

PART TWELVE – PLANNING AND ZONING CODE

TITLE TWO – Planning

Chap. 1220. Planning Commission.

TITLE FOUR – Zoning

Chap. 1240. General Provisions and Definitions.

Chap. 1242. Administration, Enforcement and Penalty.

Chap. 1244. Zoning Board of Appeals.

Chap. 1246. Districts Generally and Zoning Map.

Chap. 1248. R-1 Single Family Residential District – Low Density.

Chap. 1250. R-2 Single Family Residential District – Medium Density.

Chap. 1252. R-3 Single Family Residential District – High Density.

Chap. 1254. R-4 Residential District – Multiple Density.

Chap. 1256. R-5 Residential District – Mobile Home Park.

Chap. 1258. C-1 Commercial District – Central Business District.

Chap. 1260. C-2 Commercial District – General Commercial.

Chap. 1262. C-3 Commercial District – Medical Services.

Chap. 1264. C-4 Commercial District – Office District.

Chap. 1266. IND Industrial District.

Chap. 1268. PUD Planned Unit Development Overlay District.

Chap. 1270. Hersey River Overlay District.

Chap. 1272. Site Plan Review.

Chap. 1274. Special Land Uses.

Chap. 1276. Nonconforming Uses.

Chap. 1278. Off-Street Parking and Loading.

Chap. 1280. Landscaping, Screening, Walls and Fences.

Chap. 1282. Signs.

Chap. 1284. Provisions Applicable to All Districts.

Appx. I. Zoning Map Changes

TITLE TWO – Planning

Chap. 1220. Planning Commission.

CHAPTER 1220

Planning Commission

1220.01 Continuation of existing Commission.

1220.02 Members; terms; removal.

1220.03 Officers; meetings; rules; record.

1220.04 Employees; expenditures.

1220.05 Purpose and contents of master plan.

1220.06 Zoning amendments and revisions.

- 1220.07 Preparation and publication of master plan.
- 1220.08 Manner of adoption of master plan.
- 1220.09 Public hearing on master plan.
- 1220.10 Approval of public works.
- 1220.11 Authority re streets and parks.
- 1220.12 Additional powers.
- 1220.13 Plat approval.
- 1220.14 Adoption of subdivision regulations.
- 1220.15 Time limit for plat approval.
- 1220.16 Plat approval; use restrictions.
- 1220.17 Six-year public works programs.

CROSS REFERENCES

Planning Commission generally – see CHTR. § 4.17

Municipal planning commissions – see M.C.L.A. §§ 125.31 et seq.

Authority of Planning Commission re zoning – see P. & Z.1242.01, 1242.02

Authority of Planning Commission re PUD Planned Unit

Development Overlay Districts – see P. & Z. 1268.07, 1268.09

1220.01 CONTINUATION OF EXISTING COMMISSION.

The City Planning Commission heretofore established under and pursuant to Act 85 of the Public Acts of 1931, as amended by Act 163 of the Public Acts of 1943, is hereby continued. (1981 Code § 5.1)

1220.02 MEMBERS; TERMS; REMOVAL.

The Planning Commission shall consist of nine members, six of whom shall be representative, insofar as possible, of different professions or occupations and shall be appointed by the City Council, and three of whom shall be ex-officio members, namely: the Mayor, one member of the City Council and the City Manager. The appointments by the Council shall always be subject to the approval of a majority vote of the City Council. All members of the Planning Commission shall serve as such without compensation and the appointed members, other than ex-officio members, shall hold no other Municipal office, except that one of such members may be a member of the Zoning Board of Appeals. The terms of ex-officio members shall correspond to their respective official tenures, except that the term of the administrative official selected by the Council shall terminate with the majority vote of the Council. The term of each appointed member shall be three years or until his or her successor takes office, except that the respective terms of two of the members first appointed shall be for one year, and two for two years. Members may, after a public hearing, be removed by the City Council by a majority vote, for inefficiency, neglect of duty or malfeasance in office. Vacancies occurring otherwise than through the expiration of terms shall be filled for the unexpired term by selection by the majority vote of the Council. (1981 Code § 5.2)

1220.03 OFFICERS; MEETINGS; RULES; RECORD.

The Planning Commission shall elect its Chairperson from the appointed members and create and fill such other of its offices as it may determine. The term of Chairperson shall be one year, with eligibility for re-election. The Planning Commission shall hold at least one regular meeting in each month, provided there is planning work to do. It shall adopt rules for transaction of business and shall keep a record of its resolutions, transactions, findings and determinations, which shall be a public record.

(1981 Code § 5.3)

1220.04 EMPLOYEES; EXPENDITURES.

The Planning Commission may appoint such employees as it may deem necessary for its work, whose appointment, promotion, demotion and removal shall be subject to the same provisions of law as govern other corresponding employees of Reed City. The Planning Commission may also contract with city planners, engineers, architects and other consultants for such services as it may require. The expenditures of the Planning Commission, exclusive of gifts, shall be within the amounts appropriated for the purpose by the City Council, which shall provide for funds, equipment and accommodations necessary for the Planning Commission's work. (1981 Code § 5.4)

1220.05 PURPOSE AND CONTENTS OF MASTER PLAN.

It shall be the function and duty of the Planning Commission to make and adopt a master plan for the physical development of the City of Reed City, including any areas outside of its boundaries which, in the Planning Commission's judgment, bear relation to the planning of said City and the adjacent areas. Such plan, with the accompanying maps, plats, charts and descriptive matter, shall show the Planning Commission's recommendations for the development of said territory, including, among other things, the general location, character, and extent of streets, viaducts, bridges, waterways, waterfronts, boulevards, parkways, playgrounds and open spaces, the general location and extent of public utilities and terminals, whether publicly or privately owned or operated, for water, light, sanitation, transportation, communication, power and other purposes; also the removal, relocation, widening, narrowing, vacating, abandonment, change of use or extension of any of the foregoing ways, grounds, open spaces, buildings, property, utilities or terminals; the general location, character, lay out and extent of community centers and neighborhood units; and the general character, extent and lay out of the replanning and redevelopment of blighted districts and slum areas. (1981 Code § 5.5)

1220.06 ZONING AMENDMENTS AND REVISIONS.

It shall also be the duty of the Planning Commission to recommend to the City Council from time to time such amendments, changes, supplements, modifications and revisions in the present Zoning Code of the City, including a zoning plan or plans for all lands and territory which may be added to the City hereafter from time to time, for the control of height, area, bulk, location and use of buildings and premises, to carry out proper City planning, but a public hearing shall always be held by the Planning Commission before a zoning plan or any amendments or supplements thereto are recommended to the City Council. (1981 Code § 5.6)

1220.07 PREPARATION AND PUBLICATION OF MASTER PLAN.

The Planning Commission may, from time to time, adopt and publish a part or parts of said proposed master plan, any such part to cover one or more major sections or divisions of the Municipality or one or more of the aforesaid or other functional matters to be included in the plan. The Planning Commission may from time to time amend, extend, or add to the plan. In the preparation of such plan the Planning Commission shall make careful and comprehensive surveys and studies of present conditions and future growth of the Municipality and with due regard to its relation to the neighborhood or neighboring territory. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the Municipality and its environs which will, in accordance with the present and future needs, best promote health, safety, morals, order, convenience, prosperity and general welfare, as well as efficiency and economy in the process of development; including among other things, adequate provision for traffic, the promotion of safety from fire and other dangers, adequate provision for light and air, the promotion of the healthful and convenient distribution of population, the promotion of good civic design and arrangement, wise and efficient expenditure of public funds and the adequate provision of public utilities and other public requirements.

(1981 Code § 5.7)

1220.08 MANNER OF Adoption of MASTER Plan.

The Planning Commission may adopt the master plan of the City of Reed City, including any areas outside of its boundaries, which, in the City Council's judgment, bear relation to the planning of said City, as a whole by a single resolution, or the Commission may, by successive resolutions, adopt successive parts of the plan, said parts corresponding with major geographical sections or divisions of the Municipality and surrounding areas or with functional subdivisions of the subject matter of the plan, and may adopt any amendment or extension thereof or addition thereto.

(1981 Code § 5.8)

1220.09 PUBLIC HEARING ON MASTER PLAN.

Before the adoption of the plan or any such part, amendment, extension or addition thereof, the Planning Commission shall hold at least one public hearing thereon, notice of the time and place of which shall be given by one publication in a newspaper of general circulation in the Municipality and in the official City publication. The adoption of the plan or any such part or amendment or extension or addition thereof shall be by resolution of the Planning Commission carried by the affirmative vote of not less than six members of said Commission. The resolution shall refer expressly to the maps and the descriptive and other matter by the identifying signature of the Chairperson and/or Secretary of the Commission. An attested copy of the plan or part thereof shall be certified to the City Council and to the Osceola County Register of Deeds.

(1981 Code § 5.9)

1220.10 APPROVAL OF PUBLIC WORKS.

Whenever the Planning Commission shall have adopted the master plan of the City of Reed City or one or more major sections or districts thereof, no street, square, park or other public way, ground or open space or public building or structure, shall be constructed or authorized in said City or in such planned section and district until the location, character and extent thereof shall have been submitted to and approved by the Planning Commission. In case of disapproval the Commission shall communicate its reasons to the Council, which shall have the power to overrule such disapproval by a recorded vote of not less than two-thirds of its entire membership. However, if the authorizing or financing of such public way, ground, space, building, structure or utility does not, under the law or Charter provisions

governing same, fall within the province of the City Council, the submission to the Planning Commission shall be by the board, commission or body having such jurisdiction, and the Planning Commission's disapproval may be overruled by said board, commission or body by a vote of not less than two-thirds of its membership. The failure of the Planning Commission to take final action, within sixty days from and after the date of official submission to it, shall be deemed approval. (1981 Code § 5.10)

1220.11 AUTHORITY RE STREETS AND PARKS.

Whenever the City Council shall have taken final action for the opening, widening or extension of any street, avenue or boulevard, or whenever the City Council or other legislative body shall have taken final action ordering that proceedings be instituted for the acquisition or enlargement of any park, playground, playfield or other public open space in conformity with the master plan, such final action shall not be rescinded until after the matter has been referred back to the City Planning Commission for a report. The City Council shall have the power to overrule the recommendation of the City Planning Commission by a vote of not less than two-thirds of its entire membership.

(1981 Code § 5.11)

1220.12 ADDITIONAL POWERS.

The Planning Commission shall have the power to promote public interest in and understanding of the plan and to that end may publish and distribute copies of the plan or of any report and may employ such other means of publicity and education as it may determine. Members of the Planning Commission, when duly authorized by the Planning Commission, may attend city planning conferences or meetings of city planning institutes, or hearings upon pending city planning legislation, and the City Council, may, by resolution spread upon its minutes, pay the reasonable traveling expenses incident to such attendance. The Planning Commission shall, from time to time, recommend to the appropriate public officials programs for public structures and improvements and for the financing thereof. It shall be part of its duties to consult and advise with public officials and agencies, public utility companies, civic, educational, professional and other organizations and citizens with regard to the protecting or carrying out the plan. The Planning Commission shall have the right to accept and use gifts for the exercise of its functions. All City officials and employees shall, upon request, furnish to the Planning Commission, within a reasonable time, such available information as it may require for its work. The Planning Commission, its members, officers and employees, in the performance of their function, may enter upon any land and make examination and surveys and place and maintain necessary monuments and marks thereon. In general, the Planning Commission shall have such powers as may be necessary to enable it to fulfill its functions, promote municipal planning, or carry out the purposes of this chapter.

(1981 Code § 5.12)

1220.13 PLAT APPROVAL.

Whenever the Planning Commission shall have adopted a master plan relating to the major street system of the territory within its subdivision jurisdiction or part thereof, and shall have filed a certified copy of such plan in the office of the Osceola County Register of Deeds, then no plat of a subdivision of land within such territory or part shall be filed or recorded until it shall have been approved by such Planning Commission and such approval has been entered in writing on the plat by the Chairperson or the Secretary of the Planning Commission. (1981 Code § 5.13)

1220.14 ADOPTION OF SUBDIVISION REGULATIONS.

Before exercising the powers referred to in Section 1220.13, the Planning Commission shall adopt regulations governing the subdivision of land within its jurisdiction. Such regulations may provide for the proper arrangement of streets in relation to other existing or planned streets and to the master plan, for adequate and convenient open spaces for traffic, utilities, access for fire-fighting apparatus, recreation, light and air, and for the avoidance of congestion of population, including minimum width and area of lots. Such regulations may include provisions as to the extent to which streets and other ways shall be graded and improved and to which water and sewer and other utility mains, piping or other facilities shall be installed as a condition precedent to the approval of the plat. The regulations or practice of the Planning Commission may provide for a tentative approval of the plat previous to such installation; but any such tentative approval shall be revocable and shall not be entered on the plat. In lieu of the completion of such improvements and utilities prior to the final approval of the plat, the Planning Commission may accept a bond with surety to secure to the Municipality the actual construction and installation of such improvements or utilities at a time and according to specifications fixed by or in accordance with the regulations of the Planning Commission. The City of Reed City shall have the power to enforce such bond by all appropriate legal and equitable remedies. All such regulations shall be published as provided by law for the publication of ordinances, and, before adoption, a public hearing shall be held thereon. A copy thereof shall be certified by the Planning Commission to the Register of Deeds of Osceola County.

(1981 Code § 5.14)

1220.15 TIME LIMIT FOR PLAT APPROVAL.

The Planning Commission shall approve, modify or disapprove a plat within sixty days after the submission thereof to it; otherwise such plat shall be deemed to have been approved, and a certificate to that effect shall be issued by the Planning

Commission on demand; provided, however, that the applicant for the Planning Commission's approval may waive this requirement and consent to an extension of such period.

(1981 Code § 5.15)

1220.16 PLAT APPROVAL; USE RESTRICTIONS.

The grounds for disapproval of any plat shall be stated upon the records of the Planning Commission. Any plat submitted to the Planning Commission shall contain the name and address of a person to whom notice of a hearing shall be sent; and no plat shall be acted on by the Commission without affording a hearing thereon. Notice of the time and place of such hearing shall be sent to the said address by registered mail not less than five days before the date fixed therefor. Similar notice shall be mailed to the owners of land immediately adjoining the platted land, as their names appear upon the records of the City of Reed City or as their addresses appear in the directory of the City of Reed City or on the tax records of the City of Reed City. Every plat approved by the Planning Commission shall, by virtue of such approval, be deemed to be an amendment of or an addition to or a detail of the Municipal plan and a part thereof. Approval of a plat shall not be deemed to constitute or effect an acceptance by the public of any street or other open space shown upon the plat. The Planning Commission may, from time to time, recommend to the City Council amendment of the Zoning Code or the Zoning Map or additions thereto to conform to the Planning Commission's recommendations for the zoning regulations of the territory comprised within approved subdivisions. The Planning Commission shall have the power to agree with the applicant upon use, height, area or bulk requirements or restrictions governing buildings and premises within the subdivision, provided such requirements or restrictions do not authorize the violation of the then effective Zoning Code. Such requirements or restrictions shall be stated upon the plat prior to the approval and recording thereof and shall have the same force of law and be enforceable in the same manner and with the same sanctions and penalties and subject to the same power of amendment or repeal as though set out as part of the Zoning Code or the Zoning Map.

(1981 Code § 5.16)

1220.17 SIX-YEAR PUBLIC WORKS PROGRAMS.

For the purpose of furthering the desirable future development of the City and adjacent areas under the master plan, the Planning Commission, after the adoption of the master plan, may prepare coordinated and comprehensive programs of public structures and improvements which shall be accompanied by a program for the financing thereof. The Planning Commission may annually prepare such a program for the ensuing six years, which program shall show those public structures and improvements in the general order of their priority, which in the Planning Commission's judgment will be needed or desirable and can be financed and undertaken within the six-year period. The above comprehensive coordinated programs shall be based upon the requirements of the City of Reed City and the adjacent areas related thereto in the master plan for all types of public improvements, and to that end, each agency or governmental unit concerned with such improvement shall, upon request, furnish the Planning Commission with lists, plans and estimates of the time and cost of public improvements within the purview of such agency or governmental unit.

(1981 Code § 5.17)

TITLE FOUR – Zoning

- Chap. 1240. General Provisions and Definitions.
- Chap. 1242. Administration, Enforcement and Penalty.
- Chap. 1244. Zoning Board of Appeals.
- Chap. 1246. Districts Generally and Zoning Map.
- Chap. 1248. R-1 Single Family Residential District – Low Density.
- Chap. 1250. R-2 Single Family Residential District – Medium Density.
- Chap. 1252. R-3 Single Family Residential District – High Density.
- Chap. 1254. R-4 Residential District – Multiple Density.
- Chap. 1256. R-5 Residential District – Mobile Home Park.
- Chap. 1258. C-1 Commercial District – Central Business District.
- Chap. 1260. C-2 Commercial District – General Commercial.
- Chap. 1262. C-3 Commercial District – Medical Services.
- Chap. 1264. C-4 Commercial District – Office District.
- Chap. 1266. IND Industrial District.

- Chap. 1268. PUD Planned Unit Development Overlay District.
- Chap. 1270. Hersey River Overlay District.
- Chap. 1272. Site Plan Review.
- Chap. 1274. Special Land Uses.
- Chap. 1276. Nonconforming Uses.
- Chap. 1278. Off-Street Parking and Loading.
- Chap. 1280. Landscaping, Screening, Walls and Fences.
- Chap. 1282. Signs.
- Chap. 1284. Provisions Applicable to All Districts.
- Appx. I. Zoning Map Changes

CHAPTER 1240

General Provisions and Definitions

- 1240.01 Short title.
- 1240.02 Purposes.
- 1240.03 Scope; conflicts of laws.
- 1240.04 Application; conformance required.
- 1240.05 Legal basis.
- 1240.06 Rules of interpretation.
- 1240.07 Definitions.

CROSS REFERENCES

- Zoning and planning in home rule cities – see M.C.L.A. § 117.4i
- Regulation of location of trades, buildings and uses by local authorities – see M.C.L.A. § 125.581
- Administration, enforcement and penalty – see P. & Z.Ch. 1242
- Zoning Board of Appeals – see P. & Z.Ch. 1244
- Districts generally and Zoning Map – see P. & Z.Ch. 1246
- Special land uses – see P. & Z.Ch. 1274
- Nonconforming uses – see P. & Z.Ch. 1276
- Provisions applicable to all districts – see P. & Z.Ch. 1284
- Zoning Map changes – see Part 12, Title 4, Appx. I

1240.01 SHORT TITLE.

This Title Four of Part Twelve of these Codified Ordinances shall be known as the Reed City Zoning Code and shall be referred to herein as "this Zoning Code".(Ord. 52. Passed 6-16-97.)

1240.02 PURPOSES.

This Zoning Code is adopted to regulate the use of land, buildings, and structures within the City to meet the needs of its residents for food, fiber, energy, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land; to ensure that uses of land, buildings, and structures will be situated in appropriate locations and relationships; to limit the inappropriate overcrowding of land and congestion of population and transportation systems and other public facilities; to facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other necessary public services and facilities; and to otherwise promote the public health, safety, and welfare to the full extent authorized by Act 207 of the Public Acts of 1921, as amended, and other applicable laws. (Ord. 52. Passed 6-16-97.)

1240.03 SCOPE; CONFLICTS OF LAWS.

Except as otherwise expressly provided by this Zoning Code, this Zoning Code is not intended to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws, ordinances, or regulations or with private restrictions placed upon property by covenant, deed, or other private agreements or with restrictive covenants running with the land to which the City is a party. Where this Zoning Code imposes greater restrictions, limitations, or requirements upon the use of buildings, structures, or land, the height of buildings or structures, lot coverage, lot areas, yards or other open spaces, or any other use of land than are imposed or required by other existing laws, ordinances, regulations, private restrictions, or restrictive covenants, the provisions of this Zoning Code will supersede.

(Ord. 52. Passed 6-16-97.)

1240.04 APPLICATION; CONFORMANCE REQUIRED.

Zoning applies to every building, structure, and use within the City. No land, building or structure or part thereof shall be built, moved, placed, reconstructed, extended, enlarged, altered, used, or occupied except in conformance with this Zoning Code.

(Ord. 52. Passed 6-16-97.)

1240.05 LEGAL BASIS.

This Zoning Code is enacted to protect the public health, safety, and general welfare of the residents of Reed City pursuant to the provisions of the City or Village Zoning Act, Act 207 of the Public Acts of 1921, as amended.

(Ord. 52. Passed 6-16-97.)

1240.06 RULES OF INTERPRETATION.

The following rules of interpretation apply to the terminology in the text of this Zoning Code:

- (a) The particular will control the general.
- (b) The title of a chapter, section, or subsection of this Zoning Code is for convenience only and will not be considered to enlarge or restrict the terms and provisions of this Zoning Code in any way.
- (c) The words "will" and "shall" are always mandatory and not discretionary. The word "may" is permissive.
- (d) Unless the context clearly implies the contrary, words used in the present tense will include the future tense; words used in the singular number will include the plural number; and words used in the plural number will include the singular number.
- (e) A "building" or "structure" includes any part thereof.
- (f) The word "person" includes an individual, a corporation, a partnership, an incorporated association or any similar entity, firm, association, joint venture, trust, or equivalent entity or a combination of any of them as well as a natural person.
- (g) The words "used" or "occupied" as applied to any land, building, or structure will be construed to include the words "intended," "arranged," or "designed to be used or occupied." The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."
- (h) Any word or term not defined herein will have the meaning customarily assigned to it.
- (i) In case of any difference of meaning or implication between the text and any caption or illustration, the text will take precedence.

(Ord. 52. Passed 6-16-97.)

1240.07 DEFINITIONS.

The following definitions will apply to words and phrases used in the text:

- (1) Accessory Uses and Structures: Uses and structures which are customarily accessory and clearly incidental and subordinate to, and on the same parcel as, the permitted principal or special uses and structures in any zoning district.
 - (1A) Adult Day Care Center: A facility, not requiring State licensing, receiving one or more adults for care and supervision for compensation for periods of less than 24 hours a day, and where the guardians are not immediately available to the adult.
- (2) Alteration: Any change in size, shape, character, occupancy, or use of a building, structure or land.
- (3) Bed and Breakfast: A use that is subordinate to the principal use of a single-family dwelling unit in which transient guests are given a sleeping room with or without board in return for payment. Also known as rooming house, boarding house, or lodging house.
- (4) Board of Appeals: The Zoning Board of Appeals of the City of Reed City.

- (5) Boarding House: See Bed and Breakfast.
- (6) Building: A structure that is fully or partially enclosed with walls and roof providing protection against the elements.
- (7) Character Area: The portion of an Electronic Message Center that is capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means.
- (8) Child Care Center: A facility, other than a private home, receiving one or more preschool or school-age children for care for periods of less than 24 hours a day for not less than two consecutive weeks (despite the number of hours of care per day), and where the parents and guardians are not immediately available to the children, including facilities described as day care centers, day nurseries, nursery schools, preschools, pre-kindergarten, play groups, and drop-in centers.
- (9) Child Care Institution: A facility, other than a private home, receiving children under the age of 18 for care 24 hours a day. These facilities provide food, clothing and shelter for children who are orphaned or who by court order have been removed from their domestic home and where the parents or guardians are not available to the children.
- (10) Communications Towers: A dedicated structure for mounting transmitter equipment and antennas that are necessary for providing the full range of wireless communications or mobile telecommunications services. Communications towers may be for personal or commercial use. Wireless communications include mobile telephones, radio, television, fire, police, 911, emergency rescue, hospital and other similar public service organizations.
- (11) Development: The process of changing the use of a vacant parcel through the construction of facilities, buildings or structures, or the conversion of a non-vacant parcel from one type of use to another.
- (12) Domestic Pets: Dogs, cats, or other household animals.
- (13) Drive-through or Drive-in Establishments: Any place or premise which offers the sale of goods or services to customers in vehicles, including those establishments where customers may serve themselves and use the goods or services on the premises.
- (14) Dwelling or Dwelling Unit: One or more habitable rooms which are occupied or intended for occupancy by one family with facilities for living, sleeping, cooking, eating, and includes bathrooms. Any building or structure thereof that is occupied, in whole or in part, as a home, residence, or sleeping place, either permanently or temporarily. This includes tents or recreational vehicles when not in approved campgrounds, but not including motels, hotels, tourist rooms, bed and breakfasts, or cabins.
- (15) Dwelling, Multi-Family: A residential building containing three or more dwelling units designed and used for occupancy by three or more families, living independent of each other, with the number of families not exceeding the number of dwelling units provided.
- (16) Dwelling, Single-Family: A detached residential building designed and used for occupancy by one family only.
- (17) Dwelling, Two-Family: A detached residential building containing two dwelling units designed and used for occupancy by two families living independent of each other.
- (18) Educational Services: Accredited public, parochial, or private elementary and secondary schools, colleges, universities, professional schools, junior colleges, technical institutes, libraries, trade schools, vocational schools, and other establishments primarily engaged in offering educational courses and services, including job training and vocational rehabilitation services.
- (19) Electronic Message Center (EMC): A sign that is capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means.
- (20) Essential Government Services: Equipment and structures reasonably necessary for the furnishing of adequate service by governmental departments or commissions for the public health or safety or general welfare, but not including buildings other than such buildings as are primarily enclosures or shelters of the essential service equipment.
- (20A) Exotic Pets: Animals, birds, insects or reptiles that are not indigenous to the State of Michigan, that are considered a non-domesticated species, and that are not commonly kept as a pet. The Zoning Administrator may promulgate a list of animals the City considers to be exotic pets.
- (21) Family: One or more persons living together as a single, nonprofit housekeeping unit, organized as a single entity in which the members share common kitchen facilities in a domestic relationship based on consanguinity, marriage, adoption, or other domestic bond. This definition does not include any society, association, organization, or any other group whose domestic relationship is of a transitional or seasonal nature or for an anticipated limited duration.
- (22) Fence: A permanent barrier enclosing or bordering a plot of land or portion thereof composed of manmade materials erected on posts, for preventing or controlling entrance or to confine within or to mark a boundary.
- (23) Floor Area: The interior floor space of a building.
- A. Gross floor area (GFA) includes all floor space.
- B. Usable floor area (UFA) excludes areas not used for general occupancy such as closets, storage, mechanical and utility areas.

(24) Foster Family Homes: A private home that is the bona fide permanent home of the operator who is also a legal guardian in which children under the age of 18 are placed for care and supervision 24 hours a day.

(25) Gasoline Service Station: Any structure or premises arranged, designed, or used for the retail sale of convenience items including food, fuels, lubricants, air, water, and other operating commodities for motor vehicles. It may also include facilities for the automated washing or polishing of such vehicles. Gasoline service stations shall not include: (1) the customary space and facilities for the repair and installation of parts or other commodities on or in vehicles, or (2) the use of space or facilities for the refinishing of motor vehicles, or (3) for the dismantling for reuse or resale of motor vehicles or parts thereof, or (4) for the outdoor storage or repair of motor vehicles or parts thereof.

(26) Greenbelt: An open space area of landscaping or vegetation typically along the periphery of a parcel intended to provide a buffer or relief from overcrowding.

(27) Height of Structure: The vertical distance measured from the established grade at the center of the front of the structure to the midpoint of the roof line.

(28) Home Occupation: Any occupation or income-generating activity traditionally or customarily conducted within a dwelling unit by its occupants as a use incidental and subordinate to the use of the home as a dwelling place that conforms to the provisions applicable to home occupations in this Zoning Code.

(29) Inoperable or Unregistered Motor Vehicles: Motor vehicles that are incapable of being operated or moved under their own power or are dismantled or wrecked. Vehicles requiring registration will be considered inoperable if unregistered.

(29A) Less Common Pets: Animals, birds, insects or reptiles indigenous to the State of Michigan that are considered a non-domesticated species, and is not commonly kept as a pet. The Zoning Administrator may promulgate a list of animals the City considers to be less common pets.

(30) Loading Space, Off-Street: Space logically and conveniently located for merchandise or passenger pickups and deliveries, on the same lot with the use which it is to serve for the temporary parking of vehicles which are performing the said pickups and deliveries.

(31) Lot: A parcel, tract, or portion of land separated from other parcels or portions of land identified by description or for the purposes of taxation. A lot is occupied or intended to be occupied by a principal building or a group of such buildings and accessory structures, or utilized for a principal use and accessory uses according to this Zoning Code. In the case of a site condominium subdivision, a "site condominium building site" will be considered the equivalent of a "lot" for purposes of determining compliance with the applicable requirements of this Zoning Code and with other applicable laws, ordinances, or regulations.

(32) Lot Area: Lot area is the precise square footage or acreage of a lot and shall not include any part of a public right-of-way.

(33) Lot, Corner: Any lot having at least two contiguous sides abutting upon one or more streets, if the interior angle at the intersection of the two sides is less than 135 degrees. Any lot line separating the lot from any street will be construed as a front lot line.

(34) Lot, Double Frontage: Any lot including a corner lot, as defined herein, with two or more sides abutting on one or more streets. Any lot line separating the lot from any street will be considered the front lot line.

(35) Lot Line: The lines of ownership defining the limits of a parcel or lot.

A. Front Lot Line: The lot line that coincides with the street right-of-way.

B. Rear Lot Line: The lot line opposite to and most distant from the front lot line as designated for each lot; for irregularly-shaped lots, the rear lot line will be determined by the Zoning Administrator.

C. Side Lot Line: Any lot line other than a front or rear lot line as determined by the Zoning Administrator.

(36) Mobile Home: A mobile home is a dwelling unit which is licensed by HUD and designed to be transportable from one location to another on a permanently attached undercarriage. This definition does not include recreational vehicles such as "travel trailers," "fifth wheels," "trailer coaches," "house cars," or "campers."

(37) Mobile Home Park: A lot, parcel, or tract of land used as the site of occupied mobile homes, including any structure, vehicle, or enclosure used as part of the equipment of such mobile home park, and licensed or licensable under the provisions of Act 96 of the Public Acts of 1987, as amended, and the provisions of this Zoning Code.

(38) Modular Home: A dwelling which consists of prefabricated units transported to the site on a removable undercarriage or flatbed and assembled for permanent location on the lot.

(39) Motor Vehicle: Any motorized vehicle whether licensed or unlicensed including automobiles, tractors, motorcycles, trucks, semi-tractors, motor homes, go-carts, snowmobiles, etc.

(40) Motor Vehicle Repair: General repair, rebuilding, or reconditioning of engines or motor vehicles, replacement of parts, or motor service; collision service (including body repair and frame straightening); painting; upholstery; or vehicle steam cleaning and undercoating, as a business.

(41) Nit: A unit of luminance equal to one candela per square meter.

(42) Nonconforming Use or Structure: Any use, lot, or structure which lawfully existed immediately before the time this Zoning Code became effective that does not now comply with the district requirements in which it is located.

(43) Nursing and Personal Care Facilities: Establishments primarily engaged in providing in-patient nursing and health related personal care, which may or may not be a private home, in which one or more children and/or adults who are aged or physically impaired by accident or disease or otherwise disabled are received for care and supervision for extended periods. Establishments of this type include: Homes for the aged, assisted living facilities, extended care facilities, nursing homes, intermediate care facilities, convalescent homes, rest homes, any establishment commonly described as an alcohol or a substance abuse rehabilitation center, and personal care facilities with health care. The physical facility and operation of nursing and personal care facilities shall comply with all applicable Federal, State, and local laws or regulations. Nursing and personal care facilities may include establishments commonly described as alcohol or substance abuse rehabilitation centers. The construction and operation of the facility shall comply with all applicable Federal, State, and local laws or regulations. This does not include a facility for persons released from or assigned to adult correctional institutions.

(44) Outdoor Commercial Recreation: Commercial establishments related to outdoor recreational activities, such as, but not limited to, miniature golf courses, driving ranges, skating rinks, and batting cages, etc., but not including golf courses and country clubs.

(45) Outdoor Sales: Retail businesses whose principal activity is the sale or rental of merchandise in an outdoor setting, such as, but not limited to, farm implements, plants and trees, mobile homes, building supplies, and motor vehicles.

(46) Parcel: A division of land available for development. (See Lot.)

(47) Parking Space, Off-Street: Any space used for the off-street parking of motor vehicles in all districts according to the parking standards of this Zoning Code.

(48) Personal Pet Facilities, Including Dog Runs: Facilities used in the permanent housing or temporary restraining of household pets.

(49) Pool, Private Swimming: Any artificially constructed basin or other structure for the holding of 500 or more gallons of water for use by the owner, his or her family, or guests for aquatic sports or recreation.

(50) Principal Structure: The structure within which the principal use is located.

(51) Principal Use: The primary or chief purpose for which a lot is used. A lot may contain only one principal use.

(52) Public and Institutional Uses: Churches; parks and nonprofit recreational uses; Municipal, County, State, and Federal administration buildings, police and fire stations, elementary, intermediate, and high schools (non-boarding), public libraries and museums, parks, play fields, and playgrounds, community centers, recreational clubs, tennis courts, swimming pools, libraries; government-owned facilities; cemeteries; and/or similar uses providing service necessary to the community.

(53) Public Utility: Any person, firm, corporation, or board, duly authorized to furnish and furnishing to the public under Federal, State, or municipal regulations, electricity, gas, steam, communications, transportation, etc.

(54) Public Utility Facilities: Electric transformer stations, gas regulator stations, gas valve houses, booster stations, telephone exchange buildings, and telephone repeater buildings and other similar utility uses.

(55) Salvage/Junk Yard: An open area where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, and bottles. Also including an automobile wrecking yard, but not including uses established entirely within closed buildings.

(56) Setback: The line that establishes the minimum required distance between a structure and a property line. The setback will be measured from and be horizontal to the front, rear, and side lot lines. The setback line also is called the "required setback line." Steps may be located between the required setback line and the lot line. Porches are considered part of the building or structure. The area between the lot line and the setback line will be called the "Required Setback Area."

(57) Setback Area: The area between the lot line and the setback line. Also called the "Required Setback Area."

(58) Sexually Oriented Businesses: Sexually oriented businesses includes the following:

A. Adult Bookstore or Video Store. An establishment having a substantial or significant portion of its business devoted to books, magazines, periodicals, films, or videotapes which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," as defined herein.

B. Adult Cabaret. A cabaret which regularly features go-go dancers, strippers, or similar entertainers; or waiters, waitresses, or other employees showing specified anatomical areas or specified sexual activities.

C. Adult Motion Picture Theater. An establishment regularly used for presenting motion pictures distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," as defined herein, for observation by patrons therein.

D. Adult Novelty Store. An establishment that has a substantial or significant portion of its business devoted to the sale of devices which stimulate human genitals or devices designed for sexual stimulation.

E. Adult Panorama. An establishment having a substantial or significant portion of its business devoted to an

entertainment use where patrons view in individual viewing booths, films, tapes, or live entertainment showing specified sexual activities or specified anatomical areas.

F. Burlesque Hall. An establishment which regularly features entertainers showing specified anatomical areas or specified sexual activities.

G. Cabaret. A café, restaurant, or bar where patrons are entertained by performers who dance or sing or play musical instruments.

(59) Shopping Center: A grouping of stores within a single building under similar ownership.

(60) Sign: Any device designed or intended to inform or attract the attention of any person, according to the sign provisions of this Zoning Code.

(61) Site Condominium: A division of land based on a plan or project consisting of two or more site condominium units established according to the Condominium Act, Public Act 59 of the Public Acts of 1978, as amended.

(62) Site Plan: A scale drawing that shows the locations and dimensions of improvements upon a parcel of land, such as, but not limited to, buildings, driveways, parking area, landscaping, sidewalks, signs, sewage systems, water supply, and drainage facilities, as set forth in this Zoning Code.

(63) Special Land Use: A use that would not be appropriate generally or without restriction throughout the zoning district which, if controlled as to number, location, size, or relation to the surrounding area, would be in the best interest of the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted according to the provisions set forth in this Zoning Code.

(64) Specified Anatomical Areas. Specified anatomical areas are defined as:

A. Less than completely and opaquely covered:

1. Human genitals and pubic region;
2. Buttock; and
3. Female breast below a point immediately above the top of the areola; and

B. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

(65) Specified Sexual Activities. Specified sexual activities are defined as:

- A. Human genitals in a state of sexual stimulation or arousal;
- B. Acts of human masturbation, sexual intercourse, or sodomy;
- C. Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

(66) State Licensed Residential Facilities: Establishments engaged in the provision of residential care for children, the aged, and special categories of individuals with limitations on ability for self-care but where medical care is not a major element.

A. Category A:

1. Adult Foster Care: A structure constructed for residential purposes licensed by the State of Michigan pursuant to the Adult Foster Care Facility Licensing Act (Act 218 of the Public Acts of 1979, as amended), or the Child Care Organizations Act (Act 116 of the Public Acts of 1973, as amended), that provides residents under 24 hour supervision or care for persons in need of that supervision or care. A "state-licensed residential facility," as defined by this section, does not include any establishment commonly described as an alcohol or a substance abuse rehabilitation center. Nor does it include a facility for the care and treatment of persons released from or assigned to adult correctional institutions.

2. Family Home: A private home that is the bona fide permanent home of the operator in which from one to six adults who are aged, mentally ill, developmentally disabled, or physically disabled are received for care. The physical facility and operation of the home shall comply with all applicable Federal, State, and local laws or regulations.

3. Small Group Home: A facility that is operated by staff in a ratio of one staff for each six residents in which from one to twelve adults who are aged, mentally ill, developmentally disabled, or physically disabled are received for care and supervision 24 hours a day. The physical facility and operation of the home shall comply with all applicable Federal, State, and local laws or regulations.

4. Medium Group Home: A facility that is operated by staff in a ratio of one staff for each six residents in which from seven to twelve adults who are aged, mentally ill, developmentally disabled, or physically disabled are received for care and supervision 24 hours a day. The physical facility and operation of the home shall comply with all applicable Federal, State, and local laws or regulations.

5. Large Group Home: A facility, which may or may not be a private home, in which 13 to 20 adults who are aged, mentally ill, developmentally disabled, or physically disabled are received for care and supervision 24 hours a day. The physical facility and operation of the facility shall comply with all applicable Federal, State, and local laws or regulations.

B. Category B: Licensed Day Care:

1. Family Home: A private home (that is the bona fide permanent residence of the operator of the family day care home) in which from one to six minor children are received for care and supervision for periods of less than 24 hours a day for more than four weeks during a calendar year, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption.

2. Group Home: A private home (that is the bona fide permanent residence of the operator of the group day care home) in which from seven to twelve minor children are received for care and supervision for periods of less than 24 hours a day for more than four weeks during a calendar year, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption.

(67) Street: A publicly owned and maintained right-of-way that affords traffic circulation and principal means of access to abutting property, including any avenue, place, way, drives, land, boulevard, highway, road, or other thoroughfare.

(68) Structure: Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground, including buildings, walls, fences, and signs.

(69) Substantial or Significant Portion. A business will be deemed to have a substantial or significant portion of its stock in trade or services if it meets at least one of the following criteria:

A. Thirty-five percent or more of the stock, materials, or services provided are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities, specified anatomical areas, or both.

B. Thirty-five percent or more of the usable floor area of the building is used for the sale, display, or provision of services distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities, specified anatomical areas, or both.

C. The advertising (on signs, in publications, on television or radio and/or in other media forms) associated with the business, describes or relates to specified sexual activities, specified anatomical areas, or both.

(70) Tourist Rooms: See Bed and Breakfast.

(71) Upper Floor Dwelling: A dwelling on the second floor of an existing building designed or used as a commercial business establishment.

(72) Wall: A barrier constructed of masonry or other solid materials on a continuous concrete footing for controlling entrance, sound, and/or view.

(73) Yard: An open space on the same lot with a structure, unoccupied and unobstructed on or above grade level, between the lot line and the principal structure.

(74) Yard, Front: The open space extending the full width between the side lot lines and the full depth between the front lot line and the principal structure.

(75) Yard, Rear: The open space extending the full width between the side lot lines and the full depth from the rear lot line to the principal structure.

(76) Yard, Side: The open spaces on either side of the principal structure between the front yard and the rear yard and the full width from the side lot lines to the principal structure.

(77) Zoning Districts: The areas into which the City of Reed City has been divided and for which the regulations and requirements governing use and size of lots and structures are specified in this Zoning Code.

(78) Zoning Administrator: The duly authorized official of the City of Reed City who is responsible for administering and enforcing this Zoning Code.

(Ord. 52. Passed 6-16-97; Ord. Unno. Passed 6-16-14; Ord. 02-2018. Passed 2-20-18; Ord. 005-2018. Passed 10-15-18; Ord. 006-2018. Passed 1-22-19.)

CHAPTER 1242

Administration, Enforcement and Penalty

1242.01 Authority of Planning Commission.

1242.02 Duties and responsibilities of Planning Commission.

1242.03 Duties and procedures of Council.

1242.04 Appointment and authority of Zoning Administrator.

1242.05 Duties and responsibilities of Zoning Administrator.

1242.06 Public hearings.

- 1242.07 Zoning amendment hearings.
- 1242.08 Special land use permit hearings.
- 1242.09 Fees.
- 1242.99 Violation and penalty.

CROSS REFERENCES

- Zoning and planning in home rule cities – see M.C.L.A. § 117.4i
- Regulation of location of trades, buildings and uses by local authorities – see M.C.L.A. § 125.581
- General provisions and definitions – see P. & Z.Ch. 1240
- Zoning Board of Appeals – see P. & Z.Ch. 1244
- Districts generally and Zoning Map – see P. & Z.Ch. 1246
- Site plan review – see P. & Z.Ch. 1272
- Special land uses – see P. & Z.Ch. 1274
- Nonconforming uses – see P. & Z.Ch. 1276
- Provisions applicable to all districts – see P. & Z.Ch. 1284
- Zoning Map changes – see Part 12, Title 4, Appx. I

1242.01 AUTHORITY OF PLANNING COMMISSION.

The City Planning Commission is authorized by the provisions of the Municipal Planning Commission Act, being Act 285 of the Public Acts of 1931, as amended, which states that the Planning Commission shall be appointed by the City Council. For the purposes of administering this Zoning Code and by authority of the City and Village Zoning Act, being Act 207 of the Public Acts of 1921, as amended, the City Council may appoint the City Planning Commission to perform the duties of the zoning board as specified in said Act.

(Ord. 52. Passed 6-16-97.)

1242.02 DUTIES AND RESPONSIBILITIES OF PLANNING COMMISSION.

The Planning Commission is authorized to adopt rules of procedure consistent with the statutes of Michigan, the provisions of the City Charter, and the provisions of this Zoning Code. The Planning Commission as directed by the City Council shall develop and administer this Zoning Code. All matters pertaining to the amendment or the changing of the text of this Zoning Code or the Zoning Map or for a special use permit request shall be referred to the Planning Commission. For each request for an amendment or change of this Zoning Code or for a special use permit, the Planning Commission shall review the request, conduct a public hearing, and forward recommendations for approval, conditional approval, or denial to the City Council, which shall make the final decision on the request.

(Ord. 52. Passed 6-16-97.)

1242.03 DUTIES AND PROCEDURES OF COUNCIL.

For the purposes of administering this Zoning Code, all matters concerning zoning shall be directed to the City Council for referral to the appropriate official, commission, or board for proper action. In any case which will involve an amendment or change to the text or Map of this Zoning Code, the City Council shall adopt a resolution directing the Planning Commission to conduct a public hearing and to make recommendations back to the City Council for final legislative action.

(Ord. 52. Passed 6-16-97.)

1242.04 APPOINTMENT AND AUTHORITY OF ZONING ADMINISTRATOR.

The Zoning Administrator shall be charged with administering this Zoning Code. The Zoning Administrator may be employed in accordance with Section 5 of Act 285 of the Public Acts of 1931, as amended, and the provisions of the City Charter.

(Ord. 52. Passed 6-16-97.)

1242.05 DUTIES AND RESPONSIBILITIES OF ZONING ADMINISTRATOR.

(a) The Zoning Administrator shall be responsible for the updating and maintenance of the "official copy" of this Zoning Code text and Map. He or she shall be thoroughly familiar with the provisions of this Zoning Code in order to administer it adequately.

(b) The Zoning Administrator shall make periodic checks of all properties in the City to assure compliance with this Zoning Code. Any violations of this Zoning Code shall be reported in writing to the City Council for further action.

(c) The Zoning Administrator shall receive all requests for rezoning, ordinance amendments, variances, and special use permits, and forward these requests to the proper board or commission, or Council. He or she shall, under no circumstances, be permitted to make changes in any part of this Zoning Code or to vary the terms of this Zoning Code in carrying out his or her duties as Zoning Administrator.

(d) Prior to the issuance of a building permit for any structure or use permitted by the provisions of this Zoning Code, the Zoning Administrator shall review all applications and documentation and issue a zoning permit stating that the proposed use is in compliance with the provisions of this Zoning Code.

(e) The Zoning Administrator shall act as administrative staff to the City Council, the Planning Commission, and the Zoning Board of Appeals. Any information, data, or statements presented to these bodies by the Zoning Administrator shall be purely advisory in nature for the purpose of clarification and coordination and will not restrict decisions made by these bodies.

(Ord. 52. Passed 6-16-97.)

1242.06 PUBLIC HEARINGS.

(a) Official public hearings shall be conducted by the respective agency, board, commission, board of appeals, or legislative body at any time this Zoning Code is amended, supplemented, changed, or otherwise altered, or in any circumstance in which a public hearing is required by State-enabling legislation, the City Charter, or this Zoning Code.

(b) Each public hearing shall be for the purpose of permitting residents and property owners to state views, opinions, suggestions, and questions about the item for which the hearing is being held. Public hearings shall be open for public attendance and participation within the procedures adopted for conducting such hearings.

(c) Each public hearing shall be conducted in accordance with the procedures adopted by the respective board or commission, or Council. An official record of each public hearing shall be made by means of a verbatim transcript, a copy of which shall be maintained as a public record.

(Ord. 52. Passed 6-16-97.)

1242.07 ZONING AMENDMENT HEARINGS.

(a) For each proposed amendment to this Zoning Code, the City Council, by resolution, shall direct the Planning Commission to conduct at least one public hearing and to forward its recommendations for approval or denial to the City Council. For each proposed amendment for which the Planning Commission has forwarded its recommendation, the City Council shall conduct at least one public hearing.

(b) Each public hearing shall be announced not less than fifteen days prior to the date of the hearing by publication in a newspaper of general circulation in the community and by registered mail to all public utilities and railroads operating within the corporate limits of the City. Each public hearing notice shall state the date, time, and place of the public hearing.

(Ord. 52. Passed 6-16-97.)

1242.08 SPECIAL LAND USE PERMIT HEARINGS.

For each application for a special use permit, the Planning Commission shall conduct a public hearing in accordance with procedures outlined in this Zoning Code. Matters to be considered shall meet the provisions as stipulated for respective uses in accordance with this Zoning Code.

(Ord. 52. Passed 6-16-97.)

1242.09 FEES.

Fees relating to zoning, including special use permit fees, Zoning Board of Appeals application fees, zoning amendment fees, and sign permit fees, shall be as established from time to time by Council.

1242.99 VIOLATION AND PENALTY.

(a) Any owner or agent and any person or corporation who shall violate any of the provisions of this Zoning Code or fail to comply therewith or with any of the requirements thereof, or who shall erect, structurally alter, enlarge, rebuild, or move any building or buildings or any structure or put into use any lot or land in violation of any detailed statement or plan submitted hereunder, or who shall refuse reasonable opportunity to inspect any premises, shall be liable to a fine of not more than two hundred dollars (\$200.00) or to imprisonment for not more than ninety days, or to both such fine and imprisonment. Each and every day such violation continues shall be deemed a separate and distinct violation.

(b) The owner of any building or structure, lot or land or part thereof, where anything in violation of this Zoning Code shall be placed or shall exist, and any architect, builder, contractor, agent, person, or corporation employed in connection

therewith and who assists in the commission of such violation, shall each be guilty of a separate violation and, upon conviction thereof, shall each be liable to the fine or imprisonment, or both, as specified in this section.

(c) Any property owner's failure to maintain a fence in proper repair or in a safe condition shall, after ten days written notice by the City requiring his or her abatement of the problem, result in action to be taken by the City to have said fence removed or repaired at the present property owner's expense, and such legal action as may be required to collect all expenses incurred by the City.

(Ord. 52. Passed 6-16-97.)

CHAPTER 1244

Zoning Board of Appeals

1244.01 Appointment and establishment.

1244.02 Duties and responsibilities.

1244.03 Hearings for interpretation, administrative review, or variance.

1244.04 Standards for issuance of variances.

CROSS REFERENCES

Zoning and planning in home rule cities – see M.C.L.A. § 117.4i

Regulation of location of trades, buildings and uses by local authorities – see M.C.L.A. § 125.581

General provisions and definitions – see P. & Z.Ch. 1240

Administration, enforcement and penalty – see P. & Z.Ch. 1242

Districts generally and Zoning Map – see P. & Z.Ch. 1246

Site plan review – see P. & Z.Ch. 1272

Special land uses – see P. & Z.Ch. 1274

Nonconforming uses – see P. & Z.Ch. 1276

Provisions applicable to all districts – see P. & Z.Ch. 1284

Zoning Map changes – see Part 12, Title 4, Appx. I

1244.01 APPOINTMENT AND ESTABLISHMENT.

The Zoning Board of Appeals is authorized by the provisions of the City and Village Zoning Act, being Act 207 of the Public Acts of 1921, as amended, which states that the City Council may act as a Zoning Board of Appeals or the City Council may appoint the Zoning Board of Appeals. The Board of Appeals shall be appointed in accordance with Section 5 of Act 207. Such Board of Appeals shall consist of not less than five members, and it may fix rules and regulations to govern its procedure.

(Ord. 52. Passed 6-16-97.)

1244.02 DUTIES AND RESPONSIBILITIES.

The Zoning Board of Appeals shall hear and decide appeals from and review any order, requirements, decision, or determinations made by an administrative official charged with the enforcement of this Zoning Code. The Zoning Board of Appeals shall not have the power to alter or change the zoning district classification of any property nor to make any change in the terms of this Zoning Code, but does have the power to act on those matters where this Zoning Code provides for administrative review or interpretation and to authorize a variance after proper review and public hearing. Any decision of the Zoning Board of Appeals, after following correct and lawful procedure, shall be final after the expiration of five days from the date of entry of such decision unless the Zoning Board of Appeals shall find the immediate effect of such order is necessary for the preservation of property or personal rights and shall so certify on the record.

(Ord. 52. Passed 6-16-97.)

1244.03 HEARINGS FOR INTERPRETATION, ADMINISTRATIVE REVIEW, OR VARIANCE.

(a) For each case in which the Zoning Board of Appeals has the authority to act on matters concerning interpretation, administrative review, or a variance, the Board of Appeals shall conduct a public hearing.

(b) Each public hearing shall be announced not less than fifteen days prior to the date of the hearing by publication in a

newspaper of general circulation in the community and by personal delivery or by United States mail to the appellant, to the officer from whom the appeal is taken, to the respective owners on record of real property within 300 feet of the property in question, and to the occupants of all single and two family dwellings within 300 feet at the addresses given in the last assessment roll. If the tenant's name is not known, the term "occupant" may be used.

(Ord. 52. Passed 6-16-97.)

1244.04 STANDARDS FOR ISSUANCE OF VARIANCES.

The Zoning Board of Appeals shall have the power to authorize specific variances or departures from this Zoning Code, if all of the basic conditions are satisfied, and if there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Zoning Code. A variance from the dimensional requirements of this Zoning Code may only be granted if it is determined that all basic conditions have been satisfied and that there is a practical difficulty in carrying out the requirement. A variance from the use requirements of this Zoning Code may only be granted if it is determined that all basic conditions have been satisfied and that there is an unnecessary hardship created by those use restrictions. Use variances may only be granted by an affirmative vote of two thirds of the Board's members.

(a) Basic Conditions. Any variance granted from this Zoning Code shall meet the following basic conditions:

- (1) The spirit of this Zoning Code shall be observed, public safety secured, and substantial justice done.
- (2) There is no substantial adverse effect upon property values in the immediate vicinity or in the district in which the property of the applicant is located.
- (3) The difficulty or hardship relating to the property is not so general or recurrent in nature that the formulation of a general regulation for such conditions is preferable.
- (4) The practical difficulties or unnecessary hardships are unique to the property under consideration and not to the general neighborhood, and shall apply only to property that is under the control of the applicant.
- (5) It shall be necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.
- (6) There is a clear showing of an unnecessary hardship in that the property as a whole cannot reasonably be put to a use authorized by this Zoning Code.
- (7) The alleged hardship or difficulty is not solely economic, and is based on the reasonable use of a particular parcel of land.
- (8) It may be denied where the alleged practical difficulties or unnecessary hardships resulted from an act of the applicant, or a person in privity or concert with the applicant.

(b) Practical Difficulties and Unnecessary Hardships. In order to determine if there are practical difficulties or unnecessary hardships which prevent carrying out the strict letter of this Zoning Code the following shall apply:

- (1) Dimensional variance. A practical difficulty shall exist where there are exceptional or extraordinary circumstances or physical conditions, such as narrowness, shallowness, shape or topography of the property involved, that do not generally apply to other property or uses in the same zoning district.
- (2) Use variance. An unnecessary hardship shall exist where the lot considered in combination with other adjacent land owned by the applicant has no reasonable value as zoned.

(c) Exceptions. The Board shall have the power to grant the following exceptions:

- (1) Extend a district where the boundary line of a district divides a lot of record in single ownership at the time of adoption of this Zoning Code;
- (2) Interpret or apply this Zoning Code where the street layout actually on the ground varies from the street layout as shown on the District Map.
- (3) Permit the alteration or enlargement of an existing building associated with a nonconforming use under Section 1276.04, or permit the increase in intensity of use of a nonconforming use under Section 1276.05, where:
 - A. The change will not unreasonably delay future probability of compliance with this Zoning Code.
 - B. There will be greater compliance with this Zoning Code or, in the alternative, with the Building Code or other applicable ordinances if the change is permitted, and such compliance is the maximum which can be reasonably expected. The change will not detract from any historical or unique architectural qualities of the building.
 - C. The change will not be detrimental to or tend to alter the character of the neighborhood.
- (4) Permit a change in use of a nonconforming use under Section 1276.05 to another nonconforming use which is more nearly conforming to the use restrictions of this Zoning Code. After a change in use has been permitted, the use shall not be changed back to the former nonconforming use or to any less conforming use. Such a change in use may be permitted only where:

- A. The change in use will not unreasonably delay future probability of compliance with this Zoning Code.
 - B. There will be greater compliance with this Zoning Code if the change is permitted, and such compliance is the maximum which can reasonably be expected.
 - C. The change will not be detrimental to the neighborhood or tend to alter the character of the neighborhood.
- (Ord. 002-2015. Passed 12-21-15.)

CHAPTER 1246

Districts Generally and Zoning Map

- 1246.01 Zoning districts.
- 1246.02 Summary of district regulations.
- 1246.03 Zoning Map.

CROSS REFERENCES

- Zoning and planning in home rule cities – see M.C.L.A. § 117.4i
- Regulation of location of trades, buildings and uses by local authorities – see M.C.L.A. § 125.581
- General provisions and definitions – see P. & Z.Ch. 1240
- Administration, enforcement and penalty – see P. & Z.Ch. 1242
- Zoning Board of Appeals – see P. & Z.Ch. 1244
- Special land uses – see P. & Z.Ch. 1274
- Nonconforming uses – see P. & Z.Ch. 1276
- Provisions applicable to all districts – see P. & Z.Ch. 1284
- Zoning Map changes – see Part. 12, Title 4, Appx. I

1246.01 ZONING DISTRICTS.

The following zoning districts are hereby established, and the purpose or intended use of each district is stated. Permitted uses in each district are listed in this Zoning Code.

- (a) The "R-1" District is established to provide areas of low-density single-family residential development. Desired development includes single-family dwellings and uses incidental or accessory to dwellings. This District maintains the largest minimum lot size, lot widths, and dwelling size.
- (b) The "R-2" District is established to provide areas of higher density of residential development than is permitted in the R-1 District. This is generally accomplished through reduced minimum lot sizes, lot widths, and housing sizes. Regulations include uses permitted in the R-1 District. Uses incidental or accessory to single-family dwellings are included.
- (c) The "R-3" District is established in recognition of the need for maintaining existing smaller residential lots primarily within the central City area. This District is intended for smaller lot and lot width requirements as well as housing sizes to accommodate more affordable housing opportunities. Development includes single-family dwellings in high density settings.
- (d) The "R-4" District is established in recognition of the need for affordable housing opportunities within the City, primarily renter-occupied. This District is intended for apartment complex development and conversion of single-family to multiple-family, duplexes, and condominiums. Development standards themselves provide additional location and site-related standards for development.
- (e) The "R-5" District is established in recognition of the need for affordable housing opportunities within the City. This District is intended for mobile home park development that may include modular and double-wide plus single-wide mobile homes. Although the park development standards themselves are established by the Mobile Home Commission, this District provides additional location and site-related standards for development.
- (f) The "C-1" District is established to provide areas of high concentrations of pedestrian-oriented retail, office, and service activities within the traditional central business district. Desired development includes compatible commercial uses accompanied by on-street, off-street, and Municipally-provided parking. This District provides additional location and site-related standards for development.
- (g) The "C-2" District is established to provide areas of commercial development which require large exterior spaces for storage, display, or sale of merchandise or commercial uses which depend upon continual movement of vehicular traffic. Desired development includes commercial uses accompanied by off-street parking. This District provides additional location

and site-related standards for development.

(h) The "C-3" District is established to provide areas of development which are compatible with existing and future medical services and related uses. Development regulations accommodate office and service businesses which require onsite parking. This District provides additional location and site related standards for development.

(l) The "C-4" District is established to provide areas of office development which are compatible with each other without interference from non-related uses. Development regulations accommodate office businesses which require onsite parking. This District provides additional location and site related standards for development.

(j) The "IND" District is established to provide areas of light industrial development in which the uses do not emit excessive noise, fumes, smoke, vibrations, odors, or other similar nuisances not compatible with adjacent residential neighborhoods. It is not intended to permit residential or commercial development or similar uses except as authorized by this Zoning Code. This District provides additional location and site-related standards for development.

(Ord. 52. Passed 6-16-97.)

1246.02 SUMMARY OF DISTRICT REGULATIONS

District	Min. Lot Size (sq ft)	Min. Lot Width (ft)	Setbacks			Min. Dwelling Size (sq ft)	Max. Structure Height (ft)	Min. Building Width (ft)
			Front (ft)	Side (ft)	Rear (ft)			
R-1	12,000	100	25	35	20	1,200	35	24
R-2	8,000	66	25	10	15	1,000	35	24
R-3	5,000	50	25	10	10	1,000	35	24
R-4	N/A	N/A	35	35	35	*	45	24
R-5	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
C-1	N/A	N/A	5	0	0	N/A	40	N/A
C-2	N/A	N/A	45	10	45	N/A	35	N/A
C-3	N/A	N/A	35	10	35	N/A	35	N/A
C-4	N/A	N/A	35	10	35	N/A	35	N/A
IND	N/A	N/A	45	35	25	N/A	35	N/A
PUD+	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Hersey River+	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

*One Bedroom = 600 sq ft

Two Bedroom = 700 sq ft

Three Bedroom = 800 sq ft

Four Bedroom = 900 sq ft

Five Bedroom = 1,000 sq ft

+ = Overlay Districts.

(Ord. 52. Passed 6-16-97.)

1246.03 ZONING MAP.

The areas comprising the zoning districts and the boundaries of said districts are hereby established as shown on the Official Zoning Map entitled "Zoning Map, Reed City, Michigan."

(a) The Zoning Map with any explanatory matter thereon is hereby adopted by reference and declared to be a part of this Zoning Code.

(b) The Zoning Map will be maintained in the Reed City Hall and will show all changes which are made in district boundaries according to procedures set forth in this Zoning Code.

(c) District boundary lines as shown on the Zoning Map, unless otherwise indicated, will be construed as following lot lines, Reed City limits lines, center lines of highways, streets, roads, alleys, easements, railroads, streams, rivers, lakes, or

such center lines extended or projected.

(d) Resolution of questions concerning district boundary lines as shown on the Zoning Map will be decided by the Zoning Administrator.

(Ord. 52. Passed 6-16-97.)

CHAPTER 1248

R-1 Single Family Residential District – Low Density

- 1248.01 Intent and purpose.
- 1248.02 Principal uses allowed by right.
- 1248.03 Accessory structures and uses.
- 1248.04 Special land use permits.
- 1248.05 District standards.

CROSS REFERENCES

Parking commercial vehicles in residential areas – see TRAF. 420.01

Site plan review – see P. & Z.Ch. 1272

Special land uses – see P. & Z.Ch. 1274

Nonconforming uses – see P. & Z.Ch. 1276

Off-street parking and loading – see P. & Z.Ch. 1278

Landscaping, screening, walls and fences – see P. & Z.Ch. 1280

Signs – see P. & Z.Ch. 1282

Provisions applicable to all districts – see P. & Z.Ch. 1284

1248.01 INTENT AND PURPOSE.

This zoning district is intended to provide for low density housing in areas where higher density housing may be impractical due to wetness, floodplain, high water table, poor drainage characteristics, presence of agricultural land uses, or other natural or physical limitations. Public sewers and water are not typically available and may be impractical. Within any R-1 District, no structure or premises shall hereafter be used, erected, converted, or altered internally or externally in whole or in part unless herein provided.

(Ord. 52. Passed 6-16-97.)

1248.02 PRINCIPAL USES ALLOWED BY RIGHT.

Single-family dwellings. (Ord. 52. Passed 6-16-97.)

1248.03 ACCESSORY STRUCTURES AND USES.

- (a) Antennae/satellite dishes.
- (b) Children's play equipment.
- (c) Garages.
- (d) Home occupations.
- (e) Personal pet facilities, including dog runs.
- (f) Private gardens and/or greenhouse when plants, flowers, or produce are not offered for sale.
- (g) Swimming pools.
- (h) Storage buildings.
- (i) Sheds.
- (j) Temporary display or sale of used household goods originating from the premises if the size of any such stand does not exceed 400 square feet of floor area and may not operate for more than ten consecutive days every six months.

(Ord. 52. Passed 6-16-97; Ord. 006-2018. Passed 1-22-19.)

1248.04 SPECIAL LAND USE PERMITS.

- (a) Adult day care centers.
- (b) Bed and breakfasts.
- (c) Campgrounds and recreational vehicle parks.
- (d) Educational services.
- (e) Essential government services.
- (f) Golf courses and country clubs.
- (g) Group day care home.
- (h) Public and institutional uses.
- (i) Public utility facilities (without storage yards).
- (j) State licensed residential facilities for seven persons or more.

(Ord. 52. Passed 6-16-97; Ord. 006-2018. Passed 1-22-19.)

1248.05 DISTRICT STANDARDS.

All principal uses, accessory uses, and special uses in the R-1 District will be subject to area, height, and location regulations as specified on the accompanying schedule, and off-street parking regulations according to this Zoning Code.

- (a) Density: Three dwelling units per acre.
- (b) Lot Size: Minimum lot area is 12,000 square feet.
- (c) Setbacks: Front: 25 feet
Rear: 20 feet
Side: 35 feet
- (d) Lot Width: 100 feet
- (e) Structure Height: 35 feet
- (f) Dwelling Size: 1,200 square feet
- (g) Dwelling Width: 24 feet

(Ord. 52. Passed 6-16-97.)

CHAPTER 1250

R-2 Single Family Residential District – Medium Density

- 1250.01 Intent and purpose.
- 1250.02 Principal uses allowed by right.
- 1250.03 Accessory structures and uses.
- 1250.04 Special land use permits.
- 1250.05 District standards.

CROSS REFERENCES

Parking commercial vehicles in residential areas – see TRAF.420.01

Site plan review – see P. & Z.Ch. 1272

Special land uses – see P. & Z.Ch. 1274

Nonconforming uses – see P. & Z.Ch. 1276

Off-street parking and loading – see P. & Z.Ch. 1278

Landscaping, screening, walls and fences – see P. & Z.Ch. 1280

Signs – see P. & Z.Ch. 1282

Provisions applicable to all districts – see P. & Z.Ch. 1284

1250.01 INTENT AND PURPOSE.

Medium density residential areas are characterized as fully developed neighborhoods with paved streets and sidewalks and served by public water and sewer. Within any R-2 District, no structure or premises shall hereafter be used, erected, converted, or altered externally in whole or in part unless herein provided, for any other than one or more of the following permitted uses.

(Ord. 52. Passed 6-16-97.)

1250.02 PRINCIPAL USES ALLOWED BY RIGHT.

Single-family dwellings.

(Ord. 52. Passed 6-16-97.)

1250.03 ACCESSORY STRUCTURES AND USES.

(a) Antennae/satellite dishes.

(b) Children's play equipment.

(c) Garages.

(d) Home occupations.

(e) Personal pet facilities, including dog runs.

(f) Private gardens and/or greenhouses when plants, flowers, or produce are not offered for sale.

(g) Sheds.

(h) Storage buildings.

(i) Swimming pools.

(j) Temporary stands for display or sale of garden products raised on the premises if the size of any such stand does not exceed 400 square feet of floor area and may not operate for more than ten consecutive days every six months.

(k) Temporary display or sale of used household goods originating from the premises if the size of any such stand does not exceed 400 square feet of floor area and may not operate for more than ten consecutive days every six months.

(Ord. 52. Passed 6-16-97; Ord. 006-2018. Passed 1-22-19.)

1250.04 SPECIAL LAND USE PERMITS.

(a) Adult day care centers.

(b) Bed and breakfasts.

(c) Clubs or lodges.

(d) Educational services.

(e) Essential government services.

(f) Group day care home.

(g) Public and institutional uses.

(h) Public utility facilities (without storage yards).

(i) State licensed residential facilities for seven persons or more.

(Ord. 52. Passed 6-16-97; Ord. 006-2018. Passed 1-22-19.)

1250.05 DISTRICT STANDARDS.

All principal uses, accessory uses, and special uses in the R-2 District will be subject to area, height, and location regulations as specified on the accompanying schedule, and off-street parking regulations according to this Zoning Code.

(a) Density: Four dwelling units per acre.

(b) Lot Size: Minimum lot area is 8,000 square feet.

(c) Setbacks Front 25 feet

Rear 15 feet

Side: 10 feet

(d) Lot Width: 66 feet

(e) Structure Height: 35 feet

(f) Dwelling Size: 1,000 square feet

(g) Dwelling Width: 24 feet

(Ord. 52. Passed 6-16-97.)

CHAPTER 1252

R-3 Single Family Residential District – High Density

1252.01 Intent and purpose.

1252.02 Principal uses allowed by right.

1252.03 Accessory structures and uses.

1252.04 Special land use permits.

1252.05 District standards.

CROSS REFERENCES

Parking commercial vehicles in residential areas – see TRAF.420.01

Site plan review – see P. & Z.Ch. 1272

Special land uses – see P. & Z.Ch. 1274

Nonconforming uses – see P. & Z.Ch. 1276

Off-street parking and loading – see P. & Z.Ch. 1278

Landscaping, screening, walls and fences – see P. & Z.Ch. 1280

Signs – see P. & Z.Ch. 1282

Provisions applicable to all districts – see P. & Z.Ch. 1284

1252.01 INTENT AND PURPOSE.

These areas of dense residential development are typically older neighborhoods with small lots resulting from original plats. Within any R-3 District, no structure or premises shall hereafter be used, erected, converted, or altered externally in whole or in part unless herein provided, for any other than one or more of the following permitted uses.

(Ord. 52. Passed 6-16-97.)

1252.02 PRINCIPAL USES ALLOWED BY RIGHT.

Single-family dwellings. (Ord. 52. Passed 6-16-97.)

1252.03 ACCESSORY STRUCTURES AND USES.

(a) Antennae/satellite dishes.

(b) Children's play equipment.

(c) Home occupations.

(d) Garages.

(e) Storage buildings.

(f) Sheds.

- (g) Personal pet facilities, including dog runs.
 - (h) Private gardens and/or greenhouses when plants, flowers, or produce are not offered for sale.
 - (i) Swimming pools.
 - (j) Temporary stands for display or sale of garden products raised on the premises if the size of any such stand does not exceed 400 square feet of floor area and may not operate for more than ten consecutive days every six months.
 - (k) Temporary display or sale of used household goods originating from the premises if the size of any such stand does not exceed 400 square feet of floor area and may not operate For more than ten consecutive days every six months.
- (Ord. 52. Passed 6-16-97; Ord. 006-2018. Passed 1-22-19.)

1252.04 SPECIAL LAND USE PERMITS.

- (a) Adult day care centers.
 - (b) Bed and breakfasts.
 - (c) Child care centers.
 - (d) Educational services.
 - (e) Essential government services.
 - (f) Public and institutional uses.
 - (g) Public utility facilities (without storage yards).
 - (h) State licensed residential facilities for seven persons or more.
 - (i) Single family dwelling conversions to multiple family dwelling units.
- (Ord. 52. Passed 6-16-97; Ord. 03-2018. Passed 2-20-18; Ord. 006-2018. Passed 1-22-19.)

1252.05 DISTRICT STANDARDS.

All principal uses, accessory uses, and special uses in the R-3 District will be subject to area, height, and location regulations as specified on the accompanying schedule, and off-street parking regulations according to this Zoning Code.

- (a) Density: Seven dwelling units per acre.
 - (b) Lot Size: Minimum lot area is 5,000 square feet.
 - (c) Setbacks Front: 25 feet
Rear: 10 feet
Side: 10 feet
 - (d) Lot Width: 50 feet
 - (e) Structure Height: 35 feet
 - (f) Dwelling Size: 1,000 square feet
 - (g) Dwelling Width: 24 feet
- (Ord. 52. Passed 6-16-97.)

CHAPTER 1254

R-4 Residential District – Multiple Density

- 1254.01 Intent and purpose.
- 1254.02 Principal uses allowed by right.
- 1254.03 Accessory structures and uses.
- 1254.04 Special land use permits.
- 1254.05 District standards.

CROSS REFERENCES

Parking commercial vehicles in residential areas – see TRAF.420.01

Site plan review – see P. & Z.Ch. 1272

Special land uses – see P. & Z.Ch. 1274

Nonconforming uses – see P. & Z.Ch. 1276

Off-street parking and loading – see P. & Z.Ch. 1278

Landscaping, screening, walls and fences – see P. & Z.Ch. 1280

Signs – see P. & Z.Ch. 1282

Provisions applicable to all districts – see P. & Z.Ch. 1284

1254.01 INTENT AND PURPOSE.

Within any R-4 District, no structure or premises shall hereafter be used, erected, converted, or altered externally in whole or in part unless herein provided, for any other than one or more of the following permitted uses.

(Ord. 52. Passed 6-16-97.)

1254.02 PRINCIPAL USES ALLOWED BY RIGHT.

- (a) Multi-family dwellings and condominiums.
- (b) Two-family dwellings.

(Ord. 52. Passed 6-16-97.)

1254.03 ACCESSORY STRUCTURES AND USES.

- (a) Parking.
- (b) State licensed residential facilities for six persons or less.
- (c) Swimming pools.

(Ord. 52. Passed 6-16-97.)

1254.04 SPECIAL LAND USE PERMITS.

- (a) Child care centers.
- (b) Clinics.
- (c) Educational services.
- (d) Essential government services.
- (e) Nursing and personal care facilities.
- (f) Public and institutional uses.
- (g) Professional offices.
- (h) Public utility facilities (without storage yards).
- (l) State licensed residential facilities for seven persons or more.

(Ord. 52. Passed 6-16-97.)

1254.05 DISTRICT STANDARDS.

All principal uses, accessory uses, and special uses in the R-4 District will be subject to area, height, and location regulations as specified on the accompanying schedule, and off-street parking regulations according to this Zoning Code.

- (a) Density: Ten dwelling units per acre.
- (b) Lot Size: N/A
- (c) Setbacks: Front: 35 feet
Rear: 35 feet
Side: 35 feet
- (d) Lot Width: N/A

- (e) Structure Height: 45 feet
- (f) Dwelling Size: One Bedroom - 600 square feet
Two Bedrooms - 700 square feet Three Bedrooms - 800 square feet
Four Bedrooms - 900 square feet Five Bedrooms - 1,000 square feet
- (g) Dwelling Width: 24 feet
(Ord. 52. Passed 6-16-97.)

CHAPTER 1256

R-5 Residential District – Mobile Home Park

- 1256.01 Intent and purpose.
- 1256.02 Principal uses allowed by right.
- 1256.03 Accessory structures and uses.
- 1256.04 Special land use permits.
- 1256.05 District standards
- 1256.06 Submittal of plans.
- 1256.07 Basis for approval.
- 1256.08 Other requirements.
- 1256.09 Final construction plans.

CROSS REFERENCES

- Parking commercial vehicles in residential areas – see TRAF.420.01
- Site plan review – see P. & Z.Ch. 1272
- Special land uses – see P. & Z.Ch. 1274
- Nonconforming uses – see P. & Z.Ch. 1276
- Off-street parking and loading – see P. & Z.Ch. 1278
- Landscaping, screening, walls and fences – see P. & Z.Ch. 1280
- Signs – see P. & Z.Ch. 1282
- Provisions applicable to all districts – see P. & Z.Ch. 1284

1256.01 INTENT AND PURPOSE.

This district is primarily intended to provide for well located and properly developed mobile home parks. These districts should be located in areas that can accommodate higher density residential uses and should have full municipal utilities and adequately sized roadways. Residential dwellings may be single-wide, double-wide or modular manufactured homes. No structure or premises shall hereafter be used, erected, converted, or altered externally in whole or in part unless herein provided, for any other than one or more of the following permitted uses.

(Ord. 52. Passed 6-16-97.)

1256.02 PRINCIPAL USES ALLOWED BY RIGHT.

- (a) Mobile home parks.
- (b) Modular homes.

(Ord. 52. Passed 6-16-97.)

1256.03 ACCESSORY STRUCTURES AND USES.

- (a) Clubhouses.
- (b) Laundry.

- (c) Managers office.
- (d) Parks, playgrounds and recreational open spaces.
- (e) Personal pet facilities, including dog runs.
- (f) State licensed residential facilities for six persons or less.
- (g) Swimming pools.
- (h) Tool and storage sheds.
- (I) Visitor parking.

(Ord. 52. Passed 6-16-97.)

1256.04 SPECIAL LAND USE PERMITS.

- (a) Home occupations.
- (b) Public and institutional facilities.
- (c) Public utility facilities (without storage yards).
- (d) State licensed residential facilities for seven persons or more.

(Ord. 52. Passed 6-16-97.)

1256.05 DISTRICT STANDARDS.

Mobile home parks will be permitted in any R-5 District subject to the following procedures and conditions:

- (a) Mobile Home Sites.
 - (1) Each mobile home shall be placed on a designated site within the mobile home park.
 - (2) There shall be a minimum side-to-side spacing of not less than twenty feet and a minimum end-to-end spacing of not less than twenty feet between mobile home sites.
- (a) Minimum Site Size. A mobile home park must have a site size of not less than fifteen acres.
- (b) Skirting and Anchoring.
 - (1) A certificate of occupancy will not be issued until the mobile home is skirted as required by the Zoning Administrator.
 - (2) All mobile homes must be anchored in accordance with the most current HUD setup and installation standards.
- (a) Landscaping. All unpaved ground surfaces shall be covered with grass, trees, shrubs, flower beds, woodchips, stones, or other suitable ground cover capable of preventing soil erosion.
 - (b) Greenbelt Planting Strip. Where the mobile home park parcel is adjacent to a non-vacant parcel or public right-of-way, there shall be a greenbelt planting strip with a width of not less than twenty feet along the property lines. The planting strip shall contain: (1) At least a single row of deciduous or evergreen trees or shrubs spaced not more than five feet apart, (2) at least two staggered rows of deciduous or evergreen trees or shrubs with each row being spaced not more than twelve feet apart, or (3) at least three rows of deciduous or evergreen trees or shrubs with each row being spaced not more than twenty feet apart. Trees and shrubs shall not be less than three feet in height at the time of installation. Alternative screening devices such as walls and fences may be utilized providing they are determined to be as effective as the natural vegetation in providing concealment.
- (c) Signs. There shall be a maximum of one sign which will bear only the name of the establishment; have a maximum area of thirty-two square feet; may be lighted, provided the source of light is not visible and not the flashing or intermittent type; and be located from the street a distance equal to the required setback. As an alternative, there may be two signs, each of which is a maximum of sixteen square feet.
- (d) Commercial Uses Within the Park. A building for retail sales of groceries and sundries may be permitted provided such building is located within the central area of the "development" and is not adjacent to a public street. Further, there shall be no signs of any type advertising such business, any article being sold within, or any other item. Such business shall serve only the occupants of the "development." There shall be no sales or display of mobile homes within any portion of the "development."
- (e) Utilities. All public and private utilities shall be located underground. Public sewer systems shall be required in mobile home parks if available within 200 feet at the time of preliminary plan approval. If a public system is unavailable, the park shall connect to a State-approved sewage system.
- (f) Circulation. A circulation plan including all pedestrian ways, bike paths, streets, parking areas, etc. must be included in the preliminary application. Access to the park shall be from public roads and no less than two access points must be

provided. A boulevard entrance extending to the first internal street intersection shall satisfy this requirement.

(Ord. 52. Passed 6-16-97.)

1256.06 SUBMITTAL OF PLANS.

A completed site plan review application must be received twenty days prior to the Planning Commission meeting at which it will be introduced. Twelve copies of the preliminary plan and related information (documents) shall be submitted to the City together with the site plan review application. Plans must comply with the site plan review requirements of this Zoning Code. Upon submission of a complete set of documents, the Planning Commission will review the plans in accordance with the conditions specified in this Zoning Code, including location, layout and general design. The Planning Commission will provide a written response of approval or disapproval within sixty days following the receipt of a complete application. In the case of disapproval the Planning Commission will provide the applicant an explanation as to the reasons for disapproval. Failure of the City to approve a complete set of documents within sixty days shall constitute approval.

(Ord. 52. Passed 6-16-97.)

1256.07 BASIS FOR APPROVAL.

The Planning Commission will consider the following in review and approval of an application:

- (a) Impact on adjacent land uses and the relationship of the development to the surrounding neighborhood.
- (b) Location and design of driveways in relation to streets giving access to the site and pedestrian circulation.
- (c) Traffic circulation and parking areas.

(Ord. 52. Passed 6-16-97.)

1256.08 OTHER REQUIREMENTS.

All requirements, as regulated by the Mobile Home Commission Act, Act 96 of the Public Acts of 1987, as amended, shall be complied with. No change or alterations in an approved preliminary plan may be made without the approval of the Planning Commission.

(Ord. 52. Passed 6-16-97.)

1256.09 FINAL CONSTRUCTION PLANS.

A copy of the final construction plans shall be submitted to the City upon approval by the State of Michigan. Building permits will not be issued until the final construction plans are on file with the City.

(Ord. 52. Passed 6-16-97.)

CHAPTER 1258

C-1 Commercial District - Central Business District

- 1258.01 Intent and purpose.
- 1258.02 Principal uses allowed by right.
- 1258.03 Accessory structures and uses.
- 1258.04 Special land use permits.
- 1258.05 District standards.

CROSS REFERENCES

- Site plan review - see P. & Z.Ch. 1272
- Special land uses - see P. & Z.Ch. 1274
- Outdoor commercial recreation - see P. & Z.1274.09(t)
- Nonconforming uses - see P. & Z.Ch. 1276
- Off-street parking and loading - see P. & Z.Ch. 1278
- Landscaping, screening, walls and fences - see P. & Z.Ch. 1280
- Signs - see P. & Z.Ch. 1282

1258.01 INTENT AND PURPOSE.

Within any C-1 District, structures or premises shall hereafter be used, erected, converted, or altered in whole or in part only according to this chapter, and for the following permitted uses.

(Ord. 52. Passed 6-16-97.)

1258.02 PRINCIPAL USES ALLOWED BY RIGHT.

- (a) Apparel and accessory stores.
- (b) Appliance stores.
- (c) Book stores.
- (d) Camera and photographic supply stores.
- (e) Drug stores.
- (f) Florists.
- (g) Tobacco stores and stands.
- (h) News dealers and stands.
- (l) Optical goods stores.
- (j) Gift, novelty, and souvenir shops.
- (k) Luggage and leather goods stores.
- (l) Sewing, needlework, and piece goods stores.
- (m) Hardware stores.
- (n) Eating and drinking places.
- (o) Departments stores.
- (p) Variety stores.
- (q) General merchandise stores.
- (r) Candy, nut, and confectionery stores.
- (s) Dairy products stores.
- (t) Retail bakeries.
- (u) Home furniture, furnishings, and equipment stores.
- (v) Used merchandise stores.
- (w) Sporting goods stores.
- (x) Stationery stores.
- (y) Jewelry stores.
- (z) Hobby, toy, and game shops.
- (aa) Tax preparation services.
- (ab) Depository institutions.
- (ac) Nondepository credit institutions.
- (ad) Security and commodity brokers, dealers, exchanges, and services.
- (ae) Insurance carriers.
- (af) Insurance agents, brokers, and services.
- (ag) Real estate.
- (ah) Holding and other investment offices.
- (ai) Funeral homes.
- (aj) Barber shops and beauty salons.

- (ak) Coin-operated laundries and dry cleaners.
 - (al) Governmental administrative facilities.
 - (am) Membership organizations and fraternal associations.
 - (an) Motels or hotels.
 - (ao) Legal services.
 - (ap) Movie and stage theaters.
 - (aq) Video rental.
 - (ar) Engineering, accounting, research, and consulting services.
 - (as) Tattoo parlors.
 - (at) Medical offices and clinics.
 - (au) Health clubs and health centers.
 - (av) Adult day care centers.
- (Ord. 52. Passed 6-16-97; Ord. Unno. Passed 3-24-00; Ord. 002-2017. Passed 10-16-17; Ord. 006-2018. Passed 1-22-19.)

1258.03 ACCESSORY STRUCTURES AND USES.

- (a) Restrooms.
- (b) Signs.
- (c) Parking.
- (d) Landscaping.
- (e) Trash and garbage receptacles.
- (f) Loading and delivery areas.

(Ord. 52. Passed 6-16-97.)

1258.04 SPECIAL LAND USE PERMITS.

- (a) Drive-through or drive-in businesses.
- (b) Cleaners and laundries.
- (c) Upper floor dwellings.
- (d) Public utility facilities (without storage yards).
- (e) Individual and family social services.
- (f) Educational services.
- (g) Child care center.
- (h) Museums and art galleries.
- (i) Radio and television broadcasting studios without communications towers.
- (j) Public and institutional uses.
- (k) Educational services.
- (l) Essential government services.
- (m) Fueling service stations.

(Ord. 52. Passed 6-16-97; Ord. 003-2017. Passed 10-16-17.)

1258.05 DISTRICT STANDARDS.

All principal uses, accessory uses, and special uses in the C-1 District will be subject to review by the Planning Commission prior to approval and be subject to off-street parking and loading regulations as specified in this Zoning Code. Approval for any use permitted in this district shall be obtained by following the site plan review procedures and conditions:

- (a) Density: N/A
- (b) Lot Size: N/A

(c) Setbacks: Front: 5 feet *

Rear: N/A

Side: N/A

(d) Lot Width: N/A

(e) Structure Height: 40 feet

(f) Dwelling Size: N/A

(g) Dwelling Width: N/A

*When the actual building setback is different than the required setback, the setback may be established to comply with the average of the existing buildings in the block.

(Ord. 52. Passed 6-16-97.)

CHAPTER 1260

C-2 Commercial District – General Commercial

1260.01 Intent and purpose.

1260.02 Principal uses allowed by right.

1260.03 Accessory structures and uses.

1260.04 Special land use permits.

1260.05 District standards.

CROSS REFERENCES

Site plan review – see P. & Z.Ch. 1272

Special land uses – see P. & Z.Ch. 1274

Outdoor commercial recreation – see P. & Z. 1274.09(t)

Nonconforming uses – see P. & Z. Ch. 1276

Off-street parking and loading – see P. & Z.Ch. 1278

Landscaping, screening, walls and fences – see P. & Z.Ch. 1280

Signs – see P. & Z.Ch. 1282

Provisions applicable to all districts – see P. & Z.Ch. 1284

1260.01 INTENT AND PURPOSE.

Within any C-2 District, no structure or premises will hereafter be used, erected, converted, or altered externally in whole or in part unless herein provided, for any other than one or more of the following permitted uses. It is recognized that sexually oriented businesses, because of their very nature, have serious objectionable operational characteristics, particularly when several of them are concentrated or when one or more of them are located near a residential zone or other uses frequented by children. In these circumstances such uses have a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood and businesses. These special regulations are itemized in the chapter. These controls are for the purposes of preventing a concentration of these uses within any one area and to prevent deterioration or blighting of a nearby residential neighborhood or commercial area. These controls do not legitimize activities which are prohibited by other chapters of these Codified Ordinances or by State law.

(Ord. 52. Passed 6-16-97.)

1260.02 PRINCIPAL USES ALLOWED BY RIGHT.

(a) Lumber and other building materials dealers.

(b) Paint, glass, and wallpaper stores.

(c) Hardware stores.

(d) Lawn and garden supply stores.

- (e) Meat and fish markets.
- (f) Fruit and vegetable markets.
- (g) Funeral homes.
- (h) Liquor stores.
- (l) Motels or hotels.
- (j) Motor vehicle dealers (new and used).
- (k) Automobile and home supply stores.
- (l) Boat dealers.
- (m) Recreational vehicle dealers.
- (n) Motorcycle dealers.
- (o) Movie and stage theaters.
- (p) Radio and television broadcasting studios without communications towers.
- (q) Drive-through or drive-in businesses.
- (r) New and used mobile home sales and service.
- (s) New and used recreational vehicle sales and service.
- (t) Lumber, hardware, and building supplies.
- (u) Yard and garden supplies and services.
- (v) Fuel dealers.
- (w) Advertising businesses.
- (x) Pest control services.
- (y) Equipment rental and leasing.
- (z) Equipment and machine repair services.
- (aa) Motor vehicle repair.
- (ab) Shopping centers.
- (ac) Depository institutions.
- (ad) Eating and drinking establishments.
- (ae) Health clubs and health centers.
- (af) Adult day care centers.

(Ord. 52. Passed 6-16-97; Ord. 002-2017. Passed 10-16-17; Ord. 006-2018. Passed 1-22-19.)

1260.03 ACCESSORY STRUCTURES AND USES.

- (a) Restrooms.
- (b) Signs.
- (c) Parking.
- (d) Landscaping.
- (e) Trash and garbage receptacles.
- (f) Loading and delivery areas.

(Ord. 52. Passed 6-16-97.)

1260.04 SPECIAL LAND USE PERMITS.

- (a) Offices.
- (b) Outdoor sales.
- (c) Gasoline service stations.

- (d) Sexually oriented businesses.
- (e) Child care center.
- (f) Landscape nurseries and landscaping contractors.
- (g) Membership organizations and fraternal associations.
- (h) Mini-storage self-storage warehouses.
- (i) Outdoor commercial recreational.
- (j) Individual and family social services.
- (k) Public recreational and social facilities.
- (l) Public and institutional uses.
- (m) Essential government services.
- (n) Public utility facilities (without storage yards).

(Ord. 52. Passed 6-16-97.)

1260.05 DISTRICT STANDARDS.

All principal uses, accessory uses, and special uses in the C-2 District will be subject to review by the Planning Commission prior to approval and be subject to off-street parking and loading regulations as specified in this Zoning Code. Approval for any use permitted in this district shall be obtained by following the site plan review procedures and conditions:

- (a) Density: NA
- (b) Lot Size: NA
- (c) Setbacks: Front: 35 feet
Rear: 35 feet
Side: 10 feet
- (d) Lot Width: NA
- (e) Structure Height: 35 feet
- (f) Dwelling Size: NA
- (g) Dwelling Width: NA

(Ord. 52. Passed 6-16-97.)

CHAPTER 1262

C-3 Commercial District – Medical Services

- 1262.01 Intent and purpose.
- 1262.02 Principal uses allowed by right.
- 1262.03 Accessory structures and uses.
- 1262.04 Special land use permits.
- 1262.05 District standards.

CROSS REFERENCES

- Site plan review – see P. & Z.Ch. 1272
- Special land uses – see P. & Z.Ch. 1274
- Outdoor commercial recreation – see P. & Z. 1274.09(t)
- Nonconforming uses – see P. & Z.Ch. 1276
- Off-street parking and loading – see P. & Z.Ch. 1278
- Landscaping, screening, walls and fences – see P. & Z.Ch. 1280

Signs – see P. & Z.Ch. 1282

Provisions applicable to all districts – see P. & Z.Ch. 1284

1262.01 INTENT AND PURPOSE.

Within any C-3 District, no structure or premises will hereafter be used, erected, converted, or altered externally in whole or in part unless herein provided, for any other than one or more of the following permitted uses. (Ord. 52. Passed 6-16-97.)

1262.02 PRINCIPAL USES ALLOWED BY RIGHT.

- (a) Adult day care centers.
- (b) Drugstores and pharmacies.
- (c) Emergency rescue services.
- (d) Health clubs and health centers.
- (e) Home health care services.
- (f) Hospitals.
- (g) Legal services.
- (h) Medical and dental laboratories.
- (i) Nursing and personal care facilities.
- (j) Offices and clinics of health practitioners.
- (k) Public medical and health facilities.
- (l) Rehabilitation centers.

(Ord. 52. Passed 6-16-97; Ord. 006-2018. Passed 1-22-19.)

1262.03 ACCESSORY STRUCTURES AND USES.

- (a) Restrooms.
- (b) Signs.
- (c) Parking.
- (d) Landscaping.
- (e) Trash and garbage receptacles.
- (f) Loading and delivery areas.

(Ord. 52. Passed 6-16-97.)

1262.04 SPECIAL LAND USE PERMITS.

- (a) Funeral homes.
- (b) Individual and family social services.
- (c) Public and institutional uses.
- (d) Public utility facilities.

(Ord. 52. Passed 6-16-97.)

1262.05 DISTRICT STANDARDS.

All principal uses, accessory uses, and special uses in the C-3 District will be subject to review by the Planning Commission prior to approval and be subject to off-street parking and loading regulations as specified in this Zoning Code. Approval for any use permitted in this district will be obtained by following the site plan review procedures and conditions:

- (a) Density: N/A
- (b) Lot Size: N/A
- (c) Setbacks: Front: 35 feet
Rear: 35 feet

Side: 10 feet

(d) Lot Width: N/A

(e) Structure Height: 35 feet

(f) Dwelling Size: N/A

(g) Dwelling Width: N/A

(Ord. 52. Passed 6-16-97.)

CHAPTER 1264

C-4 Commercial District - Office District

1264.01 Intent and purpose.

1264.02 Principal uses allowed by right.

1264.03 Accessory structures and uses.

1264.04 Special land use permits.

1264.05 District standards.

CROSS REFERENCES

Site plan review - see P. & Z.Ch. 1272

Special land uses - see P. & Z.Ch. 1274

Outdoor commercial recreation - see P. & Z.1274.09(t)

Nonconforming uses - see P. & Z.Ch. 1276

Off-street parking and loading - see P. & Z.Ch. 1278

Landscaping, screening, walls and fences - see P. & Z.Ch. 1280

Signs - see P. & Z.Ch. 1282

Provisions applicable to all districts - see P. & Z.Ch. 1284

1264.01 INTENT AND PURPOSE.

This district is intended to support an office environment that may include professional, financial and service businesses. Retail businesses would not be encouraged. Within any C-4 District, structures or premises shall hereafter be used, erected, converted, or altered in whole or in part only according to this chapter herein provided, and for the following permitted uses.

(Ord. 52. Passed 6-16-97.)

1264.02 PRINCIPAL USES ALLOWED BY RIGHT.

- (a) Depository institutions.
- (b) Educational services.
- (c) Engineering, accounting, research, and consulting services.
- (d) Governmental administrative facilities.
- (e) Holding and other investment offices.
- (f) Individual and family social services.
- (g) Insurance carriers.
- (h) Insurance agents, brokers, and services.
- (i) Legal services.
- (j) Membership organizations and fraternal associations.
- (k) Nondepository credit institutions.
- (l) Optical goods stores.

- (m) Real estate.
- (n) Security and commodity brokers, dealers, exchanges, and services.
- (o) Tax preparation services.
- (p) Medical offices and clinics.

(Ord. 52. Passed 6-16-97; Ord. Unno. Passed 3-24-00.)

1264.03 ACCESSORY STRUCTURES AND USES.

- (a) Signs.
- (b) Parking.
- (c) Landscaping.
- (d) Trash and garbage receptacles.
- (e) Loading and delivery areas.

(Ord. 52. Passed 6-16-97.)

1264.04 SPECIAL LAND USE PERMITS.

- (a) Barber shops and beauty salons.
- (b) Public and institutional uses.
- (c) Public utility facilities (without storage yards).
- (d) Child care centers.
- (e) Museums and art galleries.
- (f) Funeral homes.
- (g) Book stores.
- (h) Camera and photographic supply stores.
- (i) Drug stores.
- (j) Florists.
- (k) Tobacco stores and stands.
- (l) News dealers and stands.
- (m) Gift, novelty, and souvenir shops.
- (n) Luggage and leather goods stores.
- (o) Sewing, needlework, and piece goods stores.
- (p) Candy, nut, and confectionery stores.
- (q) Dairy products stores.
- (r) Retail bakeries.
- (s) Stationery stores.
- (t) Jewelry stores.
- (u) Hobby, toy, and game shops. (Ord. 52. Passed 6-16-97.)

1264.05 DISTRICT STANDARDS.

All principal uses, accessory uses, and special uses in the C-4 District will be subject to review by the Planning Commission prior to approval and be subject to off-street parking and loading regulations as specified in this Zoning Code. Approval for any use permitted in this district shall be obtained by following the site plan review procedures and conditions:

- (a) Density: N/A
- (b) Lot Size: N/A
- (c) Setbacks: Front: 35 feet
Rear: 35 feet

Side: 10 feet

(d) Lot Width: N/A

(e) Structure Height: 35 feet

(f) Dwelling Size: N/A

(g) Dwelling Width: N/A

(Ord. 52. Passed 6-16-97.)

CHAPTER 1266

IND Industrial District

1266.01 Intent and purpose.

1266.02 Principal uses allowed by right.

1266.03 Accessory structures and uses.

1266.04 Special land use permits.

1266.05 District standards.

CROSS REFERENCES

Site plan review – see P. & Z.Ch. 1272

Special land uses – see P. & Z.Ch. 1274

Outdoor commercial recreation – see P. & Z. 1274.09(t)

Nonconforming uses – see P. & Z.Ch. 1276

Off-street parking and loading – see P. & Z.Ch. 1278

Loading space required for industrial uses – see P. & Z. 1278.06(a)

Landscaping, screening, walls and fences – see P. & Z.Ch. 1280

Signs – see P. & Z.Ch. 1282

Provisions applicable to all districts – see P. & Z.Ch. 1284

1266.01 INTENT AND PURPOSE.

Within any "IND" District, no structure or premises shall hereafter be used, erected, converted, or altered externally in whole or in part unless herein provided, for any other than one or more of the following uses.

(Ord. 52. Passed 6-16-97.)

1266.02 PRINCIPAL USES ALLOWED BY RIGHT.

(a) Industrial research facilities.

(b) Public utility facilities.

(c) Trade contractors, building materials suppliers, and wholesalers.

(d) Warehousing.

(e) Storage yards.

(f) Transportation, maintenance, and servicing facilities.

(g) Cleaning and dyeing plants.

(h) Industrial plants for manufacturing, processing, and assembling.

(i) Machine shops and welding shops.

(j) Monuments, cut stone, and stone products.

(k) Mini-storage self-storage warehousing.

(Ord. 52. Passed 6-16-97.)

1266.03 ACCESSORY STRUCTURES AND USES.

- (a) Restrooms.
- (b) Signs.
- (c) Parking.
- (d) Landscaping.
- (e) Trash and garbage receptacles.
- (f) Loading and delivery areas

(Ord. 52. Passed 6-16-97.)

1266.04 SPECIAL LAND USE PERMITS.

- (a) Communications towers.
- (b) Salvage/junk yards.
- (c) Motor vehicle repair.
- (d) Municipally operated sanitary landfills.

(Ord. 52. Passed 6-16-97.)

1266.05 DISTRICT STANDARDS.

All principal uses, accessory uses, and special uses in the C-3 District will be subject to review by the Planning Commission prior to approval and be subject to off-street parking and loading regulations as specified in this Zoning Code. Approval for any use permitted in this district will be obtained by following the site plan review procedures and conditions:

- (a) Density: N/A
- (b) Lot Size: N/A
- (c) Setbacks: Front: 45 feet
Rear: 25 feet
Side: 35 feet(d) Lot Width: N/A
- (e) Structure Height: 35 feet *
- (f) Dwelling Size: N/A
- (g) Dwelling Width: N/A

* Storage tanks, cooling towers, chimneys, and emission equipment may exceed the height limitations with the approval of the Planning Commission.

(Ord. 52. Passed 6-16-97.)

CHAPTER 1268

PUD Planned Unit Development Overlay District

- 1268.01 Intent and purpose.
- 1268.02 Permitted uses.
- 1268.03 Minimum requirements.
- 1268.04 Modification of minimum requirements.
- 1268.05 Clustering.
- 1268.06 Application procedures.
- 1268.07 Planning Commission review of site plan and request for rezoning.
- 1268.08 City Council review of request for rezoning.

1268.09 Effect of approval of site plan by Planning Commission.

1268.10 Amendment of site plan.

1268.11 Performance guarantees.

1268.12 Violations.

CROSS REFERENCES

Site plan review – see P. & Z.Ch. 1272

Special land uses – see P. & Z.Ch. 1274

Outdoor commercial recreation – see P. & Z. 1274.09(t)

Nonconforming uses – see P. & Z.Ch. 1276

Off-street parking and loading – see P. & Z.Ch. 1278

Landscaping, screening, walls and fences – see P. & Z.Ch. 1280

Signs – see P. & Z.Ch. 1282

Provisions applicable to all districts – see P. & Z.Ch. 1284

1268.01 INTENT AND PURPOSE.

The provisions of this chapter are intended to provide flexibility and creativity in the site planning and development process and to provide requirements and standards for the submission, review, and approval of applications for planned unit developments (PUDs). The purposes and objectives of these PUD regulations include the following:

(a) To accomplish the intent, purposes, and objectives of this Zoning Code through a land development project review process based on the application of site planning criteria to achieve integration of the proposed land development project with the characteristics of the project area.

(b) To permit flexibility in the regulation of land development.

(c) To encourage innovation in land use and variety in design, layout, and type of structures constructed.

(d) To achieve economy and efficiency in the use of land, natural resources, energy, and the provision of public services and utilities.

(e) To encourage provision of useful open space and more desirable living and shopping environments by preserving the natural character of open fields, stands of trees, wetland and surface water features, floodplains, hills, and similar natural assets.

(f) To provide adequate housing, employment, and shopping opportunities particularly suited to the needs of the residents of the City and to encourage the development of recreational facilities and neighborhood commercial facilities in a generally central location within a reasonable distance of all living units.

(g) To ensure that the land use or activity authorized shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land use.

(Ord. 52. Passed 6-16-97.)

1268.02 PERMITTED USES.

(a) Land uses, buildings, and structures may be permitted in the PUD District as in the underlying zoning district. Land uses may be permitted within a PUD pursuant to an approved site plan and in accordance with all other applicable requirements of this chapter.

(b) PUDs located in Residential Districts with a minimum size of twenty acres may allocate up to ten percent of the land area for use for commercial retail and service uses primarily serving the residents of the PUD and adjacent areas. Such commercial uses shall be encouraged to locate at major intersections rather than on local residential streets. Appropriate screening between commercial and residential uses may be required.

(Ord. 52. Passed 6-16-97.)

1268.03 MINIMUM REQUIREMENTS.

(a) Except as otherwise expressly provided, the area, depth, frontage, setback, height, and other bulk and placement regulations for permitted uses in a PUD shall not be less than the minimum standards for the regulations applicable in the district in which it is located.

(b) All other uses permitted within the PUD District shall meet, as a minimum, the regulations that would otherwise be applicable to the use as provided by the "Schedule of District Regulations." If the use is permitted in more than one district

or is subject to more than one set of regulations, the most restrictive regulations applicable to that use shall constitute the minimum standards for purposes of the PUD in question.

(c) Parking requirements for the PUD shall be equal to the sum of the parking requirements for all uses proposed for the PUD as provided in this Zoning Code.

(Ord. 52. Passed 6-16-97.)

1268.04 MODIFICATION OF MINIMUM REQUIREMENTS.

(a) The Planning Commission may determine that a better or more appropriate project design can be achieved, consistent with the purposes and objectives of this chapter, by not applying the otherwise applicable minimum requirements provided by this Zoning Code based on the application of site planning criteria and the characteristics of the project area. In some cases, adherence to minimum requirements is not required to ensure the health, safety, and welfare of those using the development or adjacent property or to achieve the purposes and objectives of this Zoning Code; then the Planning Commission may authorize less restrictive minimum requirements to be integrated into the approved PUD site plan for the project in question.

(b) The overall site density for a PUD project for which any of the minimum requirements has been modified shall not exceed the density that would otherwise be permitted by the density limitations applicable under this chapter without any modification of the minimum requirements.

(Ord. 52. Passed 6-16-97.)

1268.05 CLUSTERING.

(a) The purpose of permitting residential clustering is to provide savings in sewer, water, facilities, land resources, and energy use through the concentration of dwellings, construction, and physical impact to specific areas of a tract. Cluster development permits variation in lot size, shape, and orientation without an increase in overall site density.

(b) Clustering may be permitted by the Planning Commission for PUD developments approved pursuant to this chapter. The decision of the Planning Commission as to whether or not to permit clustering for a particular project shall be guided by the following standards:

(1) Individual lots, buildings, streets, and parking areas shall be designed and situated to minimize alteration of the natural features and topography.

(2) Individual lots and buildings shall be arranged and situated to relate to surrounding properties to provide improved views from the buildings.

(3) Individual lots, buildings, streets, and parking areas shall be situated to avoid the adverse effects of shadows, noise, and traffic on the residents of the site and to lessen the area devoted to motor vehicles.

(4) Diversity, originality, lot layout, and individual building design shall be encouraged to achieve a more compatible relationship between development and the land.

(5) Cluster open space intended for recreational or public use shall be easily accessible to pedestrians. Open space intended for scenic value shall be visible from a significant number of units or buildings.

(c) Front, side, and rear yard requirements and lot areas that are otherwise required by this Zoning Code shall not apply in a cluster development except for perimeter lots. Variations from these required dimensions shall be shown on the PUD site plan and must be approved by the Planning Commission.

(d) The number of dwelling units (and other permitted nonresidential uses) permitted in a cluster development shall not exceed the density that would be permitted by applying the following procedure:

(1) Determine the gross site area of the PUD.

(2) Subtract all wetland areas as defined in Act 203 of 1979.

(3) Subtract all areas to be used for street right-of-way purposes.

(4) Divide the remaining net area available by the applicable lot size requirements.

(Ord. 52. Passed 6-16-97.)

1268.06 APPLICATION PROCEDURES.

(a) Applications for PUD approval shall be submitted as provided by this section.

(b) An application for PUD approval shall require submission of a site plan as required by this Zoning Code. To the extent not otherwise provided pursuant to the requirements of this Zoning Code, the site plan for the PUD shall also contain the following information:

(1) The square footage or acreage allocated to each proposed permitted use.

- (2) The locations of all structures, including proposed setbacks, typical layout, and elevation for each type of use.
- (3) Density calculations, number and types of residential units, and floor area per habitable space.
- (4) A description of all proposed permitted nonresidential uses, if any.
- (5) A landscape plan showing all woodlands, vegetation, and other natural features to be preserved or added, topography, and similar features.
- (6) The location and area of each development phase of a multi phased development.

(c) An application for PUD approval shall also require submission of a fully completed PUD application form. The PUD application form shall require the applicant to provide information regarding the proposed PUD in sufficient detail for the Planning Commission to determine compliance with this chapter and with other applicable laws or regulations, including, at a minimum, information regarding the following characteristics of the proposed PUD development:

- (1) The scope and nature of the proposed PUD and the objectives and purposes to be served by the PUD.
- (2) Compliance with all applicable requirements under local, State, or Federal laws.
- (3) The development and construction schedule indicating the approximate date for commencement of construction, the stages or phases in which the project will be built, and the expected starting and completion dates of each stage.
- (4) The identification and description of the organization or individual that will own and maintain all land areas within the PUD, including common open space.
- (5) Compliance with the City's master plan.
- (6) The impact of the PUD on public utilities, facilities, or services on surrounding properties and on the natural environment.
- (7) The status of ownership or control of the PUD such that there is a single person or entity having responsibility for completing the PUD in conformance with an approved site plan.

(d) If the site of a proposed PUD has not previously been rezoned as a PUD District, the applicant must also apply for the necessary rezoning as a part of the application for PUD approval.

(e) The required PUD application materials shall be filed with the Zoning Administrator, who shall transmit the materials and the petition for rezoning to the Planning Commission. The application must be filed at least thirty days prior to the Planning Commission hearing at which it is first to be considered. Each application shall be accompanied by the payment of a fee in accordance with the schedule of fees adopted by the City Council. No part of this fee shall be refundable. No transmittals shall be made unless the required fees have been paid in full.

(Ord. 52. Passed 6-16-97.)

1268.07 PLANNING COMMISSION REVIEW OF SITE PLAN AND REQUEST FOR REZONING.

(a) Following receipt of a completed PUD application, the Planning Commission shall schedule a public hearing on the request for PUD approval, including a review of the PUD site plan and consideration of the petition for PUD rezoning. Notice of the public hearing shall be given in the same manner as required by this Zoning Code for public hearings on special land uses.

(b) At the public hearing or within a reasonable time following the public hearing, the Planning Commission shall take the following actions:

(1) The Planning Commission shall approve, approve with conditions, or deny the request to approve the PUD site plan. The Planning Commission shall prepare a report stating its conclusions on the request to approve the site plan, the basis for its decision, and any conditions relating to an affirmative decision.

(2) The Planning Commission shall also review and make a recommendation to the City Council on the proposed rezoning of the property to a PUD District in accordance with the standards for approval for rezoning requests as provided by this Zoning Code.

(3) The Planning Commission's report and recommendation to the City Council, as required above, shall include its determination as to whether the PUD project as described by the site plan meets the standards provided herein.

(c) A PUD site plan shall not be approved by the Planning Commission unless the Commission finds that the PUD project, as proposed, will meet each of the following conditions and requirements as applicable to the project in question:

- (1) The proposed development conforms to the intent and to all applicable requirements and standards of this chapter and complies with all other applicable local, State, or Federal laws and regulations.
- (2) The proposed development conforms to the City's master plan.
- (3) The overall density of the PUD does not exceed that which would be allowed under the applicable minimum density limitations for single-family dwelling units, two-family dwelling units, multiple-family dwelling units, and any permitted nonresidential uses as applied to the actual number of each of those types of units and uses included within the PUD.

(4) The project is designed to enhance environmental features, such as the preservation of trees, floodplains, and natural areas, and promotes proper site landscaping.

(5) The proposed development will be adequately served by public facilities and services, such as highways, streets, police and fire protection, drainage courses, water and sanitary sewer facilities, and refuse disposal; or the persons or agencies responsible for the proposed development shall be able to provide, in a manner acceptable to the Planning Commission, any such facilities and services.

(6) The common open space, any other common properties, individual properties, and all other elements of the PUD are so planned that they will achieve a unified open and recreational area system with open space and all other elements in appropriate locations, suitably related to each other, the site, and the surrounding land.

(7) The applicant has made provision, satisfactory to the Planning Commission, to assure that open space areas and rights-of-way shown on the site plan for use by the public or by residents of the development will be or have been irrevocably committed for that purpose. The applicant has also made provision, satisfactory to the Planning Commission, for the financing of any improvement shown on the plan for open space area and common use areas that are to be included within the development; and maintenance of such improvements is assured by a means satisfactory to the Planning Commission.

(8) The location of the proposed uses, the layout of the site, and its relation to streets giving access to it is such that traffic to, from, and within the site and assembly of persons in connection therewith will not be hazardous or inconvenient to the project or the surrounding area. In applying this standard, the Planning Commission shall consider, among other things, convenient routes for pedestrian traffic, particularly of children; the relationship of the proposed project to main thoroughfares and street intersections; and the general character and intensity of the existing and potential development of the surrounding area. Where open parking areas or roadways are to be located immediately adjacent to any peripheral boundary, a separation or buffer of a type sufficient to ensure the privacy of the adjacent property shall be provided.

(9) The mix of housing unit types and densities and the mix of residential and nonresidential uses, if any, is acceptable in terms of convenience, privacy, compatibility, and similar measures.

(10) Noise, odor, light, or other external effect from any source whatsoever that is connected with the proposed use will not adversely affect adjacent and neighboring lands or uses.

(11) Streets follow the topography, are properly spaced, and are located and aligned in accordance with the intended function of each street. The property has adequate access to public streets. The plans provide for logical extensions of public streets and provide suitable street connections to adjacent parcels, where applicable.

(12) Adequate access for fire and other emergency vehicles shall be provided on the site.

(13) Pedestrian circulation is provided for within the site, as appropriate, and interconnects all residential areas, community areas, and commercial and other services, where applicable. The pedestrian system provides a logical extension of the pedestrian ways from outside the site and provides pedestrian connections to the edges of the site, where appropriate.

(14) If a project is proposed for construction in phases, the planning and designing are 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 PUD and the residents of the surrounding area.

(d) Reasonable conditions may be required by the Planning Commission, in conjunction with the approval of a PUD site plan, for the purpose of ensuring that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased services 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. Conditions imposed shall be designed to protect natural resources and the public health, safety, and welfare of individuals in the project those immediately adjacent and the community, as a whole. The conditions shall be necessary to meet the intent and purpose of this chapter and shall be related to the objective of ensuring compliance with the standards of this chapter. All conditions imposed shall be made a part of the record of the approved PUD site plan.

(Ord. 52. Passed 6-16-97.)

1268.08 CITY COUNCIL REVIEW OF REQUEST FOR REZONING.

(a) The City Council shall be provided with a copy of the Planning Commission's report regarding its decision of approval, approval with conditions, or denial of the PUD site plan along with a summary of comments received at the public hearing, minutes of all proceedings, and all documents related to the PUD request.

(b) The City Council shall also be provided with the Planning Commission's recommendation on the proposed rezoning of the PUD site. After receipt of the recommendation of the Planning Commission on the proposed rezoning, the City Council may hold a public hearing to consider the rezoning request. Notice of the public hearing, if held, shall be given in the same manner as required by this Zoning Code.

(c) In making its determination on the proposed PUD rezoning, the City Council may consider the Planning Commission's report and decision regarding the Planning Commission's approval or denial of the PUD site plan; but the City Council shall

not engage in a substantive review of the details of a site plan that has been approved by the Planning Commission.

(d) The City Council shall approve or deny the petition to rezone the site, subject to the site plan, as approved by the Planning Commission, or shall refer the petition back to the Planning Commission for further review.

(e) No construction shall commence, and no construction permits shall be issued for all or any phase of a PUD, until a site plan has been approved by the Planning Commission and the property has been rezoned by the City Council as provided by this chapter.

(Ord. 52. Passed 6-16-97.)

1268.09 EFFECT OF APPROVAL OF SITE PLAN BY PLANNING COMMISSION.

The PUD site plan, as approved by the Planning Commission, including all approved maps and accompanying written materials and any conditions of approval, shall be binding upon the applicant and owners of record and upon their heirs, successors, and assigns with respect to all future development of the property. No construction of buildings or structures or any other site improvements or changes shall be made except in strict compliance with the approved site plan.

(Ord. 52. Passed 6-16-97.)

1268.10 AMENDMENT OF SITE PLAN.

An approved PUD site plan shall not be varied or modified in any respect without an amendment approved by the Planning Commission. An application for a proposed amendment to a PUD site plan shall be reviewed and approved, approved with conditions, or denied by the Planning Commission pursuant to the procedures prescribed by this chapter for original submittal and review of the site plan.

(Ord. 52. Passed 6-16-97.)

1268.11 PERFORMANCE GUARANTEES.

Performance guarantees to assure compliance with the provisions of this Zoning Code and any conditions imposed under this Zoning Code may be required by the Planning Commission at the time of approval of a site plan.

(Ord. 52. Passed 6-16-97.)

1268.12 VIOLATIONS.

A site plan approved by the Planning Commission in connection with a PUD shall have the full force and effect of this Zoning Code. Subsequent actions relating to the use or activity authorized shall be consistent with the site plan as approved. Any violation of an approved site plan shall be grounds for the City to order that all construction be stopped and to order that zoning permits, building permits, and certificates of occupancy be withheld until the violation is removed or until adequate guarantee of removal of the violation is provided to the City. In addition, a violation of any approved site plan or failure to comply with any requirements of this chapter, including conditions of approval, shall be considered a violation of this Zoning Code.

(Ord. 52. Passed 6-16-97.)

CHAPTER 1270

Hersey River Overlay District

1270.01 Intent and purpose.

1270.02 Permitted uses.

1270.03 Prohibited uses.

1270.04 District standards.

1270.05 Minimum requirements.

1270.06 Review requirements.

CROSS REFERENCES

Site plan review – see P. & Z.Ch. 1272

Special land uses – see P. & Z.Ch. 1274

Outdoor commercial recreation – see P. & Z. 1274.09(t)

Nonconforming uses – see P. & Z. Ch. 1276

Off-street parking and loading – see P. & Z. Ch. 1278

Landscaping, screening, walls and fences – see P. & Z. Ch. 1280

Signs – see P. & Z. Ch. 1282

Provisions applicable to all districts – see P. & Z. Ch. 1284

1270.01 INTENT AND PURPOSE.

(a) The purposes of the design requirements of this chapter are to slow the rate of storm water runoff, to reduce erosion and sedimentation, to protect water quality, to keep nutrients from entering lakes and streams, to maintain water temperatures at natural levels, to preserve fish and wildlife habitat, and to preserve the aesthetic and scenic values of the watershed environment.

(b) The Federal Emergency Management Agency (FEMA) requires the designation of 100-year floodplains to determine eligibility for Federal floodplain insurance. Most major rivers in the United States have been mapped by the U.S. Army Corps of Engineers or other agencies to determine the limits of the floodplain. In Michigan, the Department of Natural Resources has been assigned the responsibility of monitoring the implementation of these requirements.

(c) The Zoning Map shall be used to identify the generalized location of parcels in private and public ownership that are within this defined area.

(Ord. 52. Passed 6-16-97.)

1270.02 PERMITTED USES.

All uses permitted within the underlying zoning district are permitted within this overlay zone.

(Ord. 52. Passed 6-16-97.)

1270.03 PROHIBITED USES.

The following uses shall not be permitted within 100 feet of the ordinary high water mark:

- (a) Confined feedlots.
- (b) Slaughterhouses.
- (c) Gas stations.
- (d) Automobile repair shops.
- (e) Automobile washes.
- (f) Oil-change establishments.
- (g) Industrial uses involved in the manufacturing, compounding, processing, or treating of products.
- (h) Livestock.

(Ord. 52. Passed 6-16-97.)

1270.04 DISTRICT STANDARDS.

(a) Setbacks:

- (1) Front: The required front setback shall be the same as the underlying zoning.
- (2) Side: Shall be the same as the underlying district.
- (3) Rear: Shall be the same as the underlying district.

(a) Lot Area: Shall be the same as the underlying district.

(b) Lot Width: Shall be the same as the underlying district.

(c) Floor Area: Shall be the same as the underlying district.

(Ord. 52. Passed 6-16-97.)

1270.05 MINIMUM REQUIREMENTS.

(a) Design Requirements. All new development, including additions or extensions to existing buildings, shall meet the design requirements of this section.

- (1) All principal buildings shall be set back at least sixty-five feet from the ordinary high water mark.
- (2) Within thirty-five feet of the ordinary high water mark, a maximum of 400 square feet of land shall be covered by impervious surfaces, including all structures and paving for each 100 linear feet of water frontage.
- (3) No unsightly, offensive, or potentially polluting material, including, but not limited to, lawn clippings, leaves, garbage, trash, refuse, junk vehicles, junk, appliances, or toxic materials may be dumped or stored within thirty-five feet of the ordinary high water mark.
- (4) Structures that extend more than five feet into the water are prohibited.
- (5) Pumphouses that exceed three feet in height or nine feet in total square feet in size are prohibited.
- (6) Accessory structures may not be located within five feet of the high water mark.
- (7) Natural vegetation shall be maintained wherever possible. If the removal of vegetation is required, reestablishment of a compatible plant material shall be required.
- (8) Existing mature trees shall be retained and incorporated into the site design where feasible. Trees in excess of six-inch caliper must be replaced by an equivalent amount, type, and quality of tree. Removal of mature trees of twelve-inch caliper or greater will be discouraged.
- (9) Natural drainage courses shall be protected from grading activity.
- (10) Where known, groundwater flow patterns shall not be interrupted.
- (11) Slopes created by the grading of the site should generally not exceed a slope ratio of one foot of vertical slope to three feet of horizontal distance.
- (12) Buildings shall be clustered as much as possible to retain open space and surrounding tree cover and to minimize changes in topography.
- (13) Screening along roadways shall make maximum use of berming and landscaping but shall not interfere with site distances.

(b) **Natural Vegetative Buffer.** A thirty-five foot wide strip of land bordering the river shall be maintained in its natural state. Natural state shall mean native plants, shrubbery, tall grasses, and trees.

(1) Removal of vegetation in the natural vegetative buffer shall be limited to no more than twenty-five percent of the length of this buffer, provided that cutting of this twenty-five percent shall not create a clear-cut opening greater than twenty-five feet wide for every 100 feet of shoreline.

(2) Natural shrubbery, trees, or other vegetation shall be preserved as far as practical and, where removed, shall be replaced with other naturally occurring vegetation that is equally effective in retarding runoff, preventing erosion, and preserving natural beauty. A mowed lawn is not a desirable vegetative buffer adjacent to the shoreline.

(3) Native plants, shrubbery, and trees are encouraged when new vegetation is planted.

(4) Existing soil and organic matter shall not be altered or disturbed within the natural vegetative buffer.

(5) These provisions shall not apply to the removal of dead, diseased, or dying trees, at the discretion of the landowner.

(c) **Drainage of Surface Water.** Proper site surface drainage shall be provided so that the removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. If practical, stormwater shall be removed from all roof areas, canopies, and paved areas and carried away in an underground drainage system. The peak rate of stormwater runoff from the site shall not increase as a result of the proposed development, and temporary onsite storage to reduce peak runoff from the site is encouraged. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic and so that it will not create ponding.

(Ord. 52. Passed 6-16-97.)

1270.06 REVIEW REQUIREMENTS.

(a) No use of property shall be allowed without documented proof that the conditions required of FEMA for obtaining insurance are met; or written indication from the Michigan Department of Environmental Quality (MDEQ) that compliance is unnecessary. These requirements shall apply to all property, any portion of which is indicated as being within the designated floodplain areas. It shall be the responsibility of the property owner to determine the location of the floodplain in accordance with the site plan review procedures provided for in this Zoning Code, and that the floodplain does not encroach upon the limits of the parcel in question. For their own interest and protection, property owners are encouraged to obtain a written determination from the MDEQ when it is apparent from the Zoning Map that their property is within or directly adjacent to the designated area. No zoning or building permit will be issued until compliance with this section has been documented.

(b) In reviewing an application and the standards for approval of a special land use permitted under this section, the Planning Commission shall consider the following factors before rendering a decision on the request for approval:

(1) Any possible danger to life and property due to increased flood heights or velocities caused by encroachments on

the floodplain.

- (2) The danger that materials may be swept onto other lands or downstream to the injury of others.
 - (3) The susceptibility of the proposed development and its contents to flood damage and the effect of such damage on the individual owner.
 - (4) The importance of the services provided by the development to the community.
 - (5) The requirement of the proposed development for a waterfront location.
 - (6) The availability of alternative locations for the proposed use that are not subject to flooding.
 - (7) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
 - (8) The relationship of the proposed use to the City's master plan and floodplain management program for the area.
 - (9) The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - (10) The expected height, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
 - (11) The location, elevation, and construction of all public utilities and facilities for sewer, gas, electrical, and water systems designed relative to minimizing or eliminating flood damage.
 - (12) The measures taken to assure adequate drainage so as to reduce exposure to flood hazards.
 - (13) Such other factors that are, in the opinion of the Planning Commission, relevant to the purposes of this district.
 - (14) If, in the opinion of the Planning Commission, topographic data, engineering studies, or other studies are needed to determine the effects of flooding on a proposed use and/or the effects of the use on the floodway, the Planning Commission may require the applicant to submit such data and/or studies prepared by competent engineers or other technical people.
- (c) To the extent not otherwise provided pursuant to the site plan requirements under this chapter, the Planning Commission shall require, as applicable, submission of the following materials:
- (1) Plans drawn to a scale of one inch equals 100 feet; the nature, location, dimensions, and elevation of the lot; existing or proposed structures; fill; storage of materials; and the relationship of the above to the location of the channel floodway and regulatory flood protection level.
 - (2) A plan (surface view) showing elevations or contours of the ground at five-foot intervals; pertinent structure, fill, or storage elevations; size, location, and spatial arrangement of all proposed and existing buildings on the site; location and elevations of streets; photographs or maps showing existing land uses and vegetation; upstream and downstream soil types; and other pertinent information that may be required by the Planning Commission.
- (d) The Planning Commission may impose reasonable conditions, including, without limitation, limitations on the period of use and operation; imposition of operational controls, sureties, deed restrictions, and covenants; and requirements for construction of channel modifications, dikes, levees, and other protective measures.

(Ord. 52. Passed 6-16-97.)

CHAPTER 1272

Site Plan Review

- 1272.01 Intent and purpose.
- 1272.02 Uses requiring site plan approval.
- 1272.03 Application procedures.
- 1272.04 Preliminary plan review.
- 1272.05 Review of preliminary site plan.
- 1272.06 Final site plan review.
- 1272.07 Existing information.
- 1272.08 Proposed information.
- 1272.09 Review procedure.
- 1272.10 Standards for site plan review.

- 1272.11 Conditions of approval.
- 1272.12 Regulations.
- 1272.13 Performance guarantees.
- 1272.14 Changes to site plan.
- 1272.15 Violations.

CROSS REFERENCES

Zoning and planning in home rule cities – see M.C.L.A. § 117.4i

Regulation of location of trades, buildings and uses by local authorities – see M.C.L.A. § 125.581

Administration, enforcement and penalty – see P. & Z.Ch. 1242

Zoning Board of Appeals – see P. & Z.Ch. 1244

Districts generally and Zoning Map – see P. & Z.Ch. 1246

Special land uses – see P. & Z.Ch. 1274

Nonconforming uses – see P. & Z.Ch. 1276

Provisions applicable to all districts – see P. & Z.Ch. 1284

Zoning Map changes – see Part 12, Title 4, Appx. I

1272.01 INTENT AND PURPOSE.

(a) This chapter establishes standards and requirements for the review and approval, by the Planning Commission, of site plans. As used in this chapter, "site plan" includes the documents and drawings, as specified by this chapter, that are necessary as a part of the land development review process to ensure that a proposed land use or activity is in compliance with applicable local ordinances and State statutes and is compatible with the character of the surrounding area; the adjacent uses of land; the natural environment; the capacities of public services and facilities; and the public health, safety, and welfare.

(b) The standards and requirements provided by this chapter shall be in addition to those required elsewhere in this Zoning Code that are applicable to the use or activity under consideration.

(c) The intent of this chapter is to provide for consultation and cooperation between the applicant and the Planning Commission in order that the applicant may accomplish his or her objectives in the utilization of his or her land within the regulations of this Zoning Code and with minimum adverse effect on the use of adjacent streets and highways, and on existing and future uses and the environment in the immediate area and vicinity.

(Ord. 52. Passed 6-16-97.)

1272.02 USES REQUIRING SITE PLAN APPROVAL.

The construction, reconstruction, extension, enlargement, or movement of the following buildings, structures, and uses shall require site plan approval by the Planning Commission. The Zoning Administrator shall not issue a zoning permit for any land uses requiring a special use under this Zoning Code, or as required in this Zoning Code until a site plan has been reviewed and approved by the Planning Commission.

(a) Commercial buildings, structures and uses.

(b) Industrial buildings, structures and uses.

(c) Essential government services.

(d) Mobile home parks.

(e) Multi-family dwellings.

(f) Parking areas containing six or more parking spaces. Any expansion of existing parking areas containing six or more spaces shall require a site plan review if the parking area is within 100 feet of any Residential District or if ingress/egress or any other traffic circulation modifications are made.

(g) Planned unit developments (PUDs).

(h) Site condominium subdivisions.

(i) Special land uses.

(j) If an existing permitted land use is changed to another permitted land use that requires additional parking according to the "Schedule of Parking Requirements," such additional parking shall be required, and site plan approval from the Planning

Commission shall also be required.

(Ord. 52. Passed 6-16-97.)

1272.03 APPLICATION PROCEDURES.

An application for site plan review, plus either a preliminary or final site plan, shall be submitted twenty-one days prior to the next scheduled Planning Commission meeting through the Zoning Administrator who will review the application and plans for completeness, then transmit the application and plans to the Planning Commission. Incomplete applications will not be forwarded for consideration.

(Ord. 52. Passed 6-16-97.)

1272.04 PRELIMINARY PLAN REVIEW.

Preliminary plan review is voluntary and not mandatory. Preliminary sketches of proposed site and development plans may be submitted for review prior to final site plan submittal. The purpose of such procedure is to allow discussion between the applicant and the City to better inform the applicant of the acceptability of the proposed plan prior to incurring extensive engineering and other costs which might be necessary for final site plan approval. Such plans shall include the following as deemed necessary by the Zoning Administrator:

- (a) Legal description of the property.
- (b) Small-scale sketch of properties, streets, and use of land within one-half mile of the area.
- (c) A generalized map showing any existing or proposed arrangement of:
 - (1) Streets.
 - (2) Lots.
 - (3) Access points.
 - (4) Other transportation arrangement.
 - (5) Buffer strips screening.
 - (6) Natural characteristics, including, but not limited to, open space, stands of trees, brooks, ponds, flood plains, hills, dune classifications, dune crests, and similar natural assets.
 - (7) Location and lighting of signs.
 - (8) Buildings.
- (d) A narrative describing:
 - (1) The overall objectives of the proposed development.
 - (2) Number of acres allocated to each proposed use and gross area in buildings, structures, parking, public and/or private streets and drives, and open space.
 - (3) Dwelling unit densities by type.
 - (4) Proposed method of providing sewer and water service, as well as other public and private utilities.
 - (5) Proposed method of providing storm drainage.
 - (6) Proposed method of revegetating open sand areas, both pre-existing and newly created, to a stable condition.
- (e) In addition to the above, said applicant shall submit the site plan review fee in accordance with the established fee schedule to cover the normal and specially incurred expenses of the review.

(Ord. 52. Passed 6-16-97.)

1272.05 REVIEW OF PRELIMINARY SITE PLAN.

The Zoning Administrator will review the preliminary site plan and make recommendations to the Planning Commission. The Zoning Administrator may request review comments from other City officials such as Police Chief, Fire Chief, City Engineer, and Assessor, and base his or her recommendations on their comments as well as the purposes, objectives, and requirements in this Zoning Code, and specifically, the following considerations when applicable:

- (a) Ingress and egress through the property and proposed structures thereon with particular reference to motor vehicle and pedestrian safety and convenience, traffic flow and control, and access in case of fires, catastrophe, or emergency.
- (b) Off-street parking and loading areas where required, with particular attention to noise, glare, and odor effects of each use in the plan on adjoining properties and properties in the proposed development.
- (c) Sewer, water, and storm drainage with reference to locations, availability, and compatibility.

- (d) Screening and buffering with reference to type, dimensions, and character.
 - (e) Signs, if any, and their proposed lighting relative to glare, traffic safety, economic effect, and compatibility and harmony with adjoining properties.
 - (f) Required yards.
 - (g) General compatibility with adjacent properties.
 - (h) The general purposes and spirit of this Zoning Code and the general development plan of the City's master plan.
- (Ord. 52. Passed 6-16-97.)

1272.06 FINAL SITE PLAN REVIEW.

Preliminary plan review is voluntary and not mandatory. Preliminary sketches of proposed site and development plans may be submitted for review prior to final site plan submittal. The purpose of such procedure is to allow discussion between the applicant and the City to better inform the applicant of the acceptability of the proposed plan prior to incurring extensive engineering and other costs which might be necessary for final site plan approval. Such plans shall contain the following information:

- (a) The date, north arrow, and scale. The scale shall be at least one inch equals twenty feet for property under three acres and one inch equals 100 feet for those properties that are three acres or more.
- (b) The name and address of the individual or firm responsible for the preparation of the site plan.
- (c) The name and address of the property owner or petitioner.
- (d) A locational sketch drawn to scale.

(Ord. 52. Passed 6-16-97.)

1272.07 EXISTING INFORMATION.

The following existing information must be shown and properly dimensioned:

- (a) All lot and/or property lines, including building setback lines on corner lots.
- (b) The location and height of all existing structures on and within 100 feet of the subject property's boundary.
- (c) The location and dimensions of all existing drives, sidewalks, curb openings, signs, exterior lighting, curbing, parking areas (show dimensions of a typical parking space), unloading areas, recreational areas, common use areas, and areas for public use and purpose.
- (d) The location, pavement width, and right-of-way width of all abutting roads, streets, alleys, or easements.
- (e) The location, height, and types of fences, walls, and landscaping.
- (f) The location, extent, and character of all utilities, including connections to public sewer, water, or storm drainage systems.
- (g) The location, extent, and character of all surface water drainage facilities.
- (h) For multiple-family developments and parking areas with six or more spaces, contour intervals shall be shown (two-foot intervals for average slopes ten percent and under and five-foot intervals for slopes over ten percent). Topography, however, may be required on all site plans at the discretion of the Planning Commission.

(Ord. 52. Passed 6-16-97.)

1272.08 PROPOSED INFORMATION.

The following proposed information must be shown and properly dimensioned:

- (a) The location and height of all proposed structures on and within 100 feet of the subject property's boundary.
- (b) The location and dimensions of all proposed drives, sidewalks, curb openings, signs, exterior lighting, curbing, parking areas (show dimensions of a typical parking space), unloading areas, recreational areas, common use areas, and areas to be conveyed for public use and purpose.
- (c) The location, pavement width, and right-of-way width of all proposed roads, streets, alleys, or easements.
- (d) Proposed zoning changes for the subject property or abutting properties.
- (e) The proposed location, height, and types of fences, walls, and landscaping.
- (f) The proposed location, extent, and character of all utilities, including proposed connections to public sewer or water systems.

(g) All proposed surface water drainage facilities.

(h) For multiple-family developments and parking areas with six or more spaces, altered contour intervals shall be shown (two-foot intervals for average slopes ten percent and under and five-foot intervals for slopes over ten percent). Contour changes, however, may be required on all site plans at the discretion of the Planning Commission. (Ord. 52. Passed 6-16-97.)

1272.09 REVIEW PROCEDURE.

(a) The applicant shall submit his or her proposal to the Zoning Administrator by letter which shall be accompanied by a sketch of the proposed use or structure.

(b) The Zoning Administrator shall provide the applicant with the proper documents and instructions for completion of a site plan application.

(c) The Planning Commission may adopt procedures to encourage preliminary, informal review of proposed site plans with the applicant. The preliminary review shall not, however, affect the applicability of the standards and requirements for formal approval of site plans as required by this chapter.

(d) The proposed site plan shall be submitted in five copies to the Zoning Administrator, who shall keep one copy and deliver four copies to the Secretary of the Planning Commission.

(e) Within sixty days of its submittal to the Zoning Administrator, the Planning Commission shall review the site plan and shall either approve, approve with conditions, or disapprove the proposed site plan in accordance with this chapter and applicable provisions of this Zoning Code. The basis for the decision and any conditions imposed relating to an affirmative decision shall be specified in the resolution of the Planning Commission approving or denying the site plan. If approved or approved with conditions, the site plan, as approved, shall become a part of the record of approval. After a decision of either approval or denial, the Planning Commission shall submit its action in writing to the applicant indicating either approval with any changes which were agreed upon by the Planning Commission, or denial with reasons for denial.

(f) Upon approval of a site plan, at least two copies of the site plan, as finally approved, shall be signed and dated by the Secretary of the Planning Commission. One copy of the signed site plan shall be kept on file with the Zoning Administrator, and the other shall be returned to the applicant.

(g) For all site plans prepared on a computer, a single diskette copy shall be provided to the Zoning Administrator in digital format.

(Ord. 52. Passed 6-16-97.)

1272.10 STANDARDS FOR SITE PLAN REVIEW.

The Planning Commission shall review the site plan based on the purposes, objectives, and requirements of this Zoning Code and on the standards provided by this section. As a part of its review, the Planning Commission may distribute copies of the plan to other governmental departments or officials. Their review and comment would be on matters related to the plan that would fall under their jurisdiction or involve the discharge of their duties. In reviewing the site plan, the Planning Commission shall specifically consider the following standards, as applicable:

(a) Dimensional Requirements. The dimensional arrangement of buildings and structures shall conform to the required yards, setbacks, and height restrictions of this Zoning Code.

(b) Building Arrangement. The proposed buildings and structures shall have a harmonious relationship to the site terrain, landscaping, open space, and other buildings and structures, existing and proposed. The bulk, location, and height of proposed buildings and structures, as well as the general character of the development, shall minimize any adverse effect on other uses of property in the surrounding area and shall not place demands on public services or facilities in excess of capacity.

(c) Drainage of Surface Water. Proper site surface drainage shall be provided so that the removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. If practical, storm water shall be removed from all roof areas, canopies, and paved areas and carried away in an underground drainage system. The peak rate of storm water runoff from the site shall not increase as a result of the proposed development, and temporary onsite storage to reduce peak runoff from the site is encouraged. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic and so that it will not create ponding.

(d) Public Services and Utilities. The location, availability, and compatibility of sewer, water, and storm drainage facilities shall be considered to determine whether the use will be adequately served by necessary improvements. Utility distribution lines or associated utility installations shall be located so as to avoid adverse impacts both to neighboring properties and to the site.

(e) Vehicular Access and Parking. The provisions for vehicular loading and unloading and parking and for vehicular and pedestrian circulation on the site and onto adjacent public streets and ways shall not create hazards to safety and shall not place demands on public services or facilities in excess of capacity. All buildings and structures shall be accessible by emergency vehicles.

(f) Exterior Lighting. All lighting shall be installed and maintained in such a manner as to confine the illumination source or

divert glare to the property upon which the use is located and to prevent glare or illumination from adversely affecting the safety or welfare of adjacent property or streets.

(g) Signs. The size, location, design, and lighting of signs shall be considered in relation to signs on adjacent sites, glare, traffic safety, and compatibility with adjoining properties, consistent with all applicable sign regulations. Signs shall be located and designed to avoid creating distraction or clutter.

(h) Special Features. Storage areas, mechanical areas, service areas, truck loading areas, utility buildings and structures, and similar features shall be located, buffered, and/or screened so as to be unobtrusive; so as not to interfere with access to or circulation within the site; or so as not to detract from the visual impression of the site. Trash containers shall be enclosed on at least three sides by a structure aesthetically compatible with the development and surrounding property. Waste storage areas shall be maintained free from litter and in a sanitary condition.

(i) Landscaping. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal. Grade changes made shall be in keeping with the general appearance of neighboring developed areas. Plant materials shall be used to enhance the appearance of the site; to screen unsightly or harsh elements; and to provide visual relief from large monotonous features, such as parking lots.

(j) External Effects (General). Noise, odor, light, dust, dirt, smoke, or other external effects from any aspect of the proposed use shall not adversely affect adjacent and neighboring properties or uses.

(k) Compliance With All Applicable Laws. The Planning Commission shall not approve a site plan that violates or that is inconsistent with local, State, or Federal laws or regulations. (Ord. 52. Passed 6-16-97.)

1272.11 CONDITIONS OF APPROVAL.

The Planning Commission shall make a decision to approve the request based on the following conditions:

(a) The Planning Commission may impose any other regulations which it deems necessary to protect the safety, health, and general welfare of the people of Reed City and shall have the authority to make any changes or alterations in submitted plans and modify any requirements and regulations herein prescribed, provided they are in the best public interest and such that the property may be developed in a reasonable manner; but in so doing, complying with other applicable provisions of this Zoning Code.

(b) The Planning Commission may impose reasonable conditions upon the approval of a site plan. The conditions may include, but are not limited to, conditions necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:

(1) The proposed use or structure appears to be in accordance with the intent of the zoning district in which it is located and is architecturally compatible with other conforming uses and structures in the district.

(2) The proposed use or structure is designed to protect natural resources; the health, safety, welfare, and 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; or the community as a whole.

(3) The proposed use or structure is related to the valid exercise of the police power.

(4) The proposed use or structure is necessary to meet the intent and purpose of this Zoning Code, related to the standards established in this Zoning Code for the land use or activity under consideration, and is necessary to ensure compliance with those standards.

(5) Adequate off-street parking and loading spaces in accordance with this Zoning Code shall be provided within 300 feet of the proposed use or structure. (Ord. 52. Passed 6-16-97.)

1272.12 REGULATIONS.

The following regulations shall apply to all land uses requiring site plan approval:

(a) The Secretary of the Planning Commission shall not sign the approved site plan until the applicant has submitted three copies of all permits that may be required by the County or the State for the construction of the use, such as, but not limited to, permits for onsite wastewater disposal and permits required under the Soil Erosion and Sedimentation Act, Act 347 of the Public Acts of 1972, as amended, the Inland Lakes and Streams Act, Act 346 of the Public Acts of 1972, as amended, and the Wetland Protection Act, Act 203 of the Public Acts of 1979, as amended.

(b) The construction of improvements shall not commence for any development that requires a site plan approval until an approved site plan has been signed by the Secretary of the Planning Commission.

(c) The Zoning Administrator shall not issue a zoning permit for any use requiring site plan approval until an approved site plan has been signed by the Secretary of the Planning Commission.

(d) The Zoning Administrator shall not issue a building permit for any use requiring site plan approval until an approved

site plan has been signed by the Secretary of the Planning Commission.

(Ord. 52. Passed 6-16-97.)

1272.13 PERFORMANCE GUARANTEES.

Performance guarantees to assure compliance with the provisions of this Zoning Code and any conditions imposed under this Zoning Code may be required by the Planning Commission at the time of approval of a site plan as authorized under Section 4e of Act 207 of the Public Acts of 1921, as amended.

(Ord. 52. Passed 6-16-97.)

1272.14 CHANGES TO SITE PLAN.

Changes to a site plan, following approval by the Planning Commission, in connection with a use or activity, are prohibited. Subsequent actions altering, amending, or changing the approved use or activity in any way will require approval in accordance with the procedures described above.

(Ord. 52. Passed 6-16-97.)

1272.15 VIOLATIONS.

A site plan, approved by the Planning Commission, in connection with a use or activity, shall have the full force and effect of this Zoning Code. Subsequent actions relating to the use or activity authorized shall be consistent with the site plan as approved. Any violation of an approved site plan shall be grounds for the City to order that all construction be stopped and to order that zoning permits, building permits, and certificates of occupancy be withheld until the violation is removed or until adequate guarantee of removal of the violation is provided to the City. In addition, a violation of any approved site plan or failure to comply with any requirements of this chapter, including conditions of approval, shall be considered a violation of this Zoning Code.

(Ord. 52. Passed 6-16-97.)

CHAPTER 1274

Special Land Uses

- 1274.01 Purposes; permitted uses.
- 1274.02 Standards.
- 1274.03 Application for special use.
- 1274.04 Application procedures.
- 1274.05 Authorization.
- 1274.06 Basis of determination.
- 1274.07 Conditions and guarantees.
- 1274.08 Conditions and limitations.
- 1274.09 Design standards.
- 1274.10 Hearing on application.
- 1274.11 Initiation of special use.
- 1274.12 Intent and purpose.
- 1274.13 Performance guarantees.
- 1274.14 Revocation.

CROSS REFERENCES

Zoning and planning in home rule cities – see M.C.L.A. § 117.4i

Regulation of location of trades, buildings and uses by local authorities – see M.C.L.A. § 125.581

Administration, enforcement and penalty – see P. & Z.Ch. 1242

Zoning Board of Appeals – see P. & Z.Ch. 1244

Districts generally and Zoning Map – see P. & Z.Ch. 1246

Nonconforming uses – see P. & Z. Ch. 1276

Provisions applicable to all districts – see P. & Z.Ch. 1284

Zoning Map changes – see Part 12, Title 4, Appx. I

1274.01 PURPOSES; PERMITTED USES.

(a) The development and execution of this Zoning Code are based upon the division of the City into districts, within which districts the use of land and structures and the bulk and location of structures in relation to the land is substantially uniform. It is recognized, however, that there are special uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for particular use at the particular location. Such special uses fall into two categories:

(1) Uses publicly operated or traditionally affected with a public interest, such as public utilities facilities, public meeting buildings, and transportation facilities.

(2) Uses entirely private in character but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities, such as drive-in facilities, special medical care facilities, extraction of minerals, and neighborhood shopping facilities.

(b) The purpose of this chapter is to establish equitable procedures and criteria that shall be met before the following special land uses are permitted:

- (1) Bed and breakfasts.
- (2) Campgrounds and recreational vehicle parks.
- (3) Child care centers.
- (4) Communications towers.
- (5) Drive-through or drive-in businesses.
- (6) Educational services.
- (7) Floodplain overlay district uses.
- (8) Funeral homes.
- (9) Fueling service stations.
- (10) Golf courses and country clubs.
- (11) Individual and family social services.
- (12) Membership organizations and fraternal associations.
- (13) Mini-storage self-storage warehouses.
- (14) Motels or hotels.
- (15) Motor vehicle repair.
- (16) Municipally operated sanitary landfill.
- (17) Nursing and personal care facilities.
- (18) Landscape nurseries and landscaping contractors.
- (19) Professional offices.
- (20) Outdoor commercial recreation.
- (21) Outdoor sales.
- (22) Public and institutional uses.
- (23) Public utility facilities.
- (24) Salvage/junk yards.
- (25) Sexually oriented businesses.
- (26) State-licensed residential facilities (for seven persons or more).
- (27) Upper floor dwellings.

(28) Single family dwelling conversions to multiple family dwelling units.

(Ord. 52. Passed 6-16-97; Ord. 04-2018. Passed 2-20-18.)

1274.02 STANDARDS.

No special use shall be recommended by the Planning Commission unless said Commission shall find:

(a) That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.

(b) That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

(c) That the establishment of the special use will not impede the normal and orderly development and improvements of surrounding property for uses permitted in the district.

(d) That adequate utilities, access roads, drainage, and/or other necessary facilities have been or are being provided.

(e) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

(f) That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the City Council pursuant to the recommendations of the Planning Commission.

(Ord. 52. Passed 6-16-97; Ord. 04-2018. Passed 2-20-18.)

1274.03 APPLICATION FOR SPECIAL USE.

An application for a special use or expansion of a special use shall be filed with the Zoning Administrator on a prescribed form. The application shall be accompanied by such plans and/or data prescribed by the Zoning Administrator and shall include a statement in writing by the applicant and adequate evidence showing that the proposed special use will conform to the standards as set forth.

(Ord. 52. Passed 6-16-97; Ord. 04-2018. Passed 2-20-18.)

1274.04 APPLICATION PROCEDURES.

An application for a special land use shall be submitted and acted upon in accordance with the following procedures:

(a) Applications for a special land use shall be submitted through the Zoning Administrator to the Planning Commission. Each application shall be accompanied by the payment of a fee in accordance with the schedule of fees adopted by the City Council to cover the costs of processing the application. No part of this fee shall be refundable.

(b) An application for a special land use shall be accompanied by the following documents and information:

(1) A special land use application form that has been completed in full by the applicant and submitted to the Zoning Administrator.

(2) A site plan as required in this Zoning Code.

(c) Upon receipt of a complete application for a special land use, the Planning Commission shall publish notice of a public hearing for a special land use in a newspaper that circulates in the City. In addition, said notice shall be sent by mail or personal delivery to the owners of the property for which approval is being considered, to all persons to whom real property is assessed within 300 feet of the boundary in question, and to the occupants of all structures with one through four units within 300 feet of the boundary of the property in question. Notice shall also be given to the owner or manager of all structures with five or more dwelling units within 300 feet of the property in question, who shall be requested to post the notice at the primary entrance to the structure. The notice shall be given not less than five days nor more than fifteen days before the application will be considered. The notice shall:

(1) Describe the nature of the special land use request.

(2) Indicate the property that is subject to the special land use request.

(3) State when and where the special land use request will be considered.

(4) Indicate when and where written comments concerning the request will be received.

(d) The Planning Commission shall hold a public hearing to receive public comment on the request. The Planning Commission, based upon its review of the application for a special land use, comments received at the public hearing, and other material submitted in relation to the request, shall make a determination on the special land use application. Such determination shall be in accordance with standards contained in this Zoning Code that relate to the special land use under consideration.

(e) The decision of the Planning Commission on a special land use shall be incorporated in a statement that sets forth the

findings, determinations, and conclusion relative to the special land use under consideration. Said statement shall specify the basis for the decision of the Planning Commission and any conditions imposed.

(Ord. 52. Passed 6-16-97; Ord. 04-2018. Passed 2-20-18.)

1274.05 AUTHORIZATION.

For each application for a special use, the Planning Commission shall report to the City Council its findings and recommendations, including the stipulations of additional conditions and guarantees, and that such conditions will be complied with when they are deemed necessary for the protection of the public interest. The City Council may grant or deny any application for a special use; provided, however, that in the event of written protest against any proposed special use, signed and acknowledged by the owners of twenty percent of the frontage between intersecting streets on the same side of the street as the property proposed for special use or by owners of twenty percent of the frontage between intersecting streets across the alley or across the street therefrom, such special use shall not be granted except by a favorable vote of six-sevenths of the City Council.

(Ord. 52. Passed 6-16-97; Ord. 04-2018. Passed 2-20-18.)

1274.06 BASIS OF DETERMINATION.

(a) Prior to the approval of a special land use application, the Planning Commission shall ensure that the standards specified in this section, as well as applicable standards established elsewhere in this Zoning Code, shall be satisfied by the completion and operation of the special land use under consideration.

(b) The Planning Commission shall review the particular circumstances of the special land use request under consideration in terms of the following general standards and shall approve a special land use only upon finding that the proposed use complies with each of the following standards as well as all applicable standards established elsewhere in this Zoning Code:

(1) The special land use shall be designed, constructed, operated, and maintained in a manner harmonious with the character of adjacent property.

(2) The special land use shall not impair the essential character of the surrounding area.

(3) The special land use shall not be hazardous to the adjacent property or involve uses, activities, materials, or equipment that will be detrimental to the general health, safety, and welfare.

(4) The special land use shall not place demands on public services and facilities in excess of current capacities.

(5) The special land use complies with the City's master plan.

(c) Reasonable conditions may be required by the Planning Commission in conjunction with the approval of a special land use for ensuring that public services and facilities affected by the proposed land use or activity will be capable of accommodating increased services and facility loads caused by the land use or activity; for protecting the natural environment and conserving natural resources and energy; for ensuring compatibility with adjacent uses of land; for promoting the use of land in a socially and economically desirable manner; and for protecting natural resources and the public health, safety, and welfare of individuals who will use the land, those immediately adjacent, and the community as a whole. Conditions imposed shall be necessary to meet the intent and purpose of this Zoning Code and shall be related to the objective of ensuring compliance with applicable standards. All conditions imposed shall be made a part of the approved special land use permit and shall be enforced by the Zoning Administrator.

(Ord. 52. Passed 6-16-97; Ord. 04-2018. Passed 2-20-18.)

1274.07 CONDITIONS AND GUARANTEES.

Prior to the granting of any special use, the Planning Commission may recommend and the City Council shall stipulate such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the special use as deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in Section 1274.09. In all cases in which special uses are granted, the City Council shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

(Ord. 52. Passed 6-16-97; Ord. 04-2018. Passed 2-20-18.)

1274.08 CONDITIONS AND LIMITATIONS.

Prior to the granting of any waiver as herein provided, the Planning Commission may impose any such conditions or limitations upon the establishment, location, construction, maintenance, or operation of the sexually oriented business as may in its judgement be necessary for the protection of the public interest. Any evidence and any guarantee may be required as proof that the conditions stipulated in connection therewith will be fulfilled.

(Ord. 52. Passed 6-16-97; Ord. 04-2018. Passed 2-20-18.)

1274.09 DESIGN STANDARDS.

All special land uses shall be subject to the following design standards in addition to the requirements of the districts in which they are located:

(a) Bed and Breakfasts. Bed and breakfast uses shall be permitted subject to the following procedures and conditions:

- (1) Such uses shall be established only in single-family dwellings.
- (2) One parking space per room to be rented shall be provided onsite in addition to the parking required for a single-family dwelling. Parking shall be arranged so as not to pose negative impacts on adjacent properties or necessitate on-street parking.
- (3) Kitchen facilities are allowed, as approved by the appropriate City, County, and State agencies.
- (4) Additions to a structure for the purpose of accommodating additional guests shall be prohibited. Physical modifications to the structure may be permitted, including, but not limited to, the provision of barrier-free access in order to meet Building Code requirements.
- (5) Exterior solid waste facilities beyond what might normally be expected for a single-family dwelling shall be prohibited.
- (6) Only one sign shall be allowed for identification purposes, with approval of the Planning Commission. Such sign shall be mounted flat against the wall of the principal building, and shall not exceed four square feet in area.
- (7) The dwelling unit in which the bed and breakfast operation takes place shall be the principal residence of the homeowner, who shall live on the premises while the operation is active.
- (8) Accessory retail or service uses to a bed and breakfast establishment shall be prohibited, including, but not limited to, gift shops, antique shops, restaurants, and bakeries.
- (9) Meals may be served only to residents, employees, family members, and overnight guests.

(b) Campgrounds and Recreational Vehicle Parks. Campground and recreational vehicle park uses shall be permitted subject to the following procedures and conditions:

- (1) The total area of the campground shall be at least ten acres.
- (2) There shall be a required yard of not less than fifty feet along all property lines. No campsite or any structure shall be located in this required yard.
- (3) There shall be a greenbelt planting strip with a width of not less than twenty feet along the property lines and may be within the fifty-foot yard as required in this Zoning Code. Such greenbelt shall contain at least one straight or staggered row of deciduous and/or evergreen trees, spaced not more than forty feet apart, and at least three rows of deciduous and/or evergreen shrubs spaced not more than eight feet apart and which grow to an ultimate height of twelve feet.
- (4) There shall be recreational areas at a ratio of at least twenty percent of the gross area of the campground. These recreational areas may be located within the fifty-foot required yard but not within the fifty-foot greenbelt.
- (5) There shall be a vehicular circulation system which shall consist of improved drives or roads with a right-of-way at least thirty-three feet wide, and it shall have unrestricted access to or from a public street.
- (6) No structure shall exceed fifteen feet in height.
- (7) The grounds of the campground shall be sloped to drain properly and to satisfactorily meet the approval of local engineering standards.
- (8) Each site shall be arranged to satisfactorily and safely accommodate a travel trailer, camper, or other similar camping apparatus.
- (9) There shall be a maximum of one sign which shall bear only the name of the campground, shall have a maximum area of twelve square feet, may be lighted provided the source of light is not visible and not the flashing or intermittent type, and may be located within the required yard but not within the greenbelt.
- (10) There shall be permitted a facility for the retail sale of groceries, sundries, and other similar commodities, provided this facility is centrally located and has hours of operation coincidental with hours of operation of the campground.
- (11) There shall be no sales or display of camping vehicles.
- (12) There shall be located, within the campground, approved sanitary dumping facilities.
- (13) All requirements, as regulated by Act 368 of the Public Acts of 1978, as amended, shall be complied with.
- (14) The Planning Commission may impose any other regulations which it deems necessary to protect the safety, health, and general welfare of the people of the City of Reed City and shall have the authority to make any change or alterations in such plans and modify any requirements and regulations herein prescribed, provided they are in the best public interest and such that property may be developed in a reasonable manner, but in so doing, complying with other applicable provisions of this Zoning Code.

(c) Child Care Centers. Child care center uses shall be permitted subject to the following procedures and conditions:

(1) If the child care center is located on a major arterial street, an off-street drop-off/pick-up area must be provided, including an onsite vehicle turnaround or separate entrance and exit points. Other facilities, design elements, and operational requirements shall be provided or complied with, as determined necessary by the Planning Commission, for the safety of the children attending the child care center.

(2) Based upon the established capacity of the child-care center, a minimum of 150 square feet of outdoor play area per child, with not less than 5,000 square feet of outdoor play area per facility, shall be provided and maintained on the lot. For purposes of this section, "outdoor play area" means the area located on the lot behind the established front yard setback of the facility that is available or devoted to outdoor activities, exclusive of any area occupied by a swimming pool or required parking areas. The outdoor play area shall be free from sharp gravel, glass, or cinder and shall be well-drained. The outdoor play area shall be completely enclosed by a chain-link or solid fence of at least four feet in height and shall be screened from any abutting residential use by vegetation having a height, when planted, of at least five feet.

(3) The child care center shall be registered and licensed as required for child care centers or day care centers under the Child Care Organizations Act, Act 116 of the Public Acts of 1973, as amended.

(d) Communications Towers. Communications tower uses shall be permitted subject to the following procedures and conditions:

(1) Safe zones. Communications towers are exempt from zoning district height limitations. In the unlikely event of structural failure required safe zones shall be established. Safe zones also ensure protection against falling ice.

(2) Guyed towers. The setback line for the tower itself must be equal to seventy-five percent of the height of the tower. Guy anchors must be located on the same parcel as the tower and must maintain a twenty-five foot required setback.

(3) Self-supporting towers: Fifty percent of the tower height. Tower facilities must meet the following standards:

A. Be located no closer than 500 feet to the nearest residence, school, or public park.

B. Be designed, built, and finished to blend as unobtrusively as possible with the natural surrounding and be compatible with adjacent uses.

C. Screened and landscaped in accordance with this Zoning Code.

Each ground mounted structure must be protected by a secure fence enclosure in accordance with the fencing provisions of this Zoning Code. Cellular telephone facilities must, where possible, co-locate on existing structures which may include another cellular telephone tower. Sharing of facilities is mandatory where feasible. The following information must be included in the submittal for site plan review:

1. Design load.
2. Ice load.
3. Foundation design.
4. Site layout drawing.
5. Permit tower drawing packages.

All foundation and tower structure drawings must bear the seal of a registered professional.

(e) Drive-Through or Drive-In Restaurants. Drive-through or drive-in restaurant uses shall be permitted subject to the following procedures and conditions:

(1) A minimum of three off-street parking spaces shall be provided for drive-through service.

(2) Service windows shall be set back at least 100 feet from any lot line adjacent to a Residential District.

(f) Educational Services. Educational service uses shall be permitted subject to the following procedures and conditions:

(1) A minimum of three off-street, parking spaces shall be provided.

(2) Buildings shall be set back at least 100 feet from any lot line adjacent to a Residential District.

(g) Hersey River Overlay District Uses. Hersey River Overlay District uses shall be permitted subject to the procedures and conditions provided in this Zoning Code.

(h) Funeral Homes. Funeral home uses shall be permitted subject to the following procedures and conditions:

(1) All activities shall be set back a minimum of fifty feet from any lot line in a Residential District.

(2) The Planning Commission may require a fence, wall, or planted material to screen the use from adjacent Residential Districts.

(i) Fueling service stations. Fueling service station uses shall be permitted subject to the following procedures and conditions:

(1) All activities shall be set back a minimum of fifty feet from any lot line in a Residential District.

(2) The Planning Commission may require a fence, wall, or planted material to screen the use from adjacent Residential Districts.

(j) Golf Courses and Country Clubs. Golf courses and country club uses shall be permitted subject to the following procedures and conditions:

(1) Such use shall be in conformance with the character of the adjacent neighborhood and shall be essential to service the neighborhood or community.

(2) The Planning Commission shall establish requirements for setback, lot size, side yard, parking, screening, and other conditions necessary for the use to conform with the character of the adjacent neighborhood and to protect adjacent property owners.

(k) Individual and Family Social Services. Individual and family service uses shall be permitted subject to the following procedures and conditions:

(1) All activities shall be set back a minimum of fifty feet from any lot line in a Residential District.

(2) The Planning Commission may require a fence, wall, or planted material to screen the use from adjacent Residential Districts.

(l) Membership Organizations and Fraternal Associations. Membership organization and fraternal association uses shall be permitted subject to the following procedures and conditions:

(1) All activities shall be set back a minimum of fifty feet from any lot line in a Residential District.

(2) The Planning Commission may require a fence, wall, or planted material to screen the use from adjacent Residential Districts.

(m) Mini-Storage Self-Storage Warehouses. Mini-storage and self-storage warehouse uses shall be permitted subject to the following procedures and conditions: The applicant must demonstrate that the site requested for a special land use permit is not well suited for traditional commercial purposes and has marginal commercial value relative to other vacant sites. Sites considered prime commercial land would not be favorably received.

(n) Motels or Hotels. Motel or hotel uses shall be permitted subject to the following procedures and conditions:

(1) Traffic circulation shall not conflict with neighboring business uses.

(2) The centerline of all ingress and egress areas (curb cuts) shall be at least fifty feet from the right-of-way of any intersecting street.

(o) Motor Vehicle Repair. Motor vehicle repair uses shall be permitted subject to the following procedures and conditions:

(1) Minimum lot size shall be 20,000 square feet to provide adequate space for vehicle storage.

(2) All activities and storage related to this use shall be set back a minimum of fifty feet from all side and rear lot lines.

(3) All tires, parts, and bodies must be kept within a fully enclosed building or fenced on all sides with a screening fence that is six feet in height.

(4) No outdoor storage or use shall be permitted within the required front yard.

(5) Appropriate screening in accordance with Chapter 1280 may be required by the Planning Commission to protect adjoining parcels.

(p) Municipally Operated Sanitary Landfill. Municipally operated sanitary landfill uses shall be permitted subject to the following procedures and conditions:

(1) All activities shall be set back a minimum of fifty feet from any lot line in a Residential District.

(2) The Planning Commission may require a fence, wall, or planted material to screen the use from adjacent Residential Districts.

(3) There is no burning of waste products.

(q) Landscape Nurseries and Landscaping Contractors. Uses shall be permitted subject to the following procedures and conditions:

(1) All activities shall be set back a minimum of fifty feet from any lot line in a Residential District.

(2) The Planning Commission may require a fence, wall, or planted material to screen the use from adjacent Residential Districts.

(r) Nursing and Personal Care Facilities. Uses shall be permitted subject to the following procedures and conditions:

(1) The facility shall not alter the character of the neighborhood in which it is located.

(2) The facility shall be located along major roads and entrance ways to the residential developments or shall act as buffers between residential and higher-intensity uses whenever practical.

(3) All off-street parking requirements shall be met.

(4) All off-street parking areas and refuse disposal containers shall be screened from adjacent Residential Districts.

(s) Professional Offices. Uses shall be permitted subject to the following procedures and conditions:

(1) All activities shall be set back a minimum of fifty feet from any lot line in a Residential District.

(2) The Planning Commission may require a fence, wall, or planted material to screen the use from adjacent Residential Districts.

(t) Outdoor Commercial Recreation. Uses shall be permitted subject to the following procedures and conditions:

(1) All activities shall be set back a minimum of fifty feet from any lot line in a Residential District.

(2) The Planning Commission may require a fence, wall, or planted material to screen the use from adjacent Residential Districts.

(u) Outdoor Sales. Uses shall be permitted subject to the following procedures and conditions:

(1) No merchandise shall be located in the road right-of-way or within five feet of any adjacent lot line.

(2) All structures shall be set back a minimum of thirty feet from any lot line in a Residential District.

(3) The Planning Commission may require a fence, wall, or planted material to screen the use from adjacent Residential Districts.

(v) Public and Institutional Uses. Uses shall be permitted subject to the following procedures and conditions:

(1) Such use shall be in conformance with the character of the adjacent neighborhood and shall be essential to service the neighborhood or community.

(2) The Planning Commission shall establish requirements for setback, lot size, side yard, parking, screening, and other conditions necessary for the use to conform with the character of the adjacent neighborhood and to protect adjacent property owners.

(w) Public Utility Facilities. Uses shall be permitted subject to the following procedures and conditions:

(1) All activities shall be set back a minimum of fifty feet from any lot line in a Residential District.

(2) The Planning Commission may require a fence, wall, or planted material to screen the use from adjacent Residential Districts.

(x) Salvage/Junk Yards. Uses shall be permitted subject to the following procedures and conditions:

(1) The use shall be surrounded by a solid fence or wall with a height equal to items stored thereon but in no case less than ten feet high.

(2) Minimum lot size shall be three acres.

(3) All salvage materials must be screened from outside view by a solid fence or wall in accordance with the provisions of this Zoning Code.

(4) All uses shall be established and maintained in accordance with all applicable State and County laws.

(5) All storage areas shall be set back at least seventy-five feet from any street right-of-way or property line and 500 feet from any Residential District. Such setbacks shall be landscaped to minimize the appearance and impact of the operation. The spacing and type of plant materials shall be approved by the Planning Commission (see Chapter 1280 for required screening).

(6) No open burning shall be permitted.

(7) All industrial processes involving the use of equipment for cutting, compressing, or packaging shall be conducted within a completely enclosed building.

(8) All performance standards in Chapter 1260 shall be met.

(y) Sexually Oriented Businesses. Uses shall be permitted subject to the following procedures and conditions:

(1) The use is located within a C-2 District.

(2) The use is located outside a 300-foot radius of a Residential District, a church, school or day care center and outside a 200-foot radius of an officially dedicated City park. All measurements under this section shall be made in a straight line, without regard to intervening structures or objects, from the property line of the use to the property line containing a church, school, day care center, or park. The Planning Commission may waive this minimum distance restriction pursuant to the standards provided in paragraph (y)(3) hereof of this section and pursuant to the following procedures:

A. The Zoning Administrator will serve notice on all owners and occupiers of all property within 300 feet of the proposed use.

B. Said notice will give a minimum of thirty days from the mailing of the notice until the Planning Commission hearing on the matter.

C. Said notice will include a postcard addressed to the City, containing spaces for stating approval or disapproval of the proposed sexually oriented business and including space for commentary.

D. The total number of postcards or other written responses returned prior to the hearing will be tallied. The votes yea and nay will also be tallied.

E. These votes will be considered as evidence, in the Planning Commission's decision, as to whether to waive the minimum requirement between the sexually oriented business and a residential zone church, school, day care center, and park.

(3) The sexually oriented business is not located within a 1,000 foot radius of another sexually oriented business. The Planning Commission may waive this spacing requirement, if the following findings are made:

A. That the proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this chapter will be observed.

B. That the proposed use will not enlarge or encourage the development of a blighted or deteriorating area in its immediate surrounds.

C. That the establishment of a sexually oriented business, or an additional sexually oriented business, in the area will not be contrary to any neighborhood conservation, nor will it interfere with any urban renewal.

D. That all applicable State laws and local ordinances will be observed.

(4) Persons operating a sexually oriented business shall not permit any person under the age of eighteen to be on the premises of said sexually oriented business either as an employee or as a customer.

(5) Hours of operation of the sexually oriented business shall be limited to 8:00 a.m. to 10:00 p.m.

(6) Adult products or services, or any picture or other representation thereof, shall not be displayed so as to be visible from the street or neighboring property.

(7) Off-street parking shall be provided the same as for non-sexually oriented businesses of the same nature (e.g., movie theaters, retail sales, and eating and drinking establishments); except that all areas of the parking lot shall be illuminated from dusk until one hour after business closes.

(8) No application for a special use which has been denied wholly or in part by the City Council shall be resubmitted for a period of one year from the date of said order of denial, except on the grounds of new evidence or proof of changed conditions found to be valid by the Planning Commission and the City Council.

(9) Once established, a sexually oriented business shall not be expanded in any manner without first applying for and receiving the approval of the Planning Commission.

(10) If a sexually oriented business is discontinued and events cause the area to not be available for the location of a sexually oriented business, the use may not be reestablished without applying for and receiving the approval of the Planning Commission.

(11) Approval of the Planning Commission required by this section shall be pursuant to the following procedures:

A. The Zoning Administrator will serve notice on all owners and occupiers of all property within 300 feet of the proposed use.

B. Said notice will give a minimum of thirty days from the mailing of the notice until the Planning Commission hearing on the matter.

C. Said notice will include a postcard addressed to the City, containing spaces for stating approval or disapproval of the proposed sexually oriented business and including space for commentary.

D. The total number of postcards or other written responses returned prior to the hearing will be tallied. The votes yea and nay will also be tallied. The votes will be considered as evidence in the Planning Commission decision.

(12) Approval of the Planning Commission required by this section shall be pursuant to the following standards:

A. That the proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this chapter will be observed.

B. That the proposed use will not enlarge or encourage the development of a blighted area in its immediate surrounds.

C. That the establishment of a sexually oriented business, or an additional sexually oriented business, in the area will not be contrary to any neighborhood conservation, nor will it interfere with any urban renewal.

D. That all applicable State laws and local ordinances will be observed.

(z) State Licensed Residential Facilities (For Seven Persons or More). Uses shall be permitted subject to the following procedures and conditions:

(1) The proposed facility shall be consistent with and shall promote the intent and purpose of this Zoning Code and shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the proposed facility. In making its determination regarding a proposed facility, the Planning Commission shall consider the following factors:

A. The design and location of the proposed facility; the density of population; the adequacy of educational, recreational, and other public support facilities; traffic volumes and circulation; compatibility with existing development; adequate provision for light and air; adequate provision of parking; and accessibility of fire and police protection.

B. The density of similar uses in the area; the cumulative effects of allowing the proposed facility (including effects upon the capacities of existing community recreation, social service, and other support facilities); and whether the proposed facility will alter the character of the neighborhood. In order to prevent an excessive concentration of facilities and consequent alteration of a neighborhood's character and protect existing facilities from overdevelopment that could result in an undesirable atmosphere, no facility shall be located within a 1,500-foot radius of any other facility unless the Planning Commission finds that a lesser distance is compatible with the goals of this Zoning Code and that the facility would not contribute to an excessive concentration of such facilities within a particular neighborhood.

C. The accessibility of the proposed facility to convenience services, such as shopping, banking, health care, and public transportation; to employment opportunities; and to community resources and agencies, including medical and social services, that might be used by the facility's residents.

(2) The Planning Commission shall establish requirements for setback, lot size, side yard, parking, screening, and other conditions as necessary for the facility to conform to the character of the adjacent neighborhood and to protect adjacent property from adverse impacts.

(3) If the State licensed residential facility is an adult foster care facility it shall:

A. Be located on a major arterial street, and an off-street drop-off/pick-up area must be provided, including an onsite vehicle turnaround or separate entrance and exit points. Other facilities, design elements, and operational requirements shall be provided or complied with, as determined necessary by the Planning Commission.

B. Be a minimum of 150 square feet of rear yard area per person, and not less than 5,000 square feet of rear yard area per facility shall be provided and maintained on the lot. For purposes of this section, "rear yard area" means an area that is available or devoted to outdoor activities, exclusive of any area occupied by a swimming pool or required parking areas. The rear yard area shall be free from sharp gravel, glass, or cinder and shall be well-drained. The rear yard area shall be completely enclosed by a chain-link or solid fence of at least four feet in height and shall be screened from any abutting residential use by vegetation having a height, when planted, of at least five feet.

C. Be registered and licensed as required under the appropriate State act (Act 116 of the Public Acts of 1973, as amended).

(4) If the State licensed residential facility is a licensed day care facility it shall:

A. Have child drop-off and pickup areas and other facilities, design elements, and operational requirements, provided or complied with, as determined necessary by the Planning Commission, for the safety of the children attending the State licensed residential facility.

B. Have a minimum of 150 square feet of outdoor play area per child, with not less than 5,000 square feet of outdoor play area per facility, provided and maintained on the lot. For purposes of this section, "outdoor play area" means the area located on the lot behind the established front yard setback of the facility that is available or devoted to outdoor activities, exclusive of any area occupied by a swimming pool or required parking areas. The outdoor play area shall be free from sharp gravel, glass, or cinder, and shall be well-drained. The outdoor play area shall be completely enclosed by a chain-link or solid fence of at least four feet in height and shall be screened from any abutting residential use by vegetation having a height, when planted, of at least five feet.

C. Not be located closer than 1,500 feet (measured along a road, street, or other public thoroughfare) to any other State licensed residential facility; to any facility offering substance abuse treatment and rehabilitation service to seven or more people, licensed by the State of Michigan; or to any community correctional center, resident home, halfway house, or other similar facility that houses an inmate population under the jurisdiction of the State Department of Corrections.

D. Not exceed sixteen hours during any twenty-four hour period and, unless specifically approved by the Planning Commission based upon a finding under the particular circumstances of it being of no detriment to the surrounding area, shall be limited from 6:00 a.m. to 10:00 p.m. daily.

E. Be maintained consistent with the visible characteristics of the neighborhood.

F. Be registered and licensed as required for a State licensed residential facility under the Child Care Organizations Act, Act 116 of the Public Acts of 1973, as amended.

(aa) Upper Floor Dwellings. Uses shall be permitted subject to the following procedures and conditions:

- (1) All off-street parking requirements shall be met.
 - (2) All off-street parking areas and refuse disposal containers shall be screened from adjacent Residential Districts in accordance with this Zoning Code.
 - (3) All upper floor dwellings shall have their own access independent of the first floor business.
 - (4) All applicable City ordinances designed to protect the public health, safety, and welfare, such as, but not limited to, building codes and health codes, shall be met.
- (ab) Single Family dwelling conversions to Multiple Family dwelling units. Uses shall be permitted subject to the following procedures and conditions:

(1) Conversions of single family homes into multiple family dwelling units, as defined in 1240.07(14) Dwelling or Dwelling Unit, is allowed by special use permit only in the R-3 District.

(2) Each dwelling unit shall have minimum square footage in accordance with Section 1254.05(f).

Dwelling Size:

- One Bedroom – 600 square feet
- Two Bedrooms – 700 square feet
- Three Bedrooms – 800 square feet
- Four Bedrooms – 900 square feet
- Five Bedrooms – 1,000 square feet

(3) Each single family conversion lot shall demonstrate they have provided a combined off street parking equal to 2 parking spaces per dwelling unit.

(4) Each special use permit granted shall have an inspection, paid by the owner, to verify the standards have been complied with.

(5) All refuse disposal containers shall be screened from adjacent Residential properties.

(Ord. 52. Passed 6-16-97; Ord. 04-2018. Passed 2-20-18.)

1274.10 HEARING ON APPLICATION.

Upon receipt in proper form of the application and statement referred to in Section 1274.03, the Planning Commission shall hold at least one public hearing on the proposed special use. At least fifteen days in advance of each hearing, notice of the time and place of such hearing shall be published in a newspaper of general circulation in Reed City, in the official City publication, and by registered United States mail to each public utility company and to each railroad company owning or operating any public utility or railroad within the corporate City limits, and by registered United States mail to all property owners as listed in the last assessment roll within 300 feet of any portion of the property in question.

(Ord. 52. Passed 6-16-97; Ord. 04-2018. Passed 2-20-18.)

1274.11 INITIATION OF SPECIAL USE.

Any person owning or having an interest in the subject property may file an application to use such land for one or more of the special uses provided for in this Zoning Code in the zoning district in which this land is situated.

(Ord. 52. Passed 6-16-97; Ord. 04-2018. Passed 2-20-18.)

1274.12 INTENT AND PURPOSE.

Special land uses are those uses of land that are not essentially incompatible with the uses permitted in a zoning district, but that possesses characteristics or locational qualities that require individual review and discretion in order to avoid incompatibility with the character of the surrounding area, public services and facilities, and adjacent uses of land.

(Ord. 52. Passed 6-16-97; Ord. 04-2018. Passed 2-20-18.)

1274.13 PERFORMANCE GUARANTEES.

Performance guarantees to assure compliance with the provisions of this Zoning Code and any conditions imposed under this Zoning Code may be required by the Planning Commission at the time of approval of a special land use.

(Ord. 52. Passed 6-16-97; Ord. 04-2018. Passed 2-20-18.)

1274.14 REVOCATION.

In any case where a special use has not been established within one year after the date of granting thereof, then without

further action by the Planning Commission or the City Council, the special use authorization shall be null and void.
(Ord. 52. Passed 6-16-97; Ord. 04-2018. Passed 2-20-18.)

CHAPTER 1276

Nonconforming Uses

- 1276.01 Intent.
- 1276.02 Area, width and setback variances.
- 1276.03 Nonconforming vacant lots.
- 1276.04 Nonconforming structures.
- 1276.05 Nonconforming land uses.
- 1276.06 Repair and maintenance.
- 1276.07 Acquisition by City of property containing a nonconforming use or structure.

CROSS REFERENCES

- Zoning and planning in home rule cities – see M.C.L.A. § 117.4i
- Regulation of location of trades, buildings and uses by local authorities – see M.C.L.A. § 125.581
- Administration, enforcement and penalty – see P. & Z.Ch. 1242
- Zoning Board of Appeals – see P. & Z.Ch. 1244
- Districts generally and Zoning Map – see P. & Z.Ch. 1246
- Special land uses – see P. & Z.Ch. 1274
- Provisions applicable to all districts – see P. & Z.Ch. 1284
- Zoning Map changes – see Part 12, Title 4, Appx. I

1276.01 INTENT.

Under the terms of this Zoning Code or future amendments hereto, lots, uses of land, and structures or characteristics of use (which were lawful before this Zoning Code was passed or amended), may be prohibited, regulated, or restricted. It is the intent of this Zoning Code to permit these nonconformities to continue until they are removed, but not to encourage their survival. (Ord. 52. Passed 6-16-97.)

1276.02 AREA, WIDTH AND SETBACK VARIANCES.

In any district, a permitted use or structure and related accessory structures may be constructed on any single lot of record at the effective date of adoption of this Zoning Code notwithstanding limitations imposed by other provisions of this Zoning Code. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of setback requirements shall be obtained only through action of the Zoning Board of Appeals.

(Ord. 52. Passed 6-16-97.)

1276.03 NONCONFORMING VACANT LOTS.

Any lot platted or created and recorded prior to the effective date of this Zoning Code that fails to comply with the minimum requirements of the zoning district in which it is located may be sold and/or utilized for uses as authorized by this Zoning Code, provided the lot is not adjacent to other land, property, or lots in similar ownership. Such lot must be in separate ownership and not contiguous with other lots in the same ownership. Landowners must remedy nonconformities by using adjacent land they own. No such nonconforming lot shall be decreased in size by sale or lease of the entire parcel or portions thereof.

(Ord. 52. Passed 6-16-97.)

1276.04 NONCONFORMING STRUCTURES.

Where a lawful structure exists at the effective date of adoption or amendment of this Zoning Code that could not be built

under the terms of this Zoning Code by reason of restrictions on area, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful subject to the following provisions:

(a) No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.

(b) Any such nonconforming structure which has been damaged or destroyed by any means may be reconstructed provided it does not extend beyond the limits of the original foundation or exceed its prior square footage.

(c) Should such nonconforming 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.

(Ord. 52. Passed 6-16-97.)

1276.05 NONCONFORMING LAND USES.

Where, at the time of the effective date of adoption or amendment of this Zoning Code, lawful use of land exists or was occupied which would not be permitted by the regulations imposed by this Zoning Code, the use may be continued so long as it remains otherwise lawful, provided:

(a) No such nonconforming use shall be modified, enlarged, or increased nor extended to occupy a greater area nor otherwise changed except to make the use less nonconforming or by change to a permitted use.

(b) No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that previously occupied.

(c) When a nonconforming use is discontinued for any reason for a period of more than 180 days, the use may not thereafter be resumed or used except in conformity with the regulations of the district in which it is located and any subsequent use of such land shall conform with the regulations specified by this Zoning Code.

(d) The nonconforming use may be extended through any parts of a building arranged or designed for such use at the time of adoption or amendment of this Zoning Code, but no such use shall be extended to occupy any land outside such building.

(e) No additional structure shall be erected in connection with such nonconforming use of land.

(f) No nonconforming use may be continued if it has been destroyed by natural or artificial means to an extent determined to be more than one-half its value based on the SEV as recorded in the most recent official tax roll. Nor can it be changed to another nonconforming use. All new or rebuilt structures shall be erected in conformance with the ordinance appropriate to the district in which it is located.

(g) The nonconforming use may be changed to another nonconforming use provided the Zoning Board of Appeals shall find that the proposed use is equally appropriate or 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.

(h) Any nonconforming use which is superseded by a permitted use shall thereafter conform to the regulations for the district in which it is located, and the nonconforming use may not thereafter be resumed.

(Ord. 52. Passed 6-16-97.)

1276.06 REPAIR AND MAINTENANCE.

Repair or replacement of non-bearing walls, fixtures, wiring, or plumbing may be performed in or on a nonconforming structure or portion of a structure containing a nonconforming use provided:

(a) During any consecutive twelve-month period, extent of repair or replacement shall not exceed ten percent of the current replacement cost of the nonconforming structure.

(b) Cubic contents of the structure shall not be increased.

(c) If the nonconforming structure or portion of the structure containing a nonconforming use becomes physically unsafe or unlawful by reason of physical condition, such structure shall not be restored, repaired, or rebuilt, except in conformity with the current regulations of the district in which it is located. (Ord. 52. Passed 6-16-97.)

1276.07 ACQUISITION BY CITY OF PROPERTY CONTAINING A NONCONFORMING USE OR STRUCTURE.

For the purpose of removing nonconforming uses or structures, the City, by purchase, condemnation, or otherwise, may acquire private property on which a nonconforming use or structure is located. (Ord. 52. Passed 6-16-97.)

Off-Street Parking and Loading

- 1278.01 Application of chapter.
- 1278.02 Minimum number of parking spaces required.
- 1278.03 Minimum standards for off-street parking facilities.
- 1278.04 Provision of public parking in C-1 Districts.
- 1278.05 Off-street parking requirements for residential dwellings.
- 1278.06 Minimum loading space required.
- 1278.07 Minimum standards for off-street loading facilities.

CROSS REFERENCES

Zoning and planning in home rule cities – see M.C.L.A. § 117.4i

Regulation of location of trades, buildings and uses by local authorities – see M.C.L.A. § 125.581

Parking generally – see TRAF. Ch. 420

Parking Violations Bureau – see TRAF. Ch. 430

Administration, enforcement and penalty – see P. & Z.Ch. 1242

Zoning Board of Appeals – see P. & Z.Ch. 1244

Districts generally and Zoning Map – see P. & Z.Ch. 1246

Special land uses – see P. & Z.Ch. 1274

Nonconforming uses – see P. & Z.Ch. 1276

Provisions applicable to all districts – see P. & Z.Ch. 1284

Zoning Map changes – see Part 12, Title 4, Appx. I

1278.01 APPLICATION OF CHAPTER.

For all structures erected and all uses of land established after the effective date of this Zoning Code, accessory parking and loading facilities shall be provided as herein required. (Ord. 52. Passed 6-16-97.)

1278.02 MINIMUM NUMBER OF PARKING SPACES REQUIRED.

The minimum number of off-street parking spaces shall be provided in all districts accessory to permitted uses as follows:

- (a) Automobile sales and service garages: One space for each 500 square feet of floor area.
- (b) Barber shops and beauty shops: Three spaces for each chair or booth.
- (c) Bowling alleys: Six spaces for each alley.
- (d) Churches: One space for every three seats.
- (e) Outdoor commercial recreation: Twenty-five percent of lot area, but in no case less than ten spaces.
- (f) Dance hall, assembly hall, exhibition hall (without fixed seats): One space for every 100 square feet of floor area.
- (g) Drive-in facilities:
 - (1) Banks (and similar financial institutions): Four spaces for each drive-in window.
 - (2) Dry cleaners, drug stores (and other retail services with drive-in service facilities): Three storage spaces for each drive-in window.
- (a) Dwelling: Two spaces per family or dwelling unit.
- (b) Funeral home or mortuaries: One space for each twenty-five square feet in service parlors or chapels plus one space for each funeral vehicle maintained on the premises.
- (c) Furniture sales (retail): One space for each 500 square feet of floor area.
- (d) Hospital: One space for each two beds plus one space for each doctor plus one space for each two employees other than doctors.

- (e) Hotels, motels, tourist homes: One space for each lodging room plus one space per three full time employees.
 - (f) Launderette: One space per washer unit.
 - (g) Libraries, museums, governmental administration buildings: Adequate parking facilities as approved by the Planning Commission.
 - (h) Manufacturing and industrial uses: Two spaces for each employee on the largest shift.
 - (I) Office buildings, including banks, business, and professional offices: One space for each 200 square feet of floor area.
 - (j) Restaurants and bars (and similar establishments): One space for each three seats provided for patron use plus one space for each two employees.
 - (k) Retail sales and personal services (except supermarkets and self-service stores): One space for each 200 square feet of floor area.
 - (l) Schools: One space for each two employees (staff and faculty) plus one space for each five fixed seats in the auditorium or gymnasium.
 - (m) Service stations: One space for each two employees plus one space for the owner or manager plus one space for each service stall.
 - (n) Supermarket or self-service store: One space for each 150 square feet of floor area.
 - (o) Theaters and auditoriums (not incidental to schools): One space for each four seats plus one space for each two employees.
 - (p) Warehouses, storage buildings, lumber and supply yards, wholesale outlets: Two parking spaces for each employee.
- (Ord. 52. Passed 6-16-97.)

1278.03 MINIMUM STANDARDS FOR OFF-STREET PARKING FACILITIES.

Parking or storage of motor vehicles shall be required in all districts and for all uses, except single family dwellings, subject to the following standards and regulations:

- (a) Any person desiring to establish, maintain, or alter an off-street parking area shall submit plans to the Zoning Administrator showing the location, design, size, shape, landscaping, surface material, marking, lighting, drainage, curb cuts, entrances, exits, and any other pertinent features of the parking facility. Any curb cuts, entrances, exits, and drainage design shall have the written approval of the City Engineer or the Zoning Administrator.
- (b) Parking requirements for uses or premises not specifically mentioned above will be determined by the provisions of the use which is most similar.
- (c) In the case of mixed or combined uses in the same structure or on the same zoning lot, the total requirements for off-street parking shall be the sum of the requirements for the individual uses computed separately.
- (d) Required parking spaces for a permitted use shall be computed relative to the entire first floor area of the building; parking for uses on additional floors including basement shall be added to the total required for the first floor.
- (e) Each off-street parking space shall have a minimum width of nine feet and a minimum length of eighteen feet. The length of angled parking must be determined as the overall perpendicular distance of the spaces. Access drives to and from a parking space shall not be considered part of the required parking area.
- (f) Driveways and internal circulation drives shall have a minimum width of twenty-four feet.
- (g) If the use of a structure or premises changes, the minimum parking requirements shall apply to the new use.
- (h) If a structure or premises are enlarged, the minimum parking requirements shall be applicable to the total area of the structure or premises.
- (I) All off-street parking spaces shall be provided adequate access by means of maneuvering lanes. Backing onto a street or onto or across a public walk shall be prohibited.
- (j) There shall be a curb or bumper rail provided wherever an off-street parking space is adjacent to a public sidewalk or right of way so designed to prevent any portion of the vehicle from extending beyond the limits of the required parking area.
- (k) Any lighting used to illuminate any off-street parking area shall be so installed and maintained as to confine light within the parking area and direct light away from adjoining premises.
- (l) Off-street parking areas including access drives shall have a hard surface (concrete or bituminous) and shall be sloped and drained to dispose of all surface water.
- (m) When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction shall be construed to mean one space.
- (n) In the instance of dual function of off-street parking spaces where operating hours of uses do not overlap, the Zoning

Board of Appeals may grant an exception.

(o) Any off-street parking area containing ten or more spaces shall contain one suitably hardy tree for each ten spaces. Trees shall be spaced not less than fifty feet apart and shall be protected by a curbed planter or similar element with dimensions not less than six feet by six feet.

(p) Any construction or rearrangement of existing drives which involve the ingress and/or egress of vehicular traffic to or from a public street shall be so arranged as to ensure the maximum of safety and the least interference of traffic upon said streets.

(q) All parking areas shall be screened on all sides which abut an R-1 or R-2 District or a street right of way with an ornamental fence or compact hedge not less than three feet or more than six feet of a type which will at all seasons obscure vision from adjoining premises but will not interfere with corner vision as stipulated in this Zoning Code.

(r) Each off-street parking area entrance and exit shall have clearly defined drives at least twenty feet distant from adjacent property lines.

(s) The storage of merchandise, motor vehicles for sale, or the repair of vehicles is prohibited in any required parking area.

(t) The location of required off-street parking facilities shall be within 500 feet of the structure containing the use they are intended to serve, measured from the nearest point of the structure.

(u) Parking areas shall be setback a minimum of ten feet from all property lines and shall not be located in any required front or side setback area.

(v) The Zoning Administrator shall require such assurance, surety, or performance bonds in the form, manner, and amount as in his or her discretion may be required to compel compliance with all off-street parking requirements of this Zoning Code; provided, however, that such assurance, surety, or performance bond shall not be for amounts greater than the reasonable cost of complying with such off-street parking requirements.

(w) A permit issued for a parking area under the provisions of this Zoning Code shall be revocable, subject to compliance with all requirements and conditions as stipulated. (Ord. 52. Passed 6-16-97.)

1278.04 PROVISION OF PUBLIC PARKING IN C-1 DISTRICTS.

Where public parking is provided within 200 feet of a use in the C-1 Commercial District the Planning Commission may adjust the parking requirements as follows:

(a) If the required number of public parking spaces is provided within 200 feet of the structure in which the use occurs all parking requirements will be satisfied.

(b) When only a portion of the parking requirements are fulfilled by public parking spaces within 200 feet of the structure in which the use occurs the remainder of parking spaces must be provided until all parking requirements are satisfied.

(Ord. 52. Passed 6-16-97.)

1278.05 OFF-STREET PARKING REQUIREMENTS FOR RESIDENTIAL DWELLINGS.

Parking areas to serve residential dwellings shall be required in all districts in which they are permitted subject to the following standards and regulations:

(a) Parking areas shall not be located in any required front or side setback area, except that the driveway in the required front setback leading to a garage or parking area may be used for parking.

(b) No commercial repair work, servicing, or selling of any kind shall be conducted in such areas and no sign of any kind shall be erected thereon. No charge shall be made for parking or storage of vehicles.

(c) No parking area shall be used for parking or storing of any commercial vehicle exceeding one-ton rated cargo weight.

(Ord. 52. Passed 6-16-97.)

1278.06 MINIMUM LOADING SPACE REQUIRED.

The minimum amount of off-street loading space shall be required in all districts accessory to permitted uses as follows:

(a) Industrial and Commercial Uses.

- (1) 10,000 - 20,000 square feet of floor area: One space.
- (2) 20,000 - 50,000 square feet of floor area: Two spaces.
- (3) 50,000 - 100,000 square feet of floor area: Three spaces.

(a) Schools. Provide adequate space for safe loading and unloading of students from vehicles as approved by the Planning Commission.

(b) Medical Facilities. Provide adequate space for safe loading and unloading of patients as approved by the Planning Commission.

(Ord. 52. Passed 6-16-97.)

1278.07 MINIMUM STANDARDS FOR OFF-STREET LOADING FACILITIES.

Loading and unloading spaces shall be provided in all C-1, C-2, and IND Districts in connection with commercial and industrial uses subject to the following standards and regulations:

(a) Off-street loading areas shall be surfaced with a concrete or bituminous mix pavement and shall be sloped and drained to dispose of surface water.

(b) Any lighting used to illuminate off-street loading areas shall be so arranged as to direct light away from adjoining premises.

(c) Each loading space shall be at least ten feet wide and twenty-five feet long, and shall have a clearance of fourteen feet above grade.

(d) Required loading areas shall be in addition to required off-street parking areas.

(e) Loading spaces may occupy all or any part of any required yard or court space.

(f) No loading spaces shall be located closer than fifty feet to any lot in any R-1 or R-2 District unless wholly within an enclosed building, or enclosed on all sides facing R-1 or R-2 Districts by a wall or uniformly painted solid board or masonry fence of uniform appearance which is not less than six feet in height.

(Ord. 52. Passed 6-16-97.)

CHAPTER 1280

Landscaping, Screening, Walls and Fences

1280.01 Intent and purpose.

1280.02 Fences and walls.

1280.03 Screening required.

CROSS REFERENCES

Zoning and planning in home rule cities – see M.C.L.A. § 117.4i

Trees, weeds and grass – see GEN. OFF. Ch. 674

Trees and shrubs in public rights of way – see S.U. & P.S.1020.13(b)

Lawn sprinkling – see S.U. & P.S. 1040.12

Vegetation in cemeteries – see S.U. & P.S.1064.09, 1064.10

1280.01 INTENT AND PURPOSE.

It is the intent and purpose of this chapter to assure to occupants of all properties adequate light and air adjacent to structures and in yard areas; effective and desirable sight distance from the front of all structures in all directions; the right to provide for their own privacy within their properties; to protect plantings from damage by trespass; and to prevent such construction related thereto as would be hazardous. (Ord. 52. Passed 6-16-97.)

1280.02 FENCES AND WALLS.

Fences and walls shall be permitted, subject to the following conditions:

(a) Permits Required.

(1) It shall be unlawful for any person to construct, or cause to be constructed, any wall or fence upon any property within the City of Reed City without first having obtained a permit therefor.

(2) Any person desiring to construct, or cause to be constructed, a wall or fence shall first apply for a permit, for which there shall be a fee, the amount of which shall be set by resolution of the City Council. Such permit shall be issued by the Zoning Administrator upon a written application, and shall contain such information as may be required in order to determine that such wall or fence will not violate any provision of this Zoning Code or State Law.

(b) Walls and Fences. Walls and fences may be erected in any yard area except that no wall or fence shall be located

nearer than one foot to any drive or walkway. In front yard areas, walls and fences shall not exceed 100 feet in length in any and/or all directions without a gate or break for access and shall not exceed four feet in height. In rear yard areas, the height shall not exceed six feet. On corner lots in residential areas, no wall or fence or other obstruction to vision shall be permitted within the triangular areas at the intersection of any street right-of-way line drawn between said right-of-way lines for a distance along each line of twenty-five feet from their point of intersection.

(1) No wall or fence shall be constructed along the street line of a lot closer than one foot from the established sidewalk line.

(2) Fences and walls erected in the front yards of residential zoned areas shall be so constructed that they permit a reasonable passage of air through the materials utilized for said fence or wall. Solid or closed privacy walls and fences may be constructed in rear yards.

(3) In residential zoned areas, walls and fences between lots shall not exceed a height of six feet in side yards. For those properties having side yards abutting upon streets, walls and fences of a closed or semi-closed nature may be erected to a height of six feet above ground level from the rear lot line to the front setback line. No fence or wall shall be erected beyond the front setback line of adjacent properties without the written consent of the abutting property owner, which shall be noted upon the permit issued.

(4) In C-1 or C-2 zoned areas, walls and fences shall not exceed a height of six feet. On corner lots, no wall or fence or other obstruction to vision shall be permitted within the triangular area forward at the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines for a distance along each line of twenty-five feet from their point of intersection.

(5) In industrial zoned areas, fences and walls may be constructed up to eight feet in height. On corner lots, no wall or fence or other obstruction to vision 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 for a distance along each line of twenty-five feet from their point of intersection. Barbed wire may be installed on the top of fences or walls on arms or supports angled toward the inside of the property at least eight feet above the adjacent grade level.

(c) Walls Only.

(1) Walls shall be erected on continuous footings constructed below grade in accordance with Building Code standards.

(2) Any wall shall be capped with a peaked coping of sufficient pitch to discourage walking.

(d) Fences Only.

(1) Support posts of fences shall extend into the ground to a depth sufficient to support the structure.

(2) All fences in public areas such as parks, hospitals, schools, or other public areas shall be transparent, such as chain link, but no barbed wire shall be allowed.

(3) All fences shall be erected with all fence posts and supports on the interior side.

(e) Walls and Fences in All Districts

(1) All fences and walls shall be constructed of durable, weather-resistant, rustproof, and easily-maintained materials.

(2) Under no circumstances shall walls and fences be constructed of materials, such as but not limited to, pallets, tree trunks, trash, tires, junk, or other similar items.

(3) Wall or fence heights shall be measured from the surface of the ground immediately below the location of the fence.

(4) All walls and fences shall be of such design and location that they do not obstruct the vision of motorists on adjacent roads, alleyways, or driveways, or the vision of pedestrians or motorists leaving or entering the premises or adjoining premises.

(5) Retaining walls are exempt from these provisions.

(6) Under no circumstances shall a wall or fence contain barbed wire, razor wire, spikes or electric current.

(f) Walls and Fences in Residential Districts

(1) Walls and fences not greater than six feet in height are permitted in side or rear yards and shall not extend beyond the front of the principal structure.

(2) Walls and fences not more than thirty inches in height are permitted in the front yard if they are more than twenty-five percent solid.

(3) Walls and fences not more than forty-eight inches in height are permitted in the front yard if they are less than twenty-five percent solid.

(g) Walls and Fences in Commercial and Industrial Districts

(1) Walls and fences not more than six feet in height are permitted in all yards.

(2) Walls and fences containing barbed wire may be allowed in IND Industrial Districts.

(h) Prevention of Hazards. No wall or fence shall have exposed beneath a height of eight feet any sharp protrusions which would be likely to cause physical or material damage to persons or clothing.

(i) Placement. All walls and fences must be located entirely on the property of the person, firm, or corporation constructing the same; provided, however, that if adjoining property owners jointly apply for and sign a permit to erect a wall or fence upon their common property line, such wall or fence may be so erected. No temporary type of wall or fence of any type shall be permitted in the front yard areas.

(Ord. 52. Passed 6-16-97. Ord. 006-2011. Passed 5-23-11. Ord. 007-2011. Passed 5-23-11.)

1280.03 SCREENING REQUIRED.

(a) The following uses or structures shall be screened by walls, fences, vegetation, and berming or a combination of any of these as approved by the Planning Commission:

- (1) Outdoor storage.
- (2) Trash receptacles.
- (3) Mobile home parks.
- (4) Multiple-family dwellings.
- (5) Industrial and commercial uses abutting Residential Districts.
- (6) Parking and loading areas.

(b) Fences and walls used for screening purposes shall meet the following conditions:

(1) Fences and walls shall have no openings for vehicular traffic or other purposes except as otherwise provided in this Zoning Code and except such openings as may be approved by the Planning Commission.

(2) Fences and walls shall be constructed of durable, weather-resistant, rustproof, and easily-maintained materials.

(3) Fences and walls may not be constructed with openings that exceed twenty percent of the surface. The openings shall not reduce the obscuring effect and shall not reduce the minimum height requirement.

(4) The height of the required screening shall be as follows:

Use	
Buildings in Commercial Districts	4 1/2 feet
Buildings in Industrial Districts	6 feet
Multiple-Family Dwellings	4 1/2 feet
Outdoor Storage Areas	6 feet
Off-Street Parking Area	4 1/2 feet
Loading and Unloading Areas	6 feet

(c) Vegetation used for screening purposes shall meet the following conditions:

(1) Vegetation shall be comprised of one or more of the following upright conifers: Blue, green, white, or Serbian spruce; Douglas fir; Austrian pine; juniper; hemlock; or cedar.

(2) Trees shall be planted fifteen feet on center and may have up to thirty-degree spacing.

(3) Trees shall not be less than five feet in height at the time of planting.

(4) Existing plant material that complies with the standards of this section, as determined by the Planning Commission, shall be credited toward meeting the screening requirements.

(5) All required plantings shall be maintained in a healthy, growing condition. Any required plantings that are destroyed, removed, diseased, or die, shall be replaced within six months with plantings that meet the requirements of this section. Failure to maintain required plantings in such a manner, including the removal and replacement of dead or diseased plant materials, shall constitute a violation of this Zoning Code.

(6) The plantings shall be maintained in a neat and attractive manner commensurate with the adjoining areas and shall maintain their density and screening effect throughout the calendar year.

(d) Berming used for screening purposes shall meet the following conditions:

(1) Berms shall be at least four feet, six inches in height, constructed with one foot of vertical rise for each three feet of horizontal rise.

(2) Berms shall be seeded with perennial rye and an appropriate grass seed and shall be covered with an organic mulch.

(3) Berms shall be landscaped with shrubbery and trees to enhance the screening effect and aesthetic appearance of the berm and shall be maintained in a neat and attractive manner.

(e) The Zoning Administrator may require the owner of property upon which a fence is to be constructed to establish lot lines upon said property, through the placing of permanent stakes located by a licensed surveyor. Such lot line shall be established before such fence shall be erected, and the Zoning Administrator may withhold the issuance of the required permit until the lot lines are established and permanent stakes are placed.

(f) All fences shall be maintained by the property owner upon whose property the fence is erected.

(Ord. 52. Passed 6-16-97.)

CHAPTER 1282

Signs

1282.01 Purposes; conformity required.

1282.02 Exempted signs.

1282.03 Prohibited signs.

1282.04 Temporary signs.

1282.05 District requirements for signs.

1282.06 Off-premise advertising signs (billboards).

1282.07 Electronic message centers (EMCs).

CROSS REFERENCES

Zoning and planning in home rule cities – see M.C.L.A. § 117.4i

Regulation of location of trades, buildings and uses by local authorities – see M.C.L.A. § 125.581

Administration, enforcement and penalty – see P. & Z.Ch. 1242

Zoning Board of Appeals – see P. & Z.Ch. 1244

Districts generally and Zoning Map – see P. & Z.Ch. 1246

Special land uses – see P. & Z.Ch. 1274

Nonconforming uses – see P. & Z.Ch. 1276

Provisions applicable to all districts – see P. & Z.Ch. 1284

Zoning Map changes – see Part 12, Title 4, Appx. I

1282.01 PURPOSES; CONFORMITY REQUIRED.

(a) The purpose of this chapter is to promote the public health, safety and welfare by establishing standards and criteria for the construction, installation, maintenance and operation of signs in the City of Reed City, which are subject to this chapter.

(b) More specifically, this chapter is intended to:

- (1) Enhance and protect the physical appearance of the City; and
- (2) Promote and maintain visually attractive high value residential, retail, commercial and industrial districts; and
- (3) Promote the economic wellbeing of the community by creating a favorable physical image; and
- (4) Protect public safety by reducing confusion and creating a safe environment for motorists and pedestrians; and
- (5) Ensure that signs are located and designed to:
 - A. Provide an effective means of way-finding in the community;
 - B. Afford the community an equal and fair way to advertise and promote itself and its products and services;
 - C. Afford businesses, individuals and institutions a reasonable opportunity to use signs as an effective means of

communication.

(Ord. 52. Passed 6-16-97; Ord. 07-05. Passed 7-16-08.)

1282.02 EXEMPTED SIGNS.

The signs and devices listed in this section are exempted from the restrictions and requirements of this Zoning Code and may be used without permit or approval when not in violation of any law or safety standard or any other portion of this Zoning Code.

- (a) Signs erected by an official governmental body or agency and deemed necessary for the protection of the public health, safety, welfare, and morals.
- (b) Signs not visible from any public way or from any point off the lot on which they are located.
- (c) Official flags of governments when displayed in a manner approved by the government represented.
- (d) Holiday decorations and greetings in season.
- (e) Signs required by law to be displayed.
- (f) Signs not exceeding one square foot in area and having thereon no letter or symbol exceeding two inches in any dimension.

(Ord. 52. Passed 6-16-97.)

1282.03 PROHIBITED SIGNS.

The signs and devices listed in this section shall not be permitted, erected or maintained in any district.

- (a) Signs which incorporate in any manner any flashing or moving lights, including portable electronic message centers, digital L.E.D. signs, and fiber optic display units. This subsection does not apply to electronic message centers in conformity with Section 1282.07.
- (b) String lights used in connection with commercial premises for commercial purposes.
- (c) Any sign which has any intermittent electrical pulsations.
- (d) Any sign or sign structure which is structurally unsafe; or constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, or abandonment, or is not kept in good repair; or is capable of causing electrical shocks to persons likely to come in contact with it.
- (e) Any sign which, by reason of its size, location, content, coloring, or manner of illumination, constitutes a traffic hazard or a detriment to traffic safety by obstructing the vision of drivers or by obstructing or detracting from the visibility of any traffic sign or control device on public streets or roads.
- (f) Any sign which obstructs free ingress to or egress from a required door, window, fire escape, or other required exitway.
- (g) Signs which make use of words such as "STOP," "LOOK," "DANGER," or any other words, phrases, symbols, colors, or characters, in such manner as to interfere with, mislead, or confuse traffic.
- (h) Any sign or other advertising structure containing any obscene, indecent, or immoral words or images; and
- (i) Any sign unlawfully installed, erected, or maintained; or
- (j) Any sign now or hereafter existing which no longer advertises a bona fide business conducted or product sold.

(Ord. 52. Passed 6-16-97; Ord. 07-05. Passed 7-16-08; Ord. Unno. Passed 6-16-14.)

1282.04 TEMPORARY SIGNS.

The signs and devices listed in this section shall be permitted on a temporary basis and shall not require a permit.

- (a) Construction signs which identify the name of the building, the owner, architect, engineer, contractor, and other individuals involved with the construction, but not including any advertisement of any product or service during the period of construction. Signs shall have a maximum surface area of twenty-four square feet, shall be confined to the site of construction, and shall be removed within fourteen days following occupancy for the intended use of the project.
- (b) Real estate signs advertising the sale, rental, or lease of the premises or part of the premises on which the signs are displayed up to a total area of twenty-four square feet. Such signs shall be removed within fourteen days after the sale, rental, or lease.
- (c) Election campaign signs announcing a candidate or issue to be voted upon, up to a total area of four square feet in a residential district, forty square feet in any other district. These signs shall be removed within fourteen days following the election which they announce and shall be consistent with whatever state campaign laws allow.

(d) Signs over ten feet in area advertising a community or special event or public entertainment if specially approved by the City Zoning Administrator and only for locations designated by the City Zoning Administrator, during and for fourteen days before and seven days after the event.

(Ord. 52. Passed 6-16-97; Ord. 07-05. Passed 7-16-08.)

1282.05 DISTRICT REQUIREMENTS FOR SIGNS.

Signs and devices shall be permitted in designated zoning districts subject to the following regulations and requirements.

(a) Single-Family Residential Districts. Signs except those at churches or schools shall have a maximum total surface area of four square feet per premises. Signs at churches or schools within a single-family district may have a maximum area of twelve square feet per premises.

(1) Signs shall be mounted flat on the principal structure or on a permanent wall or fence;

(2) Signs shall indicate only the name and title of the occupant and may include the address; and

(3) Signs, if illuminated, shall be lighted by a "white light" only. The source of light shall not be visible from any street or any adjoining property.

(b) Multiple-Family Residential Districts. Signs, including those at churches or schools, shall have a maximum total surface area of forty square feet per premises.

(1) Signs shall be permitted anywhere on the premises except in or extending over required side yards and shall have a maximum height of eight feet.

(2) Signs may include the name and title of the occupant and, in the case of rental units, may indicate status of occupancy.

(3) Signs with illumination shall be permitted providing the source of light is not visible from any street or any adjoining property.

(c) Commercial C-1 Districts.

(1) Wall-mounted signs shall have a maximum total surface area not to exceed five percent of the area of the face of the wall upon which the sign or signs are attached but not to exceed sixty square feet of sign area per wall. Wall-mounted signs shall be flat signs attached and parallel to the face of the building wall and shall be attached only to walls which face a public street.

(2) Projecting signs shall be flat signs attached only to walls, which face a public street, projecting a maximum of sixty inches from the wall, not to exceed a total area of more than sixty square feet. Projecting signs shall not hang lower than eight feet from sidewalk grade, nor higher than twenty feet above the average grade level at the base of the sign.

(3) Where a principal use structure has a marquee or canopy which is an integral part of said structure, for the purposes of administering this section the front line of said marquee or canopy shall be at least eight feet above the walk surface in front of the structure. No sign shall extend above the maximum height of the structure or more than twenty feet above the average grade level at the base of the sign.

(4) Signs may be directly painted onto the side and rear faces of a building up to the maximum area of the building wall and relate only to the name of the use, product or occupant of the property within said building.

(5) One freestanding sign shall be permitted anywhere on the property on which the principal use is located, providing the sign is within 100 feet from said principal use structure. Freestanding signs shall not exceed a total of fifty square feet of sign area on one side or one hundred square feet of sign area on a double-sided sign. Signs shall be located at least five feet from front street right-of-way line and at least five feet from any side or rear lot line. Signs shall comply with applicable clear vision requirements for intersections and entranceways.

(6) All signs shall indicate only the name of the use, product and/ or occupant of the property upon which the sign is located and may include the address of said property.

(7) Signs with illumination shall be permitted providing the source of light is not visible from any street or any adjoining property.

(8) Neon signs shall be allowed.

(d) Commercial C-2, C-3 and C-4 Districts.

(1) Wall mounted signs shall have a maximum total surface area not to exceed ten percent of the area of the face of the wall upon which the sign or signs are attached but not to exceed 100 square feet of sign area per wall. Wall-mounted signs shall be flat signs attached and parallel to the face of the building wall and shall be attached only to walls, which face a public street.

(2) Projecting signs shall be flat signs attached only to walls, which face a public street, projecting a maximum of sixty inches from the wall, comprising an area of not to exceed more than sixty square feet. Projecting signs shall not hang lower than eight feet from sidewalk grade, nor higher than twenty feet from the sidewalk grade.

(3) Where a principal use structure has marquee or canopy, which is an integral part of said structure, for the purposes of administering this section, the front line of said marquee, or canopy shall be at least eight feet above the walk surface in front of the structure. No sign shall extend above the maximum height of the structure nor more than twenty feet above the average grade level at the base of the sign.

(4) Signs may be directly painted onto the side and rear faces of a building up to the maximum area of the building wall and relate only to the name of the use, product or occupant of the property within said building.

(5) One freestanding sign shall be permitted anywhere on the property on which the principal use is located, providing the sign is within 100 feet from said principal use structure. Freestanding signs shall not exceed a total of 175 square feet of sign area for a single lot with continuous street frontage in excess of 500 feet. Signs shall be located at least five feet from front street right-of-way line and at least five feet from any side or rear lot line. Signs shall comply with applicable clear vision requirements for intersections and entranceways.

(6) Pylon signs shall be limited to a maximum sign area of 175 square feet for a single lot with continuous street frontage in excess of 500 feet. A pylon sign may stand a maximum of 20 feet, provided that one additional foot of height shall be allowed for each additional two feet of setback from the front street right-of-way, to a maximum height of 28 feet. Pylon signs shall be located at least five feet from the front street right-of-way line and at least five feet from any side or rear lot line. Signs shall comply with applicable clear vision requirements for intersections and entranceways.

(7) All sign shall indicate only the name of the use, product and/or occupant of the property upon which the sign is located and may include the address of said property.

(8) Signs with illumination shall be permitted, providing the source of light is not visible from any street or any adjoining property.

(9) Neon signs and animated signs shall be allowed.

(e) Industrial District. Signs shall have a maximum total surface area of 500 square feet per premises.

(1) Signs may be located anywhere on the premises but no closer than twenty feet from any property line and shall comply with applicable clear vision requirements for intersections and entranceways.

(2) Signs shall indicate only the name of the product and/or occupant of the property upon which the sign is located and may include the address of said property.

(3) Signs may be illuminated in accordance with the provisions of this Zoning Code.

(Ord. 52. Passed 6-16-97; Ord. 07-05. Passed 7-16-08.)

1282.06 OFF-PREMISE ADVERTISING SIGNS (BILLBOARDS).

(a) Notwithstanding any other provision of this chapter, billboards shall be permitted as an accessory use in any commercial or industrial district fronting U.S. 131 and U.S. 10 as delineated in the 2005 Community Comprehensive Plan, Drawing C Existing Land Use, with the exception of the length of Business U.S. 131 north of the State Police Post extending north to the City Limits.

(b) Definitions.

(1) "Billboard" shall mean a sign structure designed, intended or used for advertising an establishment, merchandise, event, service or entertainment which is not sold, produced, manufactured, performed or furnished upon the property where the sign is physically located. Such a billboard may also be known as off-premise sign; however, it is not intended to be for directional signs giving simple vehicular or pedestrian directions to a location. Any billboard is also subject to compliance with the 1972 Billboard Act and the limitation on expressway signs expressed therein, as well as any amendments thereto.

(2) "On Premise" signs shall mean a sign or structure that is designed, intended or used for advertising an establishment, merchandise, event, service or entertainment which is sold on the property where the sign is actually or physically located.

(c) Location Standards.

(1) No billboard shall be closer than:

A. 1,000 feet from any other billboard.

B. 300 feet from any other free standing, on-premise sign oriented to the roadway traffic;

C. 200 feet if not illuminated or 300 feet if illuminated from the property line of any single family residence not on the same property or under the same ownership and control as the owner of the property where the billboard is physically constructed.

(2) Along U.S. 131 and U.S. 10, a billboard shall have a minimum setback of at least 60 feet from the center of the roadway.

(3) Billboards may only be placed on these properties with the express, written consent of the lawful owner of the property, as evidenced by a lease between the property owner and billboard vendor.

(4) All right-of-way measurements shall be made from the nearest upright support/pole of the billboard structure.

(d) Sizing Standards.

(1) Billboards may be constructed to a maximum size of 300 square feet per face on for US 10 or US 131. For that portion of Business US 131 South of the State Police Post extending south to the city limits the maximum size shall be 200 square feet per face.

(2) All billboards shall be constructed no lower than 15 feet from the ground. No billboard shall have an overall maximum height of more than 35 feet.

(3) Appendages or irregularly shaped sign extensions, not exceeding ten percent of the overall sign area or 30 square feet in length may extend beyond the perimeter of the sign panel.

(e) Billboard Lighting.

(1) Billboards that include tri-vision and LED displays, or are T-type, double-faced or V-tape structures that have only one face visible to traffic proceeding from a given direction on a street or highway shall be considered as one billboard.

(2) Message changes on any tri-vision or LED billboard shall not occur less than seven seconds apart. Said messages and lighting patterns shall not be programmed as to in any way mimic traffic control or public safety devices or lighting.

(3) Lighting or illumination of a sign shall be directly on the sign structure, mounted in a downward-shining direction and such lights shall not be visible to motorists on any roadway or residence and shall not create any glare onto adjacent properties or the roadway. Billboards that are lit and within 1,000 feet of residence of any type, shall have a lighting timer enabled to remain unlit from 12 a.m. until 6:00 a.m.

(4) Except for multiple-vision, tri-vision or LED signs, no signs shall use flashing, oscillating, rotating, or intermittent lights, mimic traffic control, public safety devices, or lighting.

(5) Billboards containing LED signs or a changeable nature shall make themselves available for any public emergency (such as an Amber Alert or road closures) at the request of a City or Emergency Management Official requesting said service for not more than a 12-hour period. Should the emergency require a longer exposure time and the municipality and billboard owner agree to same, it may be extended upon their agreement.

(f) Code Compliance, Maintenance, Permitting.

(1) Billboards shall be constructed and maintained to conform to all local and national building and electric codes and remain in compliance throughout their existence. Billboards shall be constructed to withstand all wind and vibration forces, which can normally and reasonably be expected to occur in the vicinity. A billboard must be maintained to assure proper alignment of structure, continued structural soundness and continued readability of message. No billboard shall extend over the roof of any adjacent structure or a public sidewalk, walkway or trail system.

(2) A billboard shall be maintained with the scope of all applicable coding authorities and the Michigan Highway Advertising Act (MCL 252.301, et. seq.). A billboard shall also comply with all applicable provisions of the Act and regulations promulgated pursuant thereto, as amended.

(3) Billboards shall require the obtaining of a building permit and payment of the applicable billboard fee as established by City Council. All billboards shall be routinely inspected by the Zoning Administrator and/or the Department of Public Works, Superintendent to insure compliance with this chapter. A mandatory re-permit inspection shall occur every five years, at which time the continuance of the permit shall be acted upon as allowed or denied.

(4) At all times, the name and emergency (24-hour) contact telephone number of the billboard owner shall be permanently and conspicuously affixed, in a weatherproof manner, in a readily readable location on the billboard structure itself to allow emergency personnel to contact said owner if necessary without undue delay in the event of damage to or malfunction or the sign or damage to the surrounding structures. Failure to conform to this notification requirement will result in revocation of the sign permit.

(Ord. 07-05. Passed 7-16-08.)

1282.07 ELECTRONIC MESSAGE CENTERS (EMCS).

(a) An electronic message center (EMC) may be permitted on a sign in commercial or industrial district, if it complies with the following requirements:

(1) The EMC shall comply with the location requirements that generally apply to signs within the district in which it will be located, as specified in Section 1282.05.

(2) It is the only EMC located on the lot. The Zoning Administrator may waive this requirement.

(3) The EMC's character area shall have a single color background that displays a single color at any one time.

(4) The EMC shall be incorporated into a permanent sign.

(5) The EMC's character area shall consist of no more than 50% of the allowable sign area specified in this Code for the zoning district in which the sign is located. EMCs on signs that are 32 square feet or less in area are exempt from this

limit.

(6) The EMC's character area shall not appear to flash; undulate; pulse; portray explosions, fireworks, flashes of light, or blinking or chasing lights; move toward or away from the viewer; expand or contract; bounce; rotate; spin; twist; or engage in other similar movements.

(7) The EMC's dwell time, defined as the interval of change between each individual message on character area, shall be at least five seconds and a change of message must be accomplished within one second. The dwell time shall not include the one second or less to change the message.

(8) In the EMC's character area, the message shall remain lit and unchanged a minimum of ten seconds hold time.

(9) The EMC's message may scroll or travel off of the character area, subject to the following limitations:

A. A travelling or scrolling message may only come from one direction.

B. No message shall take more than five seconds to be displayed in its entirety.

C. Once a message has scrolled, the character area may not change for five seconds.

(10) The EMC shall not have audio output.

(11) The EMC shall have automatic dimming capability that automatically adjusts the brightness level of the EMC to ambient light at all times of the day and night.

(12) The EMC shall not exceed a maximum illumination of 5,000 nits when measured at the sign's face during daylight hours and a maximum illumination of 200 nits when measured from the sign's face between dusk to dawn.

(13) If it is located in a residential zone, or within 150 feet of a residential zone, the EMC shall discontinue the display between the hours of 11:00 p.m. and 6:00 a.m.

(b) An EMC is permitted in a residential district only if it is displayed at a school, churches or government building, and otherwise complies with Section 1282.07(a).

(c) An EMC is exempt from the requirements of Section 1282.07(a) if it is less than eight inches of height, meets the illumination requirements set forth in Section 1282.07(a)(12), and satisfies one of the following requirements:

(1) The EMC does not face a public street or land zoned or used for residential purposes; or

(2) The EMC is used for drive through restaurants, gas stations and similar establishments serving motorists.

(d) Before receiving a sign permit for an EMC under Section 1282.07(a) - (c), the applicant shall give the Zoning Administrator a certification from the manufacturer of the sign that the illumination settings for the sign comply with the maximum illumination requirements of Section 1282.07(a). The Zoning Administrator, in his or her discretion, may require a dimmer display for an EMC that would otherwise comply with Section 1282.07(a), if in the Administrator's opinion:

(1) It is brighter than is necessary for clear and adequate visibility;

(2) It is of such intensity or brilliance as to impair the vision of a motor vehicle driver with average eyesight;

(3) It would otherwise interfere with the driver's operation of a motor vehicle; or

(4) It would be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device, or signal.

(e) The owner of any EMC programmed from the site or from a remote location shall make the computer interface that programs the EMC available to the City staff for inspection upon request. If the EMC's computer interface is not immediately available, its owner shall cease operation until such access is provided.

(f) EMC sign permit applications shall include a certification from the owner or operator of the sign stating that the sign shall be operated in accordance with City Code, and that the owner or operator shall provide proof of such conformance upon request of the City.

(Ord. Unno. Passed 6-16-14.)

CHAPTER 1284

Provisions Applicable to All Districts

1284.01 Scope of chapter.

1284.02 Applicability.

1284.03 Access to a street.

- 1284.04 Accessory buildings or structures.
- 1284.05 Annexations.
- 1284.06 Basement dwellings.
- 1284.07 Corner clearance.
- 1284.08 Double-frontage lots.
- 1284.09 Dwelling size.
- 1284.10 Dwelling units.
- 1284.11 Essential government services.
- 1284.12 Home occupation requirements.
- 1284.13 Inoperable or unregistered vehicles.
- 1284.14 Lot requirements.
- 1284.15 Principal use or structure on a lot.
- 1284.16 Public sewer and water.
- 1284.17 Public utility facilities.
- 1284.18 Required setbacks.
- 1284.19 Satellite dishes.
- 1284.20 Swimming pools.
- 1284.21 Temporary structures incidental to construction work.
- 1284.22 Parking of vehicles over one-ton capacity.
- 1284.23 Waterfront lots.
- 1284.24 Fences.
- 1284.25 Prohibition of marijuana establishments.

CROSS REFERENCES

Zoning and planning in home rule cities – see M.C.L.A. § 117.4i

Regulation of location of trades, buildings and uses by local authorities – see M.C.L.A. § 125.581

Prohibition of marijuana establishments in public places – see GEN. OFF.656.07

Administration, enforcement and penalty – see P. & Z.Ch. 1242

Zoning Board of Appeals – see P. & Z.Ch. 1244

Districts generally and Zoning Map – see P. & Z.Ch. 1246

Special land uses – see P. & Z.Ch. 1274

Nonconforming uses – see P. & Z.Ch. 1276

Zoning Map changes – see Part 12, Title 4, Appx. I

1284.01 SCOPE OF CHAPTER.

(a) The provisions of this chapter will be held to be the minimum requirements and apply uniformly to each kind or class of structure or land.

(b) Where the conditions imposed by any provision of this chapter upon the use of structures or land are either more or less restrictive than comparable conditions imposed by the provisions of any other lawful ordinance or of any law, resolution, rule, or regulation of any kind, the regulations which are more restrictive (or which impose higher standards or requirements) will govern.

(c) This chapter is not intended to abrogate any easement, covenant, or other private agreement, provided that where the provisions of this chapter are more restrictive (or impose higher standards or requirements) than such easements, covenants, or other private agreements, of this chapter will govern.

(Ord. 52. Passed 6-16-97.)

1284.02 APPLICABILITY.

(a) All structures erected hereafter, all uses of land or structures established hereafter, all structural alterations or relocations of existing structures occurring hereafter, and all enlargements of or additions to existing uses occurring hereafter, will be subject to all of the provisions of this Zoning Code which are applicable to the zoning districts in which such structures, uses, or land will be located.

(b) Nothing contained in this chapter will be deemed to be a consent, license, or permit to use any property or to locate, construct, or maintain any structure or facility or to conduct any trade, industry, occupation, or activity.

(Ord. 52. Passed 6-16-97.)

1284.03 ACCESS TO A STREET.

All lots created after the effective date of this Zoning Code shall have frontages on a public street for a distance equal to the minimum lot width requirement of the district in which they are located. For a lot abutting the turnaround area of a dead-end street, the frontage on a street shall be a minimum of fifty feet, provided that the lot width at the building setback will meet the lot width requirements of the district in which it is located. The front of the principal structure must face the street.

(Ord. 52. Passed 6-16-97.)

1284.04 ACCESSORY BUILDINGS OR STRUCTURES.

(a) In any zoning district, not more than two accessory buildings or structures may be erected.

(b) Detached accessory buildings or structures shall meet the required setbacks of the district in which they are located. In no case may accessory buildings or structures be located closer than five feet to the rear or side lot line. Accessory structures shall not be located in any front yard.

(c) The distance between a detached accessory building or structure and any principal building shall not be less than ten feet. Accessory buildings and structures will be considered attached to a principal building when the distance between the two buildings is solidly covered by a breezeway, portico, covered colonnade, or similar architectural devices.

(d) Accessory buildings and structures in residential and commercial districts shall not exceed fourteen feet in height. The maximum height may be increased to sixteen feet if one additional foot of setback is provided for each foot greater than fourteen feet.

(e) No accessory building or structure shall include residential living quarters.

(f) Accessory buildings having a floor area less than 100 square feet need not meet the minimum setback requirements.

(Ord. 52. Passed 6-16-97.)

1284.05 ANNEXATIONS.

All land, property, or territory hereafter to be annexed to the City of Reed City will be considered to be in an R-1 District until otherwise classified.

(Ord. 52. Passed 6-16-97.)

1284.06 BASEMENT DWELLINGS.

The use of any basement as a dwelling unit is prohibited in all districts.

(Ord. 52. Passed 6-16-97.)

1284.07 CORNER CLEARANCE.

On any corner lot in all zoning districts (except C-1), nothing will be erected, placed, planted, or allowed to materially impede vision between a height of two and one-half feet and eight feet above the established curb grade within a triangle formed by the two street right-of-way lines and a line connecting them at points twenty-five feet from the intersection of the right-of-way lines.

(Ord. 52. Passed 6-16-97.)

1284.08 DOUBLE-FRONTAGE LOTS.

On double-frontage lots, a front yard as prescribed for the district as herein established shall be provided on both streets.

(Ord. 52. Passed 6-16-97.)

1284.09 DWELLING SIZE.

The square footage of a dwelling will be measured in the conventional manner using the outside dimensions of the structure minus stairwells and not including attached garages or storage areas.

(Ord. 52. Passed 6-16-97.)

1284.10 DWELLING UNITS.

All dwelling units will comply with the following conditions:

- (a) All dwelling units shall meet the dimensional requirements of the district in which they are located.
- (b) There shall be a minimum width of twenty-four feet throughout seventy-five percent of the entire width and length of the dwelling unit.
- (c) All wheels, towing mechanisms, and tongues of mobile homes shall be removed. None of the undercarriage shall be visible from outside the mobile home.
- (d) Exterior building materials of all dwelling units shall extend to the foundation on all sides.
- (e) All dwellings shall be firmly attached to the foundation to be watertight, as required by the construction code adopted by the City. If the dwelling is a mobile home, it shall be anchored to the foundation by an anchor system designed and constructed to meet the United States Department of Housing and Urban Development's regulations entitled "Mobile Home Construction and Safety Standards."
- (f) All additions to dwellings shall meet all of the requirements of this Zoning Code.
- (g) All mobile homes must meet standards for mobile home construction as contained in the United States Department of Housing and Urban Development's regulations entitled "Mobile Home Construction and Safety Standards," effective June 15, 1976, as amended. All other dwellings shall meet the requirements of the construction code adopted by the City.

(Ord. 52. Passed 6-16-97.)

1284.11 ESSENTIAL GOVERNMENT SERVICES.

The erection, construction, alteration, or maintenance of essential services by governmental units, boards, or commissions is permitted in any zoning district. Building and structures must meet the setback requirement of the district in which they are located.

(Ord. 52. Passed 6-16-97.)

1284.12 HOME OCCUPATION REQUIREMENTS.

All home occupations shall meet all of the following conditions:

- (a) The home occupation must be operated within the principal dwelling or accessory building located upon the premises.
- (b) The home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants.
- (c) There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation.
- (d) No radios, televisions, computers, or other equipment or process that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the premises shall be used in such home occupation.
- (e) The total area of such use must not exceed fifty percent of the total gross floor space of the principal structure.
- (f) The business will not create traffic more than that which is normal and customary for a residential use.
- (g) No display of goods is visible from any public way.
- (h) No persons shall be employed other than dwelling occupants.
- (i) The occupation shall not involve or require interior or exterior alterations or the use of mechanical equipment except that customarily found or utilized for residential or office purposes.
- (j) One unlighted wall sign is permitted providing it does not exceed two square feet.
- (k) The use may not involve the retail sale of goods.

(Ord. 52. Passed 6-16-97.)

1284.13 INOPERABLE OR UNREGISTERED VEHICLES.

The storage of inoperable or unregistered motor vehicles is prohibited unless confined within an enclosed structure. (Ord. 52. Passed 6-16-97.)

1284.14 LOT REQUIREMENTS.

No existing lot shall be reduced in dimension or area below the minimum requirements set forth herein. Lots created after

the effective date of this Zoning Code shall meet at least the minimum requirements of this Zoning Code.

(Ord. 52. Passed 6-16-97.)

1284.15 PRINCIPAL USE OR STRUCTURE ON A LOT.

In all districts, only one principal use or structure will be permitted on a lot. The front of the principal structure must face the street.

(Ord. 52. Passed 6-16-97.)

1284.16 PUBLIC SEWER AND WATER.

All proposed developments must be served by available public water supply and/or sewage disposal facilities.

(Ord. 52. Passed 6-16-97.)

1284.17 PUBLIC UTILITY FACILITIES.

Public utility facilities are permitted within the right-of-way in all zoning districts. Public utility facilities outside of the right-of-way will require a special land use permit.

(Ord. 52. Passed 6-16-97.)

1284.18 REQUIRED SETBACKS.

(a) No part of a required setback area shall be used for any purpose other than off-street parking or loading space, walls and fences, landscaped areas, and screening similarly required for a principal structure or use.

(b) In case of a lot having a side yard along any zoning district boundary line, on the other side of which is a more restrictive district, said side setbacks shall not be less than that required for the more restrictive district.

(c) No part of any required setback area or front yard shall be occupied by any accessory use or structure or for the storage of motor vehicles.

(Ord. 52. Passed 6-16-97.)

1284.19 SATELLITE DISHES.

(a) No part of a satellite dish shall be used for any purpose other than reception of communication signals. It may not be used as a sign, communications tower, or any other use.

(b) Satellite dishes shall not be mounted more than three feet above the highest point of the roof and may not exceed the height limitations of the district in which they are located even if mounted on a communications tower.

(c) No part of any satellite dish may be located within a front yard or any required setback area.

(Ord. 52. Passed 6-16-97.)

1284.20 SWIMMING POOLS.

Swimming pools may be installed in any district as an accessory use to any principal permitted use if the following conditions are met:

(a) There shall be erected a good quality fence not less than four feet in height, with posts embedded in concrete at intervals of not more than eight feet. The fence must enclose the entire portion of the premise upon which such pools are installed or entirely surrounding an area in which such pool is located.

(b) Pools may be installed only in the side and rear yards of lots in Residential Districts.

(c) Pools shall not be erected closer than ten feet from the rear and side property lines of the lot.

(d) Pools may be installed in the front or the rear yard of lots occupied by motels or hotels. (Ord. 52. Passed 6-16-97.)

1284.21 TEMPORARY STRUCTURES INCIDENTAL TO CONSTRUCTION WORK.

Temporary accessory structures for uses incidental to construction work may be authorized by permit from the Zoning Administrator after issuance of a building permit for the proposed structure. The temporary permit will specify the location of the temporary accessory structure and will expire twelve months after the date of its issuance. The Zoning Administrator may renew the permit for an additional period not to exceed twelve months if construction of the principal structure has been reasonably progressing. Construction trailers may not be used for sleeping quarters. (Ord. 52. Passed 6-16-97.)

1284.22 PARKING OF VEHICLES OVER ONE-TON CAPACITY.

Recreational vehicles, boats, trailers, and trucks over one ton capacity may not be parked or stored in the front yard. (Ord. 52. Passed 6-16-97.)

1284.23 WATERFRONT LOTS.

In any district, on any lot or parcel which is adjacent to or bounds a river, stream, lake, pond, or any other similar body of water, no structure or pavement shall be constructed, placed, or altered within fifty feet of the ordinary high water mark. This minimum distance applies to all uses and for all yards, front, rear, or side, despite other yard minimums which may be stated in other sections of this Zoning Code. (Ord. 52. Passed 6-16-97.)

1284.24 FENCES.

No property owner shall fail to maintain a fence in proper repair or in a safe condition. Whoever violates this section shall be subject to the provisions of Section 1242.99(c). (Ord. 52. Passed 6-16-97.)

1284.25 PROHIBITION OF MARIJUANA ESTABLISHMENTS.

(a) Marihuana establishments, as authorized by and defined in the Michigan Regulation and Taxation of Marihuana Act (the "Act"), are prohibited in all zoning districts.

(b) No use that constitutes or purports to be a marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter or any other type of marihuana related business authorized by the Act, that was engaged in prior to the enactment of this Section, shall be deemed to have been a legally established use under the provisions of the City of Reed City Code of Ordinances; that use shall not be entitled to claim legal nonconforming status.

(c) Violations of this Section are subject to the violations and penalties pursuant to Section 1242.99 of Chapter 1242 and may be abated as nuisances pursuant to Chapter 652.

(Ord. 002-2019. Passed 3-18-19.)