 7. Deliveries or garbage pick-up shall not be permitted between the hours of 11 p.m. and 6 a.m.
- (h) Wireless communications support structures subject to the requirements specified in Section 15.28.
- (i) Standard restaurants
- (j) Restaurants serving alcohol.
- (k) Outdoor cafes and outdoor eating areas associated with an approved standard restaurant or approved restaurant serving alcohol.
1. Planters, posts with ropes, or other removable barriers must be used to contain the outdoor seating area.
 2. An outdoor eating area shall be located no closer than fifteen (15) feet from the edge of pavement of a public or private road that is constructed without curb and gutter and no closer than ten (10) feet from the edge of pavement of a public or private road that is constructed with curb and gutter.
 3. Such eating areas shall be separated from all vehicular parking and maneuvering areas by means of a landscaped buffer, wall, or architectural feature.
 4. A portion of the outdoor seating capacity, as determined by the Planning Commission, shall be considered along with the indoor seating for the purposes of determining compliance with required parking.

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5. An outdoor eating area shall be separated from all vehicular parking and maneuvering areas by means of a landscaped buffer, wall, or architectural feature.
6. The outdoor seating shall in no way impair the use and enjoyment of adjacent or nearby properties.
7. The nearest edge of the outdoor eating area shall not be located within fifty (50) feet of any properties zoned or used for residential purposes. The area shall be completely screened from view from all residential properties by an obscuring wall or landscaped buffer, unless the outdoor seating area is separated by a public road, in compliance with this Ordinance.
8. Outdoor seating shall be subject to applicable County and State requirements.
9. The site plan shall specify the plans for storage of tables, chairs, and equipment during the months when the outdoor seating is not in use.
10. The outdoor eating area shall be kept clean and void of litter at all times.
11. All vending machines and arcades shall be located within a completely enclosed building.
12. Outdoor eating areas shall not be operated between the hours of 11 p.m. and 6 a.m.
13. The capacity of the outdoor seating area shall be provided by the applicant and verified by the Building Official.
14. If the eating area is elevated above a parking area or pedestrian walkway, objects shall not be placed on a ledge or railing which may dislodge and endanger vehicles or pedestrians below.
15. Additional signs should not be permitted, beyond what is permitted for the existing restaurant.
16. Entertainment, music, speakers, or similar devices shall be prohibited in outdoor eating areas within 100 feet of any residential use.
17. Preparation of food and beverages shall be prohibited in this outdoor area. The sale and consumption of alcohol are governed by the Michigan Liquor Control Act and local ordinance.

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18. In addition to the standards listed above, outdoor sidewalk cafes shall also be subject to the following standards:

- a) To allow for pedestrian circulation, a minimum of five (5) feet of sidewalk along the curb and leading to the entrance to the establishment must be maintained free of tables and other encumbrances. If the sidewalk is not wide enough to allow for a five (5) foot wide clearance for circulation, the café should not be permitted.
 - b) Pedestrian circulation and access to store entrances should not be impaired. Thus, a boundary (maximum encroachment width and length) into the public sidewalk should be established, with an accessible aisle being maintained between this line and the curb, in accordance with the provisions of the national Americans with Disabilities Act (ADA) and Michigan barrier-free requirements.
 - c) The operators of the outdoor café should be responsible for a clean, litter-free, and well-kept appearance within and immediately adjacent to the area of the tables and chairs. Additional outdoor trash receptacles should be required. Written procedures for cleaning and trash containment and removal responsibilities of the café must be noted on the revised plan to the satisfaction of the City.
 - d) Tables, chairs, planters, trash receptacles, and other elements of street furniture should be compatible with the architectural character of the adjacent buildings. If table umbrellas will be used, they should complement building colors.
 - e) Liability issues for use of the public sidewalk should be addressed and reviewed by the City Attorney. (Ord. 376, 10/18/2001)
- (l) State Licensed Residential Facilities, Adult Foster Care, Large Group Home with 13-20 clients.
- (m) State Licensed Residential Facilities, Adult Foster Care, Congregate Facility with 20 or more clients.

SECTION 8.03 - ACCESSORY USES PERMITTED

Accessory buildings and uses customarily incidental to the principal permitted uses enumerated in 8.01 and 8.02 are permitted including home occupations accessory to

nonconforming residential uses subject to the provisions of section 15.29 Home Occupations. (Ord. 377, 11/15/2001)

SECTION 8.04 - DEVELOPMENT STANDARDS

(a) Required Conditions

Except as otherwise noted for specific uses, buildings and uses in the Local Business District shall comply with the following required conditions:

1. All business establishments shall be retail or service establishments dealing directly with customers. All goods produced and services performed on the premises shall be sold at retail on the premises produced.
2. All business, servicing, or processing, except off-street parking and loading, shall be conducted within a completely enclosed building.
3. There shall be no outside storage of goods, inventory, or equipment.
4. All uses permitted subject to special conditions shall be required to submit a Traffic Impact Analysis which shall, at minimum, include: trip generation estimates, the volume of existing traffic on roads adjacent to the site, the peak hour volume of traffic on roads adjacent to the site, the peak hour volume of traffic expected to be generated by the proposed development, estimates of the directional distribution of trips generated by the development, projected assignment of vehicle trip volumes to the roadway network, analysis of anticipated turning movements and required left-or right-turn controls, and recommendations to mitigate the impact of the development on the transportation system. If deemed necessary by the City Planner following review of the site plan a Traffic Impact Analysis may also be required in conjunction with development of a Principal Permitted Use.
5. The site and building layout for all business establishments shall be designed to accommodate safe pedestrian access for passersby and for patrons of the business. Accordingly, sidewalks shall be provided along all street frontages, as specified in Section 16.08(f).

(b) Site Plan Review

Site plan review shall be required for all uses in the Local Business District in accordance with Section 16.08.

(c) Area, Height, Bulk, and Placement Requirements

Buildings and uses in the Local Business District are subject to the area, height, bulk, and placement requirements in Article XXIV, Schedule of Regulations.

(d) General Development Standards

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Buildings and uses in the Local Business District shall be subject to all applicable standards and requirements set forth in this Ordinance, including off-street parking and loading requirements in Article XIII, and Landscaping and Screening requirements in Section 15.23.

SECTION 8.04 - AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS

Development Standards

Lot Minimums

Area (sq/ft)----

Width (feet)----

Maximum Building

Stories1

Height (feet)20

Maximum Lot Coverage

All Buildings (%)----

Minimum Setback (Measured from Lot Line in feet)¹

Front Open Space⁽²⁾25

Least One⁽³⁾20

Total of Two40

Rear Open Space25

Minimum Useable Floor Area

Per Unit (sq/ft)----

Notes to Development Standards

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- (1) Properties abutting water shall also comply with Section 15.15, Waterfront Land Setbacks.
- (2) Front yard setbacks are measured from the edge of the existing and/or planned right-of-way, said planned right-of-way as shown on the officially adopted Master Plan. Where a parcel or lot is at an intersection, the setback shall be measured from the maximum requirement for the district considering each side as a front yard area.
- (3) No side yards are required along interior lot lines, except as required by the Building Code, provided that walls so located shall be solid and shall not contain any windows, doors, or any other openings. On exterior lot lines the minimum setbacks shall be maintained.

Type	SF RES (NR)	RES (R-T)	MFR (R-M) (R-ME)	MOB HOME (R-MH)	COM
Adult Foster Care, Family Home (6 or less adults)	P	P	P	P	P
Adult Foster Care, Small Group Home (7-12 adults)	SLU	SLU	SLU	SLU	P
Adult Foster Care, Large Group Home (13-20 adults)	SLU	SLU	SLU	SLU	SLU
Adult Foster Care, Congregate Facility (20 or more adults)					SLU
Day Care, Family Home (6 or less children)	P	P	P	P	
Day Care, Group Home (7-12 children)	SLU	SLU	SLU	SLU	
Day Care Center					P
Key: P = Permitted; SLU = Special Land Use					

ARTICLE IX

C-2 GENERAL BUSINESS DISTRICT

SECTION 9.00 - INTENT

The C-2 General Business District is designed to provide for a wide diversity of business activities. In addition to retail uses a number of other activities, usually requiring considerable land area and access to major thoroughfares, are permitted. Uses in this district normally must have good automobile accessibility, but shall not cause congestion on adjacent thoroughfares.

SECTION 9.01 - PRINCIPAL USES PERMITTED

The following uses shall be permitted, provided that all business storage, servicing, or processing (except for off-street parking, loading and other specified activities) shall be conducted within a completely enclosed building, subject to the requirements described herein:

- (a) All uses permitted in the C-1 Local Business zone district and the following uses:
- (b) Signs, as provided in Article XIV with the exception that no ground signs shall be permitted in the areas defined as the CBD or CBD-Fringe. Wall signs that project perpendicularly no more than two feet from a principal building façade may be permitted on buildings in these same areas provided the signs do not exceed five (5) square feet in area.
- (c) Multiple family residential units may be permitted in the areas defined as the CBD and CBD-Fringe, provided they are located above a ground floor that contains a use permitted in the C-2 district.
- (d) Mortuaries, including an accessory caretaker's apartment, subject to the following:
 - 1. In addition to the off-street parking required in Section 13.01(c) 3, one space shall be provided for all official vehicles of the mortuary or funeral home plus one space shall be provided for the caretaker.
 - 2. Ingress and egress shall be provided so as not to conflict with the traffic on adjacent residential streets.
 - 3. Sufficient space shall be provided so the funeral procession can be formed on the site or within off-street parking areas serving the mortuary or funeral home, rather than on residential streets.

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4. All outdoor activity associated with the mortuary shall be screened from view of adjacent residential districts.
- (e) Adult Foster Care Family Home with 6 or fewer clients.
 - (f) Public, parochial and other private elementary, intermediate and/or high schools offering courses in general education, subject to the following condition: No building shall be closer than fifty (50) feet to any property line when said property line abuts or is adjacent to land zoned for residential purposes.
 - (g) Religious Institutions, subject to the following:
 1. Buildings of greater than the maximum height allowed in this district may be permitted provided front, side, and rear yards are increased above the minimum required yards by one (1) foot for each foot of building height that exceeds the maximum height allowed.
 2. At least one boundary of the lot upon which the church is to be constructed shall border a street designated as a collector thoroughfare having an existing and/or planned right-of-way of at least 86 feet in width.
 - (h) Hotels and motels.
 - (i) Standard restaurants.
 - (j) Utility and public service facilities and uses needed to serve the immediate vicinity, including transformer stations and switchboards, but excluding storage yards.
 - (k) Signs, as provided in Article XIV with the exception that no ground signs shall be permitted in the areas defined as the CBD or CBD-Fringe. Wall signs that project perpendicularly no more than two feet from a principal building façade may be permitted on buildings in these same areas provided the signs do not exceed five (5) square feet in area (Ord. 386, 03/21/2002)
 - (l) Other uses similar to the above uses.
 - (m) Business establishments providing body art and permanent cosmetics (tattoo), subject to State of Michigan licensing and applicable Health Department requirements. Such establishments shall not operate between the hours of 11:00pm and 7:00am
 - (n) Multiple family residential units may be permitted in the areas defined as the CBD and CBD-Fringe, provided they are located above a ground floor that contains a use permitted in the C-2 district (Ord. 386, 03/21/2002)
 - (o) State Licensed Residential Facilities, Adult Foster Care, Small Group Home with 7-12 clients.

SECTION 9.02 - PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS

The following uses shall be permitted, subject to the specific conditions hereinafter imposed for each use and subject further to permission of the City Council following review and recommendation by the Planning Commission:

- (a) Automobile service centers and quick oil change shops, subject to the conditions in Section 8.02(a). Automobile service centers and quick oil change shops may not be located in the areas defined as the CBD or CBD-Fringe (Ord. 386, 03/21/2002).
- (b) Veterinary offices and clinics providing medical, surgical, and grooming facilities for small non-farm animals, subject to the conditions in Section 8.02(b).
- (c) Automobile wash or car wash establishments, subject to the following conditions:
 - 1. The minimum lot size required for such facilities shall be 20,000 square feet.
 - 2. All washing activities shall be carried on within a completely enclosed building. Vacuuming activities shall be permitted in the rear yard only, provided that such activities are located at least fifty (50) feet from adjacent residentially-zoned or used property.
 - 3. Sufficient space shall be provided on the lot so that vehicles do not enter or exit the wash building directly from an adjacent street or alley. All maneuvering areas, stacking lanes, and exit aprons shall be located on the car wash parcel it sell Streets and alleys shall not be used for maneuvering or parking by vehicles to be serviced by the car wash.
 - 4. Sufficient space shall be provided on the lot for drying of the vehicle undercarriage during sub-freezing weather prior to exiting on the public thoroughfare.
 - 5. Automobile wash or car wash establishments may not be located in the areas defined as the CBD or CBD-Fringe (Ord. 386, 03/21/2002).
- (d) Bus passenger stations.
- (e) New and used vehicle sales offices and showrooms, provided that any outdoor sales area for used vehicle sales shall be permitted only as an adjunct to a new vehicle sales establishment, subject to the following requirements:
 - 1. The sales lot shall be provided with a permanent, durable, and dustless surface having an asphaltic or concrete binder, and shall be so graded and drained to dispose within the site of all surface water accumulating within the area.
 - 2. Ingress and egress driveways shall be located at least sixty (60) feet from the intersection of any two (2) streets, measured from the nearest intersection right-of-way line.

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3. No major repair or major refinishing shall be done on the lot.
 4. All abutting or adjacent property shall be zoned for business or industrial use.
 5. Devices for the transmission or broadcasting of voice or music shall be prohibited outside of any building.
 6. No vehicle shall be parked or displayed within forty (40) feet of a public right-of-way.
 7. All driveway approaches, road drainage, curbs and curb cuts shall meet the requirements of the agencies which have jurisdiction thereof.
 8. No new or used vehicle sales office or showroom with outdoor sales area may be permitted in the areas defined as the CBD or CBD-Fringe (Ord. 386, 03/21/2002)
- (f) Private service clubs, fraternal organizations, banquet halls, and meeting halls. Those establishments with hours of operation between 11 p.m. and 6 a.m. shall meet standards set forth in subsection (t) below.
- (g) Parking garages.
- (h) Carry-out, drive-in, drive-through, or fast-food restaurants, including ice cream parlors, subject to the following requirements:
1. All such facilities shall be subject to the requirements for drive-through facilities set forth in Section 9.02(i), following.
 2. All abutting property shall be zoned for business or industrial use.
 3. A masonry screen wall at least six (6) feet in height shall be provided along any portion of the site which abuts a C-1 District.
 4. No drive-in or drive-through restaurants may be located in the areas defined as the CBD or CBD-Fringe.
- (i) Any use which has drive-through facilities, including banks, savings and loan companies, other financial institutions, drive-through restaurants, car washes, dry cleaners, and other such uses, unless such use is otherwise specifically prohibited in this district. Drive-through facilities shall comply with the following requirements:
1. Ingress and egress drives shall be a minimum of thirty (30) feet in width. No more than one (1) such drive or curb opening shall be permitted for every seventy-five (75) feet of frontage (or fraction thereof) along any street. The nearest edge of any such drive shall be located at least twenty-five (25) feet from the nearest point of any property zoned or used for residential purposes.
 2. Curb openings for drives shall not be permitted where the drive would create a safety hazard or traffic nuisance because of its location in relation to other

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ingress and egress drives, its location in relation to the traffic generated by other buildings or uses, its location near vehicular or pedestrian entrances or crossings, or similar concerns.

3. Ingress and egress points shall be located at least sixty (60) feet from the intersection of any two (2) streets, measured from the nearest intersection right-of-way line.
 4. Devices for the transmission of voice shall be so directed or muffled as to prevent said sounds from being audible beyond the boundaries of the site. Devices for the broadcasting of voice or music over the entire site shall be prohibited.
 5. No use which has a drive-through facility may be located in the areas defined as the CBD or CBD-Fringe (Ord. 386, 03/21/2002).
- (j) Commercial outdoor recreation uses, such as amusement parks, golf driving ranges, and similar uses, subject to the following requirements:
1. No such uses shall be located within one hundred (100) feet of any residential district.
 2. All abutting or adjacent property shall be zoned for business or industrial use.
 3. A masonry wall at least six (6) feet in height shall be provided along any property line which abuts a C-1 District.
 4. Devices for the transmission or broadcasting of voice or music shall be prohibited outside of any building.
 5. All driveway approaches, road drainage, curbs and curb cuts shall meet the requirements of the agencies which have jurisdiction thereof.
 6. No commercial outdoor recreation use may be located in the areas defined as the CBD or CBD-Fringe (Ord. 386, 03/21/2002).
- (k) Retail sales of plant materials not grown on the site, sales of lawn furniture, playground equipment, and home garden supplies, and similar open-air businesses, subject to the following conditions:
1. All loading and parking areas for open-air businesses shall be confined to the site and shall not be permitted to spill over onto adjacent roads.
 2. Plant storage and display areas shall comply with the minimum setback requirements for the district in which the nursery is located.
 3. The storage of soil, fertilizer, and similar loosely packaged materials shall be contained and covered to prevent it from blowing onto adjacent properties.

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4. Open-air uses shall not be permitted to locate at the intersection of major thoroughfares.
 5. Any open-air use proposed in the areas defined as the CBD or CBD-Fringe must demonstrate that the proposed use will contribute to the intent of establishing a viable pedestrian oriented central business district (Ord. 386, 03/21/2002)
- (l) Offices, showrooms, or workshop of a plumber, electrician, building contractor, upholsterer, caterer, exterminator, heating and cooling contractor, decorator, or similar trade, subject to the following conditions:
1. All services performed on the premises, including fabrication, repair, cleaning, or other processing of goods, shall be sold at retail on the premises where produced.
 2. All services performed on the premises, including fabrication, repair, cleaning, or other processing of goods, shall be conducted within a completely enclosed building.
 3. The ground floor premises facing upon and visible from any abutting street shall be used only for entrances, offices, sales, and display.
 4. There shall be no outside storage of materials or goods of any kind.

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- (m) Bowling establishment, arcades, and other forms of indoor commercial recreation, provided that no such use shall be located within one hundred (100) feet of any residential district.
- (n) Facilities for the sales, servicing, and protection of small recreation, boats, along with retail facilities that supply commodities related to boating, subject to the following conditions:
 - 1. Except for land area immediately adjacent to water, the portion of the lot used for vehicular circulation and parking, boat sales, and boat storage shall be provided with a permanent, durable, and dustless surface having an asphaltic or concrete binder, which shall be graded and drained to dispose of storm water in a manner that is approved by the City Engineer.
 - 2. Ingress and egress points shall be located at least sixty (60) feet from the intersection of any two (2) streets, measured from the nearest intersection right-of-way.
 - 3. A landscaped greenbelt shall be provided along all sides of the site that are zoned or used for residential purposes, in accordance with Section 15.23.
 - 4. Devices for the transmission or broadcasting of voice or music shall be prohibited.
 - 5. All driveway approaches, road drainage, curbs and curb cuts shall meet the requirements of the agencies having jurisdiction thereof.
 - 6. The storage of any resins, epoxies, fiberglass, etc., and any engine or hull repair activities shall be performed within a completely enclosed building.
 - 7. Adequate room shall be provided for the maneuvering of boats and trailers without interruption or blockage to traffic on any public road.
 - 8. No boat hauling activities or mast cranes shall be located closer than twenty (20) feet from any side lot line.
 - 9. Such use may not be located in the areas defined as the CBD or CBD-Fringe.
- (o) Outdoor cafes, eating areas, and open front restaurants
 - 1. The outdoor seating area shall be accessory to a fully-operational restaurant located on the same site and shall not be located in any required front, side, or rear setback area.
 - 2. The capacity of the outdoor seating area shall be considered along with the indoor seating for the purposes of determining compliance with required parking.
 - 3. An outdoor eating area shall be located no closer than fifteen (15) feet from the edge of pavement of a public or private road that is constructed without curb and gutter and no closer than ten (10) feet from the edge of pavement of a public or private road that is constructed with curb and gutter.

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4. The outdoor seating area shall be accessory to a fully-operational restaurant located on the same site and shall not be located in any required front, side, or rear setback area.
5. The capacity of the outdoor seating area shall be considered along with the indoor seating for the purposes of determining compliance with required parking.
6. An outdoor eating area shall be located no closer than fifteen (15) feet from the edge of pavement of a public or private road that is constructed without curb and gutter and no closer than ten (10) feet from the edge of pavement of a public or private road that is constructed with curb and gutter.
7. Such eating areas shall be separated from all vehicular parking and maneuvering areas by means of an approved protective landscaped buffer, wall, architectural feature, or some other similar means of separation.
5. The outdoor seating shall in no way impair the use and enjoyment of adjacent or nearby properties.
6. Outdoor seating shall not face directly on a lot or parcel that is zoned or used for residential purposes.
7. Outdoor seating shall be subject to applicable Oakland County Health Department requirements.
8. The site plan shall specify the plans for storage of tables, chairs, and equipment during the months when the outdoor seating is not in use.
9. The outdoor eating area shall be kept clean and void of litter at all times.
10. All vending machines and arcades shall be located within a completely enclosed building.
11. The hours of operation for outdoor eating areas shall be established on an individual basis during the special land use review process.
12. The capacity of the outdoor seating area shall be provided by the applicant and verified by the Building Official.
13. If the eating area is elevated above a parking area, pedestrian walkway, or waterway objects shall not be placed on a ledge or railing which may dislodge and endanger vehicles or pedestrians below.
14. Additional signs shall not be permitted, beyond what is permitted for the existing restaurant.
15. Entertainment, music, speakers, or similar devices shall be prohibited in this outdoor area within 100 feet of any residential use.
16. Outdoor storage of food and preparation of food and beverages shall be prohibited in this outdoor area. The sale and consumption of alcohol are governed by the Michigan Liquor Control Act and local ordinance.

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17. In addition to the standards listed above, outdoor sidewalk cafes shall also be subject to the following standards:
- a. To allow for pedestrian circulation, a minimum of ten (10) feet of sidewalk along the curb and leading to the entrance to the establishment must be maintained free of tables and other encumbrances. If the sidewalk is not wide enough to allow for a ten (10) foot wide clearance for circulation, the café should not be permitted. Planters, posts with ropes, or other removable enclosures should be encouraged and shall be used to define the area occupied by the outdoor seating.
 - b. Pedestrian circulation and access to other building entrances should not be impaired. Thus, a boundary (maximum encroachment width and length) into the sidewalk should be established, with an accessible aisle being maintained between this line and the curb, in accordance with the provisions of the national Americans with Disabilities Act (ADA) and Michigan barrier-free requirements.
 - c. The operators of the outdoor café should be responsible for a clean, litter-free, and well-kept appearance within and immediately adjacent to the area of the tables and chairs. Additional outdoor trash receptacles should be required. Written procedures for cleaning and trash containment and removal responsibilities of the café must be noted on the site plan to the satisfaction of the City.
 - d. Tables, chairs, planters, trash receptacles, and other elements of street furniture should be compatible with the architectural character of the adjacent buildings. If table umbrellas will be used, they should complement building colors.
 - e. Liability issues for use of the public sidewalk should be addressed and reviewed by the City Attorney. (Ord. 337, 12/18/1997) (Ord. 376, 10/18/2001)
- (p) Mini-warehouses, subject to the following conditions:
1. The minimum lot size for mini-warehouses shall be three (3) acres.
 2. Mini-warehouse establishments shall provide for storage only, which must be contained within an enclosed building.
 3. The entire site, exclusive of access drives, shall be enclosed with a six (6) foot high chain link fence or masonry wall, constructed in accordance with Sections 15.04 and 15.12.
 4. The exterior of any mini-warehouse shall be of finished quality and design, compatible with the design of structures on surrounding property.
 5. All one-way driveways shall be designed with one ten (10) foot wide loading/unloading lane and one fifteen (15) foot travel lane. All two-way

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driveways shall be designed with one ten (10) foot wide loading/unloading lane and two (2) twelve (12) foot travel lanes.

6. Such use may not be located in the areas defined as the CBD or CBD-Fringe.

(q) Enclosed theaters.

(r) Sexually Oriented Businesses.

a. **Intent.** It is the intent of this Ordinance to regulate sexually oriented businesses in order to promote the health, safety, morals, and general welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within the City. The provisions of this Ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this Ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this Ordinance to condone or legitimize the distribution of obscene material.

The purpose and intent of this section is to regulate the location of, but not to exclude, adult entertainment businesses. This is accomplished by preventing the concentration of such uses in close proximity to each other and to minimize the negative impacts of their operation by separating such uses from residential, office/commercial and other areas of public congregation. This regulation is done with the understanding that the city recognizes that there are some uses which, because of their very nature, have serious objectionable operational characteristics, particularly if several of them are concentrated under circumstances having a deleterious effect upon adjacent residential, office and commercial areas. The city recognizes that the regulation of such uses is necessary to ensure that adverse effects will not contribute to the blighting or downgrading of surrounding residential neighborhoods, nonresidential areas or other places of public congregation.

b. **Studies and Findings.** Prior to adopting these regulations, the City reviewed studies prepared on these uses, and reviewed ordinances and regulations prepared by other municipalities, and reviewed applicable federal and state case law. Based on evidence of the adverse effects of adult uses presented in reports and on findings incorporated in court cases, such as *Pap's AM v City of Erie*, 529 US 277 (2000), *Deja Vu of Nashville v Metropolitan Government of Nashville & Davidson County*, 466 G3d 391 (6th Cir 2006), *Sensations, Inc. v City of Grand Rapids*, 2006 WL 2504388 (WD MI 2006), *Van Buren Township v Garter Belt*, 258 Mich App 594; 673 NW2d 111 (2003), *Bronco's Entertainment v Charter Township of Van Buren*, 421 F3d 440 (6th Cir 2005), *Thomas v Chicago Park District*, 122 S Ct 775 (2002), *City of Renton v Playtime Theatres Inc*, 475 US 41 (1986); and reports of secondary effects occurring in and around sexually oriented businesses, including, but not limited to, Phoenix, Arizona – 1979; Minneapolis, Minnesota – 1980; Houston, Texas – 1997; Amarillo, Texas; Garden Grove, California – 1991; Los Angeles,

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California – 1977; and "An Insider's View," by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, Jan 12, 2000; the City Council finds that sexually oriented businesses as a category of establishments are correlated with harmful secondary effects, and that the foregoing reports are reasonably believed to be relevant to potential problems the City of Keego Harbor is seeking to prevent in the future. Due to the potential for harmful secondary effects, the City Council further determines that it is in the best interests of the City that the decision on any application for a special condition use approval for a sexually oriented business be made by the City Council after review and recommendation by the Planning Commission. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one (1) area (i.e., not more than two (2) such uses within a specified distance of each other which would create such adverse effect(s).

c. **Applicability.** The provisions of this section regarding massage parlors shall not apply to health care facilities licensed by the state under the Public Health Code, MCL 333.2223 et seq., such as hospitals, sanitariums, nursing homes, medical clinics or the office of a physician, surgeon, chiropractor, dentist, psychologist, clinical social worker, family counselor, physical therapist or other members of the health occupations licensed or regulated by the state. In addition, the provisions of this section regarding massage parlors shall not apply to individuals permitted to practice with a temporary license under required supervision as provided by the State Public Health Code, MCL 333.16101 et seq., as well as clergy, and certified members of the American Massage and Therapy Association.

d. **Specific Regulations and Requirements.**

1. Separation Requirements.

a. No adult entertainment business shall be located within 500 feet of a religious institution, public or private primary or secondary school, public park, or noncommercial public assembly facility.

b. The site of an adult entertainment business shall not be adjacent to or within 300 feet of any residential area or residential district.

c. The site of an adult entertainment business shall not be within 500 feet of any other adult entertainment business.

2. Window displays, signs, decorative or structural elements of buildings shall not include or convey specific examples of the adult entertainment business activity; are limited to a single sign; and all such displays shall be part of specific approvals for all the uses or activities on the site. Any alteration to the above media shall be approved by the Planning Commission.

3. The site layout, setback, structures and overall appearance and function of the use shall be compatible with adjacent uses.

4. Miscellaneous requirements and conditions.

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- a. No person shall reside in or permit any person to reside in the premises of a sexually oriented business.
 - b. Such uses shall comply with all applicable federal, state, and local licensing regulations.
 - c. Nothing contained in this Section shall relieve the operator(s) of a sexually oriented business from complying with other requirements of this Ordinance as it may be amended from time to time, or any subsequently enacted Ordinances.
- (s) Wireless communications support structures subject to the requirements specified in Section 15.28.
 - (t) Restaurants serving alcohol.
 - (u) Bars/lounges. Those establishments with hours of operation between 11 p.m. and 6 a.m. shall meet standards set forth in subsection (u) below.
 - (v) Commercial establishments with hours of operation between 11 p.m. and 6 a.m., subject to the following:
 - 1. Parking areas shall be configured as to prevent vehicular headlights from shining into adjacent residentially zoned and used property, whenever possible. If this is not possible, parking areas configured such that vehicular headlights are directed toward public rights-of-way shall provide continuous screening at a minimum height of three (3) feet. The Planning Commission shall have the discretion to require an obscuring wall, fence, berm, landscape plantings, or a combination thereof.
 - 2. Ingress and egress drives and primary circulation lanes shall be located away from residential areas to minimize vehicular traffic and noise which may become a nuisance to adjacent residential areas, wherever practical.
 - 3. All building entrances to be utilized by patrons shall be located on the side(s) of the building which does not abut residentially zoned or used property, wherever possible, to minimize the potential for patrons to congregate outside of building entrances and create noise which may become a nuisance to adjacent residential areas.
 - 4. Screening not less than six (6) feet in height shall be provided along all property lines abutting residentially zoned or used areas. The Planning Commission shall have the discretion to require an obscuring wall, fence, berm, landscape plantings, or a combination thereof.
 - 5. All parking lot lighting shall be screened with shoebox-type metal halide light fixtures which are directed downward at all times.
 - 6. Neon, fluorescent, or similar decorative lighting located on the building, signs, or in other areas on the site shall not be visible from adjacent residential properties between 11 p.m. and 6 a.m.

C-2 DISTRICT

7. Deliveries or garbage pick-up shall not be permitted between the hours of 11 p.m. and 6. a.m.
- (w) State Licensed Residential Facilities, Adult Foster Care, Large Group Home with 13-20 clients.
- (x) State Licensed Residential Facilities, Adult Foster Care, Congregate Facility with 20 or more clients.
- (y) Buildings containing up to three stories may be permitted in the areas defined as the CBD or CBD-Fringe provided the building height does not exceed forty (40) feet exclusive of architectural design elements such as turrets or other architecturally compatible roof elements (Ord. 386, 03/21/2002).

SECTION 9.03 - ACCESSORY USES PERMITTED

Accessory buildings and uses incidental to the principal permitted uses enumerated in 9.01 and 9.02 are permitted including home occupations accessory to nonconforming residential uses subject to the provisions of section 15.29 Home Occupations. (Ord. 377, 11/15/2001)

SECTION 9.04 - DEVELOPMENT STANDARDS

(a) Required Conditions

Except as otherwise noted for specific uses, buildings and uses in the General Business District shall comply with the following required conditions:

1. All business establishments shall be retail or service establishments dealing directly with customers. All goods produced and services performed on the premises shall be sold at retail on the premises produced.
2. All business, servicing, or processing, except off-street parking and loading, shall be conducted within a completely enclosed building.
3. There shall be no outside storage of goods, inventory, or equipment.
4. All uses permitted subject to special conditions shall be required to submit a Traffic Impact Analysis which shall, at minimum, include: trip generation estimates, the volume of existing traffic on roads adjacent to the site, the peak hour volume of traffic expected to be generated by the proposed development, estimates of the directional distribution of trips generated by the development, projected assignment of vehicle trip volumes to the roadway network, analysis of anticipated turning movements and required left or right turn controls, and recommendations to mitigate the impact of the development on the transportation system. If deemed necessary by the City Planner following review of the site plan, a Traffic Impact Analysis may also be required in conjunction with development of a Principal Permitted Use.
5. The site and building layout for all business establishments shall be designed to accommodate safe pedestrian access for passersby and for patrons of the

C-2 DISTRICT

business. Accordingly, sidewalks shall be provided along all street frontages, as specified in Section 16.08(f).

(b) Site Plan Review

Site plan review shall be required for all uses in the General Business District in accordance with Section 16.08.

(c) Area, Height, Bulk, and Placement Requirements

Buildings and uses in the General Business District are subject to the area, height, bulk, and placement requirements in Article XXIV, Schedule of Regulations.

(d) General Development Standards

Buildings and uses in the General Business District shall be subject to all applicable standards and requirements set forth in this Ordinance, including off-street parking and loading requirements in Article XIII, and Landscaping and Screening requirements in Section 15.23.

SECTION 9.04 - AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS

Development Standards

Lot Minimums

Area (sq/ft)	----
Width (feet)	----

Maximum Building

Stories	2
Height (feet)	30

Maximum Lot Coverage

All Buildings (%)	----
-------------------	------

Minimum Setback (Measured from Lot Line in feet)¹

Front Open Space ⁽²⁾	25 ⁽³⁾⁽⁴⁾
Least One	10 ⁽⁵⁾⁽⁴⁾
Total of Two	20

Rear Open Space 25

Minimum Useable Floor Area

Per Unit (sq/ft) ----

Notes to Development Standards

- (1) Properties abutting water shall also comply with Section 15.15, Waterfront Land Setbacks.
- (2) Front yard setbacks are measured from the edge of the existing and/or planned right-of-way, said planned right-of-way as shown on the officially adopted Master Plan. Where a parcel or lot is at an intersection, the setback shall be measured from the maximum requirement for the district considering each side as a front yard area.
- (3) In order to achieve quality site design, to maintain the continuity of the streetscape in the downtown area of Keego Harbor, to provide adequate views of commercial uses, and to achieve functional pedestrian and vehicular circulation, the front yard setback in the C-2 district along Orchard Lake Road shall be as follows:

Location	Required Setback
CBD and CBD Fringe	55 feet from Cass Lake or Orchard Lake Roads
	40 feet from any intersecting side street
a. Front yard setbacks in the CBD and CBD-Fringe areas shall be measured from the centerline of the adjacent right-of-ways.	
b. The front yard setback may be increased in the CBD-Fringe areas subject to Section 16.09, Procedures and Standards for Principal Uses Permitted Subject to Special Conditions and the following specific criteria;	
i. A sidewalk no less than 10 feet in width must be maintained along all sides of the building facing a road or parking area.	
ii. The sidewalk(s) adjacent to the building must be linked to the sidewalk(s) on adjacent properties to maintain the continuity of the pedestrian environment.	
iii. Decorative and coordinated pedestrian amenities including benches, planters, waste receptacles, and bicycle racks should be provided to encourage pedestrian activities.	
iv. There may be no more than one, single loaded, aisle of perpendicular parking and no more than one, double loaded aisle of angled or parallel parking located in the front yard.	

C-2 DISTRICT

- v. Any parking located in front yard must be separated from the adjacent road with a 10-foot wide median. The median shall be planted with live ground cover and contain either a continuous evergreen hedge a minimum of 30 inches in height at the time of planting or a decorative wall consisting of brick columns and wrought-iron type fencing 36 inches in height.
 - vi. Deciduous trees a minimum of 2.5 inches in caliper must be planted within the median a minimum of every 40 feet of the property frontage.
 - vii. Decorative street lighting consistent with the streetscape elements along the adjacent roads must also be provided within the median (Ord. 386, 03/21/2002).
- (4) On corner lots in the C-2 District, the side yard facing the street shall conform with the minimum side setback requirements as specified, and shall not be required to conform with front yard setback requirements.
- (5) No side yards are required along interior lot lines, except as required by the Building Code, provided that walls so located shall be solid and shall not contain any windows, doors, or any other openings. On exterior lot lines the minimum setbacks shall be maintained.

Type	SF RES (NR)	RES (R-T)	MFR (R-M) (R-ME)	MOB HOME (R-MH)	COM
Adult Foster Care, Family Home (6 or less adults)	P	P	P	P	P
Adult Foster Care, Small Group Home (7-12 adults)	SLU	SLU	SLU	SLU	P
Adult Foster Care, Large Group Home (13-20 adults)	SLU	SLU	SLU	SLU	SLU
Adult Foster Care, Congregate Facility (20 or more adults)					SLU
Day Care, Family Home (6 or less children)	P	P	P	P	
Day Care, Group Home (7-12 children)	SLU	SLU	SLU	SLU	
Day Care Center					P
Key: P = Permitted; SLU = Special Land Use					

ARTICLE X

O-1 OFFICE BUILDING DISTRICTS

SECTION 10.00 - INTENT

The 0-1 Office Building Districts are designed to accommodate office uses, offices sales, and basic personal services.

SECTION 10.01 - PRINCIPAL USES PERMITTED

The following uses shall be permitted, subject to any limitations described herein:

- (a) Office buildings for any of the following occupations: executive; administrative; professionals; accounting; writing; clerical; stenographic; drafting; and sales; subject to the limitations contained below in Section 10.03 Required Conditions.
- (b) Medical office, including outpatient clinics.
- (c) Hospitals, subject to the yard and locational requirements of Article XXIV "Schedule of Regulations" for the RM Multiple Family District and the Special Conditions outlined in Section 5.02(f).
- (d) Banks, savings and loan associations, and similar financial institutions, provided that accessory drive-through facilities shall be subject to Conditional Use Approval (See Section 10.02).
- (e) Publicly owned buildings, exchanges and public utility offices, but not including storage yards, transformer stations, substations, or gas regulator stations.
- (f) Public, parochial and other private elementary, intermediate and/or high schools offering courses in general education, subject to the following condition: No building shall be closer than fifty (50) feet to any property line when said property line abuts or is adjacent to land zoned for residential purposes.
- (g) Religious Institutions, subject to the following:
 - 1. Buildings of greater than the maximum height allowed in this district may be permitted provided front, side, and rear yards are increased above the minimum required yards by one (1) foot for each foot of building height that exceeds the maximum height allowed.
 - 2. At least one boundary of the lot upon which the church is to be constructed shall border a street designated as a collector thoroughfare having an existing and/or planned right-of-way of at least 86 feet in width.

O-1 DISTRICT

- (g) Mortuary establishments, including required caretakers apartment, subject to the following conditions:
 - 1. All official vehicles of mortuary or funeral homes plus one space for each caretaker family on the premises shall be provided for as off-street parking spaces. The off-street parking herein required shall be in excess of the requirements of Section 13.01(c) 3. Schedule of Off-Street Parking Requirements.
 - 2. Ingress and egress shall be so provided as not to conflict with the traffic on adjacent residential streets.
 - 3. The funeral procession shall be formed so as to line up on site or within off-street parking areas servicing the mortuary or funeral home. Adequate land and site plan layout shall therefore be accomplished so as not to require residential street space for the forming of the funeral procession.
 - 4. All activity extending beyond the walls of the mortuary or funeral home shall be screened from visible view of adjacent residential districts.
- (h) Signs, as provided in Article XIV - Signs.
- (i) Attached wireless communications facilities, collocation of an attached wireless communications facility, and attached wireless communications facilities consisting of a utility pole, all subject to the standards in Section 15.28.
- (j) Other uses similar to the above uses.

SECTION 10.02 - PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS

The following uses shall be permitted subject to the specific conditions hereinafter imposed for each use and subject further to permission of the Council following a review and recommendation by the City Planning Commission.

- (a) An accessory building and customarily related to a use authorized by this section such as a pharmacy or apothecary shop; stores limited to corrective devices, garments or bandages, optical company, or restaurant may be permitted; provided, it is within the building to which it is accessory and does not have a direct outside entrance for customers.
- (b) Transformer stations and substations, and gas regulator stations (without storage yards) when operation requirements necessitate the location within the district in order to serve the immediate vicinity.
- (c) Commercial Art Gallery including customary accessory uses such as picture framing, provided such accessory uses are only provided for or utilized in conjunction with the art works sold in the gallery. Interior display of the art works may only be permitted by the Planning Commission, notwithstanding conditions set forth in Section 10.03(a). Conditions shall be imposed to make the gallery compatible with the principal uses permitted in this District and the gallery shall not be approved without specific finding that it will be compatible with the principal uses permitted in this district.

O-1 DISTRICT

- (d) Any office use which has drive-through facilities, including banks, savings and loan companies, other financial institutions. Drive-through facilities shall comply with the following requirements:
1. Ingress and egress drives shall be a minimum of thirty (30) feet in width. No more than one (1) such drive or curb opening shall be permitted for every seventy-five (75) feet of frontage (or fraction thereof) along any street. The nearest edge of any such drive shall be located at least twenty-five (25) feet from the nearest point of any property zoned or used for residential purposes.
 2. Curb openings for drives shall not be permitted where the drive would create a safety hazard or traffic nuisance because of its location in relation to other ingress and egress drives, its location in relation to the traffic generated by other buildings or uses, its location near vehicular or pedestrian entrances or crossings, or similar concerns.
 3. Ingress and egress points shall be located at least sixty (60) feet from the intersection of any two (2) streets, measured from the nearest intersection right-of-way line.
 4. Devices for the transmission of voice shall be so directed or muffled as to prevent said sounds from being audible beyond the boundaries of the site. Devices for the broadcasting of voice or music over the entire site shall be prohibited.
- (e) Wireless communications support structures on public or quasi-public/institutional sites subject to the requirements specified in Section 15.28.

SECTION 10.03 - REQUIRED CONDITIONS

- (a) No interior display shall be visible from the exterior of the building, and the total area devoted to display, including both the objects displayed and the floor space set aside for persons observing the displayed objects, shall not exceed twenty-five (25) percent of the usable floor area of either the first or second story, or in the basement.
- (b) The outdoor storage of goods or materials shall be prohibited.
- (c) Warehousing or indoor storage of goods or material, beyond that normally incidental to the above permitted uses, shall be prohibited.
- (d) Where the 0-1 District and uses permitted therein abuts a residential district, a ten (10) foot wide greenbelt shall be provided where the required screen wall is not provided.

SECTION 10.04 - REQUIRED GREENWAY

Where the 0-1 District directly abuts a single family district, the 0-1 uses constructed therein shall provide a ten (10) foot wide greenway in those areas where the screen wall is not required. The greenway shall be constructed in accordance with Section 15.23 of this Ordinance.

SECTION 10.05 – ACCESSORY USES PERMITTED

Accessory buildings and uses customarily incidental to the principal permitted uses enumerated in 10.01 and 10.02 are permitted including home occupations accessory to nonconforming residential uses subject to the provisions of section 15.29 Home Occupations. (Ord. 377, 11/15/2001)

SECTION 10.06 - AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS

Development Standards

Lot Minimums

Area (sq/ft)	----
Width (feet)	----

Maximum Building

Stories	2
Height (feet)	30

Maximum Lot Coverage

All Buildings (%)	----
-------------------	------

Minimum Setback (Measured from Lot Line in feet)¹

Front Open Space ⁽²⁾	25
Least One	20 ⁽³⁾
Total of Two	40
Rear Open Space	25

Minimum Useable Floor Area

Per Unit (sq/ft)	----
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Notes to Development Standards

O-1 DISTRICT

- (1) Properties abutting water shall also comply with Section 15.15, Waterfront Land Setbacks.
- (2) Front yard setbacks are measured from the edge of the existing and/or planned right-of-way, said planned right-of-way as shown on the officially adopted Master Plan. Where a parcel or lot is at an intersection, the setback shall be measured from the maximum requirement for the district considering each side as a front yard area.
- (3) No side yards are required along interior lot lines, except as required by the Building Code, provided that walls so located shall be solid and shall not contain any windows, doors, or any other openings. On exterior lot lines the minimum setbacks shall be maintained.

ARTICLE XI

M-1 LIGHT INDUSTRIAL DISTRICT

SECTION 11.00 - INTENT

The M-1 Light Industrial District is intended to accommodate certain industrial activities whose external effects are minimal and in no way detrimental to surrounding districts plus certain wholesale, warehousing and intensive service activities of a nature such as not to justify their inclusion in any commercial use district, but whose external effects also are non-detrimental. All uses in the district are intended to be compatible with one another. Uses in this district shall emit a minimum of smoke, dust, dirt, odor or gases, subject to the pollution standards of the State of Michigan, County of Oakland, and City of Keego Harbor. All uses located within this district shall be so designed and operated as to produce no sound or vibration discernible at the property lines in excess of the normal intensity of street or traffic noises or vibration noticeable at such points, nor any production of heat or glare noticeable at such points. Manufacturing uses in the district normally involve the manufacturing, compounding, processing, packaging, assembly or treatment of finished or semi-finished products from previously prepared material.

SECTION 11.01 - PRINCIPAL USES PERMITTED

The following uses shall be permitted, each of which shall meet the performance standards described in Section 11.00, and subject to any limitations described herein. All manufacturing shall be enclosed within a building.

- (a) The manufacture, compounding, processing, packaging, or treatment of the following products:
 - 1. Baked goods, candy and other food products, but excluding slaughterhouses or abattoirs.
 - 2. Cosmetics, pharmaceutical, biological and chemical products and toiletries.
 - 3. Hardware and cutlery.
 - 4. Tools, dies, machine products, metalworking, machinery and equipment, general industrial and services machinery and equipment.
- (b) The manufacture, compounding, assembling or treatment of articles or merchandise from the following previously prepared material: bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, sheet metal (excluding large Stampings such as automobile fenders or bodies), shell, textiles, tobacco, wax, wire, wood (excluding saw and planning mills), and yarns.

M-1 DISTRICT

- (c) The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas.
- (d) Manufacture of musical instruments, toys, novelties, sporting and athletic goods, and metal or rubber stamps, or other small molded rubber products.
- (e) Industrial, scientific and business research, development and testing laboratories.
- (f) The manufacture or assembly of electrical and electronic machinery, components and supplies, radios, phonographs and television sets, electrical appliances, office, computing and accounting machines.
- (g) The manufacture or assembly of professional and scientific instruments, photographic and optical goods.
- (h) Manufacture and repair electric or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like.
- (i) Printing, publishing, or allied industries.
- (j) Warehouse and wholesale establishments and truck terminal facilities, only to the extent necessary to serve such use.
- (k) Central dry cleaning plants or laundries provided that such plants shall not deal directly with consumer at retail.
- (l) All public utilities, including buildings, necessary structures, storage yards and other related uses.
- (m) Water supply and sewage disposal plants, water and gas tank holders and railroad transfer and storage tracks when accessory to a principal permitted use.
- (n) Building and construction material wholesalers and contractors.
- (o) Trade or industrial schools.
- (p) Signs, as provided in Article XIV - Signs.
- (q) Attached wireless communications facilities, collocation of an attached wireless communications facility, and attached wireless communications facilities consisting of a utility pole, all subject to the standards in Section 15.28.
- (r) Other light manufacturing plants and uses similar to the above having performance characteristics which are consistent with those described in Section 11.00.

SECTION 11.02 - PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS

The following uses shall be permitted, subject to the specific conditions hereinafter imposed for each use and subject further to permission of the Council following review and recommendation by the City Planning Commission.

- (a) Storage facilities for building materials, sand, gravel, lumber, and construction contractors' equipment, subject to the following:

M-1 DISTRICT

Such site shall (except for frontage of a public street) abut only land within an M-1 District, and all such storage shall be enclosed within a building or, on those sides abutting any public thoroughfare, shall be surrounded by an obscuring wall or fence of at least six (6) feet in height.

- (b) Automobile repair garages, painting and varnishing shops, lumber and planning mills, subject to the following:
 - 1. The site for any such use shall (except for frontage on a public street) abut only land within an M-1 District.
 - 2. Devices and controls adequate to meet the standards enumerated in Section 11.00 relative to sound, vibration, smoke, odor or gases shall be installed.
 - 3. Adequate means of sanitary disposal of any waste material shall be provided.
- (c) Wireless communications support structures subject to the requirements specified in Section 15.28.

SECTION 11.03 - ACCESSORY USES PERMITTED

Accessory buildings and uses customarily incidental to the principal permitted uses enumerated in 11.01 and 11.02 are permitted including home occupations accessory to nonconforming residential uses subject to the provisions of section 15.29 Home Occupations. (Ord. 377, 11/15/2001)

SECTION 11.04 - AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS

Area, height, bulk and placement requirements, unless otherwise specified, are as provided in Article XXIV, Schedule of Regulations

SECTION 11.05 - REQUIRED GREENWAY

Where the M-1 District directly abuts a single or multi-family district, the M-1 uses constructed therein shall provide a ten (10) foot wide greenway in those areas where the screen wall is not required. The greenway shall be constructed in accordance with Section 15.23 of this Ordinance.

SECTION 11.04 - AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS

Development Standards

Lot Minimums

Area (sq/ft)	----
Width (feet)	----

Maximum Building

M-1 DISTRICT

Stories	1
Height (feet)	30

Maximum Lot Coverage

All Buildings (%)	----
-------------------	------

Minimum Setback (Measured from Lot Line in feet)¹

Front Open Space ⁽²⁾	25
Least One	20
Total of Two	40
Rear Open Space	25

Minimum Useable Floor Area

Per Unit (sq/ft)	----
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Notes to Development Standards

- (1) Properties abutting water shall also comply with Section 15.15, Waterfront Land Setbacks.
- (2) Front yard setbacks are measured from the edge of the existing and/or planned right-of-way, said planned right-of-way as shown on the officially adopted Master Plan. Where a parcel or lot is at an intersection, the setback shall be measured from the maximum requirement for the district considering each side as a front yard area.

ARTICLE XII

NONCONFORMITY: NONCONFORMING USES OF LAND, NONCONFORMING STRUCTURES, AND NONCONFORMING USES OF STRUCTURES AND PREMISES

SECTION 12.00 - INTENT

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

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

Such uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as ground for adding other structures or uses prohibited elsewhere in the same district. A nonconforming use of a structure, a nonconforming use of land or a non-conforming use of a structure and land shall not be extended or enlarged after passage of this Ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited in the district involved.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner.

SECTION 12.01 - NONCONFORMING USES OF LAND

Where, at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- (a) No such nonconforming use shall be enlarged or increased or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.

NONCONFORMITY

- (b) No such nonconforming use shall be moved in whole or in part to any other portion of the lot occupied by such use at the effective date of adoption or amendment of this Ordinance.
- (c) If such nonconforming use of land ceases for any reason for a period of more than 180 days, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.

SECTION 12.02 - NONCONFORMING STRUCTURES

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (a) No such structures may be enlarged or altered in a way which increases its nonconformity.
- (b) Should such structure be destroyed by any means to an extent of more than 100 percent of its current assessed value exclusive of the foundations, at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
- (c) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
- (d) Nothing contained in this Ordinance shall however prohibit a homeowner from improving his homestead by an enlargement or alteration of the homestead structure so long as the enlargement or alteration thereto is in keeping as near as reasonably can be with the provisions contained in this Ordinance and provided such improvement receives the prior approval of the Zoning Board of Appeals; provided further that any homestead destroyed by any means, except voluntary destruction, to an extent of more than 100 percent of its current assessed value exclusive of foundations at the time of destruction, may be reconstructed by a homeowner as his homestead provided such reconstruction meets the provisions of this Ordinance as near as reasonably can be and such reconstruction receives the prior approval of the Zoning Board of Appeals. Under this paragraph homeowner may only have one homestead in the City of Keego Harbor and such homestead must be his sole residence in the city and he must be residing in or have resided therein at time application to enlarge, alter or reconstruct is applied for.
- (e) Repairs or maintenance deemed necessary by the Building Official to keep a nonconforming fence, shed and deck structurally safe and sound are permitted. However, if a nonconforming fence, shed and deck becomes physically unsafe and/or unlawful due to lack of maintenance and repairs and is therefore declared as such by the Building Official, it shall not thereafter be restored, repaired, or rebuilt except in full conformity with the regulations in the district in which it is located. Additional repairs, improvements, or modernization of non-conforming fences,

NONCONFORMITY

sheds and decks beyond what is required to maintain the safety and soundness of these structures, shall be permitted provided such repairs or improvements do not exceed twenty-five (25) percent of the market value (as determined by the Building Official) of a fence, shed and deck during any period of twelve consecutive months. Any such repairs, improvements, and modernization shall not result in enlargement of the cubic content of a nonconforming fence, shed and deck.

SECTION 12.03 - NONCONFORMING USES OF STRUCTURES AND LAND

If a lawful use of a structure, or of structure and land in combination, exists at the effective date of adoption or amendment of this Ordinance that would not be allowed in the district under the terms of this Ordinance such use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (a) No existing structure devoted in whole or in part to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;
- (b) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building;
- (c) If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may be changed to another nonconforming use provided that the Zoning Board of Appeals, by making findings in the specific case, shall find that the proposed use is more appropriate to the district than the existing nonconforming use. In permitting such change, the Zoning Board of Appeals may require appropriate conditions and safeguards in accordance with the purpose and intent of this ordinance.
- (d) Any structure, or structure and land in combination in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may thereafter be resumed.
- (e) When a nonconforming use of a structure, or structure and premises in combination, is discontinued or ceases to exist for 6 consecutive months or for 12 months during any three-year period, or otherwise sooner abandoned, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located. Structures occupied by seasonal uses shall be exempted from this provision.
- (f) Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

NONCONFORMITY

- (g) Nothing contained in this ordinance shall, however, prohibit a homeowner from improving his homestead by an enlargement or alteration of the homestead structure so long as the enlargement or alteration therein is in keeping as near as reasonably can be with the provisions contained in this ordinance and provided such improvement receives the prior approval of the Zoning Board of Appeals; Provided further that any homestead destroyed by any means, except voluntary destruction, to an extent of more than 100 percent of its current assessed value exclusive of foundations at the time of destruction may be reconstructed by a homeowner as his homestead provided such reconstruction meets the provisions of this ordinance as near as reasonably can be and such reconstruction receives the prior approval of the zoning board of appeals. Under this paragraph a homeowner may only have one homestead in the City of Keego Harbor and such homestead must be his sole residence in the city and he must be residing in or have resided therein at time application to enlarge alter or reconstruct is applied for.

SECTION 12.04 - REPAIRS AND MAINTENANCE

On any building devoted in whole or in part to any nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding fifty (50) percent of the assessed value of the building, providing that the cubic content of the building as it existed at the time of passage or amendment of this Ordinance shall not be increased. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

SECTION 12.05 - USES UNDER EXCEPTION PROVISIONS NOT NONCONFORMING USES

Any use which is listed as a Principal Use Permitted Subject to Special Conditions in this Ordinance shall be deemed a conforming use.

SECTION 12.06 - CHANGE OF TENANCY OR OWNERSHIP

There may be a change of tenancy, ownership or management of any existing nonconforming uses of land, structures and premises provided there is no change in the nature or character of such nonconforming uses.

SECTION 12.07 - CITY REMOVAL OF NONCONFORMING USES AND/OR STRUCTURES

The City may acquire by purchase, condemnation, or otherwise, private property for the removal of nonconforming uses and/or structures provided that said property shall not be used for public housing. Pursuant thereto, the Council may, in its discretion, provide that the cost and expense of acquiring such property be paid from General Funds, or the cost and expense or any portion thereof be assessed to a special district.

NONCONFORMITY

SECTION 12.08 - NONCONFORMING LOTS OF RECORD

When the owner of a nonconforming lot of record does not own or cannot reasonably acquire sufficient abutting land to enable him to conform to the requirements of this Ordinance relating to minimum lot area, minimum lot width, or both, such lots of record may be used by such owner as building site provided that all of the requirements of this Ordinance are met, and provided that not more than one dwelling unit shall occupy any lot except in conformity with the provisions of this Ordinance for required lot area for each dwelling unit.

If two (2) or more lots or combination of lots and portions of lots with continuous frontage in single ownership are recorded at the time of passage or amendment of this Ordinance, and if all or part of such lots do not meet the requirements of the SCHEDULE OF REGULATIONS AND FOOTNOTES for lot width and area, the lands involved shall be considered to be a single undivided lot for building permit purposes of this Ordinance, and no portion of said lot shall be used or sold in any manner which diminishes compliance with lot width, yard, and area requirements established by this Ordinance, nor shall any division of any lot be made which creates a lot width, yard, or area less than the requirements stated in the Ordinance. These same provisions shall apply to platted and unplatted lots or parcels.

When two or more abutting or contiguous lots (one or more of which is/are nonconforming in width or area) are of record and in single ownership as of the effective date of this Ordinance and each is occupied by a principal structure (as of the effective date of this Ordinance) the two or more abutting lots shall be deemed as nonconforming lots of record under this ordinance.

ARTICLE XIII

OFF-STREET PARKING REQUIREMENTS

SECTION 13.00 - PARKING REQUIREMENTS

There shall be provided in all districts at the time of erection or enlargement of any main building or structure, or the establishment of any use, automobile off-street parking space with adequate access to all spaces, in conjunction with all land or building uses (including the principal use and all auxiliary uses) prior to issuance of a certificate of occupancy, as hereinafter prescribed in this Ordinance.

- (a) Off-street parking for other than residential uses shall be either on the same lot or within three hundred (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, without crossing any major thoroughfare. Ownership shall be shown of all lots or parcels intended for use as parking by the applicant when an application for a building permit or a certificate of occupancy is filed.
- (b) Residential off-street parking spaces shall consist of a parking strip, parking bay, driveway, garage, parking lot, or combination thereof. Such spaces shall be located on the premises they are intended to serve and in appropriate cases also shall be subject to the provisions of Section 15.13, Accessory Buildings, of this Ordinance. Single and two-family residential off-street parking is exempt from regulations of this Article governing a parking lot.

Front lawn areas, other than designated improved parking areas (even if nonconforming), shall not be utilized for off-street parking, except as permitted for recreational vehicles in accordance with Section 4.04, Recreational Vehicle Parking in Residential Areas, of this Ordinance. Parking on the front lawn areas may be permitted for special events, not to exceed twenty-four (24) hours, subject to the approval of the Chief of Police. (Ord. 344, 6/18/1998)

It shall be unlawful to park or store any motor vehicle on vacant private property without expressed written consent of the owner or occupant of said private property. Where parking is allowed on land other than on the same lot as the principal building being served, no repair or service of any kind or sale or display shall be conducted on land where the parking is located.

A commercial vehicle exceeding one ton load capacity and not primarily intended for private passenger use may not be parked or stored outdoors in a residentially zoned or used area. Provided, however, this provision shall not apply to commercial vehicles temporarily parked (less than eight (8) hours) in a residential area in conjunction with maintenance or service to a residential property.

OFF-STREET PARKING

- (c) Any area once designated as required off-street parking shall never be changed to any other use unless and until equal facilities are provided in a location which meets all requirements of this Ordinance.
- (d) Off-street parking existing at the effective date of this Ordinance in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or new use.
- (e) Where the owners of two buildings, or uses, whose operating hours do not overlap desire to utilize common off-street parking facilities, application shall be made to the Planning Commission. The Board may grant approval of such dual function off-street parking facilities, subject to a finding that the following conditions have been met:
 - 1. The office hours of the two buildings, or uses, in no way overlap, except for custodial personnel.
 - 2. The common parking lot meets the off-street parking requirements of the larger building or use plus fifteen (15) percent.
 - 3. The common parking lot meets all location requirements of this Ordinance with respect to each building or use.
- (f) Required off-street parking space shall be for the use of occupants, employees, visitors, customers, clients and patrons. Under no circumstances shall it be rented, used for other than parking purposes, or allowed to become unusable (except for temporary repairs). The storage of vehicles or merchandise, sale of motor vehicles, or the repair of vehicles on any off-street parking space is prohibited.
- (g) For those uses not specifically mentioned, the requirements for off-street parking facilities shall be interpreted by the Building Inspector from requirements for uses similar in type.
- (h) For the purpose of computing the number of parking spaces required in commercial and industrial uses, the definition of Floor Area, Usable, in ARTICLE II, DEFINITIONS, shall govern.
- (i) When units or measurements determining the number of required parking spaces result in the requirement of fractional space, any fraction up to and fractions over one-half require one parking space.
- (j) Flexibility in Application. The City recognizes that, due to the specific requirements of any given development, inflexible application of the parking standards set forth in Section 13.01 may result in development with inadequate parking or parking far in excess of that which is needed. The former situation may lead to traffic congestion or unauthorized parking on adjacent streets or neighboring sites. The latter situation may result in excessive paving and storm water runoff and a waste of space, which could be left as open space.

The Planning Commission may permit deviations from the requirements of Section 13.01 and may require more or allow less parking whenever it finds that such

OFF-STREET PARKING

deviations are more likely to provide a sufficient number of parking spaces to accommodate the specific characteristics of the use in question.

The Planning Commission shall attach conditions to the approval of a deviation from the requirement of Section 13.01 that bind such approval to the specific use in question. Where a deviation results in a reduction of parking, the Planning Commission may further impose conditions which ensure that adequate reserve area is set aside for future parking, as needed.

(k) Any new structure and/or use shall provide the minimum number of off-street parking spaces based upon the following schedule:

SECTION 13.01 — SCHEDULE OF OFF-STREET PARKING REQUIREMENTS:

(a) Residential

Use	Number of Minimum Parking Spaces per Unit of Measure
1. Residential one family, two family, and townhouse residential (Ord. 340, 4/16/1998)	Two (2) for each dwelling unit.
2. Residential, multiple family	Two (2) for each dwelling unit containing two bedrooms or less; two and one half (2 1/2) for each unit containing in excess of two bedrooms.
3. Housing for the elderly	One for every two (2) dwelling units; however should units revert to general occupancy, then two spaces per unit shall be provided.

(b) Institutional

Use	Number of Minimum Parking Spaces per Unit of Measure
1. Churches or temples	One (1) for each three (3) seats or six (6) feet of bench or pew space in the main unit of worship.
2. Hospitals	One and one-half (1½) for (1) bed plus one (1) for each employee on peak employment shift.
3. Homes for the aged and convalescent homes	One (1) for each two (2) convalescent homes beds plus one (1) for each employee on peak employment shift

OFF-STREET PARKING

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| 4. Elementary and junior high schools | One (1) for each one (1) teacher, employee and administrator plus one for each classroom, plus required for auditorium. |
| 5. Fraternity or sorority | One (1) for each five (5) permitted active members one (1) for each bed, whichever is greater. |
| 6. Senior high school and/or college | One (1) for each one (1) teacher, employee, or administrator, and one (1) for each classroom, and one (1) for each ten students. |
| 7. Private clubs or lodge halls | One (1) for each three (3) persons allowed within the maximum occupancy load as established by local, county, state, fire, building or health codes. |
| 8. Stadium sports arena or similar place of outdoor assembly | One (1) for each three (3) place of outdoor assembly seats or six (6) feet of benches. |
| 9. Theaters and auditoriums | One (1) for each three (3) seats plus one for each two (2) employees. |
| 10. Nursery or child care center | One (1) for each three hundred fifty (350) square feet of usable floor space. |

(c) Commercial

Use	Number of Minimum Parking Spaces per Unit of Measure
1. Auto service stations	Two (2) for each lubrication stall, rack, or pit; and one (1) for each gasoline pump.
2. Laundromats and coin-operated dry cleaners	One (1) for each two (2) dry cleaners machines.
3. Mortuary establishments	One (1) for each fifty (50) square feet of assembly room, parlors and slumber rooms floor space.
4. Motel or hotel	One and one-half (1½) spaces for each rental unit, plus one (1) additional space for each employee.
5. Motor vehicle sales and service establishments	One (1) for each two hundred (200) square feet of floor area of sales room, one (1) for each auto service stall in the service room plus one (1) for each employee.
6. Retail stores except an otherwise specified herein.	One (1) for each one hundred and fifty (150) square feet of usable floor space.

OFF-STREET PARKING

7. Swimming pools
One (1) for each thirty (30) square feet of pool area plus one (1) for each employee.
8. Tanning salons
One (1) for each one-hundred (100) square feet of useable floor area.
9. Auto wash
One (1) for each one (1) employee also reservoir parking spaces equal in number to five (5) times the minimum capacity of the auto wash for autos awaiting entrance to the auto wash shall be provided.

Maximum capacity of the auto wash for the purpose of determining the required reservoir parking shall mean the greatest number possible of automobiles undergoing some phase of washing at the time which shall be determined by dividing the length of feet of each wash line by twenty (20) feet.
10. Beauty and barber shop
Three (3) spaces for each of the first two (2) beauty and barber chairs, and one and one half (1½) spaces for each additional chair.
11. Bowling establishments
Five (5) for each one (1) bowling lane.
12. Dance halls, pool or billiard parlors, roller or ice skating rinks, exhibition halls and established assembly halls without fixed seats
One (1) for each three (3) allowed within the maximum occupancy load as by local county or state, fire, health or building codes one (1) for each one hundred (100) square feet of usable floor area whichever is greater.
13. Restaurants:
 - a. Dining room, including banquet areas
One (1) per fifty (50) square feet of banquet areas usable floor area.
 - b. Lounge
One (1) per fifty (50) square feet of usable floor area. That portion of a larger dining facility utilized for lounge shall be computed at this rate.
 - c. Carry out restaurant with less than six (6) tables and/or booths
One (1) per thirty (30) square feet of usable floor area.
 - d. Carry out restaurant
One (1) per eighty (80) square feet of usable floor area or ten (10) spaces, whichever is greater.

OFF-STREET PARKING

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| e. Drive-in restaurant | One (1) per thirty (30) square feet of usable floor area plus ten (10) stacking spaces for each drive-in or drive-through transaction station. |
| 14. Furniture and appliance, household equipment, repair shops, showroom of a plumber, decorator, electrician or similar trade, shoe repair and other similar services. | One (1) for each eight hundred (800) square feet of usable floor area (for the floor area used in processing, one (1) additional space shall be provided for each two (2) persons employed therein). |
| 15. Athletic clubs, health studios, court recreation and similar uses | One (1) space for each five hundred fifty (550) square feet of usable floor area plus such spaces as are required for restaurants, bars, assembly rooms and affiliated facilities. |
| 16. Planned commercial or retail shopping centers having three (3) or more establishments | One (1) for each one hundred and fifty (150) square feet of usable floor area. |
| 17. Public or private marinas or boat clubs | One (1) for each one and one half (1½) boat slips, and one (1) for each two (2) employees, plus such spaces as are required for restaurants, bars, retail, and affiliated facilities. |

(d) Offices

Use	Number of Minimum Parking Spaces per Unit of Measure
1. Banks	One (1) for each one hundred (100) square feet of usable floor area and six (6) stacking spaces for each drive-in transaction station.
2. Business offices or professional offices, except as indicated in the following item (3)	One (1) for each two hundred (200) square feet of usable floor area.
3. Professional offices of doctors, dentists or similar professionals	One (1) for each one hundred (100) square feet of usable floor area in waiting rooms, plus one for each examining room or dental chair, plus one for each doctor, dentist, practitioner and employee.

(e) Industrial

Use	Number of Minimum Parking Spaces per Unit of Measure
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OFF-STREET PARKING

1. Industrial or research establishments - Five, plus one (1) space per site for every two (2) employees in the largest working shift, or one (1) space for every five hundred and fifty (550) square feet of usable floor space, or whichever is greater. Space on site shall also be provided for all construction workers during periods of plant construction.
2. Wholesale or warehouse establishments - One (1) for every one (1) employee in the largest working shift, or one (1) for every seventeen hundred (1,700) square feet of usable floor space, whichever is greater.

SECTION 13.02 - OFF-STREET PARKING SPACE LAYOUT, STANDARDS, CONSTRUCTION AND MAINTENANCE

Wherever the off-street parking requirements in Section 13.01 above require the provision of an off-street parking facility, off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations.

- (a) No parking lot shall be constructed unless and until a permit therefore is issued by the Building Inspector. Application for a permit shall be submitted to the Building Inspector in such form and number as he may determine.
- (b) Plans for the layout of off-street parking lots shall show a parking space width of nine (9) feet, and a total dimension acquiring two tiers of parking spaces plus a maneuvering lane of at least one of the following for the several patterns described:
 1. A 90 Degree Pattern - Total dimension of sixty (60) feet, with two tiers of parking space plus one maneuvering lane of at least twenty (20) feet in width. Such maneuvering lane shall permit two-way traffic.
 2. A 60 Degree Pattern (without overlap) - Total dimension of fifty- eight (58) feet, with two tiers of parking space plus one maneuvering lane of at least fifteen (15) feet in width. Such maneuvering lane shall permit one-way traffic.
 3. A 45 Degree Pattern (without overlap) - Total dimension of fifty- two (52) feet, with two tiers of parking space plus one maneuvering lane of at least twelve (12) feet in width. Such maneuvering lane shall permit one-way traffic.
 4. A 0 Degree Pattern (parallel parking) - Total dimension of thirty-eight (38) feet, with two tiers of parking space, plus one maneuvering lane of at least twenty (20) feet in width. Such maneuvering lane shall permit two-way traffic. Each stall shall be twenty-six (26) feet in length and eight (8) feet in width.

All spaces shall be provided with direct access by means of maneuvering lanes. Backing directly onto a street shall be prohibited. General engineering specifications for off-street parking lots shall be those of the Oakland County Road Commission.

OFF-STREET PARKING

- (c) 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 one-family residential use shall not under any circumstances be across land zoned for one-family residential use.
- (d) Each entrance and exit to and from any off-street parking lot located in an area zoned for other than one-family residential use shall be at least twenty (20) feet distant from any adjacent property located in any one-family residential district.
- (e) Off-street parking areas for all uses except one-family and two-family dwelling units, shall be provided with a continuous and obscuring wall separating it from abutting residential development (except as otherwise provided in Section 15.04(a), not less than six (6) feet in height measured from the surface of the parking area.

When a front yard setback is required, all land between said wall and the front property line or street right-of-way line shall be kept free from refuse and debris and shall be adequately landscaped with shrubs, evergreen material and ornamental trees.

- (f) 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 of the Oakland County Road Commission. The parking area shall be surfaced prior to issuance of a certificate of occupancy for the building or buildings which it serves, or a bond or deposit in an amount of the estimated cost of the work given to the City. 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 or toward buildings.
- (g) All parking areas, driveways, and walkways shall be sufficiently illuminated to ensure the security of property and safety of persons using such parking or common areas. Lighting shall be placed and shielded so as to direct the light onto the site and away from adjoining properties. Lighting shall be shielded so that it does not cause glare for motorists.
- (h) Off-street parking reserved for the disabled shall be provided in accordance with the following table and identified by signs bearing the international symbol for the disabled as being reserved for physically disabled persons. A maximum of two (2) spaces may be designated by a single sign when the sign displays arrows specifically delineating each space. Signs shall be installed approximately seven (7) feet above grade. Each reserved parking space shall not be less than twelve (12) feet in width. Where a curb exists between a parking lot surface and a sidewalk surface, an inclined approach or a curb cut with a gradient of not more than one (1) foot in twelve (12) feet and a width of not less than four (4) feet shall be provided for wheelchair access. Parking spaces for the physically disabled shall be located as close as possible to walkways and entrances. Signs shall be provided when necessary indicating the direction of travel to an accessible entrance.

Total Parking in Lot	Required Number of Spaces for the Disabled
Up to 25	1

OFF-STREET PARKING

26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
Over 1,000	20 plus 1 for each 100 over 1,000

SECTION 13.03 - OFF-STREET LOADING AND UNLOADING

On the same premises with every building, structure or part thereof, erected and occupied for commercial, office, manufacturing, storage, warehousing, retail or wholesale sales, dry cleaning, laundry or other service purpose or as a hotel, motel, restaurant, hospital, mortuary or any other use involving the receipt or distribution of merchandise materials, foodstuffs or equipment, there shall be provided and maintained on the lot adequate space for loading, unloading or standing in order to avoid interference with public use of the streets or alleys. Such space shall be provided as follows:

(a) Commercial Uses

Off-street loading and unloading facilities shall be provided for all commercial uses in accordance with the following minimum requirements, except that the Planning Commission may modify or waive the requirements upon finding that the proposed use will require infrequent deliveries and/or deliveries will usually be made by automobile, van, or small truck.

1. Establishments containing less than 10,000 square feet of gross floor area shall be provided with adequate loading and unloading facilities, accessible by motor vehicle off any adjacent alley, service drive, or designated delivery area on the premises, subject to Planning Commission review and approval.
2. Commercial uses containing 10,000 square feet of gross floor area or more shall be provided with adequate and accessible loading and unloading facilities, consisting of at least one (1) off-street loading/unloading space laid out with minimum dimensions of ten by four (10 x 40) feet or four hundred (400) square feet, with a minimum height clearance of fourteen (14) feet.
3. Notwithstanding the above requirements, in the event that loading and unloading standards are specified for particular uses in each district, then such uses shall comply fully with the specified loading and unloading requirements.

OFF-STREET PARKING

(b) For industrial and related uses authorized in the M-1 District, spaces shall be laid out with minimum dimensions of ten by fifty (10 x 50) feet, or five hundred (500) square feet in area, with a minimum height clearance of fourteen (14) feet. Such spaces shall be provided as specified in the following table:

(c) Table for Off-Street Loading:

Usable Floor Area (square feet)	Loading and Unloading Space Required
0 - 1,400	None
1,401 - 20,000	One (1) space.
20,001 - 100,000	One (1) space plus (1) space for 20,000 square feet in excess of 20,001 square feet.
100,001 and over	Five (5) spaces.

The loading, unloading and standing area in all zones shall be surfaced, drained, and otherwise developed in accordance with the provisions applicable to off-street parking areas, described in Section 13.02 of this Ordinance.

ARTICLE XIV

SIGNS

SECTION 14.00 - PURPOSE AND INTENT

It is hereby determined that regulation of the location, size, placement and certain features of signs is necessary to enable the public to locate goods, services and facilities without difficulty and confusion, to promote traffic safety, safeguard public health and welfare and prevent wasteful use of natural resources in competition among businesses for attention.

In addition, it is the intent of this Ordinance to assure the continued attractiveness of the total community environment through the adoption of discretionary controls designed to preserve scenic, aesthetic and economic values within the City.

It is further determined that signs which may lawfully be erected and maintained under the provisions of this Ordinance are consistent with customary usage.

SECTION 14.01 - DEFINITIONS

The following words and phrases shall have the meanings set forth in this section when they are used in this Chapter:

- (a) **BUSINESS:** Any legal use of a building, other than for a religious institution, day care center, school, home occupation or residence, by a person, firm or corporation. Although contained in the same building as another business and owned by the same person, an activity may be treated as a separate business if it is physically separated from, uses different personnel than, and provides different products or services than such other related business.
- (b) **BUILDING FRONTAGE:** The length of the portion of a building occupied by a single-business facing a street adjacent to the premises on which the business is located.
- (c) **MAXIMUM HEIGHT:** Shall be measured from grade or sidewalk to the highest-edge of the sign surface or its projecting structure.

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- (d) **MINIMUM HEIGHT:** Shall be measured from grade or sidewalk to the lowest edge of the sign surface or its projecting structure.
- (e) **OWNER:** A person, firm, partnership, association or corporation and/or its legal successors.
- (f) **PREMISES:** A "lot" in the same ownership or control which is not divided by a public street.
- (g) **SIGN:** A name, message identification, image, description, display, light, balloon, banner or illustration which is affixed to, or painted, or otherwise located or set-upon, or in, a building, bench, structure or piece of land and which directs attention to an object, product, place, activity, person, institution, organization or business and which is visible from any public street, sidewalk, alley, park or public property. The definition includes interior and exterior signs but not signs primarily directed at persons within the premises of the sign owners. The definition does not include goods displayed in a business window.
 - 1. **Accessory Sign:** A sign which pertains to the principal or accessory use of the premises upon which such sign is located.
 - 2. **Awning Sign:** An awning which is cloth, canvas, or vinyl which is installed Above windows or a main entrance to a building with metal frames.
 - 3. **Banner Sign:** A sign on paper, cloth, fabric or other flexible or combustible material of any kind, either with or without frames.
 - 4. **Billboard Sign:** A non-accessory freestanding sign, upon which a display can be posted, painted or otherwise affixed in a manner which is readily changed.
 - 5. **Bulletin Board:** A sign with temporary or replaceable letters or characters, used to announce dates of functions or activities.
 - 6. **Commercial Sign:** A sign displayed for the purpose of identifying a commercial use, or advertising a service, product, business or venture that is offered for trade or sale.
 - 7. **Directional Sign:** A sign, the primary purpose of which is to expedite the flow of vehicular and/or pedestrian traffic to, from and within a site.
 - 8. **Garage and Yard Sale Signs:** A sign that is used for temporary use to sell household items, garage, tools, and miscellaneous items used in a residential area.
 - 9. **Ground Sign:** Any freestanding sign supported by one or more uprights, poles,

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pylons, a base, or braces located in or upon the ground or to something requiring location on the ground and not attached to any building or other structure.

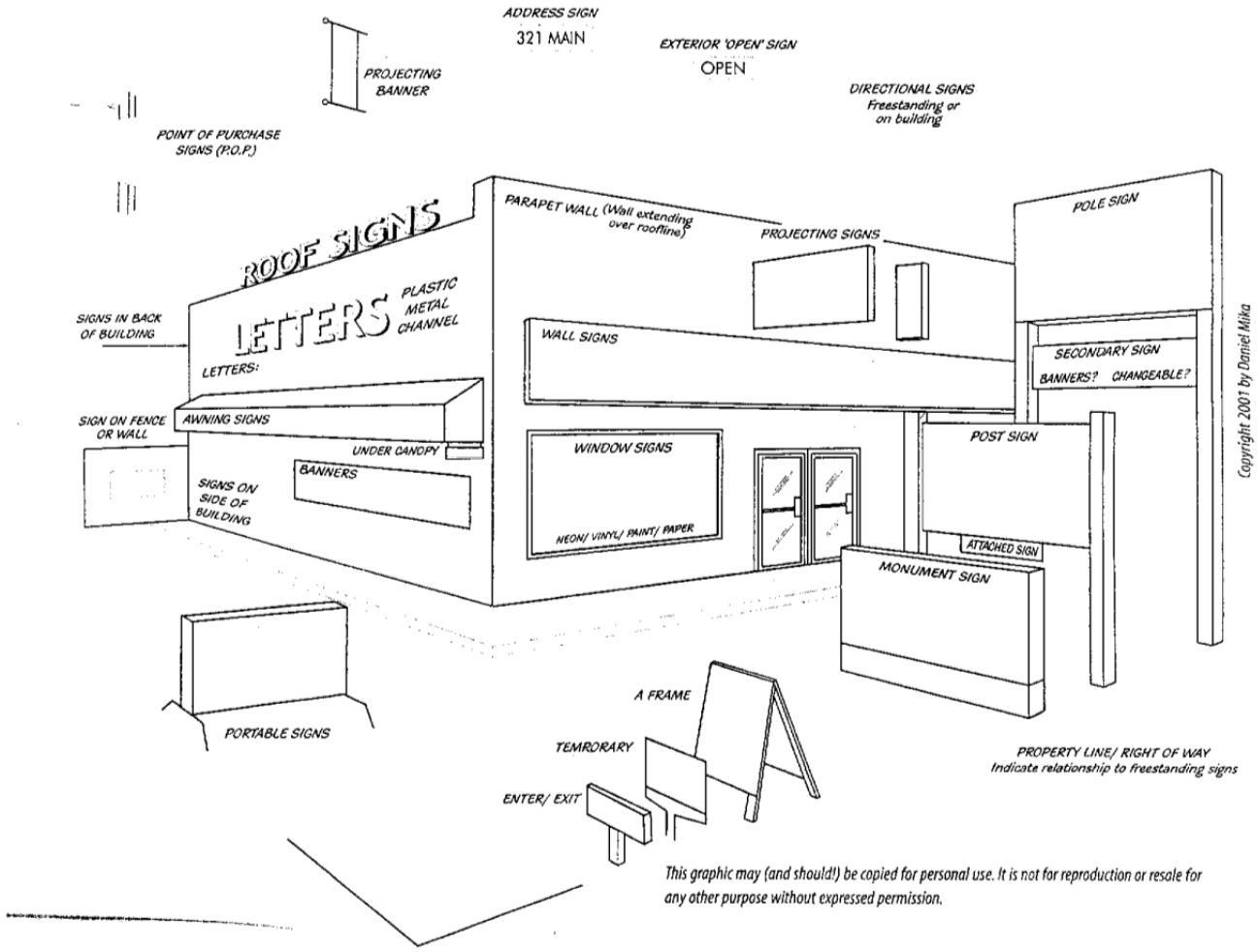
10. **Group Identification Sign:** A sign or entranceway structure, listing the names and addresses only of the establishments occupying a development or subdivision. The erection of such identification signs is so intended to assist the public in locating establishments within its immediate area and shall be placed upon property within the development or subdivision.
11. **Institutional Sign:** A sign containing a surface area upon which is displayed the name of a religious institution, school, library, community center, or similar institutions, and the announcement of its services or activities
12. **Marquee Sign:** A sign attached to or hung from a marquee, wall, canopy or other covered structure projecting from and supported by the building.
13. **Moving Sign:** A sign that has motion either constantly or at intervals or that gives the impression of movement through intermittent, flashing, scintillating or varying intensities of illumination.
14. **Mural:** A picture, photograph, painting, mosaic, or relief artwork applied to exterior walls, facilities, or structures, intended to serve as a cosmetic adornment for the building.
15. **Non-Accessory Advertising Sign:** A sign relating to a business activity, use or service not performed on the premises or to a product not fabricated, produced, handled or sold on the same premises upon which the sign is displayed.
16. **Occupational Sign:** A sign denoting only the name and profession of an occupant in a commercial building or public institutional building.
17. **On-Premises Sign:** A sign which advertises only goods, services, facilities, events or attractions available on the premises where located, or identifies the owner or occupant or directs traffic on the premises. All other signs are off-premises signs.
18. **Outline Tubing Sign:** A sign arranged of exposed gaseous tubes that outline and call attention to certain features of an advertising device such as individual letters, figures, shapes or words.
19. **Parasite Signs:** A sign that is intended to draw attention to any one or more of various services, items for sale, contests, etc., and is attached as an

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appendage to an accessory sign, sign support or any part of a principal building, accessory building or other structure located on a development site.

20. **Pole Sign:** A type of ground sign that is mounted above the ground on a pole.
21. **Political Sign:** A sign relating to the election of a person to public office or relating to a political party or relating to an issue or a matter to be voted upon at an election called by a public body.
22. **Portable Sign:** A sign or sign board which is free standing and not permanently anchored or secured to either a building, structure or the ground; such as, but not limited to, so-called "A" frame, "T" shaped or inverted "T" shaped stands, or any sign attached to a trailer or other vehicle not accessory to the vehicle or its use, but used with the express intent of advertising.
23. **Projecting Sign:** A sign erected and attached at one end to a building, pole or other structure, or any part thereof, and extending beyond the attachment surface by more than twelve (12) inches.
24. **Real Estate Sign:** A sign advertising that the property said sign is located upon is for sale, rent or lease.
25. **Road Sign:** A type of ground sign that is typically mounted close to the ground on a three-dimensional base which is constructed of the same materials and colors as the sign face it sell A "monolith sign" is one type of road sign which consists of a base-mounted cylindrical structure upon which a message is painted or posted.
26. **Roof Sign:** A sign which is erected constructed and maintained above the roof or parapet of a building or any portion thereof.
27. **Small Signs:** A sign which is used as a temporary use for special events.

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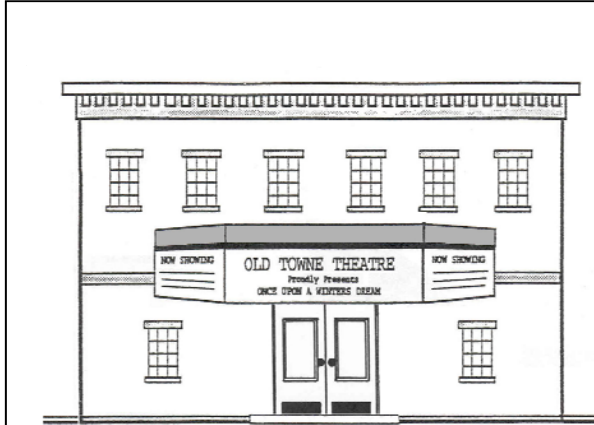


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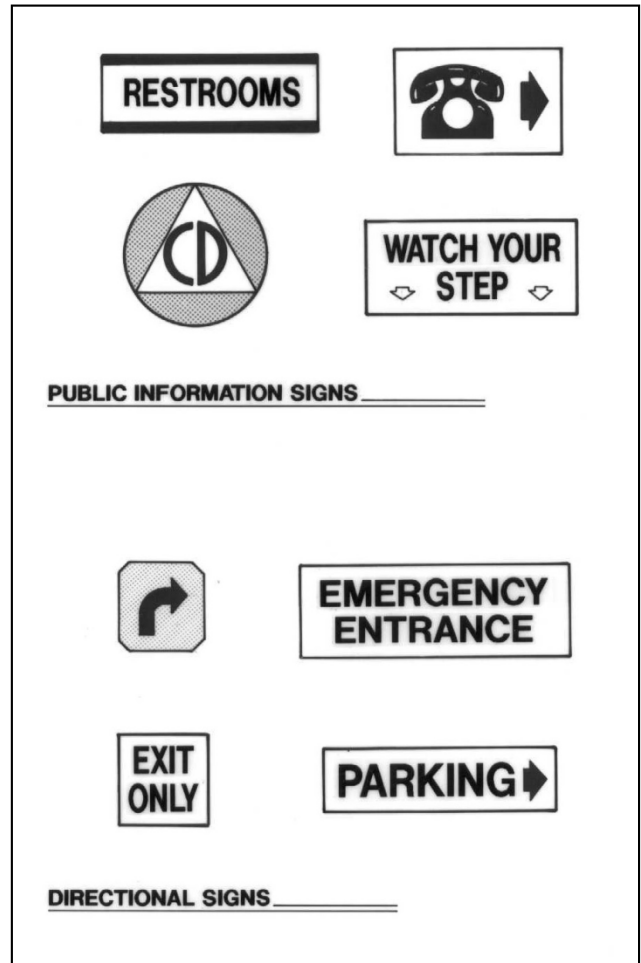
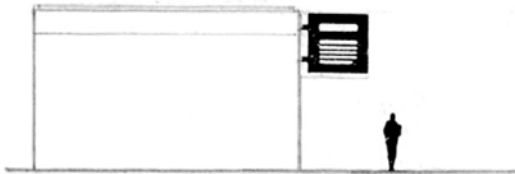
Pole Signs are not permitted

Roof Signs are not permitted



Marquee Sign

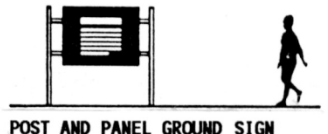
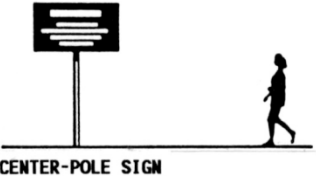
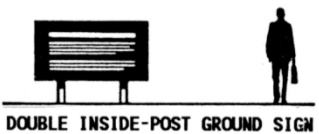
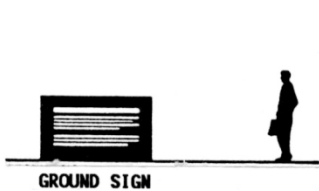
PROJECTING SIGN



PUBLIC INFORMATION SIGNS _____

DIRECTIONAL SIGNS _____

VARIOUS TYPES OF FREESTANDING SIGNS



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28. **Temporary Sign:** An information sign, or banner, with or without a structural frame, intended for a limited period of display, including decorative displays for holidays or public demonstrations, not including accessory signs as defined under (a) above, or signs pertaining to sale, rent, or lease of property.
 29. **Time and Temperature Sign:** A sign that displays only the current time and/or temperature.
 30. **Wall Sign:** A sign attached to, painted on, inscribed, or otherwise set upon the exterior wall or surface of any building, no portion of which projects more than twelve (12) inches from the wall, and which may not project above the roof or parapet line. The roofline meaning 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 the average height between eaves and ridge boards for gable, hip and gambrel roofs.
 31. **Window Sign:** Signs which are affixed, painted, or otherwise inscribed on the window of a building such that they are visible from the outside of said building. For the purposes of this Ordinance, signs, which are not affixed directly to a window but are positioned next to a window so that they are visible from the outside, shall be considered window signs.
- (h) **SIGN ERECTOR:** Any person engaged in the business of erecting, conditions altering, or removing signs on a contractual or hourly basis.
- (i) **SIGN AREA:** The entire area within a circle, triangle, rectangle or other geometric shape enclosing the extreme limits of writing, representation, emblem or any figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed; excluding the necessary supports or uprights on which such sign is placed.

SECTION 14.02 - MEASUREMENT OF SIGN AREA

The total sign area is to be expressed in square feet and shall be computed as herein set forth and permitted in the "Schedule of Sign Regulations" attached to and made a part of this Code.

- (a) Single-Face Sign total area shall be computed as the number of square feet within lines drawn at the outer perimeter forming any single and/or combination of geometric shapes, such as a square, rectangle, triangle or circle encompassing the extreme limits of an individual letter(s), word(s), message(s), representation, emblem or any similar figure, including open space(s), together with any frame or other material forming an integral part of display used to differentiate such sign from the background against which it is placed.
- (b) Double-Face Signs having two (2) faces of equal size arranged and/or positioned back to back and parallel or with the faces at an included angle of not more than thirty (30) degrees in the plan or vertical view; the area of the sign shall be computed as one-half (1/2) the total area of the two (2) faces. When the faces of such a sign are not of equal area, then the area of the sign shall be computed as the total area of the largest face.

SECTION 14.03 - PERMITS AND APPLICATIONS

- (a) **Permit Required:** It shall be unlawful for any person to erect, re-erect, alter or relocate any sign unless a permit shall have been first obtained from the Building Official, except as provided in Section 14.04 below, and a permit fee paid in accordance with the schedule adopted by resolution of the City Council. Any sign that makes use of electricity shall, in addition to a sign permit, require an electrical permit, regardless of size.
- (b) **Undefined Signs:** Any sign that is not explicitly defined in DEFINITIONS of this Ordinance must be approved by the Zoning Board of Appeals before a permit shall be issued.
- (c) **Permits:** Permits for the erection of signs shall only be issued to persons qualified to carry on such work under the provisions of this chapter.
- (d) **Permit Expiration:** A sign permit shall become null and void if the work for which the permit was issued is not completed within six (6) months of the date of issue.
- (e) **Applications:** Applications for sign permits shall be made upon forms provided by the Building Department for this purpose.
- (f) **Servicing:** No permit shall be required for ordinary servicing, repainting of existing sign message, or cleaning of a sign. No permit is required for change of message of a sign designed for periodic message change without change of structure, including a bulletin board or billboard, but not including a sign to which a new permanent face may be attached.

SECTION 14.04 - EXEMPT SIGNS

No erection permit shall be required for signs enumerated below. Such exemptions, however, shall not be construed to relieve the owner of the sign from responsibility for its proper location, erection and maintenance.

(a) Construction Signs

Signs advertising buildings or projects under construction shall not exceed thirty-two (32) square feet where the total parcel frontage is twenty-one (21) feet or less, where parcel frontage exceeds twenty-one (21) feet, such signs shall not exceed 1.5 square feet per ten (10) lineal feet of thoroughfare frontage or fraction thereof, up to a maximum of one hundred (100) square feet. Such signs shall have a

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maximum height of ten (10) feet and shall be set back at least twenty-five (25) feet from any public right-of-way unless attached to a building, construction fence, or barricade. All such signs shall be removed promptly upon completion of construction. No more than one (1) construction sign shall be permitted per thoroughfare frontage.

(b) Garage and Yard Sale Signs

Signs to be posted in ground only with a size no larger than 18" x 24". No permit required and following stipulations apply:

1. For a one-day sale the sign may be erected the morning of the sale with removal at the end of the day.
2. For a two or three-day sale the sign may be erected the morning of the first day of the sale with removal at the end of the second or third day.
3. Signs may not be posted for more than three (3) days.

(c) Government Signs

Signs erected on a City, County, State or Federal building or land which announce the name, occupancy and information of the use or admission to the premise or the flag of any nation or state which is respectfully displayed.

(d) Political Signs

Shall be solely for the purpose of providing information relating to the election of a person to public office, or to a political party, or to a matter to be voted upon at an election called by a public body, or any other public issue or expression of opinion, and shall be permitted subject to the following conditions:

1. Political signs shall not be located closer than fifteen (15) feet to the edge of the traveled portion of the roadway and not in a dedicated right-of-way or attached to any utility pole. Political signs shall be ground or wall signs. No ground sign shall be higher than thirty-six (36) inches above average mean grade of the yard on which it is placed.
2. All political signs shall be removed within ten (10) calendar days after the election or event.
3. Such signs shall not be erected in such a manner that they will or reasonably may be expected to interfere with, obstruct, confuse or mislead traffic.

(e) Real Estate Signs

1. Single and Multiple Family Real Estate

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A sign with an area not in excess of six (6) square feet advertising the sale, rent and/or lease of a single or multiple-family structure or vacant property, placed adjacent to such a structure and upon the premises is permitted. Such a sign may indicate only that the property is for sale, rent, and/or lease and the address or telephone number where the inquiry can be made. It shall have a maximum height of six (6) feet from grade and shall be set back ten (10) feet from any public right-of-way unless attached to the building. It shall be unlawful for any rental unit or dwelling, as defined in Article IX, Section 5-247 (Rental Registration) of the City of Keego Harbor Code of Ordinances as amended, to advertise the rent and/or lease of a rental unit or dwelling without receiving a Certificate of Compliance in accordance with Article IX, Section 5-251 (Certificate of Compliance) of the City of Keego Harbor Code of Ordinances as amended.

2. Non-Residential Real Estate Signs

One (1) sign, with a total area not in excess of thirty-two (32) square feet, shall be permitted on each parcel for the purposes of advertising the sale, rent and/or lease of non-residential real estate. Such signs shall have a maximum height of ten (10) feet and shall be set back twenty-five (25) feet from any public right-of-way unless attached to a permanent building.

3. Residential subdivision or condominium developments

The allowable area for one (1) accessory or sign pertaining to the sale, rent and/or lease of real estate within a residential subdivision or condominium complex being developed shall be limited to an area of one hundred (100) square feet. Not more than one (1) non-accessory sign advertising the sale of lots or residential buildings in other than the subdivision or condominium complex being developed shall be permitted. The size of this non-accessory sign shall be not more than one hundred (100) square feet in area. The Board may allow additional signs if they find that due to location of the development or some other hardship, the additional exposure can be justified. Such signs shall have a maximum height of ten (10) feet and shall be set back twenty-five (25) feet from any public right-of-way.

4. Not more than one (1) Real Estate sign per thoroughfare frontage shall be placed on any premises. Real estate signs larger than six (6) square feet shall

not be placed on any premises with an occupied structure.

5. Removal

Real Estate signs shall be removed within ten (10) days of the sale, lease or rental of the premises, land parcel or residential subdivision/complex.

6. Real Estate signs which indicate property is sold are prohibited.

(f) Residential Address Signs

For each dwelling unit in the R-1 and R-2 Districts, one (1) sign not exceeding two (2) square feet in area indicating the address and name(s) of the occupants.

(g) Street Signs

Signs erected by the City, County, State or Federal Government for street direction or traffic control.

SECTION 14.05 – CONSTRUCTION AND MAINTENANCE REQUIREMENTS

(a) Materials and Design

All signs shall be designed, constructed and maintained in conformity with the provisions for materials, loads, and stresses of the latest adopted edition of the City Building Code and requirements of this Chapter.

(b) Erector's Imprint

Signs of every type which come within the Purview of this Chapter, must carry the identification and address of the sign erector, electrical voltage, when applicable, and date of erection in clearly legible letters whether for the initial erection or re-hanging of a sign.

(c) Fastenings

All signs must be erected in such a manner and with such materials to remain safe and secure during the period of use and all bolts, cables, and other parts of such signs shall be kept painted and free from corrosion. Any defect due to the fault of the erector shall be repaired by the erector.

(d) Support Location

No pole, cable or support of any nature shall be placed on any publicly owned property, street right-of-way, or proposed street right-of-way.

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(e) Proximity to Electrical Conductors

No sign shall be erected so that any part including cables, guys, etc. will be within ten (10) feet of any electrical conductor, electric light pole, street lamp, traffic light or other public utility pole or standard.

(f) Re-Hanging

In case of re-hanging or re-erection of any sign, the new erector must place his identification, address and the date on the sign.

(g) Sanitation

Property surrounding any ground sign shall be kept clean, sanitary and free from obnoxious and offensive substances, free from weeds, rubbish, and inflammable material.

(h) Illumination

No sign shall be illuminated by other than continuing white light using approved electrical devices and shall be installed in accordance with the requirements of the provisions of this chapter. In no case shall any open spark or flame be used for display purposes unless specifically approved by the Building Official.

(i) Shielding

Any lighting for the illumination of signs shall be directed away from and shall be shielded from any adjacent lots and shall be so arranged as to not adversely affect driver visibility on adjacent public thoroughfares.

(j) Traffic Interference

No advertising device shall be erected or maintained which simulates or imitates in size, color, lettering, or design any traffic sign or signal or other word, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse traffic.

SECTION 14.06 - GENERAL PROVISIONS

The following conditions shall apply to all signs erected or located in any zoning district:

(a) Sign Location

1. No sign, except those established and maintained by the City, County, State, or Federal Governments, shall be located in, project into, or overhang a public right-of-way or dedicated public easement. Projecting signs in the C-1 or C-2 area may project over a public sidewalk provided there is a minimum clearance of eight (8) feet between the sidewalk and the bottom of the sign.
2. No sign shall be erected, established, or maintained on any lot which will obstruct the view of drivers in vehicles approaching an intersection of two roads or the intersection of a road and driveway. Accordingly, signs located in the triangular area described below shall not be permitted to obstruct cross-visibility between a height of thirty (30) inches and six (6) feet above the lowest point of the intersecting roads or driveways. The unobstructed triangular area is described as follows:

The area formed at the corner intersection of two public right-of-way lines, the two (2) sides of the triangular area being twenty-five (25) feet in length measured along the abutting right-of-way lines, and the third side being a line connecting these two sides, or;

The area formed at the corner intersection of a public right-of-way and a driveway, the two (2) sides of the triangular area being ten (10) feet in length measured along the right-of-way line and edge of the driveway, and the third side being a line connecting these two sides.

3. Construction signs advertising buildings or projects under construction may be erected and maintained for a period not to exceed the term of construction, and such sign shall be erected on the site of construction. Said sign shall advertise only the building or project under construction and information related thereto such as its developers, contractors, engineers, brokers and architects.
4. No sign shall be permitted at any location which, in the sole discretion of the Building Official, creates any type of safety hazard or visual impediment to pedestrian or vehicular traffic.

(b) Sign Height

No ground sign serving a single tenant or multi-tenant building having a common entrance shall exceed a maximum height of six (6) feet, including a two (2) foot base as measured from the elevation at a point along the nearest right-of-way line the sign is directed to, determined by a line drawn from the closest point of the sign to the right-of-way at a ninety (90) degree angle. In no instance shall the sign be placed on an artificial mound or berm in such a manner to exceed the maximum height of six (6) feet.

No ground sign serving a multi-tenant building shall exceed a maximum height of eight (8) feet, including a two (2) foot base as measured from the elevation at a point along the nearest right-of-way line the sign is directed to, determined by a line drawn from the closest point of the sign to the right-of-way at a ninety (90) degree angle. In no instance shall the sign be placed on an artificial mound or berm in such a manner to exceed the maximum height of eight (8) feet.

(c) Liability Insurance

If the vertical distance of such sign above the street is greater than the horizontal distance from the sign to the street right-of-way line and so located as to be able to fall or be pushed onto public property, then the owner of such sign shall keep in force a public liability insurance policy in the amount of One Hundred Thousand (\$100,000.00) Dollars for injury to One (1) person and Three Hundred Thousand (\$300,000.00) Dollars for injury to more than One (1) person and Property Damage Insurance in the amount of Twenty-Five Thousand (\$25,000.00) Dollars for damage to property. In lieu of an insurance policy as required herein, an owner may present satisfactory proof to the City Attorney that said owner is financially capable of self-insurance in the above amounts.

(d) Prohibited Signs

The following signs are prohibited in all zoning districts, notwithstanding anything to the contrary in this chapter.

1. Signs which incorporate in any manner or are illuminated by any flashing or moving lights such as strobe lights or police and fire type flashers other than for

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conveyance of noncommercial information which requires periodic change. This section does not prohibit barber poles which otherwise meet the provisions of this Chapter.

2. Exterior banners, pennants, spinners and streamers, other than a banner or pennant used as a permitted sign under provisions of this chapter.
3. Exterior string lights used in connection with a commercial premise, other than holiday decorations.
4. Any sign which has any visible motion other than permitted flags of governmental units or banners and other than for the conveyance of noncommercial information requiring periodic change.
5. Any sign which is structurally or electrically unsafe.
6. Any sign erected on a tree or utility pole except signs of any political subdivision of this state.
7. Any business sign or sign structure now or hereafter existing which no longer advertises a bona fide business conducted or a product sold.
8. Portable Signs and any freestanding exterior sign not permanently anchored or secured to either a building or the ground, except real estate "open house" signs.
9. Signs displayed on licensed vehicles or trailers when the subject vehicle or trailer is parked in such a manner that the obvious intent is to attract attention to a business, service, or commodity on the premises.
10. Any sign on a motor vehicle or trailer which projects more than six (6) inches from the surface of such a vehicle when it is parked at a location visible from a public street, except political signs.
11. Any sign structure or frame no longer supporting or containing a sign.
12. Any roof sign which is located above the roof or parapet of a building or any portion thereof.
13. Internally illuminated awnings shall not be translucent.

(e) Fire Escapes

No signs of any kind shall be attached to or placed upon a building in such a manner as to obstruct any fire escape.

(f) Changeable Message Signs

The message change cycle of a changeable message sign shall be not less than

five minutes per message, except in a combined time and temperature sign where the change cycle shall not be less than thirty (30) seconds.

(g) Revolving Signs

Revolving signs are not permitted.

SECTION 14.07 - DISTRICT REGULATIONS

(a) Signs Permitted in NR, R-2 Districts

Signs pertaining to other than single-family residential uses may be permitted, subject to approval by the Building Official, not to exceed twenty (20) square feet in area for one (1) accessory sign or thirty-six (36) square feet in area for one (1) bulletin board sign.

(b) Signs Permitted in R-M District

1. One (1) accessory sign identifying each subdivision, apartment or condominium complex, or mobile home park per vehicle entrance not to exceed nine (9) square feet in area for each sign and shall not be illuminated.
2. Accessory signs identifying community facilities or special uses within said City of developments shall not exceed twenty (20) square feet for each building or use and no such sign shall be located closer than thirty (30) feet to any property line of adjacent single-family district.

(c) Signs Permitted in C-1, C-2, P-1 and O-1 Districts

1. Signs for Single-Tenant Buildings or Multi-Tenant Buildings Having a Common Entrance:

The following sign standards shall apply to (a) buildings which contain only one (1) tenant, and (b) buildings which contain more than one (1) tenant but where all tenants share a common building entrance or entrances (for example, an office building or other type of building where access to individual tenant space is off of a common hallway or atrium):

- a. Any such building shall be permitted a total of up to three (3) signs, consisting of wall or ground signs, provided that no more than one (1) ground sign shall be permitted. To improve sign visibility, wall signs may be located on the side or near the front of the building, subject to review and approval by the Planning Commission.

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Where total parcel frontage is sixty-four (64) feet or less, the total area of all such signs shall not exceed forty-eight (48) square feet. Where the total parcel frontage exceeds sixty-four (64) feet, the total sign area shall not exceed two (2) feet per lineal foot of parcel frontage, up to a maximum of one hundred (100) square feet.

- b. For the purposes of enforcing these provisions, frontage shall be along the front lot line as designated on the plat, site plan review application, or request for a building permit. Although not required, use of road signs and wall signs is encouraged (rather than pole signs), in accordance with the goals and recommendations set forth in the City's master plan.

- c. Permit Required.

2. Signs for Shopping Centers and Similar Multi-Tenant Buildings.

The following standards shall apply to shopping centers and similar multi-tenant buildings, where each tenant has building frontage and their own entrance to the outside:

- a. Any such use shall be permitted a total of up to three (3) signs, consisting of wall or ground signs, for group identification or to advertise the name of the shopping center or premises, provided that no more than one (1) ground sign shall be permitted. To improve sign visibility, wall signs may be located on the side or near the front of the building, subject to review and approval by the Planning Commission.

Where total parcel frontage is sixty-four (64) feet or less, the total area of all such signs shall not exceed forty-eight (48) square feet. Where the total parcel frontage exceeds sixty-four (64) feet, the total sign area shall not exceed two (2) feet per lineal foot of parcel frontage, up to a maximum of one hundred (100) square feet.

- b. For the purposes of enforcing these provisions, frontage shall be along the front lot line as designated on the plat, site plan review application, or request for a building permit. Although not required, use of road signs and wall signs is encouraged (rather than pole signs), in accordance with the goals and recommendations set forth in the City's master plan.
- c. In addition, in multi-tenant structures such as shopping centers, one (1) wall sign shall be permitted per building frontage. If an individual tenant has

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multiple building frontages it shall be permitted not more than one additional wall sign located on a second building frontage, subject to review and approval by the Planning Commission. The maximum area for each wall sign shall not exceed two (2) square feet per lineal foot of building frontage for the building frontage on which such sign is located.

(Ord. 462, 11/2/2017)

- d. Ground signs permitted. Double inside post ground sign, base mounted ground sign, and post and panel ground sign.
- e. Landscaping is encouraged around base or bottom of sign. Post and panel shall have decorative posts.
- f. Ground sign to be permitted to use electronic messages and to be a minimum of five minutes before changing. No rotating or flashing of messages or symbols.
- g. Permit Required.

3. Ground Sign Standards

- a. Ground signs shall not be located closer than one hundred (100) feet to any residential district.
- b. There shall be no more than one (1) ground sign for any single premises, including shopping centers, regardless of the number of separate tenants or uses located within said shopping center.
- c. Landscaping is encouraged around the base or bottom of any ground sign. Post and panel shall have decorative posts. Landscaping shall consist of a combination of evergreen and deciduous shrubs. Creativity in landscaping is encouraged.
- d. Ground signs may not exceed forty-eight (48) square feet in area and no more than twenty-four (24) square feet per sign face.

4. Gasoline Price Signs

Gasoline service stations shall be permitted one (1) gasoline price sign, except that two (2) price signs, one (1) facing each street, shall be permitted for stations located at the intersection of two major thoroughfares. Such signs shall not exceed thirty (30) square feet in area.

5. Theaters

Theaters shall be permitted two hundred (200) square feet of sign area in

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addition to the district provisions of this Chapter for changeable-message type marquee signs.

6. Window Signs

Temporary and permanent window signs shall be permitted on the inside in commercial and office districts provided that the total combined area of such signs does not exceed one-third (1/3) of the total window area. The area of permanent window signs shall be counted in determining compliance with standards for total area of wall signs on the parcels. Temporary window signs that are faded, yellowed, ripped or otherwise damaged shall be removed immediately.

7. Awning Signs

Awning signs may be externally illuminated, with gooseneck lighting direct downward to illuminate only the intended message. No more than fifty (50) percent, or twenty-four (24) square feet, whichever is less, of the awning may contain logos, symbols, or lettering intended to advertise the business. Twenty-five (25) percent of awning signage shall count toward wall signage. Permit required.

8. Outline Tubing (Neon)

a. Outline Tubing signs may be permitted by the Planning Commission subject to the following:

1. May be used to provide back lighting where the neon tubing is fully obscured by opaque lettering or characters;
2. Outline tubing may be permitted where the proposed sign is in character with the type of use;
3. Outline tubing may be permitted where the proposed sign has significant historical references;
4. May not be used to outline the perimeter of a window.

9. Marquee Signs

1. May be permitted to be used additionally to allowed signage. Marquee
2. Sign may be a maximum of 2'x5' or 105 square feet and can be electric.
3. Message to be a minimum of five minutes before changing.
4. Sign can be attached to building flat on a wall and not to extend above

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first floor roofline and not allowed above first floor of multi-story building. Permit Required.

10. Projecting Signs

1. Projecting signs may be permitted on buildings containing one (1) business.
2. The maximum size is eight (8) square feet.
3. Buildings containing more than one tenant, maximum size is sixteen (16) square feet.
4. Support for sign must be architectural material (iron, industrial cable, or warehouse hooks).
5. Permit Required.

11. Murals

- a. Any proposed mural shall meet the intent of this section, as follows:
 1. Creation of a City landmark
 2. Demonstration of community identity and pride
 3. Enlivening the downtown area
- b. No more than 25% of the area of a mural, or 24 square feet, whichever is less, may include text, numbers, trademarks, logos or other forms of business advertisement. This area shall be counted toward the amount of wall sign permitted.
- c. Upon application for a mural, the following information will be required:
 1. Objectives of the mural.
 2. The specific location of the mural.
 3. Concept sketch, in color and a written description of the artwork.
 4. A schedule for the project.
 5. Dimensioned elevation plans identifying the existing structure and proposed mural.
- d. The complete mural application shall be reviewed by the Planning Commission.
- e. The following standards shall be used when formulating the design of the proposed mural:
 1. Integration of the windows and doors into the composition.
 2. Determination of a suitable building or building side for mural

- application.
3. Consideration of mural materials and durability. (Painting directly on natural brick and bare concrete could require the repainting of the mural regularly).
 4. Completion of the mural in a reasonable amount of time.
- f. The following maintenance regulations and standards apply to all murals:
1. Where approval is given, it will be with the condition that two (2) years after installation, a review by the Building Official or City Planning Consultant, of the condition and continued relevance of the mural may require its removal.
 2. The City shall not perform any maintenance on the mural. When a mural has either faded or been damaged and the sponsor is unable to continue to maintain it, the City may require removal at the cost of the applicant. No City agency can commit to contacting the artist or sponsor in the event that a mural needs to be removed.
 3. A maintenance plan and budget for the mural is required. The plan will allocate responsibility for monitoring the condition of the mural on a regular basis, for decision making related to repair and removal.
- g. Permit Required.

12. Sandwich Board or A-Frame Signs

Portable sandwich board or A-Frame signs may be placed at the public entrances to businesses, on either private property or the public sidewalk, in accordance with the following standards:

- a. No sign shall be placed within a distance of ten (10) feet from any fire hydrant, or in any location where it would imperil public safety, as determined by the Zoning Administrator, or their designee, or interfere with the function of the fire department.
- b. The sign shall not be located any further than the sidewalk immediately adjacent to the subject property and its location shall not interfere with pedestrian or vehicular circulation as determined by the Zoning Administrator or their designee.
- c. There shall be only one portable sandwich board or A-Frame sign per

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- business. For buildings with front and rear customer entrances, one additional portable sandwich board or A-Frame sign may be permitted at the second entrance.
- d. Each sign shall be placed outside only during the hours when the business is open to the general public and shall be stored indoors at all other times.
 - e. Each sign shall be placed next to the building wall or outside of the road right-of-way in a manner, which is safe for and does not interfere with normal pedestrian or auto traffic. A clear path of five (5) feet must be maintained at all times.
 - f. Portable sandwich board or A-Frame signs shall not have more than two (2) sign faces.
 - g. The following design requirements shall apply to all sandwich board or A-Frame signs:
 - 1. Portable sandwich board or A-Frame sign lettering, excluding that which is part of the business logo, shall be between 2 to 4 inches high. Chalkboard signs may be permitted.
 - 2. Sandwich board or A-Frame sign designs shall be uncluttered, with a minimum of text. Logos and graphics are encouraged.
 - 3. The business name lettering and/or logo shall be neatly painted, raised, or routed onto the sign.
 - 4. The sign shall be kept in good repair at all times.
 - 5. Portable sandwich board or A-Frame signs are encouraged to relate to the nature or theme of the business advertised.
 - h. All sandwich board or A-Frame signs must be reviewed and approved by the Zoning Administrator or their designee, prior to a sign permit being granted.
 - i. No portable sandwich board or A-Frame sign shall exceed an overall height of forty-five (45) inches and an overall width of twenty-four (24) inches. The maximum height of the sign area shall be thirty-six (36) inches. Sign supports may be a maximum of nine (9) inches in height. The Maximum sign area per sandwich board or A-Frame sign is six (6) square feet.
 - j. Any person, firm, or corporation who violates any provisions of this section shall be subject to the penalties outlined in Section 16 of this Ordinance.
 - k. An annual permit is required. The permit shall be renewed each calendar

year.

(Ordinance 434, 5/17/12)

13. Small signs

Small signs shall not be more than four (4) square feet in area and the total Area of all signs on one premises shall not exceed two (2) signs. Permit is for Thirty (30) days at a time and only twice per year. If more time is requested, must apply to Planning Commission. Signs must be maintained in good condition.

14. Temporary Signs

Shall not exceed thirty-two (32) square feet in area, shall be displayed for no more than thirty (30) days, and no more than once per year. If requested for more than once per year, it must be approved by Planning Commission. Exempt temporary signs are; banners, or flags when in the nature of special decorative displays used for public demonstrations or promotions of civic welfare or charitable purposes on which there is no commercial advertising, provided the City is held harmless and blameless for any damage or injury resulting there from.

15. Permit Required.

(e) Signs Permitted in M-1 District:

1. For premises containing only one occupant, one (1) wall or accessory ground sign, or combination thereof, the total of which shall not exceed an area of seventy-five (75) square feet.
2. Where any premises has more than one occupant, as in the case of multi-tenant complexes, there shall be permitted one (1) accessory ground sign not to exceed seventy-five (75) square feet for group identification and/or to advertise the premises if the name of the complex is distinct from that of any occupant. In addition, multi-occupant complexes may identify individual tenants or uses with not more than one (1) wall sign not to exceed ten (10) square feet located on the face of the area occupied by the tenant or use.
3. Ground signs shall not be located closer than one hundred (100) feet to any adjacent residential district and shall be limited to one (1) ground sign for any single premises regardless of the number of separate tenants or uses within the complex.

SIGNS

4. Non-Accessory Signs and Billboards: Off-premises, non-accessory signs are permitted only in accordance with the following regulations and any other applicable provisions of this chapter:
 - a. No such sign shall have a total area of all faces in excess of two hundred (200) square feet or one hundred (100) square feet per sign face.
 - b. It shall have a maximum height not greater than twenty (20) feet from average grade as calculated within a sixty (60) foot radius from the base of the sign.
 - c. It shall not be closer than one thousand (1000) feet to any other non-accessory sign on the same side of the right-of-way.
 - d. The setback of the non-accessory sign shall be equal to the zoning yard requirements for the M-1 District.
 - e. A non-accessory sign shall be situated on the property so as to: (1) Maximize motor vehicle sight distance, clear view, and traffic safety in general, in relation to other vehicles, pedestrians, and to other signage which is, or is anticipated to be, nearby; and (2) Minimize the destruction of trees, the visibility of the billboard and illuminations thereof by and from residences, and any dangerous distraction and thus, hazard, of and to motorists, as determined in the discretion of the Planning Commission.
 - f. A non-accessory sign shall not be materially incompatible with surrounding improvements, as determined in the reasonable discretion of the Planning Commission.
 - g. A non-accessory sign may be illuminated but shall not have moving parts and/or intermittently flashing illumination. An illuminated non-accessory sign shall be situated at least 500 feet from any residential zoning district or residential use, and the illumination shall be directed away from all residential uses.
 - h. Permit Required.
- (f) Signs Permitted in R-MH DistrictM-1 District:
Refer to district provisions for sign requirements.
- (g) Permit Required

SECTION 14.08 - SCHEDULE OF SIGN REGULATIONS

Except as otherwise provided herein, signs shall be permitted in zoning districts according to this Schedule of Sign Regulations.

SCHEDULE OF SIGN REGULATIONS

Sign Type	Permit Required	NR	R-M, R-ME, R-MH	CBD, CBD Fringe	C-1, C-2, P-1, O-1	M-1
Billboard (Non-Accessory)	X					X
Bulletin Board	X	X	X	X	X	
Directional		X	X	X	X	X
Ground	X	X	X		X	X
Group Identification	X		X		X	X
Institutional		X	X	X	X	
Marquee	X			X	X	X
Occupational					X	
Political	X	X	X	X	X	
Projecting				X		
Real Estate	X	X	X	X	X	
Temporary	X	X	X	X	X	
Time/Temperature	X				X	
Wall	X	X	X	X	X	X
Window				X	X	X

SECTION 14.09 - NON-CONFORMING SIGNS

(a) Lawful Existing Signs

Any sign lawfully existing at the time of this Chapter which does not fully comply with all provisions shall be considered a non-conforming sign and may be permitted to remain as long as the sign is properly maintained and not detrimental to the health, safety and welfare of the community except as hereafter provided.

(b) Continuance

A non-conforming sign shall not:

1. Be expanded or changed to another nonconforming sign;
2. Be relocated or structurally altered so as to prolong the life of the sign or so as to change the shape, size, type, placement, or design of the sign;
3. Be re-established or maintained after the activity, business or usage to which it relates has been discontinued for 90 days or longer;
4. Be repaired or re-erected after being damaged if the repair or re-erection of the sign would cost more than 50 percent of the cost of an identical new sign.

(c) Intent

It is the intent of this section to encourage eventual elimination of signs that, as a result of the adoption of this Chapter, become non-conforming, and to administer this Chapter to realize the removal of illegal non-conforming signs and to avoid any unreasonable invasion of established private property rights, therefore;

1. No person shall be required to remove a sign which was erected in compliance with previous regulations of this Chapter if said sign becomes nonconforming due to a change occurring after adoption of this chapter, or in the location of buildings, streets or other signs, which change, is beyond the control of the owner of the sign and the premises on which it is located.
2. If the owner of a sign or the premises on which a sign is located changes the location of a building, property line, or sign, or changes the use of a building so that any sign on the premises is rendered nonconforming, such sign must be removed or made to conform to this Chapter.

SECTION 14.10 - APPEALS

Any person aggrieved by any decision, ruling, or order from the Building Official, may make an appeal to the Zoning Board of Appeals. The ZBA may grant a variance as provided for in this ordinance.

SECTION 14.11 - ENFORCEMENT

This Ordinance Section shall be administered and enforced by the Building Official.

ARTICLE XV

GENERAL PROVISIONS

SECTION 15.00 - ONE SINGLE-FAMILY DWELLING PER LOT

Except in the instance of cluster developments or condominium developments where a site plan is approved and except for lots used for education or religious institutions, not more than one (1) single-family dwelling shall be located on a lot as defined herein, nor shall a single-family dwelling be located on the same lot with another principal building. This provision shall not prohibit the lawful division of land.

SECTION 15.01 - EXTERIOR LIGHTING

(a) Light and Glare from Indirect Sources.

1. The design and/or screening of the development shall ensure that glare from automobile and commercial or industrial vehicle headlights shall not be directed into any adjacent property, particularly residential property. Exterior doors shall be located, operated, and maintained so as to prevent any glare and light from creating a nuisance or safety hazard to operators of motor vehicles, pedestrians, and neighboring land uses.

(b) Exterior Lighting from Direct Sources.

1. Ground illumination shall not exceed an intensity ratio of 10 to 1 foot-candles throughout the site. The light intensity at ground level shall not exceed 0.1 foot-candles at the property line adjacent to residentially zoned or used property and 1.0 foot candle measured at the property line adjacent to all other uses.
2. Free standing light standards including base shall not exceed twenty feet (20'-0") in total height.
3. All light fixtures shall be of a sharp cut-off, shoebox design with metal halide fixtures. Fixtures that allow light to shine on adjoining property or create horizontal glare shall not be approved. Lighting designs that allow light to shine into a public street or right-of-way shall not be approved.
4. Free standing light fixtures shall be of a design to direct light into the development and away from adjacent property. House side shields shall be required in residential areas adjacent to any illuminated sites.
5. All lighting, including ornamental lighting, shall be shown on site plans in sufficient detail to allow determination of the effects of such lighting upon adjacent properties and traffic safety. Building or roof-mounted lighting, including neon lighting, intended to attract attention to the building and/or use and not

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strictly designed for security purposes shall not be permitted. Temporary holiday lighting and decorations are exempt from the aforementioned provision. Lighting designer and/or fixture manufacturer shall provide a drawing with photometric layout of the proposed design to show actual initial foot-candle levels on a plot plan sealed by a Professional Engineer or Architect licensed in the State of Michigan. Submitted drawing shall include detailed fixture schedule, which shall include manufacturer's name, catalog number, lamp type and wattage. A complete set of manufacturer's catalog specification sheets for each fixture type used on lighting design shall be included with photometric submittal.

SECTION 15.02 - RESIDENTIAL ENTRANCEWAY

In "R" (Residential) Districts, so called entranceway structures including but not limited to walls, columns, and gates, marking entrances to single family subdivisions or multiple housing projects may be permitted and may be located in a required yard except as provided in Section 15.03, Corner Clearance, provided that such entranceway structures shall comply with all codes and ordinances of the City, and shall be approved by the Zoning Board of Appeals.

SECTION 15.03 - CORNER CLEARANCE

No fence, wall, shrubbery, sign, or other obstruction to vision above a height of thirty (30) inches 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 twenty-five (25) feet from their point of intersection.

SECTION 15.04 - WALLS

(a) In addition to walls specifically required by other sections of this Ordinance, between the protected use district and uses and districts listed below there shall be provided and maintained a masonry wall of not less than six feet in height. In the case of corner and/or double-frontage lots where the screen wall is required alongside and/or rear lot lines adjacent to a local street as designated in the City's Master Plan, said wall shall be four (4) ft. in height and subject to Section 15.03 above.

Use or District to Provide Wall	Protected Use or District
1. All vehicular parking and other off-street facility	All residential uses or districts
2. C-1, C-2, O-1, P-1 Districts	All residential uses or districts
3. M-1 District	All residential uses or districts
4. Utility buildings, stations, and sub-stations, except in cases where all equipment is contained within a building or	All residential areas

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structure constructed so as to be similar in appearance to the residential building in the surrounding area.	
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- (b) Required walls shall be located on the lot line except where underground utilities interfere and except in instances where this Ordinance requires conformance with front yard setback lines abutting Residential Districts. Required walls may, upon approval of the Zoning Board of Appeals, be located on the opposite side of an alley right-of-way from a nonresidential zone that abuts a residential zone when mutually agreeable to affected property owners. The continuity of the required wall on a given block shall be a major consideration of the Board of Appeals in reviewing such request.
- (c) Such walls and screening barrier shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this Ordinance and except such openings as may be approved by the Building Inspector for the purposes of public safety. All walls herein required shall be constructed of such masonry.
- (d) The Zoning Board of Appeals may modify or waive wall requirements under circumstances where strict enforcement of such requirements would be unreasonable or serve no good purpose. In such cases as the Board of Appeals determines the residential district to be a future nonresidential area, the Board of Appeals may temporarily waive wall requirements for an initial period not to exceed twelve (12) months. Granting of subsequent waivers shall be permitted, provided that the Board of Appeals shall make a determination as herein-before described, for each subsequent waiver prior to the granting of such waiver by the Board of Appeals. Such waivers shall be in the form of written agreements and filed with the Oakland County Register of Deeds.
- (e) In lieu of a masonry wall, the Zoning Board of Appeals may permit the use of a greenway or other fencing material.
- (f) When site alterations involve the addition or expansion of off-street parking, a screen wall shall be constructed in all areas where it is required in order to conform to the regulations of this Chapter regardless of whether the absence of the wall was lawfully permitted prior to the effective date of adoption or amendment of this Ordinance.

SECTION 15.05 - COMMERCIAL ARCHITECTURAL STANDARDS

(a) General Commercial Architectural Standards

The following standards shall apply to all new non-residential development, substantial redevelopment, or any facade modification within the City except the area in the Central Business Design Overlay District.

1. Purpose

Architectural design is a key element in establishing a sense of place for a community. Buildings of high quality contribute to the attractiveness and

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economic well-being of a community, making it a better place to live and work. The community recognizes the importance of good architecture and its lasting impact.

The objective of these design standards is to direct builders toward creating buildings of timeless character that are in harmony with the natural and built environment. This is a function of good architectural principles such as selecting durable materials, composing elevations using good proportions, selecting harmonious colors, and combining all the architectural elements in a balanced composition.

2. Architectural Design Elements

- a. Building Materials - Select materials possessing durability and aesthetic appeal.
- b. Windows - Windows are the main element contributing to an inviting facade. They give visual interest to a facade. Provide a large quantity of attractive windows on a facade that fronts a street.
- c. Architectural Features - Include architectural features on the building facade that provide texture, rhythm, and ornament to a wall.
- d. Colors - Select natural and neutral colors that are harmonious with both the natural and man-made environment. Stronger colors can be used as accents to provide visual interest to the facade.
- e. Building Form - Provide an interesting form to a building through manipulation of the building massing. This can be achieved through certain roof types, rooflines, and massing elements such as towers, cupolas, and stepping of the building form.
- f. Composition - It is not sufficient to include the desired architectural elements on a facade, but to arrange them in a harmonious and balanced manner. The following category provides weight to the architectural composition of the building.

3. Method of Evaluation

The design standards are not intended to promote buildings that appear uniform and similar. Variety and creativity in design are encouraged. The standards are structured in a point rating system, with desirable architectural elements given positive points and undesirable elements given negative points.

The points assigned for each category are weighted according to its importance. The standards apply to all nonresidential building facades with the facade facing a public road, private road, or water body being more heavily weighted.

Buildings shall be judged by the following scale:

- 59 points or less = Unacceptable
- 60-69 = Passing
- 70-79 = Satisfactory
- 80-89 = Good

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90-99 = Very Good

100 or points = Excellent

The minimum acceptable score is:

60 points for M-1 District

80 points for C-2 District

90 points for C-1 and O-1 Districts.

Any modification to the facade shall not result in a reduction in the score of the building at the time of the requested modification.

**KEEGO HARBOR
ARCHITECTURAL DESIGN CHECKLIST**

Date/Revision Date of Site Plan	Times Reviewed	Project Name/Location
Reviewed By		Application Number/Community
	Date	
Applicant/Designer		Telephone Number - Applicant

INTRODUCTION

The Architectural Guidelines are in the form of a point rating system. The applicant or representative should assess the front facade of the proposed building using this form. Questions can be addressed to the City Planners, John Jackson, AICP, McKenna Associates, Inc., phone (248) 596-0930, fax (248) 596-0630.

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I. BUILDING MATERIAL

Objective: *Select materials possessing durability and aesthetic appeal.* Building Materials — Scoring method: For primary exterior material composing more than 60% of the facade (including window area), the point allocation for that material should be doubled. For example, for a building consisting primarily of brick (+16 points x 2 = +32 points) with split face block accents (+4 points), the total score would be 36 points. The score for each facade shall be averaged with the facade facing a public road, private road, or water body being double weighted.

Exterior Wall Material	M-1	C-2	C-1 O-1	Score
Brick masonry	+16	+16	+16	
Concrete slab (e.g., poured-in-place, tilt-up construction)	+10	+10	+4	
Concrete masonry units				
Split face block	+4	+4	+2	
Scored block	+2	+2	+0	
Ground-face block	+2	+2	+0	
Smooth face block	-4	-4	-8	
Metal siding				
Standing seam panels	-12	-12	-12	
Aluminum siding	-20	-20	-20	
Architectural grade	+8	0	0	
Exterior Insulation Finish System (e.g., "dryvit"), scoring depends on the location of the finish on the exterior wall as follows:				
8 or more feet above approved grade	+2	+2	+0	
4 to 8 feet above approved grade	-6	-6	-6	
Less than 4 feet above approved grade	-10	-10	-10	
Stone (e.g., limestone, granite)	+12	+12	+12	
Wood (lap, board and batten, shake)	0	+6	+6	
Vinyl	-6	-2	-0	
T-111 and other wood panel siding	-20	-20	-20	
Subtotal:				

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II. WINDOWS

Objective: *Windows are the main element contributing to an inviting facade. They give visual interest to a facade. Provide a large quantity of attractive windows on a facade that fronts a street.*

Characteristic	M-1	C-2	C-1 O-1	Score
A. Percentage of front facade composed of windows				
More than 30%	+20	+20	+20	
20 - 29%	+10	+10	+10	
10 - 19%	-10	-10	-10	
Less than 10%	-20	-20	-20	
B. Window shapes				
Rectangular, including square	+4	+4	+4	
Palladian (rectangular window with a half-circular top)	+4	+4	+4	
Circular or octagonal other than decorative gable windows	-8	-8	-8	
Diamond	-8	-8	-8	
C. Proportions of window openings (width-to-height)				
Horizontal - more than 4:1 proportion (e.g., ribbon window)	+4	+2	+2	
Horizontal - 2:1 to 4:1 proportion	+4	+2	+2	
Horizontal - square to 2:1 proportion	+4	+2	+2	
Vertical - square to 1:2 proportion	+4	+4	+4	
Vertical - more than 1:2 proportion	-8	-8	-8	
D. Glazing				
Clear	+0	+4	+4	
Tinting - green, blue, bronze, smoke	+4	0	0	
Tinting - all other colors	-4	-4	-4	
Subtotal:				

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III. ARCHITECTURAL FEATURES

Objective: *Include architectural features on the building facade that provide texture, rhythm, and ornament to a wall.*

Description: There are two categories of architectural features. The first category consists of compositional elements, that is, architectural features that contribute to dividing the elevation into interesting parts. Horizontal compositional elements include a cornice and a base, which give the facade a top and a bottom. Vertical compositional elements include pilasters and columns, which give the facade a sense of rhythm. The second category includes decorative elements, which contribute to the visual appeal of the facade.

Architectural Features	M-1	C-2	C-1 O-1	Score
Compositional Elements:				
Roof cornice	+4	+4	+4	
Contrasting base	+4	+4	+4	
Contrasting masonry courses, water table, or molding	+4	+4	+4	
Pilasters or columns	+4	+6	+6	
Corbelling	+4	+4	+4	
Contrasting band of color	+2	+2	+2	
Stone or ceramic accent tiles	+2	+2	+2	
Downspouts and gutters	-8	-12	-12	
Decorative Elements				
Wall clock	+4	+4	+4	
Decorative light fixtures	+4	+6	+6	
Door or window canopies - canvas or metal	+2	+2	+2	
Door or window canopies - vinyl	-8	-8	-8	
Signage integrated with the architecture	+4	+4	+4	
Signage that appears tacked onto building	-4	-4	-4	
Subtotal:				

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IV. COLORS

Objective: *Select natural and neutral colors that are harmonious with both the natural and man-made environment. Stronger colors can be used as accents to provide visual interest to the facade.*

Characteristic	M-1	C-2	C-1 O-1	Score
Primary Color (covers more than 60% of surface area)				
Neutral - earth tones (sand to brown), grays	+8	+8	+8	
Traditional (e.g., brick red)	+8	+8	+8	
Light, subdued hues (e.g., salmon)	+4	+4	+4	
White	0	0	0	
All other colors	-12	-12	-12	
Accent Color				
Accent color is compatible with primary color	+8	+8	+8	
Bright colors (e.g., purple, orange, bright pink, lime)	-10	-10	-10	
Fluorescent colors	-20	-20	-20	
Method of Application				
Color is natural to material	+4	+4	+4	
Color is pigmented within material	+2	+2	+2	
Color is painted onto material	0	0	0	
Subtotal:				

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V. BUILDING FORM

Objective: *Provide an interesting form to a building through manipulation of the building massing. This can be achieved through certain roof types, rooflines, and massing elements such as towers, cupolas, and stepping of the building form.*

Characteristic	M-1	C-2	C-1 O-1	Score
Roof Type				
Pitched, e.g., gable, hip, shed (at least 4 inches of vertical rise per 1 foot of horizontal run)	+8	+8	+8	
Mock gable roof	+2	+2	+2	
Flat	0	0	0	
Mansard or mock mansard	-8	-8	-8	
Barrel (e.g. Quonset hut structure)	-16	-16	-16	
Standing seam metal roof	+2	+2	+2	
Dormer windows	0	+2	+2	
Vertical masses - tower, cupolas, chimneys	+4	+4	+4	
Curved or stepped walls	+2	+2	+2	
Wall projections (e.g., vestibules that project from the plane of the wall)	+2	+2	+2	
Subtotal:				

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VI. COMPOSITION

Objective: *It is not sufficient to include the desired architectural elements on a facade, but to arrange them in a harmonious and balanced manner. The following category provides weight to the architectural composition of the building.*

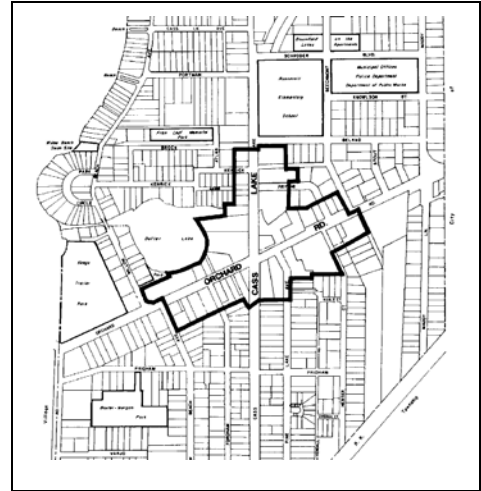
Characteristic	M-1	C-2	C-1 O-1	Score
The overall composition of the facade is judged on the relationship of all of the elements listed above, i.e., how they relate in proportion, scale, arrangement, and balance. The score is on a scale of 0 to 20.	+20 possible	+20 possible	+20 possible	
Subtotal:				

**TOTAL
SCORE:**

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(b) Keego Harbor Central Business District Design Overlay District

The following standards shall apply to all new development, redevelopment, or renovation within the area designated as the Central Business Design Overlay District.



1. Building Scale

The intent of these guidelines is to encourage the construction of buildings that are in scale with the majority of the existing buildings in the “Central Business District”. The majority of the older buildings are narrow in width. The intent of these guidelines is not to limit building width, but, to encourage the subdivision of wider facades, breaking-up the scale and mass of larger buildings, making them more compatible with existing facades.

- a. Large, long facades shall be subdivided into bays, through the location and arrangement of openings and architectural treatments that are compatible in size and scale to existing buildings: bay width to be 16' to 28'.
- b. The height to width ratio of one-story, single bay facades, or individual bays of multiple bay facades, is not to exceed 1:2.
- c. The height to width ratio of two-story, single bay facades, or individual bays of multiple bay facades, is not to exceed 1:1.

2. Building Height

Buildings in the CBD are a mix of one and two story buildings. The existing buildings range in height from 14' to 28'.

- a. Buildings shall be limited to two stories in height or 28'-0".
- b. Special architectural features will be allowed to exceed the above height if:
 - The feature is located at a corner or,
 - The feature is deemed necessary to the type, use, or style of the building in question.
 - Special architectural features shall not exceed the height of the remainder of the building by more than 35%.

3. Building Roof Types

- a. Maintain existing flat roof and parapets
- b. All new buildings to have flat roof and parapets.
- c. Sloping roofs, gabled or hipped, to be allowed only as special architectural features.
- d. Mansard roofs are prohibited.

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4. Street Facade

The majority of the existing street facades, the facade that faces a public right-of-way, are comprised of common facade components. The arrangement of facade elements shall follow this model which include the following typical components: Facade Frame, Storefront Opening, Canopy/Awning and Sign.

- a. Facade Frame - The facade frame, or wall, shall be brick masonry, constructed principally in a single plane. The top of the parapet wall shall be flat or step slightly to accentuate end piers. The facade frame shall be capped by a stone, or simulated stone, coping or narrow cap flashing. Brick shall be laid primarily in running bond with minimal decorative detail.
- b. Storefront Opening - The storefront opening shall be a rectangular opening, 10' to 12' high, and approximately 80% of the width of the storefront, or bay. The opening shall be almost entirely glass (window or showcases) with few subdivisions. The glass framing system shall be metal; natural finish aluminum is a typical material and finish. The building entry is often centered in the storefront opening and is commonly recessed.
- c. Canopies/Awnings - A canopy or awning is typically located at the top of the storefront opening.
 1. Awning shall be traditional in design; they shall be triangular in section, sloping outward and down from the top of the opening. Narrow front and side flaps are common. Round-top, half-round, box, or other unusual awning shapes are discouraged. Internally lighted awnings are prohibited. Signage on awnings shall be limited.
 2. Canopies shall be narrow in elevation, 6" to 12", and flat. Typically such canopies would have internal drainage. Canopies shall be self-supporting or supported by tension rods. Canopy projections to be limited to 48". Sloping, or unusually shaped, canopies are prohibited.

5. Rear Facades

Rear facades, facades not facing a public right-of-way, are in many cases as important as street facades as they are often located adjacent to parking and, therefore, serve as the primary entrance to the building. Often times they must also accommodate service and delivery functions. Rear facades shall exhibit the same components as street facades; however, need not follow as rigorous a design model:

- a. Facade Frame - The facade frame, like that at the street facade, shall be constructed principally in a single plane. If a parapet is used at the rear facade, the top of the parapet wall shall be flat or step slightly to accentuate end piers, as illustrated. If no parapet is used, downspouts shall be located at the outer sides of the facades, not in the middle of the facade. Acceptable materials include brick, decorative CMU (concrete masonry unit), stucco, or EIS (exterior insulation systems). Each is, or gives the appearance of, masonry construction. Aluminum siding, metal panels, wood siding, or wood panels are prohibited.

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- b. Storefront Opening - Like the street facade, the storefront opening shall be a rectangular or square opening, 10' to 12' high, yet it may be a smaller portion of the width of the facade, or bay than the street facade; approximately 40% of the width. The opening shall be almost entirely glass (window, showcases, or door) with few subdivisions. The glass framing system shall be metal; natural finish aluminum is a typical material and finish.
- c. Canopies/Awnings - A canopy or awning typically located at the top of the storefront opening is recommended.
 - 1. Awnings shall be traditional in design; they shall be triangular in section, sloping outward and sown from the top of the opening. Narrow front and side flaps are common. Round-top, half-round, box, or other unusual awning shapes are prohibited. Internally lighted awnings are also prohibited. Awnings are not intended to be a principal means of signage.
 - 2. Canopies shall be narrow in elevation and flat. Typically such canopies would have internal drainage. Canopies shall be self-supporting or supported by tension rods, as illustrated. Canopy projections to be limited to 48".
 - 3. Sloping canopies are permitted at the rear facade. If space is available, rear canopies can be ground supported.

6. Materials

Maintained consistent palette of materials is important to establish continuity within the streetscape and to improving the overall appearance of the Central Business District. The following are identified as acceptable building materials.

a. Street Facade

- 1. Facade Frame - Acceptable materials:
 - A. Brick: Shall be standard modular brick with common tooled mortar joints. Untooled joints, distressed brick, or irregular shaped brick are prohibited. Brick color and texture shall be compatible with original brick facades in the Central Business District, constructed in the 1950's and 1960's. Brick of this period was commonly blond, yellow-blond, beige, or dull red with very little color range. Textures varied from smooth or glazed to rough. Textures tended to be uniform.
 - B. Stone: Smooth finish stone such as limestone or sandstone. Color to be light to medium 'buff'.
 - C. Aluminum Parapet Cap: Typical material is aluminum or painted sheet steel. Color and finish shall match that of window framing system.

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- D. Artificial Stone and Pre-Case Parapet Cap: To simulate traditional limestone and sandstone caps.
- 2. Storefront Opening - Acceptable materials:
 - A. Storefront Framing System: Aluminum or pre-painted steel storefront glazing system. Natural finish aluminum is the most common material and finish.
 - B. Glass: Clear or with slight green tint.
 - C. Entry Door: One or two-lite door matching storefront glazing system.
- 3. Canopies - Acceptable materials:
 - A. Canopy Fascia Trim: Metal. Typically, natural finish aluminum or painted.
 - B. Soffit: Metal or cement plaster.
 - C. Support Rods: Metal.
- 4. Awnings - Acceptable materials:
 - A. Frame: No requirements.
 - B. Fabric: Standard fabrics for non-internally lighted awnings. Patterns and colors to be compatible with other facade materials.
- b. Rear Facade
 - 1. Facade Frame - Acceptable materials:
 - A. Brick, decorative CMU (concrete masonry unit), stucco, or EIS (exterior insulation system): See Section 1 Street Facade, 1.1 for materials
 - B. Stone: Smooth finish stone such as limestone or sandstone. Color to be light to medium 'buff'.
 - C. Aluminum Parapet Cap, Gutters, and Downspouts: Typical material is aluminum or painted steel. Color and finish shall match that of window framing system.
 - D. Artificial Stone and Pre-Cast Parapet Cap: To simulate traditional limestone and sandstone caps.
 - 2. Storefront Opening - Acceptable materials:
 - A. Storefront Framing System: Aluminum or pre-painted steel storefront glazing system. Natural finish aluminum is most common material and finish.
 - B. Glass: Clear or with slight green tint. Reflective, mirror, heavily tinted, or unusually colored glass prohibited.

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- C. Entry Door: One or two-lite door matching storefront glazing system.
 - 3. Canopies - Acceptable materials:
 - A. Canopy Fascia Trim: Metal. Typically, natural finish aluminum.
 - B. Soffit: Metal or cement plaster.
 - C. Support Rods: Metal.
 - D. Canopy Roof: Asphalt shingles, slate, tile, or metal. Wood shakes and shingles prohibited.
 - 4. Awnings - Acceptable materials:
 - A. Frame: No requirements.
 - B. Fabric: Standard fabrics for non-internally lighted awnings.
- (Ord. 353, 10/21/1999)

SECTION 15.06 - ENCUMBERING OF LAND REQUIRED TO SATISFY REGULATIONS

No portions of a lot or parcel used in connection with an existing or proposed building, structure or use and necessary for compliance with the area, height, bulk, density, placement and related provisions of this Ordinance shall through sale or otherwise be used again as part of the lot or parcel required in connection with any other building, structure or use existing or intended to exist at the same time.

SECTION 15.07 ESSENTIAL SERVICES

Essential services shall be permitted as authorized and regulated by law and the ordinances of the City.

SECTION 15.08 - VOTING PLACE

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

SECTION 15.09 - PERMITTED HEIGHT

No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit hereinafter established for the district in which the building is located except that penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, stage lofts and screens, flagpoles, chimneys, smokestacks, individual domestic radio and television aerials, water tanks, or similar structures may be erected above the height limits herein prescribed. No such structure may be erected to exceed by more than fifteen (15) feet the height limits of the district in which it is located; nor shall such structure have a total

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area greater than twenty-five (25) percent of the roof area of the building; nor shall such structure be used for any residential purpose or any commercial or industrial purpose other than a use incidental to the main use of the building. The erection of radio and television transmission, relay, or other types of antenna towers, where permitted, shall abide by the regulations set forth in Section 15.21 and 16.08. Site plan review is required in specific districts. Wireless communications facilities and support structures, where permitted shall abide by the regulations set forth in Sections 15.28 and 16.08.

SECTION 15.10 - EXCEPTION TO HEIGHT LIMITS

The height limitations of this Ordinance may be modified by the Zoning Board of Appeals in their application to church spires, chimneys, flagpoles, belfries, cupolas, domes, penthouses, water towers, masts and aerials, smokestacks, ventilators, derricks, cooling towers and other similar and necessary mechanical appurtenances, pertaining to and necessary to the permitted uses of the zoning districts in which they are located.

SECTION 15.11 - PERMITTED PROJECTIONS INTO REQUIRED OPEN SPACE

- (a) Architectural features such as chimneys and bay windows may project a maximum of three (3) feet into the required front or rear yard, and two (2) feet into the required side yard.
- (b) A porch, covered or balcony may project into the required front yard or open space for a distance not to exceed eight (8) feet or into the required side yard for a distance not closer than three (3) feet from the property line or into the required rear yard or waterfront yard not to exceed five (5) feet.
- (c) A terrace/patio may project into the required front yard or open space for a distance not to exceed eight (8) feet or into the required side yard for a distance not closer than three (3) feet from the property line or into the required rear yard or waterfront yard for a distance not to exceed thirty (30) feet.
- (d) A deck may project into the required side yard or open space for a distance not to exceed five (5) feet or into the required rear yard or waterfront yard for a distance not to exceed thirty (30) feet. A deck may not project into the required front yard.
- (e) A fire escape may project into the required side yard or rear yard or waterfront for a distance not to exceed three (3) feet. A fire escape may not project into the required front yard.
- (f) An awning may project into the required front yard, rear yard or waterfront yard for a distance not to exceed four (4) feet or into the required side yard for a distance not to exceed five (5) feet.
- (g) A vestibule may project into the required front yard or open space for a distance not to exceed four (4) feet or into the required side yard for a distance not to

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exceed three (3) feet. A vestibule may not project into the required rear yard or waterfront yard.

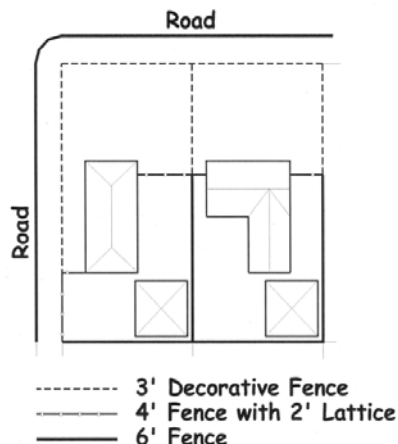
SECTION 15.12 - FENCES REGULATIONS

Fences are permitted or required subject to the following:

- (a) From the date of adoption of this ordinance, it shall be unlawful for any person, firm or corporation to construct or cause to be constructed, any permanent fence or wall on the lot line or otherwise upon any property within the City of Keego Harbor without first having obtained a permit from the City.
- (b) All fences established on or near the property lines require a registered survey or mortgage survey.
- (c) Fences in Single Family Residential Zones shall comply with the following standards:

1. Front Yard Fences:

- (a) When located within the front yard, fences shall not exceed three (3) feet in height measured from the existing grade at the fence line and may be located on the front property line provided the fence may not be located closer than ten (10) feet to the road pavement.
- (b) When located within the front yard, fences shall be of a decorative nature including picket (with a minimum of 50% open space between pickets), split rail, or wrought iron and wrought iron type fencing. Chain link and solid wood fencing is prohibited in front yards.
- (c) Fences located within the front yard are exempt from Section 15.03 - Corner Clearance provided they are a minimum of fifty percent (50%) open.



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2. Side Yard Facing Road:

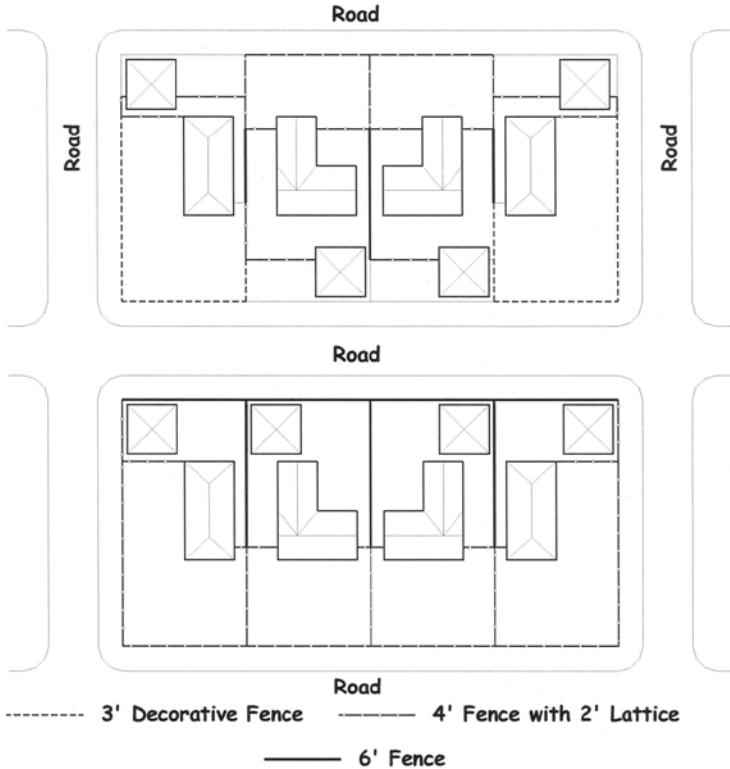
- (a) Fences located between the rear building line and the rear property line and located adjacent to a road may not exceed four (4) feet in height measured from the existing grade at the fence line with a maximum of up to two (2) additional feet of lattice for a total height of six (6) feet and must be setback a minimum of ten (10) feet from the edge of the road pavement or at the property line whichever is greater.

3. Interior Side Yard:

- (a) When located in an interior side yard between the front building line and the rear building line, fences must be setback a minimum of 5 feet from the front building line and may not exceed six (6) feet in height measured from the existing grade at the fence line.

4. Rear Yard:

- (a) If the property is not a through lot, a fence may be located on the rear property line not to exceed six (6) feet in height measured from the existing grade at the fence line.



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5. Through Lot:

- (a) When located within a rear yard on a through lot where all of the lots located on the same side of the street between two intersecting side streets are through lots, fences may not exceed six (6) feet in height measured from the existing grade at the fence line and must be setback a minimum of ten (10) feet from the edge of the road pavement or at the property line whichever is greater.
- (b) When located within a rear yard on a through lot where there are a mix of lots with front and rear yards facing the street between two intersecting side streets, fences may not exceed four (4) feet in height measured from the existing grade at the fence line, with a maximum of up to two (2) additional feet of lattice for a total of six (6) feet measured from the existing grade at the fence line and must be setback a minimum of ten (10) feet from the edge of the road pavement or at the property line whichever is greater.

6. Waterfront Yards:

- (a) Decorative fences a maximum of three (3') feet in height measured from the existing grade at the fence line are permitted in waterfront yards provided the vertical surface area is a minimum of 75 percent open to the free passage of air and light. Decorative fences must be located no closer than the water's edge at a seawall, or in the absence of a seawall, five (5) feet from the ordinary high water mark.
- (d) Fences which enclose public or institutional playgrounds shall not exceed seven (7) feet in height measured from the existing grade at the fence line, and shall not obstruct vision to an extent greater than twenty-five (25) percent of their total areas.
- (e) Fences shall be permitted in non-residential districts, provided that such fences shall not exceed six (6) feet in height measured from the existing grade at the fence line, and shall not extend toward the front of the lot farther than any portion of the main building, except where permitted for the purposes of enclosing outside storage.

Fences shall be required in non-residential zones for the enclosing of areas used for outside storage of goods, material or equipment. Such fences shall not be less than six (6) feet in height measured from the existing grade at the fence line.

Fences in non-residential districts shall not consist of barbed wire or electrically- charged wiring, provided, however, that fences which enclose storage areas may have barbed wire connected there with, if such barbed wire is more than six (6) feet above grade.

- (f) Fences shall not contain barbed wire, electric current or charge of electricity.
- (g) If, because of the design or construction, one side of a fence has a more finished appearance than the other, the side of the fence with the more finished appearance

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shall face the exterior of the lot. All wooden fence posts must be properly treated to prevent decay. Posts must be installed inside the property line, facing the interior of the lot.

- (h) Solid material shall not be permitted in chain link fences.
- (i) Maintenance. Fences and walls shall be maintained in a manner so as to prevent rust, corrosion and deterioration, so as to not become a public or private nuisance, and so as not to be dilapidated or a danger to adjoining property owners or the public. Fences shall not create an appearance of patchwork, which is indicative of a state of disrepair. The property owner is responsible for the maintenance of the fence in such a way that it will remain plumb and in good repair.
- (j) On properties with an already existing fence, the existing fence must be removed prior to installation of a new or replacement fence in the same general location.

(Ordinance 429 12/15/11, Ordinance 446 3/18/13)

SECTION 15.13 - ACCESSORY BUILDINGS

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

- (a) Where the accessory building is structurally attached to a main building, except as provided in Section 15.10, it shall be subject to, and must conform to all regulations of this Ordinance applicable to main buildings.
- (b) Detached accessory buildings shall not be erected in any required yard except a rear yard.
- (c) No accessory building shall be permitted in any front yard.
- (d) Accessory buildings may occupy not more than twenty-five (25) percent of a required rear yard, plus twenty (20) percent of any non-required rear yard.
- (e) No detached accessory building shall be located closer than ten (10) feet to any main building nor shall it be located closer than three (3) feet to any side or rear lot line. In those instances where the rear lot line is coterminous with an alley right-of-way, the accessory building shall not be closer than one (1) foot to such rear lot line. In no instance shall an accessory structure be located within a dedicated easement.
- (f) No detached accessory building shall exceed fifteen (15) feet in height in any residential or commercial zone and shall be no larger than sixty-five (65) percent of the principal building.
- (g) No more than one accessory building shall be located on a single- family residential lot. This provision shall not prohibit the keeping of one small accessory structure such as a storage shed not to exceed one-hundred (100) square feet. No such structure shall be located in the front or required side open space or within permanent easement.

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- (h) Accessory buildings are permitted only in conjunction with, incidental to and on the same lot with a principal building which is permitted in the particular zoning district.
- (i) A central air conditioning unit, central heat pump, compressors, generators, swimming pool heater or any other noise-producing mechanical system which is typically located on the exterior of a residential unit, shall be located as follows:
 - 1. Within a rear yard or side yard provided that such system is not located closer to a side lot line than the distance required by the side yard setback.
 - 2. Within a required side yard setback provided that such system does not extend into the required setback by more than three (3) feet and if the abutting parcel is:
 - a. A street.
 - b. Occupied by a use other than a residential use.
 - 3. If such system is visible from the street, it shall be screened with landscape material with the starting size not less than one foot higher than the height of the system.
- (j) Accessory buildings within waterfront yards shall be subject to the provisions of Section 15.15. (Ord. 338, 2/19/1998)
- (k) The following accessory structures shall be exempt from floor area ratio calculations:
 - 1. That portion of a detached accessory building occupying no more than 440 square feet or 15% of the lot area of lots 6,000 square feet or less, whichever is less.
 - 2. That portion of an attached accessory building occupying no more than 220 square feet or 7.5% of the lot area of lots 6,000 square feet or less, whichever is less.
 - 3. That portion of a detached accessory building occupying no more than 576 square feet or 15% of the lot area of lots over 6,000 square feet, whichever is less.
 - 4. That portion of an attached accessory building occupying no more than 278 square feet or 7.5% of the lot area of lots over 6,000 square feet, whichever is less. (Ord. 378, 11/15/2001)
- (l) The following accessory structures shall be exempt from lot coverage calculations:
 - 1. That portion of a detached or attached accessory building occupying no more than 440 square feet or 15% of the lot area of lots 6,000 square feet or less, whichever is less.
 - 2. That portion of a detached or attached accessory building occupying no more than 576 square feet or 15% of the lot area of lots over 6,000 square feet, whichever is less. (Ord. 378, 11/15/2001)

(Ordinance 431, 12/15/11)

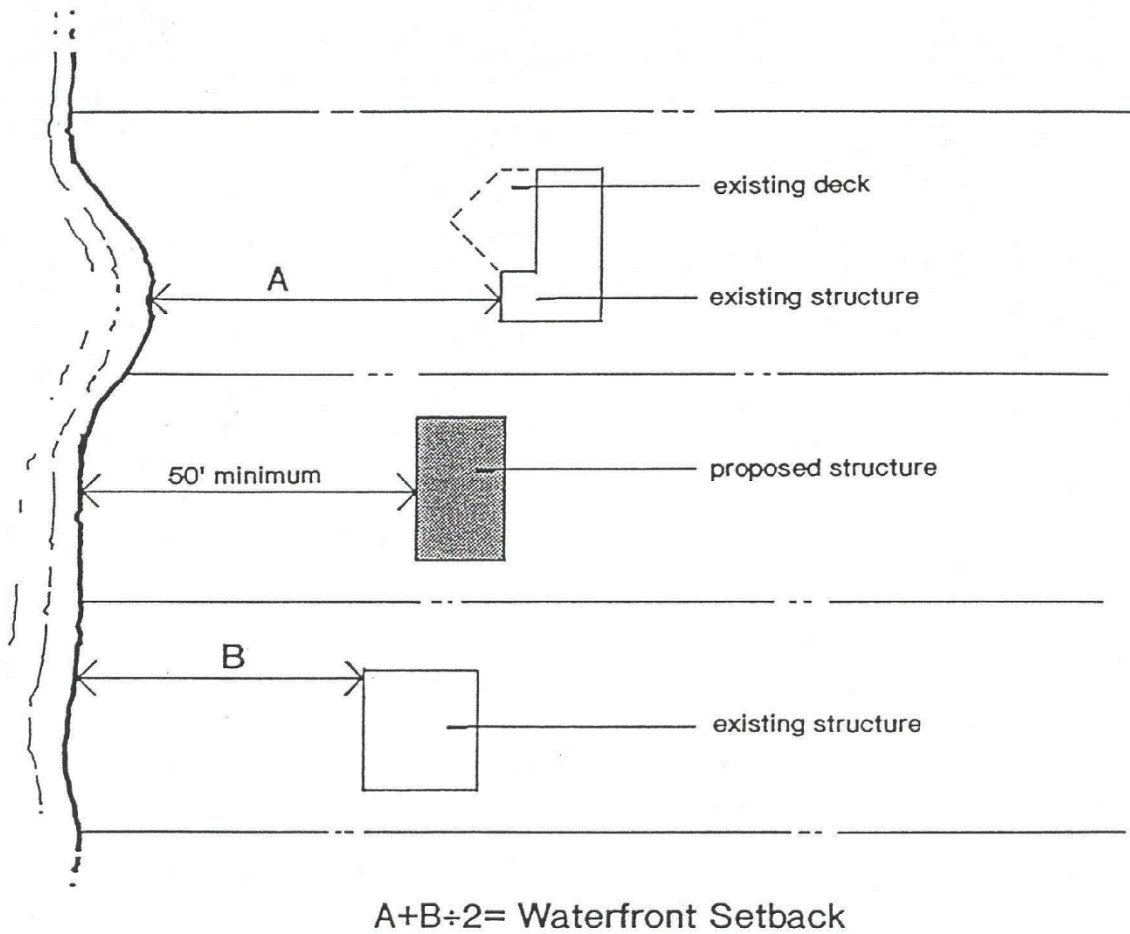
SECTION 15.14 - NOISE

Objectionable sounds, including those of an intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses. The permitted noise in the C-1, C-2, O-1, M-1 and P-1 Districts shall not exceed seventy-five (75) decibels is between the hours of 6:00 a.m. and 10:00 p.m. nor more than seventy (70) decibels between the hours of 10:00 p.m. and 6:00 a.m. All measurements shall be made at the property line. The Zoning Board of Appeals may grant a temporary waiver of this requirement.

SECTION 15.15 - WATERFRONT YARDS

All new residential development adjacent to Cass Lake, Dollar Lake or Sylvan Lake or any of their canals must comply with the applicable sections of this ordinance. In addition, the following standards will apply to all new residential development with frontage on these water bodies.

- (a) Waterfront Yard Setbacks: For the purpose of determining the required setback for a lot located on a waterway, the established residential building pattern shall be equal to the average of the waterfront setbacks of the immediate adjacent dwelling on each side, subject to the following requirements:
 1. The waterfront setback of an adjacent dwelling shall be measured at the shortest horizontal distance between the high watermark and the lakeside corner of the adjacent dwelling that is nearest the subject parcel. In the event that the nearest lakeside corner of the adjacent dwelling cannot be determined by the City's Building Inspector (for example, if the adjacent structure is curvilinear), then the measurement shall be made at the shortest horizontal distance between the high watermark and the point of the adjacent structure that is nearest to the subject parcel.
 2. A deck which is attached to a residence shall not be considered a part of the main structure from which the measurements are made.
 3. Swimming pools, tennis courts, unenclosed decks and similar encroachments into the waterfront setback area shall not be considered in making the determination of established residential building pattern.
 4. In the event that either or both of the two adjacent parcels are vacant or if either or both of the two adjacent dwellings are located closer than 40 feet to a waterway, then a setback of 50 feet shall be used for the adjacent parcel(s) in computation to determine the established residential building pattern. In no instance shall the waterfront setback be less than 50 feet.
5. Fences: Fences shall not be permitted within the waterfront yard.



Waterfront Setback

(b) Clear Vision Triangles: Each lot shall maintain clear vision triangles along both side lot lines between the waterfront yard setback and the shoreline as described below. The area within clear vision triangles shall be maintained free of recreational vehicles, waterfront structures, accessory buildings, and plant material over the height of three (3) with the following exceptions:

1. Within clear vision triangles, plant material that reaches a mature height of over three (3) feet shall not be newly installed between the shoreline and the midpoint of the waterfront setback line. The midpoint shall be defined as the point halfway between the shoreline and the waterfront yard setback line, as measured at the side lot line.

Between the midpoint of the waterfront yard setback and the waterfront yard setback line, shrubs and evergreen plants shall be trimmed so as to not exceed

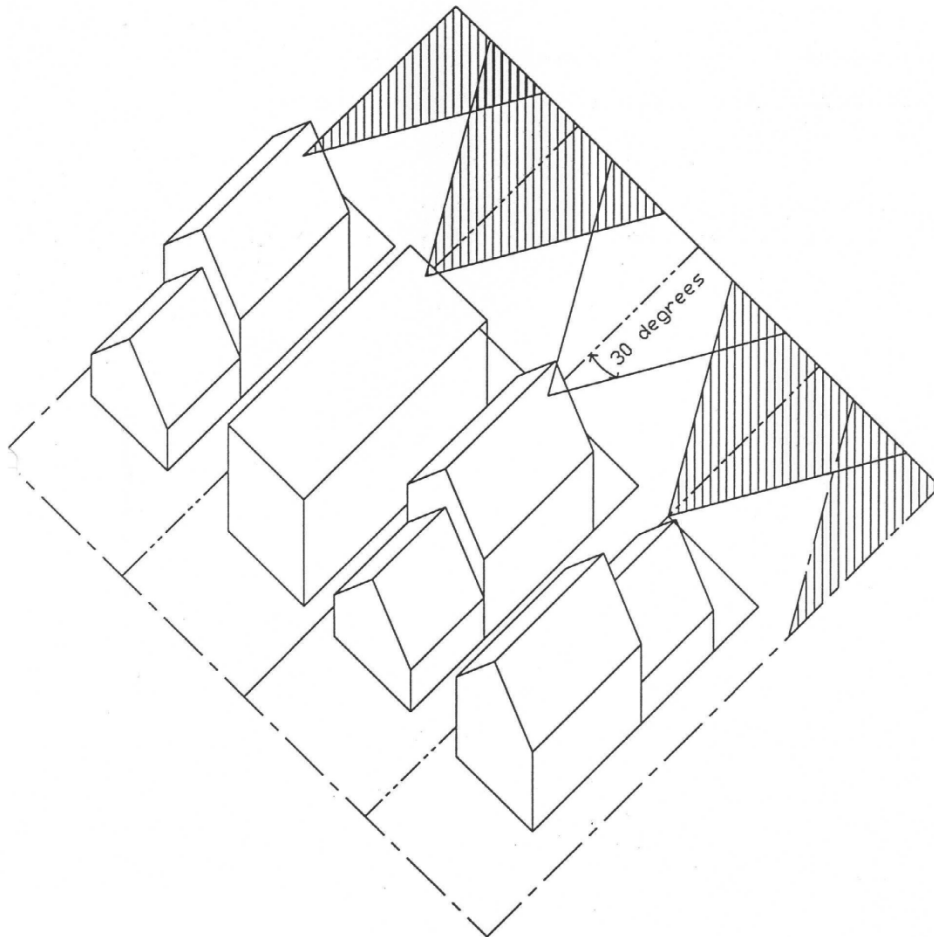
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a height of three (3) feet and deciduous and evergreen trees shall be trimmed so as to not have foliage below a height of six (6) feet, provided that vegetation may occupy a portion of such area between the heights of three (3) feet and six (6) feet as long as it does not significantly obstruct views to the lake or canal, as determined by the Building Official, Code Enforcement Officer, or other City official charged with enforcing the Zoning Ordinance.

2. Recreational vehicles and temporary waterfront structures may be stored within the clear vision triangle of a waterfront lot between September 15 and May 15.

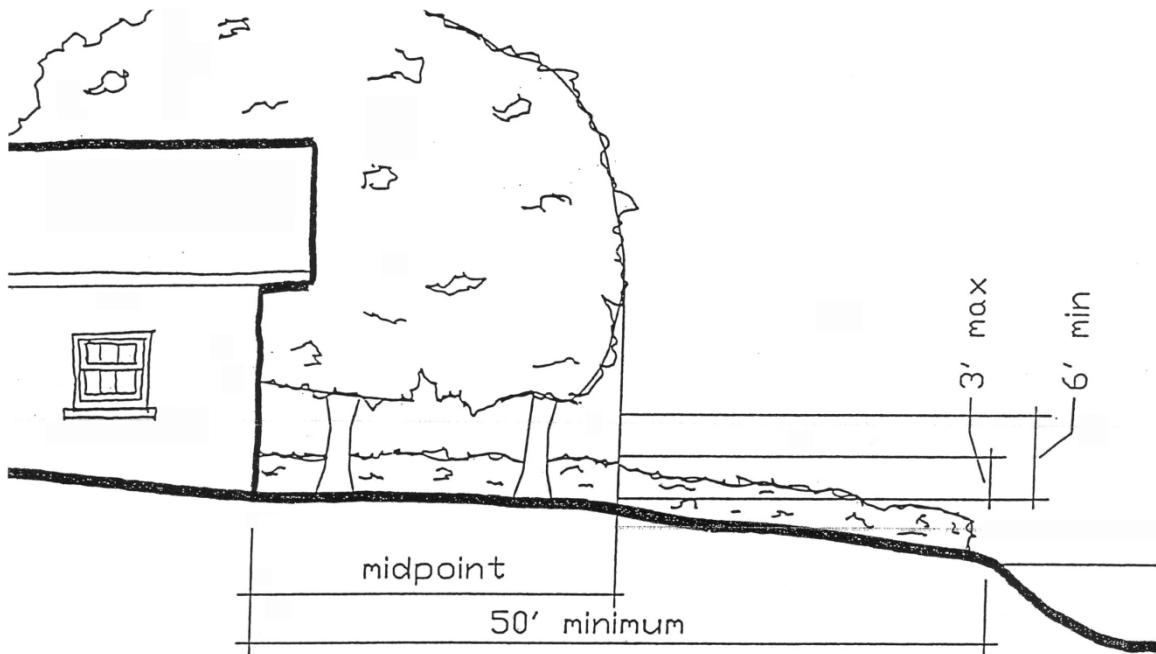
Such triangles shall be bounded by the following sides:

1. the side lot line;
2. the shoreline; and,
3. a line that commences at the intersection of the side lot line and the waterfront yard setback and runs towards the shoreline at a thirty (30) degree angle from the side lot line.



Clear Vision Triangle

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Permitted Vegetation Within the Clear Vision Triangle

- (c) Waterfront Structures: The following waterfront structures and appurtenances are permitted within a waterfront yard provided such structures are accessory to a permitted principal use of waterfront property and the use is limited to recreational and personal use of the principal user (occupants) residing on the property. No structure will be approved without an existing primary structure on the parcel.
1. Permitted projections as regulated in Section 15.11 - Permitted Projections into Required Open Space.
 2. A shed, not exceeding a floor area of more than one hundred (100) square feet and a height of eight (8) feet shall be permitted within the waterfront yard, provided such shed is setback a minimum of twenty five (25) feet from the shoreline and complies with all accessory building standards contained in Section 15.13, and subsection (c) above.
 3. The following waterfront structures and appurtenances shall be permitted, provided that they meet the requirements of subsection (c) Clear Vision Triangles above:
 - a. piers and wharves, including floating types;
 - b. flush mount and swivel hoists, overhead hoists, davits and mooring whips;
 - c. spring or mooring piles; and,
 - d. unenclosed boat port/well having a roof only and not exceeding a height of twenty-two (22) feet above mean high water.

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4. Within a single family residential zoning district, a maximum of two (2) boat ports/wells and two (2) hoists or other out of water lifting devices are permitted per residential lot. Within the multiple family residential zoning district, the maximum number of boat ports/wells shall be limited by the marina operating permit issued by the Michigan Department of Environmental Quality.
5. Bulkheads or seawalls are permitted, provided no bulkhead or seawall may extend into the waterway beyond the lot line of any lot.
6. Construction, installation, storage, docking, or mooring of structures, appurtenances, or watercraft shall not obstruct the natural flow of water or access of boaters to: adjoining or nearby parcels; to deeper waters; or, normal boating routes.
7. All permitted structures and appurtenances shall be kept safe, secure and in good repair.
8. The placement of aids to navigation and regulatory markings are specifically exempt from the requirements of this section.
9. Temporary waterfront structures may be stored within the clear vision triangle of a waterfront lot between September 15 and May 15:
10. All temporary waterfront structures such as docks, boat hoists, mooring buoys, etc. shall be removed no later than November 15, and installed no earlier than April 15.

(d) Number of Boats and Structures.

1. Within the multiple family residential zoning district, the allowable accessory use of the waterfront shall be limited to the specific conditions of special land use approval under Section 5.02.
2. On-land storage of boats shall be subject to the requirements of this Section and the limitations of the respective zoning district regulations.

SECTION 15.16 - KEEPING OF FARM ANIMALS AND OTHER NON-DOMESTIC ANIMALS

The keeping, raising, or breeding of animals including farm animals and non-domestic animals and reptiles (except domesticated cats, dogs, canaries, parakeets, parrots, gerbils, hamsters, guinea pigs, turtles, fish, rabbits and similar animals commonly kept as pets) shall be prohibited, except as otherwise may be permitted by this Ordinance or under conditions imposed by the Zoning Board of Appeals.

SECTION 15.17- RESERVED

SECTION 15.18 - MOVING OF BUILDINGS

The Zoning Board of Appeals may permit the moving of any building within a district and placed upon a foundation, or the moving of any building into a district from any other district, provided said building meets all the limitations and requirements set forth in this

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Ordinance for the district in which it is to be located.

SECTION 15.19 - PERFORMANCE GUARANTEES

(a) Required

To insure compliance with this Ordinance and any conditions imposed under this Ordinance, including conditions of the site plan approval, special approval, cluster development, planned development, and street access approval, the City Council, Planning Commission or Zoning Board of Appeals may require that financial security acceptable to the City be deposited with the City Clerk to insure faithful completion of improvements as defined in (b) below. The amount of the cash deposit, certified check, or irrevocable bank letter of credit shall cover the estimated cost of improvements associated with a project and other reasonable incidental costs associated therewith, for which approval is sought.

(b) Improvements

"Improvements" means those features and actions associated with a project which are considered necessary to protect natural resources, or the health, safety, and welfare of the residents of the City and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, landscaping, parking, paving of parking and circulation areas, screening, drainage and other site improvements. "Improvements" does not include the entire project which is the subject of the approval.

(c) Timing

The performance guarantee along with a detailed description and schedule of improvements to be completed shall be deposited with the Clerk prior to the issuance of a Certificate of Occupancy authorizing use of the activity or project.

(d) Type

The applicant shall be required to provide the performance guarantee or financial security in one or a combination of the following arrangements, whichever the applicant elects.

1. Irrevocable Letter of Credit

An irrevocable letter of credit issued by a bank authorized to do business in Michigan in an amount to cover the cost of the contemplated improvements as estimated by the City.

2. Escrow Fund

A cash deposit, or deposit by certified check drawn on a bank authorized to do business in Michigan sufficient to cover the cost of the contemplated improvements as estimated by the City shall be deposited with the Clerk. The escrow deposit shall be for the estimated time period necessary to complete the required improvements.

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(e) Rebate

In the case of cash deposits, the Clerk shall rebate or release to the applicant, as the work progresses, amounts equal to the ratio of the completed and accepted work to the entire project, after approvals described below.

(f) Inspection and Certification

Private Improvements and Acceptance for Maintenance of Required Public Improvements.

1. Certification by the Building Department

The applicant shall furnish the Clerk a letter or document signed by the Building Department indicating satisfactory completion of the required improvements in accordance with the above description of improvements.

2. Inspection of Public Improvements by the City Engineer or Building Department

After the completion of the construction of the required public improvements, the Engineer or Building Department, or the County, State or Federal agency with jurisdiction to grant approval or accept, shall conduct a final inspection and certify compliance with the above required improvements. This inspection shall be made to assure the improvements are completed according to the approved plans and specifications.

3. Partial Street

In no case shall acceptance of any partial street be made for maintenance.

(g) Failure

In case the applicant shall fail to complete the required improvements work within such time period as required by the conditions or guarantees as outlined above, the City Council may proceed to have such work completed and reimburse itself for the cost thereof by appropriating the cash deposit or certified check, or by drawing upon the letter of credit.

(h) Maintenance Bond

The City may require, prior to the acceptance by the City of public improvements, a maintenance bond acceptable to the City for a period of up to three years in an amount not to exceed (35%) of the total cost of the public improvements.

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(i) Subdivisions

This section shall not be applicable to improvements for which a cash deposit, certified check, irrevocable bank letter of credit, or surety bond has been deposited pursuant to the Subdivision Control Act, No. 288 of the Public Acts of 1967, as amended, being Section 560.101 to 560.293 of the Michigan Compiled Laws.

SECTION 15.20 - TEMPORARY AND PORTABLE BUILDINGS, USES AND STRUCTURES

The Planning Commission may permit temporary buildings, structures, and uses for a period not to exceed six (6) months provided that all requirements and conditions relative to the type of structure and use, and timing and arrangements for termination and removal, are met. The Commission may require safeguards related to setbacks, screening, off-street parking considered necessary to protect the health, safety, welfare and comfort of inhabitants of the City. Further, the Commission may require site plan approval and performance guarantee as conditions of approval. Trucks, truck trailers, vans or other passenger vehicles shall not be used for storage, warehousing, retail sales or service or offices.

SECTION 15.21 - SATELLITE DISH ANTENNAS

In all zoning districts, satellite dish antennas may be permitted as an accessory use, subject to the following regulations:

- (a) Roof mounted antenna greater than three (3) feet in diameter and up to ten (10) feet in diameter shall be permitted only in commercial and industrial districts. If located on a roof, such antenna shall be considered a roof structure and shall comply with the provisions of Section 15.09 of this Ordinance.
- (b) Ground mounted antenna greater than three (3) feet in diameter and up to ten (10) feet in diameter shall be subject to the following conditions:
 - 1. An accessory use building permit for satellite dishes shall be required.
 - 2. Maximum height permitted shall be twenty (20) feet.
 - 3. The satellite dish structure shall be securely mounted and anchored to a pole, and secured in accordance with the requirements of the manufacturer and the building code.
 - 4. If elevated off of the ground, all such antennas shall be located so that there is an eight (8) foot clearance between the lowest part of the dish and grade.
 - 5. Satellite dish antenna shall not be permitted in front yards.
 - 6. Such antenna shall be located a minimum of ten (10) feet from any street line and three (3) feet from any other property line.
 - 7. All electrical and antenna wiring shall be placed underground or otherwise obscured from view.

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- (c) The surface of roof or ground mounted antennae greater than three (3) feet in diameter shall be open mesh and painted black so as not to reflect glare from sunlight, and shall not be used as any sign or message board. All installations shall be placed and constructed to blend with the surroundings.

SECTION 15.22 - DEVELOPMENT WITHIN FLOOD HAZARD AREAS

Development within flood hazard areas, as defined in Article II herein, shall comply fully with the adopted Flood Hazard Zoning Ordinance, Ordinance No. 211 of 1982, as amended.

SECTION 15.23 - LANDSCAPE REQUIREMENTS

Landscaping, greenbelts, and screening are necessary for the continued protection and enhancement of all land uses. Landscaping and greenbelts are capable of enhancing the visual image of the City, preserving natural features, improving property values, and alleviating the impact of noise, traffic, and visual distraction associated with certain uses. Screening is important to protect less-intensive uses from the impacts of more intensive non-residential uses. Accordingly, the provisions set forth herein are intended to set minimum standards for the design and use of landscaping, greenbelts, and screening, and for the protection and enhancement of the City's environment.

(a) Scope of Application

The requirements set forth herein shall apply to all uses which are developed, expanded, or changed, and to all lots, sites, and parcels which are developed or expanded upon following the effective date of this Ordinance. No site plan shall be approved unless said site plan shows landscaping consistent with the requirements of this section. Where landscaping is required, a building permit shall not be issued unless provisions set forth in this section have been met or a performance guarantee has been posted in accordance with Section 15.19.

(b) Minimum Requirements

The requirements set forth herein are minimum requirements, and nothing herein shall preclude the developer and the City from agreeing to more extensive landscaping.

(c) Design Creativity

Creativity in landscape design is encouraged. Accordingly, required trees and shrubs may be planted at uniform intervals, at random, or in groupings, depending on the designer's desired visual effect and, equally important, the intent of the City to coordinate landscaping on adjoining properties.

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(d) Landscaping Requirements:

1. General Requirements

All developed portions of the site shall conform to the following general landscaping standards, except where specific landscape elements, such as a greenbelt, berms, or screening are required:

- a. All unpaved portions of the site shall be planted with grass, ground cover, shrubbery, or other suitable live plant material.
- b. A mixture of evergreen and deciduous trees shall be planted at the rate of one (1) tree per 3,000 square feet or portion thereof of unpaved open area. Required trees may be planted at uniform intervals, at random, or in groupings.
- c. All required landscaping shall be served by an in-ground sprinkling system.
- d. Landscaped areas which adjoin paved parking or driveways shall be protected with curbs from encroachment of vehicles.

2. Landscaping Adjacent to Roads

All front, side and rear yards adjacent to roads in commercial, office and industrial districts shall be landscaped in accordance with the following standards:

A minimum of one (1) deciduous or evergreen tree shall be planted for each forty (40) lineal feet or portion thereof of road frontage, PLUS, a minimum of one (1) ornamental tree shall be planted for each one hundred (100) lineal feet or portion thereof of road frontage, PLUS, a minimum of eight (8) shrubs shall be planted for each forty (40) lineal feet or portion thereof of road frontage. For the purposes of computing length of road frontage, openings for driveways and sidewalks shall not be counted. Trees and shrubs may be planted at uniform intervals, at random, or in groupings.

3. Greenbelts

Where required, greenbelts and greenbelt buffers shall conform to the following standards:

- a. A required greenbelt may be interrupted only to provide for pedestrian or vehicular access.
- b. Grass, ground cover, or other suitable live plant material shall be planted over the entire greenbelt area, except where paved walkways are used.
- c. A minimum of one (1) deciduous or evergreen tree shall be planted for each thirty (30) lineal feet or portion thereof of required greenbelt length, or alternatively, eight (8) shrubs may be substituted for each required tree. Trees may be planted at uniform intervals, at random, or in groupings.
- d. Plant materials shall not be placed closer than four (4) feet to the property line or right-of-way line when a greenbelt abuts a public sidewalk.

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- e. For the purposes of calculating required plant material, greenbelt length shall be measured along the exterior edge of the greenbelt.

4. Berms

Where required or proposed, berms shall conform to the following standards:

- a. Berms shall be constructed with slopes no steeper than one (1) foot vertical for each three (3) feet horizontal (33 percent slope), with at least a two (2) foot flat area on the top.
- b. The planting requirements for greenbelts, above, shall also apply to berms.

5. Parking Lot Landscaping

In addition to required screening, all off-street parking areas shall provide landscaping as follows:

- a. Landscaping Ratio. Off-street parking areas containing greater than fifteen (15) spaces shall be provided with at least fifteen (15) square feet of interior landscaping per parking space. Whenever possible, parking lot landscaping shall be designed to improve the safety of pedestrian and vehicular traffic, guide traffic movement, and improve the appearance of parking areas.
- b. Minimum Area. Landscaping areas in parking lots shall be no less than five (5) feet in any single dimension, and no less than one hundred fifty (150) feet in area. Landscaped areas in or adjacent to parking lots shall be protected with curbing or other means to prevent encroachment of vehicles.
- c. Other Landscaping. Required landscaping elsewhere on the parcel shall not be counted in meeting the parking lot landscaping requirements.
- d. Required Plantings. Requirements for plant material shall be based on the location, size, and shape of the parking lot landscaped area. A minimum of one (1) tree shall be planted per three hundred (300) square feet or fraction thereof of interior landscaped area. The landscape plan shall indicate the types, sizes, and quantities of plant material proposed for such area.

6. Evergreen or Landscaped Screening

Wherever an evergreen or landscaped screen is required or proposed, evergreen screening shall consist of closely-spaced plantings which form a complete visual barrier that is at least six (6) feet above ground level within five (5) years of planting.

7. Landscaping of Rights-of-Way

Public rights-of-way located adjacent to required landscaping areas and greenbelts shall be planted with grass or other suitable live ground cover, and shall be maintained as if the rights-of-way were part of the required landscaped areas or greenbelt.

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8. Maintenance of Unobstructed Visibility for Drivers

Landscaping located at an intersection of two streets shall comply with the requirements in Section 15.03 so as to maintain unobstructed cross-visibility for drivers.

(e) Standards for Landscape Materials

Unless otherwise specified, all landscape materials shall comply with the following standards:

1. Plant Quality

Plant materials used in compliance with the provisions of this Ordinance shall be nursery grown, free of pests and diseases, hardy in Oakland County, in conformance with the standards of the American Association of Nurserymen, and shall have passed inspections required under state regulations.

2. Non-Living Plant Material

Plastic and other non-living plant materials shall not be considered acceptable to meet the landscaping requirements of this Ordinance.

3. Plant Material Specifications

The following specifications shall apply to all plant material proposed in accordance with the landscaping requirements in this Ordinance:

- a. Deciduous shade trees shall be a minimum of two (2) inches in caliper measured twelve (12) inches above grade with the first branch a minimum of four (4) feet above grade when planted.
- b. Deciduous ornamental trees shall be a minimum of one and one-half (1 1/2) inches in caliper measured six (6) inches above grade with a minimum height of four (4) feet above grade when planted.
- c. Evergreen trees shall be a minimum of five (5) feet in height when planted, except that juniper, yew and arborvitae species shall be a minimum of three (3) feet in height when planted. Furthermore, evergreen trees shall have a minimum spread of three (3) feet, and the size of the burlapped root ball shall be at least ten (10) times the caliper measured six (6) inches above grade.
- d. Shrubs shall be a minimum of two (2) feet in height when planted. Low growing shrubs shall have a minimum spread of fifteen (15) inches when planted.
- e. Hedges shall be planted and maintained so as to form a continuous, unbroken, visual screen within two (2) years after planting.
- f. Vines shall have a minimum of three (3) runners, six (6) inches to eight (8) inches long when installed, and be a minimum of thirty (30) inches in length after one growing season.

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- g. Ground cover used in lieu of turf grasses shall be planted in such a manner as to present a finished appearance and reasonably complete coverage after one (1) complete growing season.
- h. Grass area shall be planted using species normally grown as permanent lawns in Oakland County. Grass, sod, and seed shall be clean and free of weeds, noxious pests, and diseases. Straw or other mulch shall be used to protect newly seeded areas.
- i. Mulch used around trees, shrubs, and vines shall be a minimum of three (3) inches deep, and installed in a manner as to present a finished appearance.
- j. Use of the following plant materials or their clones (or cultivars) is not encouraged because of susceptibility to storm damage, disease, and other undesirable characteristics:

Box Elder	Poplar
American Elm	Willow
Tree of Heaven	Horse Chestnut
European Barberry	Silver Maple
Northern Catalpa	

(f) Installation and Maintenance

The following standards shall be observed where installation and maintenance of landscape materials are required:

1. Installation

Landscaping shall be installed in a sound, workmanlike manner to ensure the continued growth of healthy plant material. Trees, shrubs, hedges, and vines shall be generously mulched at the time of planting.

2. Protection from Vehicles

Landscaping shall be protected from vehicles through the use of curbs. Landscape areas shall be elevated above the pavement to a height adequate to protect the plants from snow removal, salt and other hazards.

3. Off-Season Planting Requirements

If development is completed during the off-season when plants cannot be installed, the owner shall provide a performance guarantee to ensure installation of required landscaping in the next planting season.

4. Maintenance

Landscaping required by this Ordinance shall be maintained in a healthy, neat, and orderly appearance, free from refuse and debris. All unhealthy and dead plant material shall be replaced immediately upon notice from the Building Official, unless the season is not appropriate for planting, in which case plant material shall be replaced at the beginning of the next planting season.

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All landscaped areas shall be provided with a readily available and acceptable supply of water. Trees, shrubs, and other plantings and lawn areas shall be watered regularly throughout the growing season.

All constructed or manufactured landscape elements, such as but not limited to benches, retaining walls, edging, and so forth, shall be maintained in good condition and neat appearance. Rotted, deteriorated, or damaged landscape elements shall be repaired, replaced, or removed.

(g) Modifications to Landscape Regulations

In consideration of the overall design and impact of a specific landscape plan, and in consideration of the amount of existing plant materials to be retained on the site, the Planning Commission may modify the specific requirements outlined herein, provided that any such adjustment is in keeping with the intent of this Section. In determining whether a modification is appropriate, the Planning Commission shall consider whether the following conditions exist:

1. Topographic features or other unique features of the site create conditions such that strict application of the landscape regulations would result in a less effective screen than an alternative landscape design.
2. Parking, vehicular circulation, or land use are such that required landscaping would not enhance the site or result in the desired screening effect.
3. The public benefit intended by the landscape regulations could be better achieved with a plan that varies from the strict requirements of the Ordinance.

SECTION 15.24 - SCREENING OF ROOF TOP EQUIPMENT

Elevators, stairways, tanks, heating and air conditioning equipment and other similar apparatus shall be screened from view by a structure equal in height to the height of the equipment being screened and constructed of the same type of building material used in the principal structure.

SECTION 15.25 - SIDEWALKS AND BIKEWAYS

For all developments requiring site plan approval, either a new public sidewalk or bikeway, or the reconstruction of existing sidewalks or bikeways, shall be required to be constructed to City standards for the perimeter of the lot which abuts a major, intermediate or collector street as defined in the City's Master Plan. New or reconstructed sidewalks or bikeways shall be aligned with existing or proposed sidewalks or bikeways. All multiple family residential projects require interior sidewalks. Other residential and non-residential projects may require interior sidewalks to facilitate pedestrian traffic safety, organization and convenience.

SECTION 15.26 - SITE GRADING

(a) Intent

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Site grading regulations are established to assure adequate drainage away from structures and to a natural or established drainage course and to assure protection of trees on sites where grading is to take place.

(b) Scope of Application

A Grading Permit shall be required in all instances where grading, excavating, filling, stockpiling, or other alterations to the land are proposed. "Filling" includes the dumping of soil, sand, clay, gravel, or other material on a site. However, where minor alterations to the land that do not affect the storm drainage pattern are proposed, a Grading Permit shall not be required. The Grading Permit fee shall be established by resolution of the City Council.

(c) Grading Plan

In the event that a Grading Permit is required, the applicant shall first submit duplicate copies of the Grading Plan for review and approval by the Building Official, City Engineer, or other authorities having jurisdiction such as Michigan Department of Environmental Quality or Oakland County Drain Commissioner. Grading plans may be submitted in conjunction with a site plan review, or may be submitted as a separate plan. Such plans shall be prepared by a licensed professional surveyor or licensed professional civil engineer. One signed, approved copy shall be retained by the city and one returned to the applicant.

(d) Grading Plan Standards

At a minimum, grading plans shall show existing and proposed grade elevations adjacent to existing and proposed structures on the subject property and at the structures on adjacent properties. In addition, sufficient existing and proposed elevations are needed for the site and for as much of the adjacent property as is necessary to establish the proposed surface drainage pattern. If excavation or filling is proposed, the amount of material to be excavated or filled shall be indicated on the grading plan. All elevations shall be based on U.S.G.S. datum. Elevations and location of bench marks used for determining elevations shall be shown on the plan.

1. Slope Away From Buildings and Finished Floor Elevations

All buildings and structures shall be constructed at an elevation which provides a sloping grade away from the building or structure, thereby causing surface water to drain away from the walls of the building to a natural or established drainage course. The grade shall not exceed 6 inches of rise in 10 feet from side lot line. The slope shall be measured from the highest point along the side lot line to the building line.

In no case shall the finished floor of the proposed dwelling unit be less than 0.75 feet or exceed 2.5 feet above the centerline of the fronting street at the lowest point along frontage of subject lot.

2. Runoff Onto Adjacent Properties

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New grades shall not be established that would permit an increase in the runoff of surface water onto adjacent properties, except through established drainage courses.

3. Stockpiling

Stockpiling of soil, sand, clay, gravel and similar material shall be prohibited, except where permitted as part of an approved construction project.

4. Clean Fill

Fill material brought into the city shall be free of contamination from hazardous substances, debris, junk, or waste. The Building Official or City Engineer may require verification from a qualified soil testing laboratory that the fill is free of all contamination.

5. Excavations of Holes

The excavation or continued existence of unprotected holes or pits that constitute or are reasonably likely to constitute a danger or menace to the public health, safety, and welfare is prohibited. This section also shall not apply to lakes, streams, ditches, reservoirs, or other bodies of water under the jurisdiction of the State of Michigan, County of Oakland, Keego Harbor, or other governmental agency.

(e) Review, Inspection & Approval of Procedures

Grading plans shall be reviewed by the Building Official, City Engineer or other authorities having jurisdiction. In the event that the grading plan is submitted in conjunction with a site plan, the Planning Commission shall review the grading plan as a part of normal site plan review. The Building Official shall issue a Grading Permit after the determination has been made that the requirements set forth herein and in other applicable ordinances have been complied with.

An as-built plan shall be prepared by a licensed professional civil engineer or licensed land surveyor clearly indicating compliance with the approved plan or those areas not in compliance with the approved plan. Compliance must be attained prior to an occupancy permit being issued.

SECTION 15.27 - SCREENING OF TRASH STORAGE AREAS (DUMPSTERS)

Outdoor trash storage areas shall be designed, constructed, and maintained according to the standards of this Section. Trash storage area locations and details of construction shall be shown on site plans per Section 16.08, Site Plan Review and Approval Procedures. The following requirements shall be met whenever an outdoor trash storage area is proposed in conjunction with a use for which site plan approval is required under this ordinance, where any change in the location or site of an existing trash storage area is proposed, or where an outdoor trash storage area is created for a new or existing use:

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- (a) Trash storage areas shall be located in the rear yard or non-required side yard, and no less than twenty (20) feet from any residential district, as far as practical.
- (b) Permitted trash storage areas shall be used to store only the refuse generated on-site which shall be removed on a weekly basis or more frequently, as necessary. Trash storage areas and enclosures shall be continuously maintained in a neat, orderly, and sanitary condition at all times.
- (c) A brick or decorative faced masonry wall, a minimum of six (6) feet in height, shall enclose three (3) sides of the storage area and be at least one (1) foot higher than the trash receptacle. An obscuring gate shall be provided on the remaining side to provide complete enclosure of the trash storage area and said gate shall be kept closed except during loading or unloading.
- (d) The trash storage area shall be located on a concrete pad, at least ten (10) feet wide by twenty (20) feet deep, constructed with a minimum of six (6) inches of 3500 P.S.I. concrete with air entrainment containing 6 x 6 inch ten (10) gauge welded wire mesh. The above mentioned concrete pad shall provide an approach no less than ten (10) feet in width or no less than the width of the gate; it shall extend at least eight (8) feet in front of the obscuring gate to support the front axle of a refuse vehicle. In addition, the trash storage area shall be large enough to accommodate recyclables, grease disposal receptacles, etc. The Planning Commission may increase or reduce the size of the enclosure where a different size storage area is deemed necessary.
- (e) Steel bollards, a minimum of 6" in diameter and filled with concrete, shall be placed at both sides of the gate opening and to the rear of the storage area to prevent damage to the walls and gates.
- (f) In no instance shall any garbage or rubbish be stored at a height greater than the required enclosure. The trash receptacle cover shall be kept closed except during loading or unloading.
- (g) Trash storage areas shall be accessible by garbage or rubbish vehicles without endangering buildings, overhead lines, automobiles in designated parking spaces, pedestrians, or impede pedestrian or vehicular access.
- (h) The construction and storage of any such facility shall comply with City building code requirements.

SECTION 15.28 - WIRELESS COMMUNICATIONS FACILITIES AND SERVICES

- (a) In the following circumstances, a proposal to establish a new wireless communications facility shall be deemed a principal use permitted, subject to site plan review and the conditions set forth in subsection (d) below, and if approved, constructed and maintained in accordance with the standards and conditions of this Section.
 1. Attached wireless communications facilities within all R-M, RME, RMH, O-1, C-1, C-2, P-1, and M-1 districts, where the existing structure is not, in the

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determination of the City Council, proposed to be either materially altered or materially changed in appearance.

2. Collocation of an attached wireless communications facility which has been pre-approved for such collocation as part of an earlier approval by the City Council.
 3. Attached wireless communications facilities consisting of a utility pole located within a public right-of-way, where the existing pole is not proposed to be modified in a manner which, in the determination of the City Council, would materially alter the structure and/or result in an impairment of sight lines or other safety interests.
- (b) Wireless communications support structures are principal uses permitted subject to special conditions in any district on public or quasi-public/institutional sites, conditioned upon site plan and special land use review and approval. All wireless communications support structures are subject to the conditions provided in subsection (f) below, the application requirements specified in subsection (d) below, and the general special land use approval standards and procedures specified in Section 16.09.
1. Site locations shall be permitted on a priority basis on the following sites, subject to application of all other standards contained in this Section:
 - a. Governmentally owned sites.
 - b. Sites owned by public school districts or private schools.
 - c. Religious or other institutional sites.
 - d. Public parks and other large permanent open space areas when compatible.
 2. Wireless communications facilities shall be of a design such as a steeple, bell tower, or other form which is compatible with the existing character of the proposed site, neighborhood, and general area, as approved by the Planning Commission.
- (c) If it is demonstrated to the satisfaction of the City Council by an applicant that a wireless communications facility may not reasonably be established as a principal use permitted under subsection (a) above, or as a principal use permitted subject to special conditions under subsection (b) above, and is required to be established in districts or areas other than those identified in subsections (a) and (b) above, in order to operate a wireless communications service, then wireless communications facilities may be permitted in the C-1, C-2, and M-1 districts, and in the RM, RMH and RME districts when the site is adjacent to an existing utility tower, conditioned upon site plan and special land use review and approval. All wireless communications support structures are subject to the conditions provided in (f), the application requirements specified in subsection (d) below, and the general special land use approval standards and procedures specified in Section 16.09. At the time of submittal, the applicant shall demonstrate that a location within an allowable district cannot reasonably meet the coverage and/or capacity needs of the applicant.

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- (d) All applications to erect construct or modify any part or component of a wireless communications facility shall include the following:
1. A site plan prepared in accordance with Section 16.08, showing the location, size, screening and design of all buildings and structures, including fences, and the location and size of outdoor equipment, and the location, number, and species of proposed landscaping, and as-built drawings for all proposed attached wireless communications facilities and/or wireless communications support structures.
 2. A disclosure of what is proposed, demonstrating the need for the proposed wireless communications support structure to be located as proposed based upon the presence of one or more of the following factors:
 - a. Proximity to an interstate highway or major thoroughfare.
 - b. Areas of population concentration.
 - c. Concentration of commercial, industrial, and/or other business centers.
 - d. Areas where signal interference has occurred due to tall buildings, masses of trees, or other obstruction.
 - e. Topography of the proposed facility location in relation to other facilities within which the proposed facility is to operate.
 3. The reason or purpose for the placement, construction or modification with specific reference to the provider's coverage, capacity and/or quality needs goals and objectives.
 4. The existing form of technology being used and any changes proposed to that technology.
 5. As applicable, the planned or proposed and existing service area of the facility and the attached wireless communications facility, and wireless communications support structure height and type, and signal power expressed in ERP upon which the service area has been planned. A propagation map should also be provided to illustrate this information.
 6. The nature and extent of the provider/applicant's ownership or lease interest in the property, building or structure upon which facilities are proposed for placement, construction or modification.
 7. The identity and address of all owners and other persons with a real property interest in the property, buildings, or structure upon which facilities are proposed for placement, construction or modification.
 8. A map showing existing and known proposed wireless communications facilities within the City of Keego Harbor, and further showing existing and known proposed wireless communications facilities within areas surrounding the borders of the City in the location, and in the area, which are relevant in terms of potential collocation or in demonstrating the need for the proposed facility. The map shall also show existing buildings and/or other structures of the same

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approximate height within a one-half (½) mile radius of the proposed site which could accommodate a feasible collocation of the applicant's proposed attached wireless communications facility.

If and to the extent the information in question is on file with the City, the applicant shall be required only to update as needed. Any such information which is trade secret and/or other confidential commercial information which, if released would result in commercial disadvantage to the applicant, may be submitted with a request for confidentiality in connection with the development of governmental policy. MCL 15.243(l) (g). This ordinance shall serve as the promise to maintain confidentiality to the extent permitted by law. The request for confidentiality must be prominently stated in order to bring it to the attention of the City.

9. For each location identified on the applicant/provider's survey maps and drawings, the application shall include the following information, if known, with the applicant / provider expected to exercise reasonable due diligence in attempting to obtain information through lawful means prior to application:
 - a. The structural capacity and whether it can accommodate the applicant's facility, as proposed or modified.
 - b. Whether property owner approvals exist or have been requested and obtained.
 - c. Whether the location could be used by the applicant/provider for placement of its attached wireless communications facility, or if not, a disclosure of the technological considerations involved, with specific reference to how use of the location would prohibit the applicant/provider from providing wireless communications services.
10. A certification by a State of Michigan licensed and registered professional engineer regarding the manner in which the proposed structure will fall. The certification will be utilized, along with other criteria such as applicable regulations for the district in question, in determining appropriate setbacks to be required for the structure and other facilities.
11. A description of the security to be posted at the time of receiving a building permit for the wireless communications support structure to ensure removal of the structure when it has been abandoned or is no longer needed, as provided in subsection (e) below. The security shall, at the election of the applicant, be in the form of cash, surety bond, letter of credit, or an agreement in a form approved by the City Attorney and recordable at the office of the Oakland County Register of Deeds, a promise of the applicant and owner of the property to remove the facility in a timely manner as required under this Section, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorney's fees incurred by the City in securing removal.
12. The site plan shall include a landscape plan illustrating that the wireless communications support structure is being placed at a location which is not

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otherwise part of another site plan with landscaping requirements. The purpose of landscaping is to provide screening for the wireless communications support structure base, accessory buildings and enclosure. In all cases there shall be fencing of at least eight (8) feet in height which is required for the protection of the tower.

13. The applicant must provide a visual simulation of the proposed support structure that illustrates the relationship between the height and the visual appearance of the structure. The visual simulation must be provided from two (2) different perspectives and accurately depict the scale of the proposed structure in the context of the surrounding area.

(e) Approval Procedures

1. Within 30 days of the receipt of an application for site plan review, the City Planning Department shall either: (a) inform the applicant in writing of the specific reasons why the application is incomplete and does not meet the submittal requirements; or (b) deem that the application is complete. If the Planning Department informs the applicant of an incomplete application within 30 days, the overall timeframe for review is suspended until such time that the applicant provides the requested information.

2. If an application is deemed incomplete, an applicant may submit additional materials to complete the application. An applicant's unreasonable failure to complete the application within 60 business days after receipt of written notice shall constitute a withdrawal of the application without prejudice. An application withdrawn without prejudice may be resubmitted upon the filing of a new application fee.

3. An application deemed complete shall be placed on the agenda of the Planning Commission at their next regularly scheduled meeting for consideration.

4. The Planning Commission shall review the application pursuant to Section 16.08 of the Zoning Ordinance and within 60-days, either deny, approve, or conditionally approve the site plan.

5. The applicant shall be notified of the Planning Commission's decision in writing by the City Planning Department within 150 days of the submission of the initial application unless:

- a. The City Planning Department notified the applicant that his/her application was incomplete within thirty (30) days of filing. If so, the remaining time from the one hundred-fifty (150) day total review time is suspended until the applicant provides the missing information; or

- b. An extension of time is agreed to by the applicant. Failure to issue a written decision within one hundred-fifty (150) days shall constitute an approval of the application.

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- (f) When a wireless communications facility has not been used for one hundred eighty (180) days or more, or six (6) months after new technology is available which permits the operation of a wireless communications facility without the requirement of a wireless communications support structure, all and/or part of the wireless communications facility shall be removed by the users and/or owners of the wireless communications facility. The situation(s) in which removal of a wireless communications facility is required may be applied and limited to a portion of the facility.
1. Upon the occurrence of one or more of the events requiring removal, the property owner or persons who had used the wireless communications facility shall immediately apply for and secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the condition which existed prior to the construction of the wireless communications facility.
- (g) Wireless communications support structures permitted as principal uses subject to special conditions by subsection (b) or subsection (c) above must meet the following standards:
1. The wireless communications support structure shall not be injurious to the neighborhood or otherwise detrimental to the public safety and welfare. The wireless communications support structure shall be located and designed to be harmonious with the surrounding areas, and to be aesthetically and architecturally compatible with the natural environment, as well as the environment as altered by development.
 2. The maximum height of all attached wireless communications facilities and wireless communications support structures shall be one hundred fifty (150) feet as measured from the average grade surrounding the base of the equipment structure upon which the tower is mounted. The switching equipment enclosure at the base of the wireless communications support structure shall be limited to the maximum height for accessory structures within the respective district. The applicant shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs which might result in lower heights.
 3. Where a monopole wireless communications support structure abuts a parcel of land zoned for residential purposes, the setback from any lot line shall be in accordance with the required setbacks for main or principal buildings as provided in the schedule of regulations for the zoning district in which the monopole is proposed. The minimum setback of all other wireless communications support structures from any lot line shall be no less than the height of the tower, unless it can be demonstrated and certified by a registered professional engineer, to the satisfaction of the City Engineer, that the wireless communications support structure has a shorter fall-zone distance.
 4. Where the wireless communications support structure abuts a parcel of land zoned for other than residential purposes, the minimum setback of the wireless

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communications support structure and accessory structures shall be in accordance with the required setbacks for the main or principal buildings as provided in the schedule of regulations for the zoning district in which the wireless communications support structure is located. In all cases, the fall-zone distance for the wireless communications support structure must be provided and certified by a registered professional engineer.

5. There shall be an unobstructed access to the wireless communications support structure, which may be provided through an easement. This access is necessary for maintenance of the facility and will have a width and location determined by such factors as: the location of adjacent thoroughfares and traffic circulation within the site; utilities needed to service the wireless communications support structure and any attendant facilities; the location of buildings and parking facilities; proximity to residential districts and minimizing disturbance to the natural landscape; and the type of equipment which will need to access the site.
6. The division of property for the purposes of locating a wireless communications support structure is prohibited unless all zoning requirements and conditions are met.
7. Where a wireless communications support structure is proposed on the roof of a building, the switching equipment module must be screened or architecturally compatible with the building. The switching equipment module may be located within the principal building or may be an accessory building, provided that an accessory building conforms with all district requirements for principal buildings, including yard setbacks and building height.
8. The Planning Commission shall, with respect to the color of the wireless communications support structure and all accessory buildings, review and approve so as to minimize distraction, reduce visibility and maximize aesthetic appearance. It shall be the responsibility of the applicant to maintain the tower and structure(s) in a neat and orderly condition.
9. The wireless communications support structure shall be constructed in accordance with all applicable building codes and shall include the submission of a professional soils report from a soils engineer licensed in the State of Michigan. This soils report shall include soil borings and statements indicating the suitability of soil conditions for the proposed use. The clearance requirements of the Federal Aviation Administration and Federal Communications Commission shall be noted.
10. A maintenance plan, and any applicable maintenance agreement shall be presented as part of the site plan for the proposed facility.
11. Any proposed commercial wireless communications support structures shall be designed, structurally, electrically, and in all respects, to accommodate both the applicant's attached wireless communications facility and comparable attached wireless communications facilities for additional users. Wireless communications support structures must be designed to allow for future

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rearrangement of attached wireless communications facilities upon the wireless communications support structure and to accept attached wireless communications facilities mounted at varying heights.

12. A proposal for a new wireless communications support structure shall not be approved unless it can be documented by the applicant that the communications equipment planned for the proposed wireless communications support structure cannot be accommodated on an existing or approved wireless communications support structure or building due to one or more of the following reasons:
 - a. The planned equipment would exceed the structural capacity of the existing or approved wireless communications support structure or building, as documented by a qualified and licensed professional engineer and the existing or approved wireless communications support structure cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment.
 - b. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the wireless communications support structure or building as documented by a qualified and licensed professional engineer and the interference cannot be prevented at a reasonable cost.
 - c. Existing or approved wireless communications support structures and buildings within the search radius cannot accommodate the planned equipment at a height necessary for the coverage area and capacity needs to function reasonably as documented by a qualified and licensed professional engineer.
 - d. Other unforeseen reasons that make it unfeasible to locate the planned communications equipment upon an existing wireless communications support structure or building.

If a party who owns or otherwise controls a wireless communications support structure shall fail or refuse to alter a structure so as to accommodate a proposed and otherwise feasible collocation, such facility shall thereupon and thereafter be deemed to be a nonconforming structure and use, and shall not be altered, expanded or extended.

If a party who owns or otherwise controls a facility shall fail or refuse to permit a feasible collocation, and this requires the construction and/or use of a new wireless communications support structure, the party failing or refusing to permit a feasible collocation shall be deemed to be in direct violation and contradiction of the policy, intent and purpose of this Section of the Zoning Ordinance, and, consequently such party shall take responsibility for the violation, and shall be prohibited from establishing a new wireless communications facility within the City of Keego Harbor for a period of five (5) years from the date of the failure or refusal to permit the collocation.

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13. The wireless communications support structure shall comply with applicable federal and state standards relative to electromagnetic impact.

SECTION 15.29 - HOME OCCUPATIONS

Home occupations as defined in Article II, Definitions are permitted accessory uses in the R-1, R-2, R-M, R-ME, R-MH, RT, C-1, C-2, O-1, M-1 districts subject to the following standards:

- (a) That such occupation is incidental to the residential use to the extent that not more than twenty percent (20%) of the useable floor area of the principal building or fifty percent (50%) of the accessory building shall be occupied by such occupation.
 - (b) No change to the exterior of the building that alters the residential character or appearances of the residence.
 - (c) That such occupation shall not require internal or external alterations or construction features or equipment or machinery not customary in residential areas.
 - (d) No person other than members of the family residing on the premises shall be engaged in such occupation.
 - (e) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, times, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
 - (f) Clinics, hospitals, barber shops, beauty parlors, nursery schools, tourist homes, tea rooms, animal hospitals, kennels and millinery shops, among others, shall not be deemed to be home occupations and therefore shall not be permitted in residential districts.
- No outdoor display and/or materials, goods, supplies, or equipment used in the home occupations shall be permitted on the premises.
- (g) That there be no sign of any nature advertising said occupation. (Ord. 11/15/2001)

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ARTICLE XVI

ADMINISTRATION AND ENFORCEMENT

SECTION 16.00 – ZONING ADMINISTRATION

The Zoning Administrator, or such deputies, shall be appointed by the City Council and designated to administer and enforce the provisions of this Ordinance.

(a) *Duties.* The Zoning Administrator shall:

1. Receive and review for completeness all applications for site plan review and Special Land Use permits which the Planning Commission is required to decide under this Ordinance and refer such applications to the Planning Commission for determination.
2. Receive and review for completeness all applications for appeals, variances, or other matters, which the Zoning Board of Appeals is required to decide under this Ordinance and refer such applications to the Zoning Board of Appeals for determination.
3. Receive and review for completeness all applications for amendments to this Ordinance and refer such applications to the Planning Commission and City Council for determination.
4. Make periodic site inspections of the City to determine Ordinance compliance, and answer complaints on Zoning Ordinance violations. The Zoning Administrator shall order discontinuance of illegal uses of land, buildings or structures; removal of illegal buildings or structures; discontinuance of any illegal work being done; and/or shall take any other action authorized by this Ordinance to ensure compliance with or prevent violations of its provisions.
5. Grant Certificates of Zoning Compliance, review administrative sketch plans, and make inspections of premises necessary to carry out administration and enforcement of this Ordinance.
6. Implement the decisions of the Planning Commission and City Council.

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SECTION 16.01 – CERTIFICATES OF ZONING COMPLIANCE

- (a) A building permit for erection, alteration, moving, or structural repair of any building or structure shall not be issued until a Certificate of Zoning Compliance has been issued by the Zoning Administrator. Issuance of such a Certificate shall indicate the use(s) and plans for which the permit is requested comply with this Zoning Ordinance.
- (b) It shall be unlawful to use or permit the use of any building or premises, or both, or part thereof, until a Certificate of Zoning Compliance shall have been issued by the Zoning Administrator.
- (c) The Zoning Administrator shall maintain a record of all Certificates of Zoning Compliance and said record shall be open for public inspection.
- (d) Certificates of Zoning Compliance authorize only the use, arrangement, and construction set forth in an approved application and plans, therefore no other use, arrangement, or construction is permitted. Use arrangement or construction at variance with the authorization shall be deemed a violation of this Ordinance. Any change in approved plans shall occur only as provided for in this Ordinance and shall require issuance of an amended Certificate of Zoning Compliance.

SECTION 16.02 - DUTIES OF BUILDING INSPECTOR

The Building Inspector shall:

- (a) Have the power to grant building and occupancy permits, to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance. It shall be unlawful for the Building Inspector to approve any plans or issue any permits or certificates of occupancy for any excavation or construction until he has inspected such plans in detail and found them to conform with this Ordinance.
- (b) The Building Inspector shall record all non-conforming uses existing at the effective date of this Ordinance for the purpose of carrying out the provisions of Article XII - Nonconformity.
- (c) Under no circumstances is the Building Inspector permitted to make changes to this Ordinance nor to vary the terms of this Ordinance in carrying out his duties as Building Inspector.
- (d) The Building Inspector shall not refuse to issue a permit when conditions imposed by this Ordinance are complied with by the applicant despite violations of contracts, such as covenants or private agreements which may occur upon the granting of said permit.

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SECTION 16.03 – PERMITS

The following shall apply in the issuance of any permit:

- (a) *Permits not to be issued.* No building permit shall be issued for the erection, alteration or use of any building or structure or part thereof, or for the use of any land which is not in accordance with all provisions of this Ordinance.
- (b) *Permits for New Use of Land.* No land heretofore vacant shall hereafter be used or an existing use of land be hereafter changed to a different class or type unless a certificate of occupancy is first obtained for the new or different use.
- (c) *Permits for New Use of Buildings.* No building or structure or part thereof, shall be changed to or occupied by a use or a different class or type unless a certificate of occupancy is first obtained for the newer different use.
- (d) *Permits Required.* No building or structure, or part thereof shall be hereafter erected, altered, moved, or repaired unless a building permit shall have been first issued for such work. The terms "altered and repaired" shall include any changes in structural parts, stairways, type of construction, type, class or kind of occupancy, light or ventilation, means of egress and ingress, or other changes affecting or regulated by the Building Code, or by this Ordinance, except for minor repairs or changes not involving any of the aforesaid features.

SECTION 16.04 - CERTIFICATES OF OCCUPANCY

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

- (a) *Certificates Not to be Issued.* No certificates of occupancy shall be issued for any building, structure or part thereof or for the use of any land, which is not in accordance with all the provisions of this Ordinance.
- (b) *Certificates Required.* No building or structure, or parts thereof, which is hereafter erected or altered, shall be occupied or used or the same caused to be done, unless and until a certificate of occupancy shall have been issued for such building or structure.
- (c) *Certificate Including Zoning.* Certificates of Occupancy as required by the Building Code for new buildings or structures, or part thereof, or for alterations to or changes of use of existing buildings or structures, shall also constitute Certificates of Occupancy as required by this Ordinance.

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- (d) *Certificates for Existing Buildings.* Certificates of Occupancy shall be issued for existing buildings, structures, or parts thereof, or existing uses of land if, after inspection, it is found that such buildings, structures, or parts thereof, or such use of land are in conformity with the provisions of this Ordinance.
- (e) *Records of Certificates.* A record of all certificates issued shall be kept on file in the office of the Building Inspector, and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved.
- (f) *Certificates for Dwelling Accessory Buildings.* Buildings or structures accessory to dwellings shall not require separate certificates of occupancy but may be included in the certificate of occupancy for the dwelling when shown on the plot plan and when completed at the same time as such dwelling.
- (g) *Application for certificates.* Applications for certificates of occupancy shall be made in writing to the building inspector on forms furnished by that department, and such certificates shall be issued within five (5) days after receipt of such application if it is found that the building or structures, or part thereof, or the use of land is in accordance with the provisions of this ordinance. If such certificate is refused for cause, the applicant therefore shall be notified of such refusal and cause thereof, within the aforesaid five (5) day period.

SECTION 16.05 – FEES

The City Council shall establish a schedule of fees, charges, and expenses, and a collection procedure, for building permits, certificates of occupancy, appeals, and other matters pertaining to this ordinance. The City shall have the authority to include fees for the use of engineering, planning, legal or other special consultants. The schedule of fees shall be posted in the City Offices, and may be altered or amended only by the City Council. No permit or certificate shall be issued or special use site plan, rezoning, or variance acted upon unless or until such costs, charges, fees, or expenses have been paid in full.

SECTION 16.06 - SITE PLAN REVIEW

The Planning Commission shall have the authority to review and to approve or reject all site plans (i.e. preliminary, final and combined site plans). Prior to the issuance of building permits or commencement of construction, site plan review and approval is required in accordance with the procedures contained in this section.

- (a) When required.

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1. Site plan review is required for all proposed uses, including change of use, and certain existing uses within the City where an alteration, addition, expansion, change or conversion constitutes an increase or reduction to the existing structure or use of more than five hundred (500) square feet or ten (10%) percent, whichever is less; or would require a variance from the provisions of this Ordinance, regardless of its size.
2. Any development, except single family residential, for which an off street parking area is required in Article XIII – Off Street Parking Requirements.
3. Any use except single family residential which lies contiguous to a major thoroughfare or collector street.
4. All residentially related special land uses permitted in single family districts such as, but not limited to: churches, schools, and public facilities.
5. Projects not eligible for sketch plan review as determined by the Zoning Administrator.

(b) Sketch Plan Review.

1. Intent. The intent of this section is to permit submittal of a sketch plan in instances where a complete site plan is not considered essential to ensure compliance with the intent and standards of this Zoning Ordinance.
2. Eligibility. The Zoning Administrator and Building Official may allow a sketch plan for the following activities:
 - a. Changes in use, as defined in this Zoning Ordinance, that do not increase the gross floor area, provided all other improvements are consistent with the requirements of this Zoning Ordinance.
 - b. Alterations to the off-street parking layout or installation of pavement or curbing improvements provided the total number of spaces shall remain constant, and the construction plans and lot construction are approved by the City.
 - c. Relocation of a waste receptacle to a more inconspicuous location, or the installation of screening, both consistent with the requirements of this Zoning Ordinance.
 - d. Changes to a facade, architectural features or wall signs, provided such changes are consistent with the requirements of this Zoning Ordinance and do not significantly change the appearance of the building. (An elevation plan showing changes and construction materials is required).

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- e. A change from a nonconforming use, building or site to a more conforming situation consistent with the requirements of this Zoning Ordinance.
 - f. Modifications to upgrade a building to improve barrier-free design, comply with Americans with Disabilities Act or other federal, state or county regulations.
 - g. Internal construction or change in the floor plan for a conforming use that does not increase gross floor area, provided the construction cost over a twelve (12) month period does not exceed fifty percent (50%) of the building's state equalized value or effect parking requirements on a site.
 - h. Construction, improvements, or alterations of signs, retaining walls, fences, waste receptacles, sidewalks, antennae, lights, poles, cooling/heating or other mechanical equipment, telephone booths, newspaper boxes, landscaping or similar structures which conform to the requirements of this Zoning Ordinance or other City standards, and where site plan review is not specifically required under other sections of this Zoning Ordinance.
3. Procedure.
- a. The process shall involve submittal of a sketch plan, required application form, and fee to the City. The Zoning Administrator and Building Official shall review the sketch plan in accordance with the same procedures, requirements, and standards used by the Planning Commission for a formal site plan. After the sketch plan review, the Zoning Administrator and Building Official will approve, approve with modifications, or deny the proposed plan. The Zoning Administrator and Building Official shall make a report of each sketch plan review to the Planning Commission including the rationale for allowing sketch plan review and the complete sketch plan review checklist.
 - b. The Zoning Administrator and Building Official retain the option to require additional information or a complete site plan for review by the Planning Commission, particularly for sites which do not comply with previously approved site plans, sites with parking deficiencies, sites abutting residential districts or sites experiencing problems with drainage, traffic, noise, aesthetics or other general health and safety issues. If a formal site plan is required, the Zoning Administrator shall inform the applicant to submit a complete application in accordance with this Section. The applicant may also request review by the Planning Commission.

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4. Information Required. The Zoning Administrator shall require all applicable criteria set forth below to be met.
 - a. General information required for all cases.
 1. Details of the propose changes to the use or structure in question.
 2. Proprietors', applicants', and owners' names, addressed and telephone numbers.
 3. Location map with north point indicated.
 4. Locations of existing landscaping, lighting, parking, if applicable.
 5. Gross acreage and building figures.
 6. Zoning classification of petitioners' parcel and all abutting parcels.
5. Duration and Termination. Approval of a Sketch Plan by the Zoning Administrator shall remain in effect for a period of one (1) year. If construction is not initiated within this time period, such failure shall be considered abandonment of the Sketch Plan and shall make its approval null and void. The Zoning Administrator may grant an extension not to exceed one (1) year. No further extension may be permitted.

(c) Preliminary Site Plan Review.

1. Application. Any applicant may submit a request for preliminary site plan review by filing with the Zoning Administrator completed forms, site plan review checklist, payment of the review fee, and eighteen (18) copies of the preliminary site plan drawing(s) properly signed and sealed by a licensed professional. The Administrator, upon receipt of the application, shall transmit only complete submittals of the preliminary site plan drawings to the Planning Commission, City Planning and Engineering consultants, and any other consultants as necessary, at least twenty-one (21) days prior to its next regular meeting. The purpose of such preliminary review is to confirm general compliance with City standards as well as to suggest changes, if necessary, for final site plan approval.
2. Information Required. Each preliminary site plan submitted for review shall provide the following information:
 - a. Property owner and applicant name and address;
 - b. Scale, north arrow, and date of plan;

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- c. Location, description, dimensions, and area of the site; zoning classification; and, demonstration of compliance with lot area, width, coverage and setback requirements.
 - d. General topography and soils information and existing natural and man-made features to be retained or removed;
 - e. Use, location and dimensions of proposed buildings/structures; including floor area, number of floors, height, number and type of dwelling units (where applicable);
 - f. Proposed streets/drives; including general alignment, right of way, surface type, and width, based on ordinance requirements for proposed use;
 - g. Proposed parking; including location and dimensions of spaces and aisles, and surface type;
 - h. Demonstration that all barrier free requirements have been met;
 - i. Adjacent land uses, property owners, and zoning and location of adjacent buildings and drives/streets;
 - j. Proposed phasing;
 - k. Location and width of any easements on the site.
3. Planning Commission Action. The Planning Commission shall approve, approve with conditions or deny the preliminary site plan. The Planning Commission shall set forth the reason for its action in the record of the meeting at which action is taken.
4. Effect of Approval. Approval of a preliminary site plan by the Planning Commission shall indicate its general acceptance of the proposed layout of buildings, streets and drives, parking areas, other facilities and overall character of the proposed development.
5. Expiration of Approval. Approval of a preliminary site plan shall be valid for a period of one hundred eighty (180) days from the date of approval and shall expire and be of no effect unless an application for a final site plan is filed with the Zoning Administrator within that time period. The Zoning Administrator or duly appointed agent shall, within thirty (30) days of the date of action of the Planning Commission of the preliminary site plan, transmit a written certification of such approval to the applicant.

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(d) Final Site Plan Review.

1. Application. Following approval of a preliminary site plan, the applicant shall submit to the Zoning Administrator eighteen (18) copies of a final site plan as well as other data and exhibits hereinafter required, the review fee, and a completed application form. The Administrator, upon receipt of the application, shall transmit only complete submittals of the final site plan drawing(s) to the Planning Commission, City Planning and Engineering consultants, and any other consultants as necessary, prior to its next regular meeting.
2. Information Required. A Final Site Plan submitted for review and approval shall contain all of the following data presented in a clear and legible format. Site Plans shall consist of an overall plan for the entire development. Sheet size shall be at least 24" x 36" with plan view drawn to a scale of no greater than 1" = 50' for property less than three acres or no greater than 1" = 100' for property three or more acres.

General Information

- a. Proprietors', applicants', and owners' names, addresses and telephone numbers.
- b. Date of preparation, including revisions.
- c. Scale.
- d. Northpoint.
- e. Location map drawn at a scale of 1" = 2,000' with north point indicated.
- f. Architect, Engineer, Surveyor, Landscape Architect, or Planner's seal and signature.
- g. Existing and proposed lot lines, building or structures, parking areas, drives, etc., on the parcel and within one hundred (100) feet of the site.
- h. Centerline and existing and proposed right-of-way lines of any street.
- i. Zoning classification of petitioner's parcel and all abutting parcels.
- j. Gross acreage figure.

Physical Features

- a. Acceleration, deceleration and passing lanes and approaches.

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- b. Proposed locations of access drives, street intersections, driveway locations, sidewalks, and curbing.
- c. Location of existing and proposed service facilities above and below ground, including:
 - i. Chemical and fuel storage tanks and containers.
 - ii. Water supply facilities.
 - iii. Sanitary sewage disposal facilities.
 - iv. Storm water control facilities and structures.
 - v. Location of all easements.
- d. Location of all structures with setback, yard dimensions and gross area.
- e. Dimensioned parking spaces and parking and loading calculations, drives type of surfacing and on-site circulation patterns.
- f. Details of barrier free parking, access and similar site features.
- g. Dimensioned floor plans, elevations, and proposed construction materials of all proposed buildings on the site.
- h. Proposed site lighting information.
- i. Location and description of all existing and proposed landscaping, berms, fencing and screening walls.
- j. Trash receptacle pad location, size and method of screening.
- k. Transformer pad location and method of screening.
- l. Dedicated road or service drive locations.
- m. Entrance details including sign locations, types and size.
- n. Designation of fire lanes.
- o. Any other pertinent physical features.

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Natural Features

- a. Soil characteristics of the parcel to at least the detail provided by the U.S. Soil Conservation Service, Soil Survey of Oakland County, Michigan.
- b. Existing topography with a maximum contour interval of two (2) feet. Areas with slopes greater than ten (10%) percent (one (1) foot of vertical elevation for every ten (10) feet of horizontal distance) shall be delineated. Topography on the site and beyond the site for a distance of one hundred (100) feet in all directions shall also be indicated.
- c. Grading plan, showing finished contours at a maximum interval of one (1) foot, correlated with existing contours so as to clearly indicate required cutting, filling and grading.
- d. Location of existing drainage courses and associated bodies of water, on and off site, and their elevations. The location of existing wetlands and flood plains shall be included.
- e. Location, size and type of all single trees having a diameter breast height (d.b.h.) of four (4) inches or greater. Wooded areas shall be delineated by symbolic lines tracing the spread of the outermost branches and shall be described as the general sizes and kinds of trees contained.
- f. Keyed plan outlining soil erosion and sedimentation measures to be provided.

Additional Requirements for Residential Developments:

- a. Density calculations by type of unit by bedroom counts.
- b. Designation of units by type and number of units in each building.
- c. Carport locations and details where proposed.
- d. Specific amount, location and type of recreation spaces.
- e. Number and location of visitor parking spaces to be provided.

Additional Requirements for Commercial and Industrial Developments:

- a. Loading/unloading areas.
- b. Gross floor area.
- c. Number of employees in peak usage.

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3. Standards for Review. In reviewing the final site plan, the Planning Commission shall determine whether the plan meets the following specifications and standards:
 - a. The plan conforms to the approved preliminary site plan and with all Zoning Ordinance regulations;
 - b. All required information is provided;
 - c. The proposed use will not be injurious to the surrounding neighborhood and protects the general health, safety, welfare and character of the City.
 - d. A proper relationship exists between major thoroughfares and proposed service drives, driveways and parking areas. Proper access to all portions of the site and all sides of any structure is provided. All structures or groups of structures shall be so arranged as to permit emergency vehicle access by some practical means to all sides.
 - e. The location of buildings is such that the adverse effects of such uses will be minimized for the occupants of that use and surrounding areas.
 - f. Natural resources will be preserved to the maximum extent possible in the site design by developing in a manner which will not detrimentally affect or destroy natural features such as lakes, ponds, streams, wetlands, steep slopes, soils, groundwater and woodlands.
 - g. Storm water management systems and facilities will preserve the natural drainage characteristics and enhance the aesthetics of the site to the maximum extent possible, and will not substantially reduce or increase the natural retention or storage capacity of any wetland, water body or water course, or cause alterations which could increase flooding or water pollution on or off site.
 - h. Wastewater treatment systems, including on-site septic systems, will be located to minimize any potential degradation of surface water or groundwater quality and meet County and State standards.
 - i. Sites which include storage of hazardous materials or waste, fuels, salt, or chemicals will be designed to prevent spills and discharges of polluting materials to the surface of the ground, groundwater or nearby water bodies in accordance with County and State standards.
 - j. Landscaping, including grass, trees, shrubs and other vegetation is provided to maintain and improve the aesthetic quality of the site and area.

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- k. The proposed use is in compliance with all City Ordinances and any other applicable laws.
- 4. Planning Commission Action. The Planning Commission shall approve, approve with conditions, or deny the final site plan. The Planning Commission may suggest and/or require modifications in the proposed final site plan as are needed to gain approval.

In the interest of ensuring compliance with this Ordinance and protecting the health, safety and welfare of the residents of the City, the Planning Commission, as a condition of final approval of the site plan, shall require the applicant to deposit a performance guarantee as set forth in Section 15.19 of the Zoning Ordinance for the completion of improvements associated with the proposed use.

- 5. Effect of Approval. Approval of a final site plan authorizes applicant to apply for a building permit, certificate of zoning compliance and/or certificate of occupancy. A building permit, certificate of zoning compliance and/or certificate of occupancy will not be granted for site plans approved with conditions until the remaining issues have been addressed and resolved to the satisfaction of the Planning Commission.
 - 6. Expiration of Approval. Approval of a final site plan shall expire and be of no effect one (1) year following the date of approval unless construction has begun on the property in conformance with the approved final site plan. The applicant can request a one (1) year extension from the Planning Commission a month prior to the date of expiration. Approval shall also expire and be of no effect unless a building permit shall have been taken out within one hundred eighty (180) days of the date of approval of the final site plan.
- (e) Combining Preliminary and Final Site Plans. An applicant may, at his or her discretion and risk, combine a preliminary and final site plan application for approval. In such a situation the portion of the review process concerning preliminary site plan application and review may be waived by the Planning Commission. The Planning Commission shall have the authority to require submittal of a preliminary site plan separate from a final site plan, where, in its opinion, the complexity and/or scale of the site for the proposed development so warrant.
 - (f) Amendment of Approved Site Plan. The Zoning Administrator shall have the authority to determine if a proposed change requires an amendment to an approved final site plan. A site plan may be amended upon application and in accordance with the procedure herein for a final site plan. The Zoning Administrator may approve minor changes in an approved final site plan,

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provided that a revised final site plan drawing (s) be submitted showing such minor changes, for purposes of record.

- (g) Modification of Plan during Construction. All improvements shall conform to the final site plan. Any changes, which result in a material alteration of the site plan approved by the Planning Commission, shall require re-submittal to the Planning Commission. The Planning Commission or Zoning Administrator may require the applicant to correct the changes so as to conform to the approved final site plan.
- (h) Phasing of Development. The applicant may, at his discretion, divide the proposed development into two (2) or more phases. In such case, the preliminary site plan shall cover the entire property involved and shall clearly indicate the location, the size, and character of each phase. A final site plan shall be submitted for review and approval for each phase.
- (i) Inspection. The Building Inspector and Zoning Administrator shall be responsible for inspecting all improvements for conformance with the approved final site plan. All sub-grade improvements such as ~~utilities, utilities~~; sub-base installations for drives and parking lots, and similar improvements shall be inspected and approved prior to covering. The applicant shall be responsible for requesting the necessary inspections.
- (j) Violations. The approved final site plan shall regulate development of the property and any violation of this Article, including any improvement not in conformance of the approved final site plan, shall be deemed a violation of this Ordinance as provided in Article XXI, and shall be subject to all penalties therein.

SECTION 16.07 - SPECIAL LAND USE REVIEW

- (a) Application. Applications for special land use permits authorized in this Ordinance shall be submitted to the Zoning Administrator on a form provided by the City. In addition to a complete application form, the applicant is required to pay all required fees and submit a preliminary site plan prepared in accordance with Section 16.06, Site Plan Review. Incomplete submittals shall not be accepted by the Zoning Administrator.
- (b) Procedures.
 - 1. Planning Commission Hearing and Review. Special Land Use Approval shall not be granted until a public hearing has been held by the Planning Commission, in accordance with Public Act 110 of 2006, as amended. The Planning Commission shall make a recommendation with comments on the Special Land Use to the City Council.

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2. City Council Review. Following the public hearing and recommendation from the Planning Commission, that application will be forwarded to the City Council for review. The City Council shall deny, approve, or approve with conditions, requests for Special Land Use approval. The decision of the City Council shall be incorporated in a statement of conclusions relative to the Special Land Use under consideration. Any decision, which denies a request or imposes conditions upon its approval, shall specify the basis for the denial or the conditions imposed.

The City Council may impose such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights, and for insuring that the purposes of this Ordinance and the general spirit and purpose of the district in which the special use is proposed will be observed.

- (c) Basis of Determinations. The Planning Commission and City Council shall review the proposed Special Land Use in terms of the standards stated within this Ordinance and shall establish that such use and the proposed location:

1. Taking into consideration the size, location and character of the proposed land use, viewed within the context of surrounding land uses and the Master Plan for such area, the proposed use shall not be incompatible nor inharmonious, as determined by the application of generally accepted planning standards and/or principles, with:
 - a. The surrounding uses; and/or
 - b. The orderly development of the surrounding neighborhood and/or vicinity in accordance with this Section and the Master Plan.
2. The proposed use shall be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off-street parking and provisions for pedestrian traffic, with particular attention to minimizing child-vehicle interfacing.
3. The proposed special land use shall not unreasonably impact upon surrounding property in terms of noise, dust, fumes, smoke, air, water, odor, light and/or vibration, and further, shall not unreasonably impact upon persons perceiving the operation in terms of aesthetics. Where such concerns can be remedied by way of design, construction and/or use, the proposed use shall be designed, constructed and used so as to eliminate the effects of the use which would otherwise substantiate denial thereof, taking

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- into consideration the location, size, intensity, layout and periods of operation of such use.
4. The proposed use shall be such that the proposed location and height of buildings or structures and location, nature and height of walls, fences and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.
 5. The proposed use shall relate harmoniously with the physical, historic, and economic aspects of adjacent land uses as regards prevailing shopping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the City.
 6. The proposed use is in general agreement with the master plan designation for the area where the use is to be built.
 7. The proposed use is so designed, located, planned and to be operated that the public health, safety and welfare will be protected.
 8. The proposed use shall not cause substantial injury to the value of other property in the neighborhood in which it is to be located and will not be detrimental to existing and/or other permitted land uses in the zoning district.
 9. The proposed Special Land Use shall not result in an impairment, pollution and/or destruction of the air, water, natural resources and/or public trust therein.
 10. The proposed Special Land Use shall not unreasonably burden the capacity of public services and/or facilities.
- (c) Duration, Voiding and Extensions of Permit. Unless otherwise specified by the City Council, any Special Land Use permit granted under this section shall be null and void unless the development proposed shall have its first building inspection within one (1) year from the date of the granting of the permit. The City Council may grant an extension thereof for good cause for a period not to exceed one (1) year.

The Zoning Administrator may suspend or revoke a permit issued under the provisions of this Ordinance whenever the permit is issued erroneously on the basis of incorrect information supplied by the applicant or his agent and is in violation of any of the provisions of this Ordinance or of any other ordinances or regulations of the City.

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- (d) Reapplication. No application for a special use permit which has been denied wholly or in part shall be resubmitted until the expiration of one (1) year or more from the date of such denial, except on grounds of newly discovered evidence or change of conditions found to be sufficient to justify reconsideration by the City Council.

SECTION 16.08 – PLANNED UNIT DEVELOPMENT (PUD)

- (a) Purpose & Intent. Planned Unit Development (PUD) district regulations are intended to provide for various types of land uses planned in a manner which shall:

1. Encourage the use of land in accordance with its character and adaptability;
2. Conserve natural resources and energy;
3. Encourage innovation in land use planning;
4. Provide enhanced housing, employment, shopping, traffic circulation and recreational opportunities for the people of the City; and,
5. Bring about a greater compatibility of design and use.

The provisions of this Article provide enabling authority and standards for the submission, review, and approval of applications for planned unit developments.

- (b) PUD Regulations.

1. A planned unit development (PUD) may be applied for in any zoning district. The granting of a Planned Unit Development application shall require a rezoning by way of amendment of this Ordinance upon the recommendation of the Planning Commission and approval of the City Council.
2. Any land use authorized in this Ordinance may be included in a Planned Unit Development, subject to adequate public health, safety, and welfare protection mechanisms being designed into the development to ensure the compatibility of varied land uses both within and outside the development.
3. The applicant for a Planned Unit Development must demonstrate each of the following criteria as a condition to being entitled to Planned Unit Development treatment:
 - a. Granting of the Planned Unit Development will result in at least one (1) of the following:

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1. A recognizable and material benefit to the ultimate users of the project and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the planned unit development regulations; or
 2. Long-term protection and preservation of natural resources and natural features of a significant quantity and/or quality, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the planned unit development regulations; or
 3. A non-conforming use shall, to a material extent, be rendered more conforming, or less offensive, to the zoning district in which it is situated.
- b. The proposed type and density of use shall not result in an unreasonable increase in the need for or burden upon public services, facilities, streets and utilities.
 - c. The proposed development shall be consistent with the public health, safety and welfare of the City.
 - d. The proposed development shall not result in an unreasonable negative environmental impact on the subject site or surrounding land.
 - e. The proposed development shall not result in an unreasonable negative economic impact upon surrounding properties.
 - f. The proposed development shall be under single ownership and/or control such that there is a single person having responsibility for completing the project in conformity with this Ordinance.
 - g. The proposed development shall be consistent with the Goals and Policies of the Master Plan.
- (c) Procedure for Review.
1. Pre-application Conference. Prior to the submission of an application for planned unit development approval, the applicant shall meet with the Zoning Administrator, together with any staff and consultants the Administrator deems appropriate. The applicant shall present at such conference, or conferences, at least a sketch plan of the proposed planned unit development, as well as the following information:
 - a. Total number of acres in the project;
 - b. A statement of the number of residential units, if any;

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- c. The number and type of nonresidential uses, the number of acres to be occupied by each type of use;
 - d. The known deviations from ordinance regulations to be sought;
 - e. The number of acres to be preserved as open or recreational space; and,
 - f. All known natural resources and natural features to be preserved.
2. Preliminary Plan. Following the Pre-application Conference, the applicant shall submit a preliminary site plan of the proposed Planned Unit Development. The preliminary site plan shall be prepared in accordance with the standard set forth in Section 16.06(c). A narrative report shall accompany the site plan providing a description of the project, discussing the market concept and feasibility of the project, and explaining the manner in which the criteria set forth in Section 16.08(b)(3) have been met.
- a. Planning Commission Action. The Preliminary Plan shall be noticed for public hearing as a zoning amendment before the Planning Commission. Following the hearing, the Planning Commission shall review the preliminary site plan and shall take one of the following actions:
 - i. Approval. Upon finding that the Preliminary Plan meets the criteria and standards set forth in Sections 16.08(a) and 16.08(b), the Planning Commission shall grant preliminary approval. Approval shall constitute approval of the uses and design concept as shown on the Preliminary Plan and shall confer upon the applicant the right to proceed to preparation of the Final Plan. Approval of the Preliminary Plan by the Planning Commission shall not constitute rezoning of the property to PUD nor bind the City Council to approval of the Final Plan.
 - ii. Tabling. Upon finding that the Preliminary Plan does not meet the criteria and standards set forth in Sections 16.08(a) and 16.08(b), but could meet such criteria if revised, the Planning Commission may table action until a revised Preliminary Plan is resubmitted.
 - iii. Denial. Upon finding that the Preliminary Plan does not and cannot meet the criteria and standards set forth in Sections 16.08(a) and 16.08(b), the Planning Commission shall deny preliminary approval.
3. Final Plan. Within six (6) months following receipt of the Planning Commission comments on the preliminary plan, the applicant shall submit a final plan and supporting materials conforming with this Section. If a final plan is not submitted

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by the applicant for final approval within six (6) months following receipt of Planning Commission comments, the preliminary plan approval becomes null and void.

- a. Information Required. A final site plan and application for a PUD shall contain the following information:
 - i. A site plan meeting all requirements of Section 16.06(d), Final Site Plan.
 - ii. A separately delineated specification of all deviations from this ordinance, which would otherwise be applicable to the uses and development proposed in the absence of this planned unit development article.
 - iii. A specific schedule of the intended development and construction details, including phasing or timing.
 - iv. A specific schedule of the general improvements to constitute a part of the development, including, without limitation, lighting, signage, the mechanisms designed to reduce noise, utilities, and visual screening features.
 - v. A specification of the exterior building materials with respect to the structures proposed in the project.
 - vi. Signatures of all parties having an interest in the property.
- b. Planning Commission and Action. The final plan shall constitute an application to amend this Ordinance, and shall be noticed for public hearing as a zoning amendment before the Planning Commission, and otherwise acted upon by the Planning Commission and the City Council, as provided by law.
 - i. Approval. Upon finding that the Final Plan meets the criteria and standards set forth in Section 16.08(a) and 16.08(b), the Planning Commission shall recommend approval to the City Council.
 - ii. Tabling. Upon finding that the Final Plan does not meet the criteria and standards set forth in Section 16.08(a) and 16.08(b), but could meet such criteria if revised, the Planning Commission may table action until a revised Final Plan is resubmitted.
 - iii. Denial. Upon finding that the final plan does not and cannot meet the criteria and standards set forth in Section 16.08(a) and

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16.08(b), the Planning Commission shall recommend denial to the City Council. The Planning Commission shall, to the extent it deems appropriate, submit detailed recommendations relative to the Planned Unit Development project including, without limitation, recommendations with respect to matters on which the City Council must exercise discretion.

- c. City Council Action. Upon receiving a recommendation from the Planning Commission, the City Council shall review the Final Plan. Taking into consideration the recommendations of the Planning Commission and the criteria and standards set forth in Sections 16.08(a) and 16.08(b), the City Council shall approve, table or deny the Final Plan. Prior to approval of a Final Plan, the City Council shall require all standards and conditions of approval to be incorporated in a Development Agreement. The Agreement shall be prepared by the City Attorney, reviewed by the City Planner, approved by the City Council, and signed by both the City and the Applicant.

(d) Design Standards

1. Residential Design Standards.

- a. Residential density shall not be greater than the maximum density permitted in the zoning district in which the property is situated immediately prior to reclassification under this Article. Additional density for residential uses may be allowed at the discretion of the Planning Commission and based upon a demonstration by the applicant of consistency with the Master Plan and of planning and design excellence resulting in a material benefit to the City, adjacent land uses, and/or the ultimate users of the project, where such benefit would otherwise be unlikely to be achieved without the application of the PUD regulations, including, without limitation, innovative design producing significant energy efficiency, pedestrian or vehicular safety, long term aesthetic beauty, and protection and preservation of natural resources and features.

2. Non-residential Design Standards.

- a. Non-residential uses may be permitted in combination with other non-residential uses or as part of a common development with residential uses.
- b. The non-residential uses, including parking and vehicular traffic ways, shall be separated and buffered from residential units in a manner consistent with good land and community planning principles.

3. General Design Standards

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- a. All regulations applicable to setbacks, parking and loading, general provisions, and other requirements shall be met in relation to each respective land use in the development based upon zoning districts in which the use is listed as a Principal Permitted Use. In all cases, the strictest provisions shall apply.
- b. Notwithstanding the immediately preceding paragraph, deviations with respect to such regulation may be granted as part of the overall approval of the Planned Unit Development, provided features or elements demonstrated by the applicant and deemed adequate by the Planning Commission are designed into the project plan for the purpose of achieving the objectives of this Article.
- c. To the maximum extent feasible, the development shall be designed so as to preserve the natural resources and natural features. The benefit, which would reasonably be expected to accrue from the proposal shall be balanced against the reasonably foreseeable detriments of the activity, taking into consideration the local, state and national concern for the protection and preservation of the natural resources or features and the following criteria:
 1. The availability of feasible and prudent alternative methods of accomplishing any development.
 2. The extent and permanence of the beneficial or detrimental effects of the proposed activity.
 3. The size, quality and rarity of the natural resources or natural features, which would be impaired or destroyed.
- d. A perimeter setback and/or berm shall be required from the Planning Commission for the purpose of buffering the development in relation to surrounding properties. If the Planned Unit Development project includes non-residential uses adjacent to a district authorizing residential uses, and/or if the project is larger than one (1) acre in area, such perimeter setback shall be established with a dimension from the property line of up to fifty (50) feet at the discretion of the Planning Commission, taking into consideration the use or uses in and adjacent to the development. The setback distance need not be uniform at all points on the perimeter of the development.
- e. Thoroughfare, drainage, and utility design shall meet or exceed the standards otherwise applicable in connection with each of the respective types of uses served.

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- f. Underground installation of utilities shall be required, including electricity and telephone, as found necessary by the Planning Commission.
 - g. Pedestrian walkways shall be separated from vehicular circulation, as found necessary by the Planning Commission.
 - h. Signage, lighting, landscaping, building materials for the exterior of all structures, and other features of the project, shall be designed and completed with the objective of achieving an integrated and controlled development, consistent with the character of the community, surrounding development or developments, and natural features of the area.
 - i. Where non-residential uses adjoin off-site residentially zoned property, noise reduction and visual screening mechanisms such as earthen and/or landscape berms and/or decorative walls, shall be employed. The Planning Commission, at its discretion, shall review and approve the design and location of such mechanisms.
 - j. The City Council upon the recommendation of the Planning Commission shall resolve all ambiguities as to applicable regulations using the Zoning Ordinance, Master Plan, and other City standards or policies as a guide.
- (e) Conditions.
- 1. Reasonable conditions may be required with the approval of a Planned Unit Development, to the extent authorized by law, for the purpose of ensuring that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, protecting the natural environment and conserving natural resources and energy, ensuring compatibility with adjacent uses of land, and promoting the use of land in a socially and economically desirable manner.
 - 2. Conditions imposed shall be designed to: protect the public health, safety, and welfare; preserve natural features and resources; and, be necessary to meet the intent and purpose of this Ordinance, and ensure compliance with the standards of this Ordinance. All conditions imposed shall be made a part of the record of the approved Planned Unit Development.
- (f) Phasing and Commencement of Construction.
- 1. Phasing. Where a project is proposed for construction in phases, the planning and designing shall be such that, upon completion, each phase shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary components to ensure protection of natural resources and the health, safety, and welfare of the users of the Planned

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Unit Development and the residents of the surrounding area. All conditions that are phase specific shall be completed during development of the subject phase, and cannot be postponed for completion during other phases. In addition, in developments which include residential and non-residential uses, the relative mix of uses and the scheduled completion of construction for each phase shall be disclosed and determined to be reasonable at the discretion of the City Council after recommendation from the Planning Commission.

2. Commencement and Completion of Construction. To ensure completion of required improvements, the City is authorized to impose performance guarantees in accordance with Section 15.19. Construction shall be commenced within one (1) year following final approval of a planned unit development and shall proceed substantially in conformance with the schedule set forth by the applicant, as required by Section 16.08(f)(1). If construction is not commenced within such time, any approval of a site plan on the project shall expire and be null and void, provided, an extension for a specified period may be granted by the City Council upon good cause shown if such request is made to the City Council prior to the expiration of the initial period. Moreover, in the event a site plan has expired, the City Council, based on a recommendation from the Planning Commission, shall be authorized to rezone the property in any reasonable manner, and, if the property remains classified as PUD, a new application shall be required, and shall be reviewed in light of then existing and applicable law and ordinance provisions.

(g) Effect of Approval.

1. When approved, the Planned Unit Development amendment, with all conditions imposed, if any, shall constitute the land use authorization for the property, and all improvement and use shall be in conformity with such amendment. Notice of adoption of the final PUD plan and conditions shall be recorded by the applicant at the Oakland County Register of Deeds, evidence of which shall be supplied to the Zoning Administrator.

SECTION 16.09 - PLANNING COMMISSION

The City Planning Commission shall perform all of the duties of such Commission as are set forth in the ordinance creating said Planning Commission, any amendments thereto and this ordinance.

In cases where the Planning Commission is required to recommend certain use of premises under the provisions of this Ordinance, the applicant shall furnish such surveys, plans or other information as may be required by said Commission for the proper consideration of the matter.

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The Planning Commission shall investigate the circumstances of each such case and shall notify such parties, who may in its opinion be affected thereby, of the time and place of any hearing which may be held relative thereto as required under its rules of procedure.

The Planning Commission may impose such conditions or limitations in recommending approval as may, in its judgment, be necessary to fulfill the spirit and purpose of this ordinance.

When site plan review is required by the Planning Commission under the terms of this Ordinance, a site plan fee may be required to cover the cost of such reviews including plans, engineers and other such professional services in accordance with a schedule of fees adopted by Council resolution.

(Ordinance 431, 12/15/11); (Ordinance 433, 3/19/12)

ZONING BOARD OF APPEALS

ARTICLE XVII

ZONING BOARD OF APPEALS

A Zoning Board of Appeals is hereby established, the membership, powers, duties of which are prescribed in Act 110 of the Public Acts of the State of Michigan of 2006 (PA 110 of 2006), as amended. The Zoning Board of Appeals in addition to the general powers and duties conferred upon it, by said Act, in specific cases and subject to appropriate conditions and safeguards, shall interpret and determine the application of the regulations established under this ordinance in harmony with their purpose and intent as hereinafter set forth.

SECTION 17.01 - MEMBERSHIP

A Board of Appeals shall consist of not less than five (5) members and two (2) alternate members to be appointed by the City Council, in accordance with PA 110 of 2006, as amended. Vacancies shall be filled by resolution of the City Council for any expired term of the vacant term. One (1) member of the Board shall be a member of the Planning Commission. A member of the zoning board of appeals may be removed by the legislative body for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

SECTION 17.02 - MEETINGS

All meetings of the board shall be held at the call of the chairman and at such times as such board may determine. All hearings conducted by said board shall be open to the public. The board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent, or failing to vote, indicating such fact; and shall also keep records of its hearings and other official action. The board shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, and other evidence pertinent to the matters before it.

SECTION 17.03 - POWERS OF ZONING BOARD OF APPEALS

The Zoning Board of Appeals (ZBA) shall have the authority to act on those matters where this Ordinance provides for administrative review/appeal, interpretation, and shall have authority to authorize a variance as defined in this Ordinance and law of the State of Michigan. The ZBA shall not have the authority to alter or change zoning district

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classifications of any property, nor to make any change in the text of this Ordinance.

(a) Administrative Review

The ZBA shall have the authority to hear and decide appeals where it is alleged that there is an error in any order, requirement, permit, decision, or refusal made by an official, council or commission in carrying out or enforcing any provisions of this Ordinance. In hearing and deciding appeals under this sub-section, ZBA review shall be based upon the record or the administrative decision being appealed, and the ZBA shall not consider new information which had not been presented to the administrative official, council or commission from whom the appeal is taken.

(b) Interpretation

The ZBA shall have the authority to hear and decide requests for interpretation of the zoning ordinance, including the zoning map. The ZBA shall make such decision so that the spirit and intent of this Ordinance shall be observed. Text interpretations shall be limited to the issues presented, and shall be based upon a reading of the Ordinance as a whole, and shall not have the effect of amending the Ordinance. Map interpretations shall be made based upon rules in the Ordinance, and any relevant historical information. In carrying out its authority to interpret the Ordinance, the ZBA shall consider reasonable and/or practical interpretation, the ZBA may confer with staff and/or consultants to determine the basic purpose of the provision subject to interpretation and any consequences which may result from differing decisions. A decision providing an interpretation may be accompanied by a recommendation for consideration of an amendment of the Ordinance.

(c) Variances

The ZBA shall have the authority in specific cases to authorize one or more variances from the strict letter and terms of this Ordinance by varying or modifying any of its rules or provisions so that the spirit of this Ordinance is observed, public safety secured, and substantial justice done. Such authority shall be exercised in accordance with the following standards:

Dimensional Variance:

A. Authority. The Zoning Board of Appeals may grant a dimensional (nonuse) variance to provide relief from a specific standard in this Ordinance relating to an area, a dimension or a construction requirement or limitation, upon the concurring vote of a majority of the members of the Zoning Board of Appeals.

B. Practical Difficulty. A nonuse variance shall not be granted unless the Zoning Board of Appeals finds that there is a practical difficulty in the way of carrying out the strict letter of this ordinance. In determining whether a practical difficulty exists, the Zoning Board of Appeals must find that:

1. Compliance with the strict letter of the restrictions governing area, setback, frontage, height, bulk, lot coverage, density or other dimensional or construction standards will unreasonably prevent the owner from using the property for a permitted purpose or will render conformity with such restrictions unnecessarily burdensome.

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2. A grant of the variance will do substantial justice to the applicant as well as to other property owners in the district, and a lesser variance will not give substantial relief to the applicant as well as be more consistent with justice to other property owners in the zoning district.
3. The plight of the applicant is due to the unique circumstances of the property.
4. The problem is not self-created.
5. The spirit of this ordinance will be observed, public safety and welfare secured, and substantial justice done.

Use Variance:

A. Authority. The Zoning Board of Appeals may grant a use variance to authorize a land use which is not otherwise permitted by this ordinance in the district where the property is located, upon the concurring vote of two-thirds (2/3) of the members of the Zoning Board of Appeals.

B. Remedies Exhausted. An application for a use variance shall not be submitted or considered unless the applicant has first received a written determination from the planning department that the proposed land use is not permitted under this ordinance in the district where the property is located.

C. Unnecessary Hardship. A use variance shall not be granted unless the Zoning Board of Appeals finds, on the basis of substantial evidence presented by the applicant, that there is an unnecessary hardship in the way of carrying out the strict letter of this ordinance. In determining that an unnecessary hardship exists, the Zoning Board of Appeals must find that:

1. The property in question cannot be reasonably used or cannot yield a reasonable return on a prudent investment if the property would be used only for a purpose allowed in the zoning district.
2. The plight is due to unique circumstances peculiar to the property and not to general neighborhood conditions.
3. The use to be authorized by the variance will not alter the essential character of the area and locality.
4. The problem is not self-created.
5. The spirit of this ordinance will be observed, public safety and welfare secured, and substantial justice done.

2. In all variance proceedings, it shall be the responsibility of the applicant to provide information, plans, testimony and/or evidence from which the ZBA may make the required findings. Administrative officials and other persons may, but shall not be required to, provide information, testimony and/or evidence on a variance request.

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3. The following are specified as appropriate considerations by the ZBA in hearings and deciding variance requests, provided, this list shall in no respect constitute a limitation upon the considerations which may be made by the ZBA:
 - a. Other lands, structures, buildings, lots and uses in the same district and in the general vicinity of the property in question.
 - b. Whether granting the variance will confer special privileges on the applicant that have been denied by the Ordinance and/or ZBA in other cases.
 - c. Whether the requested variance is the minimum necessary to authorize reasonable use of the property in relation to the surrounding area.
 - d. Reasonable and available alternatives, which, although not requested by the applicant, would minimize or eliminate the need for variance relief.
 - e. The provisions of this Ordinance from which a variance is requested, including the purpose and intent of such provisions within the context of the Ordinance as a whole.
 - f. The imposition of appropriate and authorized conditions.
 - g. The existence of nonconforming structures, uses of land, or the combination of structures and uses, shall not be used as a singular basis or rationale for granting a variance.

(d) Conditions

The ZBA may impose reasonable conditions in connection with an affirmative decision on an interpretation or variance request. The conditions may include requirements necessary to insure that public services and facilities affected by a proposed planned use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet the following requirements:

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

Conditions imposed with respect to the approval of a variance shall be recorded as part of the ZBA minutes, and shall remain unchanged except upon the mutual consent of the ZBA and the landowner following notice and hearing as

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required in a new case. Moreover, to insure adequate notice of the decision, and conditions imposed, the ZBA may require as a condition to the effectiveness of relief granted that the property owner record with the Oakland county Register of Deeds, in a form acceptable to the ZBA, an affidavit detailing the relief granted and conditions imposed.

- (e) The Board of Appeals shall have the power to permit the erection and use of a building or an addition to an existing building of a public service corporation or for public utility purposes in any permitted district to a greater height or larger area than the district requirements herein established, and permit the location, in any use district, of a public utility building, structure or use, if the Board shall find such use, height, area, building, or structure reasonably necessary for the public convenience and service, and if an applicant under this subsection shall demonstrate to the satisfaction of the Board that no reasonable alternative exists, which if employed would allow full compliance with this Ordinance. In the exercise of its power granted under this subsection, the Board shall attach such conditions and requirements as shall reduce to a minimum any detrimental effects.
- (f) Permit such modification of the height and area regulations as may be necessary to secure an appropriate improvement of a lot which is of such shape, or so located with relation to surrounding development or physical characteristics, that it cannot otherwise be appropriately improved without such modification.
- (g) Permit the modification of the automobile parking space or loading space requirement where, in the particular instance, such modification will not be inconsistent with the purpose and intent of such requirements.
- (h) Permit the moving of buildings within a district and placed upon a foundation, or the moving of any building into a district from any other district.

SECTION 17.04 - LIMITATIONS ON THE POWERS OF THE ZONING BOARD OF APPEALS

- (a) The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary (Ord. 403, 6/19/2003):
 - 1. To reverse any order, requirement, decision, or determination of any administrative official.
 - 2. To decide in favor of the applicant on any matter upon which the Board is required to pass under this Ordinance; or
 - 3. To effect any variance in this Ordinance.
- (b) The concurring vote of two-thirds of the members of the Zoning Board of Appeals shall be necessary:
 - 1. To grant a variance from uses of land permitted in an ordinance.
- (c) Every decision of the Board shall be based upon finding of fact and each and every such finding shall be supported in the record of the proceedings of the Board.

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- (d) Nothing contained herein shall be construed to empower the Board to change the terms of this Ordinance, to effect changes in the Zoning Map, or to add to the uses permitted in any Zoning District, except when specifically empowered to do so.

SECTION 17.05 - PROCEDURE FOR APPEALS TO THE BOARD

- (a) Appeals of any nature in which Board action is sought shall be commenced by a person filing a notice with the Building Inspector and with the Board on such forms and accompanied by such fee as may be specified by the City. The notice of appeal shall specify the grounds upon which the appeal is based and shall be signed. Applications involving a request for a variance shall specify the requirements from which a variance is being sought and the nature and extent of such variance.

Applications involving a specific site shall be accompanied by a plot plan which shall contain the following information, where applicable:

1. Applicant's name, Address, and telephone number.
2. Scale, northpoint, and date of submission.
3. Zoning classification of petitioner's parcel and all abutting parcels.
4. Existing lot lines, building lines, structures, parking areas, driveways, and other improvements on the site and immediately adjacent to the site.
5. Proposed lot lines and lot dimensions, and general layout of proposed structures, parking areas, driveways, and other planned improvements on the site.
6. Dimensions, centerlines, and right-of-way widths of all abutting streets and alleys.
7. Building facade elevations where the application involves a nonresidential use. The Board may also require elevations where the application involves a residential use if deemed necessary to make the decision required herein.
8. Photographs of the site showing the relationship to surrounding uses.
9. If any of the items listed are not applicable to a particular plot plan, the applicant shall specify on the plot plan which items do not apply, and furthermore, why the items are not applicable.

- (b) Hearings

The Zoning Board of Appeals shall fix a reasonable time for a hearing, not to exceed forty-five (45) days from the filing of the notice of appeal, and give due written notice of the hearing, to be personally delivered or mailed, at least fifteen (15) days thereof to the appellant and all owners of any real property within 300 feet of the premises in question according to the last assessment role. At the hearing, any party may appear in person or by agent or attorney.

- (c) The Board of Appeals shall prepare an official record for each appeal and shall base its decision on this record. The official record shall include:

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1. The relevant administrative records and the administrative orders issued thereon relating by the appeal.
 2. The notice of appeal.
 3. Such documents, exhibits, photographs, or written reports as may be submitted to the Board for its consideration.
- (d) The requisite written findings of fact, the conditions attached and the decisions and orders by the Board of Appeals in disposing of the appeal shall be entered into the official record after they have been signed by the Chairman of the Board and after written notice of the disposition of the appeal has been served, either in person or by mail, upon the parties to the appeal and the Building Inspector. The Chairman shall within ten (10) days after the date Board has reached its final decision on an appeal, sign the necessary orders to effectuate the decision of the Board.
- (e) A copy of the official record of an appeal shall be made available for the parties to the appeal upon request and after the payment of \$1.00 per page.
- (f) A variance shall run with the land, except that if no building permit has been obtained within one year of the effective date of the variance, the variance shall become null and void. The Board of Appeals shall review any subsequent application for a variance on the applicable conditions and circumstances which exist at the time of the subsequent application.
- (g) Any party aggrieved by any order, determination, or decision of any officer, agency, board, commission, zoning board of appeals, or legislative body of any local unit of government shall have the right to appeal to the Circuit Court on questions of law and fact. Such appeal must be taken within thirty (30) days after the date of the officer, agency, board, commission, zoning board of appeals, or legislative body decision is issued in writing signed by the Chairperson. Following the decision of the Circuit Court, an appeal may be taken to the Court of Appeals. A request for reconsideration of an appeal by the officer, agency, board, commission, zoning board of appeals or legislative body shall not toll the time for taking such appeal. In the event a request for reconsideration is granted, the time period for appeal shall commence from the approval of the minutes of the meeting where the appeal was reconsidered. In any event, only one request for reconsideration on each appeal shall be allowed.

CHANGES AND AMENDMENTS

ARTICLE XVIII

CHANGES AND AMENDMENTS

SECTION 18.00 - STATEMENT OF INTENT

For the purpose of establishing and maintaining sound, stable and desirable development within the territorial limits of the municipality, this Ordinance shall not be amended except to correct an error in the Ordinance or, because of changed or changing conditions in a particular area or in the municipality generally to rezone an area, extend the boundary of an existing District or to change the regulations and restrictions thereof. Such amendment to this Ordinance may be initiated by City Council on its own motion, may be initiated by any person, firm, or corporation filing an application therefore with City Council, or by the Planning Commission, at its discretion who may also initiate amendments to this Ordinance and recommend the same to legislative body for adoption.

SECTION 18.01 - AMENDMENT PROCEDURE

Filing of Applications

All petitions for amendments to this Ordinance shall be in writing, signed, and filed in triplicate with the Clerk for presentation to City Council.

- (a) All petitions for amendments to this Ordinance, without limiting the right to file additional material, shall contain the following:
1. The petitioner's name, address and interest in the petition as well as the name, address and interest of every person, firm or corporation having a legal or equitable interest in the land.
 2. The nature and effect of the proposed amendment.
 3. If the proposed amendment would require a change in the Zoning Map, a fully dimensioned Site Plan showing the land which would be affected by the proposed amendment, a complete legal description of the land, the present zoning classification of the land, the zoning classification of all abutting districts, all public and private rights-of-way and easements bounding and intersecting the land under consideration.
 4. If the proposed amendment would require a change in the Zoning Map, the names and addresses of the owners of all land and their legal descriptions within the area to be changed by the proposed amendment.

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5. The alleged error in this Ordinance which would be corrected by the proposed amendment, with a detailed explanation of such alleged error and detailed reasons the proposed amendment will correct the same.
 6. The changed or changing conditions in the area or in the municipality that make the proposed amendment reasonably necessary to the promotion of the public health, safety, and general welfare.
 7. All other circumstances, factors and reasons which applicant offers in support of the proposed amendment.
- (b) The Council upon receipt of the petition to amend, after having been examined and approved as to form by the clerk, shall refer the same to the Planning Commission for study and report. The Planning Commission shall cause a complete study of the petition to be made and shall recommend to City Council such action as it deems proper. A public hearing shall be held by the Planning Commission before their recommendation to Council of any proposed amendment to this Ordinance. Notice of the public hearing shall be given by publishing said notice at least once in a newspaper of general circulation in the municipality stating the time and place of such hearing and the substance of the proposed amendment. This notice shall appear in said newspaper at least fifteen (15) days prior to the date set for the public hearing. In addition to the above, if an individual property or several adjacent properties are proposed for rezoning, the Planning Commission shall give a notice of the proposed rezoning to the owner of the property in question, to all persons to whom any real property within 300 feet of the premises in question is assessed, and to the occupants of all single and two-family dwellings within 300 feet. The notice shall be delivered personally or by mail to the respective owners and tenants at the address given in the last assessment roll. If the tenant's name is not known, the term "occupant" may be used. If the notice is delivered by mail, an affidavit of mailing shall be filed with the Planning Commission before the hearing. The notice shall be made not less than 8 days before the hearing stating the time, place, date, and purpose of the hearing.
- (c) The Council may not enact the proposed amendment until thirty (30) days after such referral to the Planning Commission or until the Planning Commission makes its report to the City Council, whichever first occurs. The Council may adopt such with or without amendments, or refer same again to the Planning Commission.
- (d) In case a protest against any proposed amendment to this Ordinance is presented in writing to the Clerk prior to the public hearing thereon, duly signed by the owners of twenty (20) percent or more of the frontage proposed to be altered, or by the owner of twenty (20) percent or more of the frontage immediately to the rear thereof, or by the owners of twenty (20) percent or more of the frontage directly opposite the frontage proposed be altered, such amendment shall not be passed except by a vote of four-fifths of the members of the Council.

SECTION 18.02 - COMPREHENSIVE REVIEW OF ORDINANCE

The Planning Commission shall, from time to time at intervals of not more than three (3) years, examine the provisions of this Ordinance and the location of district boundary

CHANGES AND AMENDMENTS

lines and shall submit a report to City Council recommending changes and amendments, if any, which are desirable in the interest of public health, safety, and general welfare.

SECTION 18.03 – REZONING WITH CONDITIONS

Rezoning With Conditions:

In accordance with MCL 125.3405, the City Council, following a public hearing and recommendation by the Planning Commission, may approve a petition for a rezoning with conditions requested by a property owner. The standards of this section shall grant a property owner the option of proposing conditions for the development and use of property in conjunction with an application for rezoning. Such conditions may be proposed at the time the application for rezoning is filed, or at a subsequent point in the process of review of the proposed rezoning.

(a) Conditional Rezoning Agreement. The conditions attached to the rezoning shall be set forth by submitting a conditional rezoning agreement listing the proposed conditions. A conditional rezoning agreement shall contain the following information:

1. A statement acknowledging that the rezoning with conditions was proposed by the applicant to request the City to grant the rezoning, and that the City relied upon such proposal and would not have otherwise granted the rezoning but for the terms spelled out in the conditional rezoning agreement; and, further agreement and acknowledgment that the conditions and conditional rezoning agreement are authorized by all applicable state law, federal law, and both constitutions, and that the Agreement is valid and was entered into on a voluntary basis, and represents a permissible exercise of authority by the City.
2. Agreement and understanding that the property in question shall not be developed or used in a manner inconsistent with the conditional rezoning agreement.
3. Agreement and understanding that the approval and conditional rezoning agreement shall be binding upon and inure to the benefit of the property owner and City, and their respective heirs, successors, assigns, and transferees.
4. The date upon which the rezoning with conditions becomes void, as specified in Section (c), below. If an extension of approval is granted by the City Council, a new conditional rezoning agreement with the new expiration date shall be recorded.
5. Agreement and understanding that, if a rezoning with conditions becomes void in the manner provided in Section (c), below, no development shall be undertaken or permits for development issued until a new zoning district classification of the property has been established.
6. Agreement and understanding that each of the requirements and conditions in the conditional rezoning agreement represents a necessary and reasonable measure which, when considered with all other conditions and requirements, is

CHANGES AND AMENDMENTS

roughly proportional to the increased impact created by the use represented in the approved rezoning with conditions, taking into consideration the changed zoning district classification and the specific use authorization granted.

7. A legal description of the property affected by the rezoning with conditions.

8. Development regulations affected by the conditions of rezoning, including but not limited to density, setbacks, height, site coverage, signs, parking, architecture, lighting, landscaping etc.

9. Revocation of approval provisions returning the property to its original zoning designation if the developer violates the terms of the agreement.

10. A conditional rezoning agreement may contain a conditional rezoning plan as an attachment, with such detail and inclusions proposed by the applicant and approved by the City Council in accordance with this Section, following recommendation by the Planning Commission. Inclusion of a conditional rezoning plan as an attachment to a conditional rezoning agreement shall not replace the requirement for preliminary and final Site Plan, subdivision, condominium, or special condition land use review and approval, as required.

(b) Amendment. A proposed amendment to a conditional rezoning agreement shall be reviewed and approved in the same manner as a new rezoning with conditions.

(c) Period of Approval. Unless extended by the City Council for good cause, the rezoning with conditions shall expire following a period of one (1) year from the effective date of the rezoning unless bona fide development of the property pursuant to approved building and other permits required by the City commences within the one (1) year period and proceeds diligently and in good faith as required by ordinance to completion.

1. Expiration. In the event bona fide development has not commenced within one (1) year from the effective date of the rezoning, the rezoning with conditions and the conditional rezoning agreement shall be void and of no effect. The landowner may apply for a one (1) year extension one (1) time. The request must be submitted to the City Clerk before the expiration of the initial one (1) year time limit period. The landowner must show good cause as to why the extension should be granted.

2. Effect of Expiration. If the rezoning with conditions becomes void in the manner provided in this section, either or both of the following actions may be taken:

- a. The property owner may seek a new rezoning of the property; and/or
- b. Pursuant to MCL 125.3405, the land shall revert to its former zoning classification following the process for approval of a rezoning with conditions.

(d) Zoning Map. If approved, the zoning district classification of the rezoned property shall consist of the district to which the property has been rezoned accompanied by a reference to "RWC Rezoning with Conditions" The Zoning

CHANGES AND AMENDMENTS

map shall specify the new zoning district plus a reference to RWC. For example, the zoning classification of the property may be “C-1 Local Business District with Conditional Rezoning,” with a Zoning Map designation of “C-1, RWC.”

(e) Review and Approval Process. An application for a rezoning with conditions shall be reviewed following the same process and procedures applicable to a rezoning set forth in Section 18.01 (Amendment Procedure), with the exception that the conditional rezoning agreement shall be executed between the applicant and the City Council at the time of City Council approval of a rezoning with conditions.

(f) Recordation of a Conditional Rezoning Agreement. A rezoning with conditions shall become effective following publication in the manner provided by law, and after the conditional rezoning agreement is recorded with the Oakland County Register of Deeds.

(g) Violation of Conditional Rezoning Agreement. If development and/or actions are undertaken on or with respect to the property in violation of the conditional rezoning agreement, such development and/or actions shall constitute a nuisance per se. In such case, the City may issue a stop work order relative to the property and seek any other lawful remedies. Until curative action is taken to bring the property into compliance with the conditional rezoning agreement, the City may withhold, or, following notice and an opportunity to be heard, revoke permits and certificates in addition to or in lieu of such other lawful action to achieve compliance.

ARTICLE XIX

REPEAL

SECTION 19.00 - REPEAL

The existing zoning regulations of the City of Keego Harbor being the City of Keego Harbor Zoning Ordinance Number 16, as amended, are hereby repealed. The adoption of this Ordinance however, shall not affect or prevent any pending or future prosecution of, or action to abate, any existing violation of the aforementioned Ordinance dated November 13, 1956, as amended, if the use so in violation is in violation of the provisions of this Ordinance.

INTERPRETATION AND VESTED RIGHT

ARTICLE XX

INTERPRETATION AND VESTED RIGHT

SECTION 20.00 - INTERPRETATION AND CONFLICT

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comforts, morals, prosperity and general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any ordinance, rules, regulations or permits previously adopted or issued, and not in conflict with any of the provisions of this Ordinance, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises and likewise not in conflict with this Ordinance; nor is it intended by this Ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon height of buildings, or required larger open spaces or larger lot areas than are imposed or required by such other ordinance or agreements, the provisions of this Ordinance shall control.

SECTION 20.01 - VESTED RIGHT

It is hereby expressly declared that nothing in this Ordinance be held or construed to give or grant to any person, firm or corporation any vested right, license, privilege or permit.

ENFORCEMENT AND PENALTIES

ARTICLE XXI

ENFORCEMENT AND PENALTIES

SECTION 21.00 - VIOLATIONS AND PENALTIES

- (a) Wherever by the provisions of this Ordinance the performance of any act is prohibited, or omission to act, or wherever any regulation, dimension or limitation is imposed on the use of, or upon any land, or on the erection or alterations or the use of change of occupancy of structure or the use within such structure, a failure to comply with such provisions of this Ordinance shall constitute a violation of this Ordinance. A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.
- (b) Any person, or any other acting in behalf of said person, violating any of the provisions of this Ordinance shall upon conviction thereof be subject to a fine of not more than five hundred dollars (500) and the costs of the prosecution or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment at the discretion of the Court.

The imposition of any sentence shall not exempt the offense from compliance with the requirements of this Ordinance.

- (c) Civil Rights or Remedies not affected: The provisions of this Ordinance are not to be deemed to affect any civil rights or remedies existing at the time when this Ordinance takes effect, by virtue of the common law or of any provisions of statute.
- (d) Civil Remedies Preserved: The omission to specify or affirm in this Ordinance any liability to damages, penalties, forfeiture or other remedy, imposed by law, and allowed to be recovered or enforced in any civil action or proceeding, for any act or omission declared punishable herein does not affect any right to recover or enforce the same.

SECTION 21.01 - PUBLIC NUISANCE

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

SEVERANCE CLAUSE

ARTICLE XXII

SEVERANCE CLAUSE

SECTION 22.00 - SEVERANCE CLAUSE

Sections of this Ordinance shall be deemed to be severable, should any section, paragraph, or provision thereof be declared by the courts to be unconstitutional or invalid, such holding shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

SECTION 22.01 - RULE OF CONSTRUCTION

The rule that a penalty statute is to be strictly construed shall not apply to this Ordinance or any of the provisions thereof. All provisions of this Ordinance shall be construed according to the fair import of their terms, to promote justice and to effect the objects of this Ordinance.

ARTICLE XXIII

EFFECTIVE DATE

SECTION 23.00 - EFFECTIVE DATE

The provisions of this Ordinance shall take effect thirty (30) days following the publication of a notice of its adoption in the Oakland Press, a newspaper circulated in the City. This Ordinance was adopted by the City Council of the City of Keego Harbor, Oakland County, Michigan on January 15, 1987. The Notice of its Adoption was published in the Oakland Press on January 24, 1987.

SCHEDULE OF REGULATIONS

ARTICLE XXIV

SCHEDULE OF REGULATIONS

SECTION 24.00 — AREA, HEIGHT, BULK, AND PLACEMENT REQUIREMENTS — ALL ZONE DISTRICTS

Zoning Districts	Lot Minimums		Maximum Building		Maximum Lot Coverage All Buildings	Minimum Setback Measured from Lot Line (feet) ^{1,(h)}				Minimum Useable Floor Area Per Unit (sq. ft.)	
	Area (sq. ft.)	Width (feet)	Stories	Height (feet)		Front Open Space ^(b)	Side Open Space Least One	Total of Two	Rear Open Space		
NR Residential			See Section 4.08 for Area, Height, Bulk and Placement Requirements								
R-T Townhouse	—	—	2	25		25	10	20	25	1,200 ^(l)	
R-M Multi-Family	^(a)	100	2½	30	30%	30 ^(d)	20 ^(d)	40 ^(d)	30 ^(d)	^(a)	
R-ME Elderly Housing	⁽ⁱ⁾	—	2½	30	30%	30 ^(d)	20 ^(d)	40 ^(d)	30 ^(d)	⁽ⁱ⁾	
R-MH Mobile Home Park ²	—										
P-1 Parking	—	60	1	15	—	10 ^(e)	5 ^(e)	10 ^(e)	10 ^(e)	—	
C-1 Local Business	—	—	1	20	—	25	20 ^(c)	40	25	—	
C-2 General Business	—	—	2	30	—	25 ^{(f),(g)}	10 ^{(c),(g)}	20	25	—	
O-1 Office	—	—	2	30	—	25	20 ^(c)	40	25	—	
M-1 Light Industrial	—	—	1	30	—	25	20	40	25	—	

¹ Refer to Section 15.15 for waterfront setback requirements.

² Refer to Article VI for District Provisions for area and bulk requirements.

SCHEDULE OF REGULATIONS

SECTION 24.01 - NOTES TO SCHEDULE OF REGULATIONS

- (a) Minimum land area per dwelling unit for R-M District as follows:

Number of Bedrooms	Minimum Land Area per Unit (square feet)	Minimum Floor Area per Unit (square feet)	Maximum Density (dwelling units/acre)	Minimum Lot Width
Efficiency Unit	4,200	600	10.4	Dependent upon site arrangement. However, development of one lot shall meet requirements set forth above.
1-Bedroom Unit	4,200	600	10.4	
2-Bedroom Unit	5,445	800	8.0	
3-Bedroom Unit	6,800	1,000	6.4	

- (b) Front yard setbacks are measured from the edge of the existing and/or planned right-of-way, said planned right-of-way as shown on the officially adopted Master Plan. Where a parcel or lot is at an intersection, the setback shall be measured from the maximum requirement for the district considering each side as a front yard area.
- (c) No side yards are required along interior lot lines, except as required by the Building Code, provided that walls so located shall be solid and shall not contain any windows, doors, or any other openings. On exterior lot lines the minimum setbacks shall be maintained.
- (d) Spacing of multiple dwellings shall be controlled by the following schedule:

Building Relationship	Overall Distance Between Buildings
Front to Front	50 Feet
Front to Rear	60 Feet
Rear to Rear	60 Feet
Rear to Side	45 Feet
Side to Side	20 Feet
Corner to Corner	15 Feet

Parking may be permitted in up to fifty (50) percent of the required yard provided that there shall be at least 20 feet of yard space between said parking area and the multiple family building.

- (e) Side and Rear Yards - Where the P-1 District is contiguous to the side and/or rear lot lines of premises within a residentially zoned district, the required wall shall be located along said lot line.
- Front Yards - Where the P-1 District is contiguous to a residentially zoned district which has a common frontage on the same block with residential structures, or wherein no residential structures have been yet erected, there shall be a setback equal to the required residential setback for said residential district, or a minimum of

SCHEDULE OF REGULATIONS

thirty-five (35) feet, or whichever is the greater. Such area shall be landscaped and properly maintained.

Parking Space Layout, Standards, Construction and Maintenance: P-1 Vehicular Parking Districts shall be developed and maintained in accordance with the Parking Requirements of Sections 7.01 and 12.02.

No parking structure shall be erected closer than forty (40) feet to any residentially zoned district.

- (f) In order to achieve quality site design, to maintain the continuity of the streetscape in the downtown area of Keego Harbor, to provide adequate views of commercial uses, and to achieve functional pedestrian and vehicular circulation, the front yard setback in the C-2 district along Orchard Lake Road shall be as follows:

Location	Required Setback
CBD and CBD Fringe	55 feet from Cass Lake or Orchard Lake Roads 40 feet from any intersecting side street
1. Front yard setbacks in the CBD and CBD-Fringe areas shall be measured from the centerline of the adjacent right-of-ways.	
2. The front yard setback may be increased in the CBD-Fringe areas subject to Section 16.09, Procedures and Standards for Principal Uses Permitted Subject to Special Conditions and the following specific criteria;	
(a) A sidewalk no less than 10 feet in width must be maintained along all sides of the building facing a road or parking area.	
(b) The sidewalk(s) adjacent to the building must be linked to the sidewalk(s) on adjacent properties to maintain the continuity of the pedestrian environment.	
(c) Decorative and coordinated pedestrian amenities including benches, planters, waste receptacles, and bicycle racks should be provided to encourage pedestrian activities.	
(d) There may be no more than one, single loaded, aisle of perpendicular parking and no more than one, double loaded aisle of angled or parallel parking located in the front yard.	
(e) Any parking located in front yard must be separated from the adjacent road with a 10 foot wide median. The median shall be planted with live ground cover and contain either a continuous evergreen hedge a minimum of 30 inches in height at the time of planting or a decorative wall consisting of brick columns and wrought-iron type fencing 36 inches in height.	
(f) Deciduous trees a minimum of 2.5 inches in caliper must be planted within the median a minimum of every 40 feet of the property frontage.	
(g) Decorative street lighting consistent with the streetscape elements along the adjacent roads must also be provided within the median (Ord. 386, 03/21/2002).	

SCHEDULE OF REGULATIONS

- (g) On corner lots in the C-2 District, the side yard facing the street shall conform with the minimum side setback requirements as specified, and shall not be required to conform with front yard setback requirements.
- (h) Properties abutting water shall also comply with Section 15.15, Waterfront Land Setbacks.
- (i) Minimum land area per dwelling unit for R-ME District as follows:

Number of Bedrooms	Minimum Land Area per Unit (square feet)	Minimum Floor Area per Unit (square feet)	Maximum Density (dwelling units/acre)
Efficiency Unit	4,200	600	10.4
1-Bedroom Unit	4,200	600	10.4
2-Bedroom Unit	5,445	800	8.0

For independent elderly housing, the number of efficiency units shall not exceed fifteen (15) percent of the total number of units.

For dependent elderly housing only, the number of efficiency units shall not be limited to fifteen (15) percent.

- (j) In order to maintain a compatibility of scale within single family residential districts, the maximum allowable floor area ratio shall be limited to forty percent (40%). (Ord. 338, 2/19/1998)
 - (k) In the event the lot width is increased by the acquisition of adjacent property and the least side yard setback is less than 15% in R-1 districts or 20% in R-2 districts of the increased lot width, the combination of the two side yards must total 30% in R-1 districts or 40% in R-2 districts of the increased lot width. (Ord. 338, 2/19/1998)
 - (l) Townhouses must have a minimum floor area of 1,200 square feet per unit. (Ord. 340, 4/16/1998)
- (Ordinance 432, 12/15/11)

Chapter 8

EMERGENCY MANAGEMENT*

* **Cross References:** Administration, ch. 2.

State Law References: Continuity of government during an emergency, Mich. Const. art. IV, § 39; emergency management act, MCL 30.401 et seq., MSA 4.824(11) et seq.; governor's emergency powers, MCL 10.31 et seq., MSA 3.4(1) et seq.; emergency interim local succession act, MCL 31.101 et seq., MSA 5.5000(1) et seq.

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ARTICLE I.

IN GENERAL

Sec. 8-1. 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:

Disaster means an occurrence or threat of widespread or severe damage, injury or loss of life or property

resulting from a natural or manmade cause, including but not limited to fire, flood, snowstorm, ice storm, tornado, windstorm, wave action, oil spill, water contamination, utility failure, hazardous peacetime radiological incident, major transportation accident, hazardous materials incident, epidemic, air contamination, blight, drought, infestation, explosion, or hostile military action or paramilitary action, or similar occurrences resulting from terrorist activities, riots, or civil disorders.

Disaster relief forces means all agencies of state, county and municipal government, private and volunteer personnel, public officers and employees, and all other persons or groups of persons having duties or responsibilities under this chapter or pursuant to a lawful order or directive authorized by this chapter.

Emergency means a condition resulting from disaster which cannot be handled by normal operating personnel and facilities.

Emergency management means the preparation for and the carrying out of all emergency functions, other than functions for which the military forces are primarily responsible, for protection against and to minimize and repair injury and damage resulting from enemy attack, sabotage or other hostile action, or by natural disaster. (Ord. No. 68, § 1.01, 11-21-1961)

Cross References: Definitions generally, § 1-2.

Sec. 8-2. Political activity.

No organization for emergency management established under the authority of this chapter shall participate in any form of political activity nor shall it be employed directly or indirectly for political purposes. (Ord. No. 68, § 6.01, 11-21-1961)

Sec. 8-3. Oath.

Each person appointed to serve in the office of emergency management shall take an oath in writing as prescribed by law pertaining to emergency management before entering upon his duties. (Ord. No. 68, § 7.01, 11-21-1961)

Sec. 8-4. Continuity of government.

(a) The city council, that is, those surviving, will convene at the city hall if possible, and if not possible, at the nearest safe place in the city. If the mayor is unable to perform the duties of his office, the mayor pro tem shall serve as mayor. If both the mayor and the mayor pro tem are unable to perform the duties of the office of the mayor, the member of the council who has served on the council for the longest current continuous length of time shall serve as mayor. The mayor pro tem or a member of the council shall serve as mayor until a mayor is elected and takes office.

(b) The members present shall elect a mayor and a mayor pro tem.

(c) The members present shall have power to make temporary appointments to fill vacancies, to take such temporary measures and to make such rules and regulations as they deem necessary to temporarily meet the emergency pending replacement of those persons made absent by the emergency. As soon as duly elected persons are seated on the council, all actions temporarily taken shall be reviewed, rescinded, repealed, modified or affirmed as the council shall determine.

(d) It shall be the duty of the office of emergency management to forthwith ascertain and notify the person who shall be responsible for convening the council of the nearest safe place to convene.
(Ord. No. 68, § 8.01, 11-21-1961)

Sec. 8-5. Penalty.

Any person willfully violating any provisions of this chapter or any rule, regulation or order lawfully issued pursuant to this chapter shall be guilty of a misdemeanor and upon conviction shall be punished as prescribed in section 1-7.
(Ord. No. 68, § 11.01, 11-21-1961)

Sec. 8-6. Scope.

This chapter shall be construed liberally in order to effectuate its purposes.
(Ord. No. 68, § 10.01, 11-21-1961)

Secs. 8-7--8-40. Reserved.

ARTICLE II.

OFFICE OF EMERGENCY MANAGEMENT

Sec. 8-41. Creation of.

(a) There is created within the executive branch of the city government a department to be known as the office of emergency management with a coordinator of emergency management, who shall be the head of the department. The coordinator shall be appointed by the city council and shall hold office at the pleasure of the city council. He shall receive such salary for his services as the city council may prescribe by resolution or ordinance. Within the appropriations for the office, the coordinator may employ such technical, clerical, stenographic or other personnel and may make necessary expenditures as may be necessary to carry out the purpose of this chapter.

(b) No person shall be ineligible for appointment as a member of the office of emergency management because he holds any other public office or trust; nor shall any person forfeit his right to any public office or trust by reason of his appointment under this article, notwithstanding any contrary provisions of law.

(c) The coordinator may also be appointed coordinator of any other city, village or township emergency management agency.
(Ord. No. 68, § 2.01, 11-21-1961)

Secs. 8-42--8-75. Reserved.

ARTICLE III.

MAYOR*

* **Cross References:** Officers and employees, § 2-61 et seq.

Sec. 8-76. Powers and duties.

In the event of an emergency, the mayor, or in his absence or inability to serve the mayor pro tem, as conservator of the peace, shall:

- (1) Declare a state of emergency within the city, thereby placing in effect the emergency management control plan required by this chapter and designate the area or areas within the city involved. The state of emergency shall not be continued or renewed for a period in excess of seven days except with consent of the city council.
- (2) As soon as may be thereafter, convene the city council to perform its legislative and administrative functions as the situation may demand. The council shall have the power to terminate the state of emergency.
- (3) Request the state, its agencies or political subdivisions, to send aid if the situation is beyond the control of the regular and disaster relief forces.
- (4) Have the power to command services and the use of equipment and facilities for such work and duties as the city may require to aid the regular and disaster relief forces in time of emergency.

(Ord. No. 68, § 3.01, 11-21-1961)

Charter References: Duties of mayor, § 4.2.

Sec. 8-77. Emergency powers.

(a) The mayor may promulgate such reasonable orders, rules and regulations as he deems necessary to protect life and property or to bring the emergency situation within the affected area or areas under control. These orders, rules and regulations may provide for:

- (1) The control of traffic;
- (2) Designation of specific zones within the area or areas in which occupancy and use of buildings and ingress and egress of persons and vehicles may be prohibited or regulated;
- (3) Control of places of amusement and assembly and of persons on public streets and thoroughfares;
- (4) Establishment of a curfew;
- (5) Control of the sale, transportation and use of alcoholic beverages and liquors; and
- (6) Control of the sale, carrying and use of firearms or other dangerous weapons, ammunition, explosives and flammable materials or liquids deemed to be dangerous to the public safety.

The mayor may also issue such other orders, rules and regulations, without being limited by this section.

(b) The mayor, or in his absence or inability to serve the mayor pro tem, shall have the power to direct disaster relief forces to the aid of the state or its political subdivisions subject to council review as soon as practicable.

(Ord. No. 68, § 3.01, 11-21-1961; Ord. No. 103, § 1.01, 3-26-1968)

Sec. 8-78. Effective date.

Orders, rules and regulations promulgated under this article shall be effective from the date and in the manner prescribed and shall be made public as provided in such orders, rules and regulations. Such orders, rules and regulations may be amended, modified or rescinded in like manner from time to time by the mayor during the pendency of the emergency but shall cease to be in effect upon declaration by the mayor that the emergency no longer exists.

(Ord. No. 103, § 3.01, 3-26-1968)

Sec. 8-79. Penalty.

The violation of any orders, rules and regulations made in conformity with this chapter shall be punishable as a misdemeanor where such order, rule or regulation states that the violation shall constitute a misdemeanor.

(Ord. No. 103, § 4.01, 3-26-1968)

Secs. 8-80--8-110. Reserved.

ARTICLE IV.

EMERGENCY MANAGEMENT COORDINATOR*

* **Cross References:** Officers and employees, § 2-61 et seq.

Sec. 8-111. Powers and duties.

(a) The coordinator of emergency management shall be executive head of the office of emergency management and shall have the responsibility for the organization, administration, and operation of the emergency management plan subject to the direction and control of the city council.

(b) The coordinator shall be responsible for public relations, information and education regarding all phases of emergency management.

(c) The coordinator shall be responsible for the development of an emergency management plan and upon adoption shall be responsible for such implementation and revision of the plan as to maintain it on a current state of readiness at all times.

(d) The coordinator shall coordinate all activities for emergency management and shall maintain liaison and cooperate with all other interested and affected agencies, public and private.

(e) The coordinator shall coordinate the recruitment and training of volunteer personnel and agencies to augment the personnel and facilities of the city for emergency management purposes.

(f) The coordinator may issue proper insignit and papers to disaster relief forces and other people directly concerned with emergency management.
(Ord. No. 68, § 4.01, 11-21-1961)

Secs. 8-112--8-145. Reserved.

ARTICLE V.

PLAN

Sec. 8-146. Adoption.

A comprehensive emergency management plan shall be adopted by resolution of the council upon the recommendations of the coordinator of emergency management. In the preparation of this plan as it pertains to city organization, it is the intent that the services, equipment, facilities and personnel of all existing departments and agencies shall be utilized to the fullest extent possible. When approved, it shall be the duty of all municipal departments and agencies to perform the functions and duties assigned by the plan and to maintain their portion of the plan in a current state of readiness at all times.
(Ord. No. 68, § 5.01, 11-21-1961)

Secs. 8-147--8-180. Reserved.

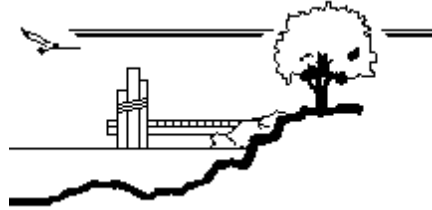
ARTICLE VI.

DISASTER RELIEF FORCES*

* **Cross References:** Officers and employees, § 2-61 et seq.

Sec. 8-181. Powers and duties.

All disaster relief forces while on duty shall have the duties, rights, privileges and immunity accorded them by Public Act No. 390 of 1976 (MCL 30.401 et seq., MSA 4.824(11) et seq.), as well as any other statute, resolution or ordinance.
(Ord. No. 68, § 9.01, 11-21-1961)



"Heart of the Lakes"

**CITY OF KEEGO HARBOR
ZONING ORDINANCE
Keego Harbor Planning Commission**

November 6, 1986

Adopted by the Keego Harbor City Council on January 15, 1987

Effective Date: February 23, 1987

Amended through Ordinance No. 443 – November 13, 2012

DEVELOPMENT PROCESS

KEEGO HARBOR DEVELOPMENT PROCESS

EXPLANATION OF THE STEPS

STEP 1. PRESENT YOUR IDEA FOR A NEW BUSINESS, HOUSE, GARAGE, SHED, DECK, FENCE...

If you have an idea for a new business or found a spot to build a new home, or have home improvement plans, contact the Planning Department. The City Planner can provide the information about zoning and other regulations needed to move your new project forward. For an appointment, contact the City of Keego Harbor at 248-682-1930.

STEP 2. ZONING COMPLIANCE APPLICATION.

After presenting your project proposal to the City Planner, you need a “zoning compliance permit approval.” Applications for zoning compliance are available at City Hall. The Planning Department will explain what documents and information are required for your application. Then, it is reviewed against the Zoning Ordinance standards. If your project receives zoning approval, you can move to the next step. If your project is denied for zoning, the Planner will explain the reasons and assist with possible options.

STEP 3. FOR A NEW HOUSE...

Submit architectural plans, elevations, and a survey for review by the (Architectural Review Committee). All new construction homes must the Architectural Design Standards and obtain a score of 90 or higher. All new homes must comply with the Site Grading and Drainage standards as well. See the City Planner for more details.

STEP 3. FOR A NEW BUSINESS...

For an existing building, an occupancy inspection is required. The Building Official shall inspect the property and prior to occupancy, the building must meet the current safety codes. For new construction, the building must meet current State of Michigan codes. The Building Official can provide more details.

STEP 3. FOR A GARAGE OR SHED...

Submit plans for the size and location of the garage or shed in the back yard only. Generally, garages and sheds must match the design of the principal residence. Construction plans are need for a garage. The Building Official can provide details.

DEVELOPMENT PROCESS

STEP 3. FOR A NEW DECK...

Submit construction plans for review showing the location of the deck in the back yard. The deck must be constructed to meet weight loads as required by the Building Code. See the Building Official for more details.

STEP 3. FOR A FENCE...

All fences require a property line survey or mortgage survey of the lot for the proposed fence installation. A survey is required to ensure the fence is installed in the proper location. (See the FAQ section for info) Attach the survey to the zoning compliance application and submit it to the clerk. See the City Planner for more details.

STEP 4. OBTAIN A BUILDING PERMIT FOR ALL CONSTRUCTION PROJECTS (HOUSE, GARAGE, DECK)

Submit detailed construction documents to the Building Department for commercial buildings, residential homes, garages, and decks. The plans will be reviewed by the Building Official and City Engineer for compliance with the building construction codes and the site grading standards. All new construction must comply with the current requirements for construction, site grading, and drainage. Some plan revisions may be required during the review process. See the Building Official or City Engineer for details.

STEP 5. CONSTRUCTION AND INSPECTIONS

After all required building and engineering permits are issued and obtained, construction may begin and inspections must be scheduled in accordance with the current codes.

STEP 6. FINAL INSPECTION, CERTIFICATE OF OCCUPANCY

After all required final building and engineering inspections are approved. The Building Official is authorized to issue a certificate of occupancy based on final approval of all required conditions. See the Building Official for greater detail.

FREQUENTLY ASKED QUESTIONS

FREQUENTLY ASKED QUESTIONS

CITY OF KEEGO HARBOR-PLANNING DEPARTMENT

WHAT DO I NEED TO BUILD A SHED?

Sheds or “accessory buildings” and are only permitted for a lot with a residential house; subject to specific regulations as follows: 1. Only allowed in back yard. 2. Max size for storage shed is 100 sq feet. 3. Sheds are not permitted on vacant lots. Specific regulations are in Section 15.13 of the Zoning Ordinance. See the City Planner for more details.

CAN I BUILD A GARAGE FOR MY HOUSE?

Garages are also “accessory buildings” and are only permitted for a lot with a residential house; subject to specific regulations as follows: 1. Only allowed in back yard. 2. Max size for a garage depends on the lot size/area. 3. Garages are not permitted on vacant lots. Specific regulations are in Section 15.13 of the Zoning Ordinance. See the City Planner for more information.

CAN I PUT A FENCE AROUND MY YARD?

Fences are only permitted for a lot with a residential house; subject to specific regulations as follows: 1. No chain link fences in front yard. 2. Maximum 6-foot privacy fence in back yard. 3. No fences are permitted on vacant lots. Specific regulations are in Section 15.13 of the Zoning Ordinance. See the City Planner for more details.

CAN I BUILD A NEW HOUSE ON THIS LOT?

Keego Harbor is a historic lake and cottage community with unique character. Most lots are buildable in the City. Importantly, architectural design standards are in place in Keego Harbor to promote and maintain quality design. New home construction information packets are available at City Hall. You can also contact the City Planner for assistance.

WHERE CAN I OPEN MY BUSINESS IN KEEGO HARBOR?

There are commercial and office districts in the City of Keego Harbor. Most commercial and office property is located along Orchard Lake Road and the area along Cass Lake Road. Nearly all restaurant and retail-service type uses are permitted in Keego Harbor. Special Land Uses, such as outdoor cafes and restaurants serving alcohol require approval by the Planning Commission and City Council. See the City Planner for details.

FREQUENTLY ASKED QUESTIONS

WHAT DO I NEED FOR A BACK YARD DECK OR PATIO?

Backyard decks and patios are only permitted for a lot with a residential house; and are subject to specific regulations as follows: 1. only allowed in back yard. 2. Max size for a deck or patio is approximately the size of rear yard. (For small lots, a deck can cover the rear yard). 3. Patios or decks are not permitted on vacant lots. Regulations are in Section 15.11 of the Zoning Ordinance. The Planning Department has more details.

I WANT TO OPEN A BUSINESS, BUT IT'S NOT IN THE ZONING ORDINANCE? WHAT CAN I DO?

Most types of retail and commercial businesses are permitted in the City of Keego Harbor. However, businesses that are not listed in the Zoning Ordinances are not permitted. Importantly, options available to prospective business owners based on an appeal process. The City Planner can provide details.

POLITICAL SIGNS IN MY FRONT YARD?

Election signs are regulated in the sign ordinance under Section 14.04. Political signs begin to appear about 90 days prior to an election and the signs must be removed within 10 days after the event or election. Maximum height of political signs is 3-feet and they must be 15-feet from the edge of the road. They cannot be placed on utility poles or public property.

CAN I RUN A BUSINESS OUT OF MY HOUSE

Certain types of home occupations are permitted in residential districts, such as a home office space and accountant, or attorney services. However, barber and beauty shops are not permitted. Car repair and other similar businesses are not permitted. The City Planner can provide more detail.

CAR REPAIR BUSINESS AT MY HOUSE OR GARAGE?

Car repairs and other similar types of business are not permitted in residential neighborhoods. A commercial auto service business must be approved by the City Council and they are only permitted in specific commercial zone districts.

FRONT YARD PARKING SPACE?

A parking space or parking pad is permitted in the front yard of a residential house, but the space is subject to specific standards and conditions. The City Planner can provide further details.

KEEGO HARBOR ARCHITECTURAL DESIGN CHECKLIST

Date/Revision Date of Site
Plan

Times Reviewed

Project Name/Location

Reviewed By

Date

Application Number/Community

Applicant/Designer

Telephone Number - Applicant

INTRODUCTION

The Architectural Guidelines are in the form of a point rating system. The applicant or representative should assess the all facades of the proposed building using this form.

I. BUILDING MATERIAL

Objective: *Select materials possessing durability and aesthetic appeal.* Building Materials — Scoring method: The score for each facade shall be averaged with the facade facing a public road, private road, or water body being double weighted.

Alternative materials may be evaluated by the Building Official for consistency and compatibility.

Exterior Wall Material	NR	WFR	Score
Brick masonry			
A minimum of 50% brick on all four sides combined with stone	+16	+16	
A minimum of 50% brick on all four sides	+10	+10	
A brick base 4'-0" or greater above grade on all four sides	+4	+4	
Brick on one side only	-4	-4	
Stone (e.g., limestone, granite)	+12	+12	
Wood (lap, board and batten, shake)	+10	+10	
Vinyl Siding			
Standard	+6	+6	
Architectural grade	+8	8	
Concrete masonry units			
Split face block	+2	+2	
Stucco/Exterior Insulation Finish System (e.g., "dryvit") must be textured to resemble stucco and avoid monolithic appearance and must not exceed 25%. Scoring depends on the location of the finish on the exterior wall as follows:			

Exterior Wall Material	NR	WFR	Score
8 or more feet above approved grade	+0	+0	
4 to 8 feet above approved grade	-6	-6	
Less than 4 feet above approved grade	-10	-10	
T-111 and other wood panel siding	-20	-20	
Subtotal:			

II. WINDOWS AND DOORS

Objective: *Windows and doors are the main element contributing to an inviting facade. They give visual interest to a facade. Provide a large quantity of attractive windows on a facade that fronts a street.*

Characteristic	NR	WFR	Score
A. Percentage of front facade composed of windows			
More than 30%	+20	+20	
20 - 29%	+10	+10	
10 - 19%	-10	-10	
Less than 10%	-20	-20	
B. Window shapes			
Rectangular, including square	+4	+4	
Palladian (rectangular window with a half-circular top)	+4	+4	
Circular or octagonal other than decorative gable windows	-8	-8	
Diamond	-8	-8	
C. Proportions of window openings (width-to-height)			
Horizontal - more than 4:1 proportion (e.g., ribbon window)	+2	+2	
Horizontal - 2:1 to 4:1 proportion	+2	+2	
Horizontal - square to 2:1 proportion	+2	+2	
Vertical - square to 1:2 proportion	+4	+4	
Vertical - more than 1:2 proportion	+8	+8	
D. Glazing			
Clear	+4	+4	
Tinting - green, blue, bronze, smoke	0	0	
Tinting - all other colors	-4	-4	
Subtotal:			

III. ARCHITECTURAL FEATURES

Objective: *Include architectural features on the building facade that provide texture, rhythm, and ornament to a wall.*

Description: There are two categories of architectural features. The first category consists of compositional elements, that is, architectural features that contribute to dividing the elevation into interesting parts. Horizontal compositional elements include a cornice and a base, which give the facade a top and a bottom. Vertical compositional elements include pilasters and columns, which give the facade a sense of rhythm. The second category includes decorative elements, which contribute to the visual appeal of the facade.

Architectural Features	NR	WFR	Score
Compositional Elements:			
Roof cornice	+4	+4	
Contrasting base	+4	+4	
Contrasting masonry courses, water table, or molding	+4	+4	
Pilasters or columns	+6	+6	
Corbelling	+4	+4	
Contrasting band of color	+2	+2	
Stone or ceramic accent tiles	+2	+2	
Decorative downspouts and gutters	+2	+2	
Decorative Elements			
Decorative Banisters	+8	+8	
Decorative light fixtures	+6	+6	
Door or window canopies - canvas or vinyl	+2	+2	
Subtotal:			

IV. COLORS

Objective: Select natural and neutral colors that are harmonious with both the natural and man-made environment. Stronger colors can be used as accents to provide visual interest to the facade.

Characteristic	NR	WFR	Score
Primary Color (covers more than 60% of surface area)			
Neutral - earth tones (sand to brown), grays	+8	+8	
Traditional (e.g., brick red)	+8	+8	
Light, subdued hues (e.g., salmon)	+4	+4	
White	0	0	
All other colors	-12	-12	
Accent Color			
Accent color is compatible with primary color	+8	+8	
Bright colors (e.g., purple, orange, bright pink, lime)	-10	-10	
Fluorescent colors	-20	-20	
Method of Application			
Color is natural to material	+4	+4	
Color is pigmented within material	+2	+2	
Color is painted onto material	0	0	
Subtotal:			

V. GARAGE LOCATION

Objective: *Ensure that the garage is a secondary element of the façade and does not establish or detract from the overall character of the house.*

Characteristic	NR	WFR	Score
Garage Type			
Detached located behind principal building	+8	+8	
Side Loaded	+4	+4	
Recessed a minimum of 5 feet behind building line	+2	+2	
Front loaded less than 50% of building width	-8	+5	
Front loaded 50% or more of building width	-16	--	
Front loaded, one story projecting		-5	
Front loaded, integrated 1 ½ - 2 story façade		+5	
Front load split garage doors		+5	
Garage Design	+2	+2	
Matches principal structure	+4	+4	
Other than matching principal structure	-4	-4	
Decorative elements (dormers, shutters, etc.)	+2	+2	
Subtotal:			

VI. PORCHES

Objective: Along with windows and doors, the front porch makes a strong statement about the character of the house and the neighborhood. Front porches are encouraged to provide a strong link to surrounding houses and pedestrians.

Characteristic	NR	WFR	Score
No Porch (less than 24sq.ft.)	-4	-4	
Porch Type			
Integrated covered front porch (24sqft min)	+10	+10	
Integrated uncovered front porch	+4	+4	
Integrated covered side porch w/o front porch	-10	+4	
Integrated uncovered side porch w/o front porch	-10	+2	
Wood deck on the front facade	-10	-10	
Subtotal:			

VII. ROOF ELEMENTS

Objective: *Provide an interesting form to a building through manipulation of the building massing. This can be achieved through certain roof types, rooflines, and massing elements such as towers, cupolas, and stepping of the building form.*

Characteristic	NR	WFR	Score
Roof Type			
Pitched, e.g., gable, hip,			
<4:12	-4	-4	
4:12 – 6:12	+4	+4	
> 6:12	+8	+8	
Gambrel	+4	+4	
Mansard	+4	+4	
Roof Materials	-8	-8	
Asphalt - standard	0	0	
Asphalt - dimensional	+4	+4	
Slate, tile, wood shake	+8	+8	
Standing seam metal	+4	+4	
Dormer windows	+4	+4	
Subtotal:			

VIII. COMPOSITION

Objective: *It is not sufficient to include the desired architectural elements on a facade, but to arrange them in a harmonious and balanced manner. The following category provides weight to the architectural composition of the building.*

Characteristic	NR	WFR	Score
The overall composition of the facade is judged on the relationship of all of the elements listed above, i.e., how they relate in proportion, scale, arrangement, and balance. The score is on a scale of 0 to 20.	+20 possible	+20 possible	
Subtotal:			

TOTAL SCORE: _____