

CHAPTER 153: ZONING CODE

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MISCELLANEOUS PROVISIONS

§ 153.001 PURPOSE.

The purpose of this chapter is to regulate and restrict the use of land and buildings by dividing the city into districts; defining certain terms used therein; imposing regulations, prohibitions, and special use restrictions governing the erection, construction, reconstruction of structures and buildings and lands to be used for business, industry, residence, social, and other specified purposes; regulating and limiting the height and bulk of buildings and other structures and regulating and limiting lot occupancy and the size of yards and other open spaces; regulating and limiting the density of population; establishing floor space requirements to assure adequate light and ventilation of buildings; limiting congestion upon the public streets by providing for the off-street parking and loading of vehicles; providing for the gradual elimination of nonconforming uses of land, buildings, and structures through purchase, condemnation, or otherwise; creating a Board of Appeals on Zoning, defining and limiting the powers and duties of said Board, and setting standards to guide actions of said Board; providing for administration of this chapter and for amendments, supplements or changes thereto; providing for resolution of conflicts with the State Housing Code or other acts, ordinances, or regulations; and providing penalties for violation of this chapter.

(Prior Code, § 153.001) (Ord. D-1418, § 101, passed 11-22-1982, effective 1-21-1983)

§ 153.002 PREAMBLE.

In accordance with the authority and intent of M.C.L. §§ 125.581 et seq., as amended, the city desires to provide for the orderly development of the city, consistent with the city's Comprehensive Plan, which is essential to the well being of the city, and which will place no undue burden upon developers, industry, trade, service, and other uses of land; to ensure that uses of the land shall be situated in appropriate locations and relationships; to limit the inappropriate overcrowding of land and congestions of population and transportation systems and other public facilities; to facilitate adequate and efficient provisions for transportation systems, sewage disposal, water energy, education, recreation and other public service, and facility needs; and to promote the public health, safety, and welfare within the city.

(Prior Code, § 153.002) (Ord. D-1418, § 102, passed 11-22-1982, effective 1-21-1983)

§ 153.003 ENABLING AUTHORITY.

This chapter is adopted pursuant to M.C.L. §§ 125.581 et seq. Said Act is hereby made a part of this chapter just as if it were word for word repeated herein.

(Prior Code, § 153.003) (Ord. D-1418, § 103, passed 11-22-1982, effective 1-21-1983)

§ 153.004 RESPONSIBILITY.

(A) The prohibition of any act in this code, in any amendment thereof, and in any rule or regulation adopted hereunder shall include the causing, securing, aiding, or abetting of another person to do said act.

(B) Any suit against the Chief Inspector or employee because of such act or omission performed by him or her in the enforcement of any provisions of this code shall be defended by the legal department of the city until final termination of the proceedings.

(Prior Code, § 153.004) (Ord. D-1418, § 104, passed 11-22-1982, effective 1-21-1983)

§ 153.005 SHORT TITLE.

This chapter shall be known and may be cited as the "Zoning Code of the City of Saginaw".

(Prior Code, § 153.005) (Ord. D-1418, § 106, passed 11-22-1982, effective 1-21-1983)

§ 153.006 INTERPRETATION AND APPLICATION.

In interpreting and applying the provisions of this chapter, said provisions shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity and general welfare. It is not intended by this chapter to interfere with or abrogate or annul any law, ordinance, rule, regulation or permit previously adopted or issued, and not in conflict with any of the provisions of this chapter, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises, and likewise not in conflict with this chapter; nor is it intended by this chapter to interfere with or abrogate or annul any easements, covenants or other agreement between parties; provided, however, that where this chapter imposes a greater restriction upon the use of buildings or land or upon the height of buildings, or requires larger open spaces, or larger lot areas than are imposed or required by such ordinance or agreements, the provisions of this chapter shall control. Where, however, the provisions of the State Housing Code or other ordinances or regulations of the city impose requirements for lower heights of buildings or less percentage of lot that may be occupied, or require wider or larger courts or deeper yards than are required by any ordinance or regulation which may be adopted by the city under the provisions of this chapter, the provisions of said State Housing Code or other ordinance or regulation shall govern.

(Prior Code, § 153.006) (Ord. D-1418, § 2801, passed 11-22-1982, effective 1-21-1983)

DEFINITIONS

§ 153.020 CONSTRUCTION OF LANGUAGE.

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

(A) The particular shall control the general.

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

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

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

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

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

(G) The word "person" includes an individual, firm, a corporation, company, copartnership, partnership, an incorporated association, club, joint venture, estate, trust, or any other similar entity, group, or combination acting as a unit. The singular masculine pronoun shall include the feminine, neuter, and plural; unless the intention to give a more limited meaning is disclosed by the context.

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

(1) "And" indicates that all the connected items, conditions, provisions, or events shall apply; and

(2) "Or" indicates that the connected items, conditions or provisions, or events may apply singularly or in any combination.

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

(Prior Code, § 153.020) (Ord. D-1418, § 201, passed 11-22-1982, effective 1-21-1983)

§ 153.021 DEFINITIONS.

For the purpose of enforcing the provisions of this chapter, certain terms and words used herein are defined as follows.

ACCESSORY BUILDING. A supplementary building or a portion of a main building, the use of which is incidental to that of the main building and which is located on the same lot as the main building, but such use shall not include any building used for dwelling, lodging, or sleeping quarters for human beings. **ACCESSORY BUILDINGS** include garages, garden equipment sheds, small greenhouses, swimming pools, and kennels/pens for dogs or animals as defined.

ADULT BOOKSTORE. An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "specified sexual activities" or "anatomical areas" (as described in the definition for "adult motion picture theater", or an establishment with a segment or section devoted to the sale or display of such material.

ADULT FOSTER CARE FAMILY HOME. A private residence with the approved capacity to receive not more than six adults who shall be provided foster care for five or more days a week and for two or more consecutive weeks. The **ADULT FOSTER CARE FAMILY HOME** licensee shall be a member of the household and an occupant of the residence (Adult Foster Care Facility Licensing Act, Public Act 218 of 1979, being M.C.L. § 400.703(5)).

ADULT FOSTER CARE LARGE GROUP HOME. An adult foster care facility with the approved capacity to receive at least 13 but not more than 20 adults who shall be provided foster care. Beginning four years after the effective date of the Adult Foster Care Facility Licensing Act, Public Act 218 of 1979, being M.C.L. §§ 400.701 et seq., an **ADULT FOSTER CARE LARGE GROUP HOME** which is licensed by the department to provide foster care in each respective category may receive only those adults in a category whose primary need for services is based upon not more than one of the following categories:

(1) Aged condition; or

(2) Mental illness, developmental disability, or physical handicap, or a combination of mental illness, development disability, or physical handicap.

ADULT FOSTER CARE SMALL GROUP HOME. An adult foster care facility with the approved capacity for not more than 12 adults who shall be provided foster care.

ADULT MOTION PICTURE THEATER. An enclosed building or open air site used for presenting motion pictures distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "anatomical areas" or (as defined herein), for observation by patrons therein.

(1) **ANATOMICAL AREAS.**

(a) Less than completely or opaquely covered:

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

(b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(2) **SPECIFIED SEXUAL ACTIVITIES.** (See also § 131.02).

(a) Human genitals in a state of sexual stimulation or arousal;

(b) Acts of human masturbation, sexual intercourse, or sodomy; and

(c) Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

ALLEY. A secondary thoroughfare less than 30 feet in width dedicated for the public use of vehicles and pedestrians affording access to abutting property.

ALTERATION. As applied to a building or structure means a change or rearrangement in the structural parts or in the means of ingress or egress; or an enlargement, whether by extending on a side or by increasing in height; or the moving from one location or position to another.

ANTENNAS. Any exterior apparatus designed for the sending and/or receiving of electromagnetic waves for telephonic, radio, television, or personal wireless services.

APPEAL. An entreaty or demand for a hearing or review of facts and/or actions in connection with the public enforcement of this chapter.

ARCHITECTURAL FEATURES. Architectural features of a building shall include cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys, and decorative ornaments.

AUTOMOBILE SERVICE STATION. A space or building or parts of a building, and the necessary equipment used for sale to the consumer and/or for the installation in or upon motor vehicles, the usual operating commodities such as motor fuels, lubricants, antifreeze, water, air, batteries, tires, light bulbs, fan belts, windshield wipers, and other commodities and for the sale of such services as washing, wiping, cleaning, and waxing of motor vehicles, tire repair and battery charging, and rental of trucks and trailers. Vehicle washing shall be confined to hand washing or comparable manually operated high pressure washing equipment with not more than one wash stall, which shall have only have one vehicle access door and shall not be designed or altered to permit a drive-through operation.

AUTOMOBILE WASH ESTABLISHMENT. Any building or structure or portion thereof containing facilities for washing motor vehicles using production line methods with a conveyor, blower, steam cleaning device, or other mechanical washing devices; and shall also include coin and attendant operated drive-through, automatic self-serve, track mounted units, and similar high volume washing establishments, but shall not include hand washing operations in an "automobile station".

BASEMENT. The portion of a building wholly or partly below grade, but so constructed that the vertical distance from the average grade to the basement floor is greater than the vertical distance from the average grade to the basement ceiling. A **BASEMENT** shall not be included as a story for height measurement. (See Appendix A, § 7.)

BEDROOM. A room in a dwelling unit used for or intended to be used primarily for sleeping purposes by human beings.

BILLBOARD. Any construction or portion thereof upon which a sign or advertisement is used as an outdoor display for the purpose of making anything known to the general public, but not including bulletin boards used to display official court or public offer notices.

BLOCK FRONT. The property abutting one side of a street and lying between the two nearest intersecting streets, crossing or terminating; or between the nearest such street, unsubdivided acreage, or between any of the foregoing and any other barrier to the continuity of development such as a railroad right-of-way, park, or river channel.

BOARD OF APPEALS ON ZONING. The City of Saginaw Board of Appeals on Zoning.

BOARDING HOUSE, TOURIST HOUSE. A building arranged or used for lodging, with or without meals, for compensation, by more than five and not more than 20 individuals.

BOATS. Boats, floats, and rafts, and the attached normal equipment to transport same on the highway.

BOUNDARY, DISTRICT. The line separating two different kinds of use districts. Whenever the district boundary is not shown on the Zoning Map to be on a street, alley or shoreline, lot line or any line which may be established on the Zoning Map of the city or any recorded subdivision thereof, or to be an extension of any of the foregoing lines, it shall be deemed to be located 100 feet, or such distance as dimensioned, thereon, from and parallel to the nearest street right-of-way line as established at the time of enactment of this chapter.

BUILDING. An independent structure erected on-site, a mobile home, a pre-manufactured or pre-cut structure having a roof supported by columns or walls, intended and/or used for shelter or enclosure of persons or chattels. When any portion thereof is completely separated from every other part by division walls from the ground up, and without openings, each

portion of such building shall be deemed a separate **BUILDING**. This refers to both temporary and permanent structures and includes mobile homes, tents, sheds, garages, stables, greenhouses, or other accessory structures.

BUILDING FRONT. The facade of a building most nearly parallel to and nearest the front line.

BUILDING PERMIT. The written authority issued by the Chief Inspector permitting the construction, removal, moving, alteration, or use of a building in conformity with the provisions of this chapter. (See also definition of **PERMIT**.)

BUILDING, PRINCIPAL. A building in which is conducted the predominant use of the lot on which it is located.

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

CABARET. An establishment which features topless and/or bottomless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers.

CHIEF INSPECTOR. Chief Inspector of the City of Saginaw.

CITY COUNCIL. The City Council of the City of Saginaw.

CITY PLANNING COMMISSION. The City of Saginaw City Planning Commission.

CLINIC. A building or group of buildings where human patients are admitted, but not lodged overnight, for examination and treatment by more than one professional, such as a physician, dentist, or the like.

CODE. The same as **ORDINANCE**, **ZONING CODE**, or **ZONING ORDINANCE** of the City of Saginaw.

COMMERCIAL USE. A commercial use related to the use of property in connection with the purchase, sale, barter, display, or exchange of goods, wares, merchandise, or personal services or the maintenance of offices or recreational or amusement enterprises, or garage, basement sales, conducted on residential premises for more than six calendar days during a given one-year period.

COMMERCIAL VEHICLES. Include trucks, highway tractors and trailers, pickups, vans, wreckers, or similar vehicles any of which have or require commercial license plates and have a gross vehicle weight in excess of 10,000 pounds.

CONVALESCENT OR NURSING HOME. A home for the care of children or the aged or the infirm, or a place of rest for those suffering serious bodily disorders, wherein three or more persons are cared for. Said home shall also conform to and qualify for license under applicable state laws (even though state law may provide for different size regulations).

CUL-DE-SAC. A street with only one outlet having sufficient space at the closed end to provide vehicular turning facilities.

DAY CARE CENTER. A daytime or nighttime group facility which gives care for preschool children or school age children away from their homes but which need not employ a teacher approved by the Department of Education. It provides a program which promotes the development of the individual child and is under the direction of a person with experience in child care. There must be more than six children cared for in the facility for a time period of less than 24 hours per day.

DETENTION FACILITIES. A residential and institutional complex for the temporary holding of criminal suspects and/or offenders whose individual cases are being processed.

DISTRICT. A portion of the city within which certain uses of land and/or buildings are permitted and within which certain regulations and requirements apply under the provisions of this chapter.

DISTRICT AND USE, MORE RESTRICTED AND LESS RESTRICTED. In the list given below, each district shall be deemed to be more restricted than any following district, and each district shall be deemed to be less restricted than any foregoing district: R-1; R-1A; R-2; R-3; R-4; RO-1; B-1; B-1A; B-2; B-3; M-1; M-2; and M-3.

DRIVE-IN ESTABLISHMENT. A business establishment so developed that its principal retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in, or momentarily stepped away from, their motor vehicles (such as banks, laundry or dry cleaning pickup establishments).

(1) **CARRY-OUT RESTAURANTS.** Any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design or method of operation includes both of the following characteristics:

(a) Foods, frozen desserts, or beverages are usually served in edible containers, or in paper, plastic, or other disposable containers; and

(b) The consumption of foods, frozen desserts, or beverages within the restaurant building, within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is posted as being prohibited and such prohibition is strictly enforced by the restaurateur.

(2) **DRIVE-IN RESTAURANT.** Any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design, method of operation, or any portion of whose business includes one or both of the following characteristics:

(a) Foods, frozen desserts, or beverages are served directly to the customer in a motor vehicle either by a car-hop or by other means which eliminates the need for the customer to exit the motor vehicle; and

(b) The consumption of foods, frozen desserts, or beverages within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is allowed, encouraged, or permitted.

(3) **FAST-FOOD RESTAURANT.** Any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state for consumption off the premises, and whose design or principal method of operation includes both the following characteristics:

(a) Foods, frozen desserts, or beverages are usually served in edible containers, or in paper, plastic, or other disposable containers; and

(b) The consumption of foods, frozen desserts, or beverages within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is posted as being prohibited and such prohibition is strictly enforced by the restaurateur.

(4) **STANDARD RESTAURANT (FOR COMPARISON).** Any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design or principal method of operation includes one or both of the following characteristics:

(a) Customers, normally provided with an individual menu, are served their goods, frozen desserts, or beverages by a restaurant employee at the same table or counter at which said items are consumed; and

(b) A cafeteria-type operation where foods, frozen desserts, or beverages generally are consumed within the restaurant building.

DWELLING. A house or building, or portion thereof, which is occupied wholly as the home, residence, or sleeping place by one or more human beings, either permanently or transiently, but in no case shall an automobile chassis, basement, accessory building, temporary building, tent, or portable building, motel, or automobile court, rooming or boarding house, hotel, or hospital be considered as a **DWELLING**, so long as these are used for the purposes described in this chapter. In case of mixed occupancy where a building is occupied in part as a **DWELLING**, the part so occupied shall be deemed a **DWELLING** for the purpose of this chapter and shall comply with the provisions hereof relative to **DWELLINGS**. Garage space, whether in an attached or detached garage, shall not be deemed as part of a **DWELLING** for area requirements.

(1) **DWELLING, MULTIPLE.** A building or portion thereof used for and as a residence for three or more families living independently of each other and each having their own cooking facilities therein, including apartment houses, townhouses, and apartment hotels, but not including boarding houses or tourist houses. Such dwellings shall conform in all other respects to the standards set forth in division (2) below of this definition, **DWELLING, SINGLE-FAMILY**.

(a) **DWELLING, TERRACE, ROW, OR TOWNHOUSE.** A freestanding building of not less than four dwelling units arranged laterally, each with individual outside entrances and not more than three stories in height. A dwelling unit, complete with utilities and sleeping quarters may occupy one or two floors. Each dwelling unit, or units when arranged vertically, shall comprise a section, and there shall be, as a minimum, a fireproof wall as provided in the building regulations without doors, windows or other openings separating any two sections from any other section or sections.

(b) **HIGH RISE APARTMENT.** A building used as a multiple dwelling, being four stories or more in height, and containing 18 or more dwelling units, with all stories served by a passenger elevator or other mechanical lifting device.

(c) **LOW RISE APARTMENT.** A building used as a multiple dwelling, being less than four stories in height, and containing not less than three dwelling units.

(2) **DWELLING, SINGLE-FAMILY.** A detached building occupied by one family and so designed and arranged as to provide living, cooking, and kitchen accommodations for one family only. Also known as a **ONE-FAMILY DWELLING**. A **SINGLE-FAMILY DWELLING** shall comply with the following standards.

(a) It complies with the minimum floor area requirements of this code for the zone in which it is located.

(b) It has a minimum dimension across every front, side, and rear elevation of 26 feet and complies in all respects with the city building regulations, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction which are different than those imposed by the city building regulations, then and in that event such federal or state standard or regulations shall apply.

(c) It is firmly attached to a permanent foundation constructed on the site in accordance with the city building regulations and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building regulations for single-family dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission and shall have a perimeter wall as required above.

(d) In the event that a dwelling is a mobile home, as defined herein, each mobile home shall be installed with the wheels removed. Additionally no dwelling shall have any exposed towing mechanism, undercarriage, or chassis.

(e) The dwelling is connected to the public sewer and water supply when required by §§94.080 through 94.083, or to such private facilities approved by the local health department.

(f) The dwelling contains a storage capability area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to 10% of the square footage of the dwelling or 100 square feet, whichever shall be less.

(g) The dwelling is aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof over-hang of not less than six inches on all sides, or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling; and contains steps connected to said exterior door areas or to porches connected to said door areas where a difference in elevation requires the same. The compatibility of design and appearance shall be determined in the first instance by the Chief Inspector upon review of the plans submitted for a particular dwelling subject to appeal by an aggrieved party to the Zoning Board of Appeals within a period of 15 days from the receipt of notice of said Zoning Inspector's decision. Any determination of compatibility shall be based upon the standards set forth in this definition of "dwelling", as well as the character, design, and appearance of one or more residential dwellings located outside of mobile home parks within the neighborhood of the subject dwelling. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.

(h) The dwelling contains no additions or rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.

(i) The dwelling complies with all pertinent building and fire regulations; and all dwellings shall meet or exceed all applicable roof snow load and strength requirements. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the Manufactured Construction and Safety Standards as promulgated by the United States Department of Housing and Urban Development, being 24 C.F.R. Part 3280, and as from time to time such standards may be amended.

(j) The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in the ordinances of the city pertaining to such parks.

(k) All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable city building regulations and requirements.

(3) **DWELLING, TWO-FAMILY.** A detached family dwelling is that occupied by two families, each provided with separate facilities for each family for living accommodations. Also, known as a **DUPLEX DWELLING**. Such dwellings shall conform in all other respects to the standards set forth in division (2) above of this definition, **DWELLING, SINGLE-FAMILY**.

(4) **DWELLING UNIT.** Any building or portion thereof having cooking facilities, which is occupied wholly as the home, residence, or sleeping place of one family, either permanently or transiently, but in no case shall a travel trailer, mobile home, motor home automobile chassis, tent, or other portable building be considered a dwelling in a single-family, two-family, or multiple-family residential area. In cases of mixed occupancy where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this chapter and shall comply with the provisions thereof relative to dwellings.

(5) **EFFICIENCY UNIT.** A dwelling unit consisting of one room, exclusive of bathroom, kitchen, hallway, closets, or dining alcove directly off the principal room containing not less than 350 square feet of floor area.

(6) **HIGH RISE APARTMENT FOR ELDERLY PERSONS.** A building used as a multiple dwelling for persons where one member of the family is 62 years of age or over, and where the maximum living space per unit does not exceed 450 square feet for an efficiency unit, 525 square feet for a one bedroom unit, and 750 square feet for a two bedroom unit, except for necessary management staff living on the premises; being four stories or more in height and containing 18 or more dwelling units, with all stories served by a passenger elevator or other mechanical lifting device. (See also § 153.440.)

ERECTED. Includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, and the like shall be considered a part of erection.

ESSENTIAL SERVICES. The erection, construction, alteration, or maintenance by public utilities or public authorities, of underground or overhead gas, electrical, steam, or water transmission or distribution systems, collections, communication, supply, or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, towers, fire alarm boxes, police call boxes, traffic signals, hydrant, or other similar equipment and accessories in connection therewith, not including buildings, as shall be reasonably necessary for the furnishing of adequate services by public utilities, or public authorities, or for the public health, safety, or general welfare, but it shall not be deemed to include buildings, public lines supported by towers or frameworks consisting of two or more supporting poles carrying such lines.

FAMILY.

(1) Includes the following:

(a) One or more persons living together and interrelated by bonds of consanguinity, marriage, or legal adoption, and occupying the whole or part of a dwelling unit as a single housekeeping unit. A **FAMILY** shall be deemed to include domestic servants, gratuitous guests, and not more than four foster or boarded children who are sponsored or whose room and board is paid by a recognized child care agency or organization. A **FAMILY** shall also be deemed to include not more than six persons occupying the dwelling unit and living together as a single nonprofit housekeeping unit, if said occupants are handicapped persons as defined in Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Act of 1988,

being 42 U.S.C. §§ 3601 et seq.

(b) A group of not more than three persons, who need not be related by bonds of consanguinity, marriage, or legal adoption, living together as a single housekeeping unit, as distinguished from individuals occupying a hotel, club, boarding house, rooming house, fraternity, or sorority house. The group living in the dwelling unit must occupy such dwelling unit in the same manner as a dwelling occupied by a **FAMILY** defined in division (a) above of this definition.

(2) An affirmative finding that any one or more of the following criteria exists shall create a rebuttable presumption that the group occupying the dwelling unit is not a **FAMILY**:

- (a) Bedroom doors that can be locked on the exterior and interior sides of the door;
- (b) More than one mailbox provided per group; or
- (c) Bedroom doors designated by number or letter.

FENCE. A permanent or temporary barrier enclosing or bordering a plot of land or portion thereof composed of suitable human-made materials for the purpose of preventing or controlling entrance or to confine within or to make a boundary. A wall would also be considered a **FENCE** for purposes of this chapter.

(1) **CLOSED CONSTRUCTION FENCE.** A fence in which the ratio of the closed portion to the open portion is more than one to one (1:1) per foot.

(2) **HEDGE.** A series of bushes, shrubs, or evergreen trees planted or grown in a compact and continuous line.

(3) **OPEN CONSTRUCTION FENCE.** A fence in which the ratio of the open portion to the closed portion is at least one to one (1:1) per foot.

FLOOD-INTERMEDIATE REGIONAL. A flood having a 1% chance of occurring in any given year.

FLOOR AREA.

(1) **FLOOR AREA, GROSS.** The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. The **FLOOR AREA** of a building, which is what this normally is referred to as, shall include the basement floor area when more than one-half of the basement height is above the established curb level or finished lot grade, whichever is higher. (See **BASEMENT** definition.) Any space devoted to off-street parking or loading shall not be included in **FLOOR AREA**. Areas of basements, utility rooms, breezeways, unfinished attics, porches (enclosed or unenclosed), or attached garages are not included.

(2) **FLOOR AREA, USABLE.** The measurement of **USABLE FLOOR AREA** shall include that portion of the floor area, measured from the interior face of the exterior walls, used for or intended to be used for services to the public or customers, patrons, clients, or patients; including areas occupied by fixtures or equipment used for display or sale of goods or merchandise, but not including areas used or intended to be used for storage of merchandise, utility, or mechanical equipment rooms, or sanitary facilities. In the case of a half story, the usable floor area shall be considered to be only that portion having a clear height above it of four feet or more. (See Appendix, § 1, entitled "Floor Area Terminology".)

(3) **GROSS LEASABLE AREA (GLA).** The total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines, and upper floors, if any, expressed in square feet and measured from the centerline of joint partitions and from outside wall faces. It is all the floor area on which tenants pay rent.

FLOOR AREA RATIO (FAR).

(1) The ratio between the maximum allowable amount of floor space on all floors in a building and the total area of the lot on which the building is located. Floor area shall include all the floor areas of all the floors of a building or buildings on the lot, measured from the exterior faces of exterior walls or from the centerlines of party walls and shall include elevator shafts and stairwells at each floor, interior balconies, and mezzanines, and enclosed porches, but need not include the following areas:

(a) Areas below the first story or ground floor not used for living room, dining room, kitchen, or sleeping accommodations;

(b) Attic space providing structural headroom of less than seven feet, six inches;

(c) Unenclosed steps;

(d) Any floor area devoted exclusively and permanently to noncommercial recreational use, but not to exceed 15% of the entire floor area of the building;

(e) Any floor area, on or above the first or ground floor, devoted exclusively and permanently to the housing of building service equipment, including heating, air conditioning, mechanical, electrical, or similar equipment;

(f) Exterior terraces, balconies, and mezzanines, breezeways, and open porches;

(g) Any space devoted exclusively to off-street parking or loading when said space is an integral part of a principal building unless said building is a parking structure; and

(h) Floor spaces which are not more than 20 feet above established grade and in accessory parking structures.

(2) Example: a **FAR** of 2.0 would allow floor space of twice the lot area, or a four-story building covering one-half of the lot. An **FAR** of 0.5 would allow floor space of one-half the lot area, or a two-story building covering one-quarter of the lot. (See Appendix A, § 2, entitled “Floor Area Ratio (FAR)”.)

FOLDING TENT TRAILER. A canvas folding structure, mounted on wheels and designed for travel and vacation use.

FOOD. When used in connection with restaurant facilities shall include frozen desserts and non-alcoholic beverages.

FRONTAGE. The distance along the front lot line.

GARAGE.

(1) **GARAGE, COMMUNITY.** A one-story building or structure used for the storage of three or more automobiles of two or more occupants of property in the vicinity and containing no public repair or service facilities.

(2) **GARAGE, PRIVATE.** An accessory building or structure or a part of a principal building used for the storage of motor vehicles and containing no public repair or service facilities.

(3) **GARAGE, PUBLIC.** A building or part thereof used for the repairing of motor vehicles or parts thereof.

(4) **GARAGE, STORAGE.** A building or structure, one or more stories in height, used for the storage of motor vehicles and in which such services may be conducted as are permitted for an automobile service station, except where such services conflict with other laws.

GRADE. A reference plane representing the average of finished ground level adjoining the building at all exterior walls.

GREENBELT. An area of land used as a buffer to screen or separate uses or lessen noise levels, which is planted and maintained in accordance with § 153.081 of this chapter.

HEIGHT, BUILDING. The vertical distance from the established sidewalk grade at the center of the front of the building to the highest point of the roof surface for a flat roof, to the deck line for mansard roofs and to the mean height level between the eaves and ridge for gabled, hip, or gambrel roofs. For buildings set back from the street line, the **HEIGHT** of the building may be measured from the average elevation of the finished grade along the front of the building, provided such average elevation shall not exceed the established sidewalk grade at the center of the front of the building by more than one inch for each foot the building sets back from the front lot line. When a building faces more than one street, the **HEIGHT** shall be measured from the average of the grades at the center of each street front. (See Appendix A, § 3, entitled “Building Height Requirements”.)

HISTORIC DISTRICT.

(1) **ALTERATION.** Work that changes the detail of a resource but does not change its basic size or shape.

(2) **CENTER.** The Michigan Historical Center, formerly the Michigan Bureau of History of the Michigan Department of State.

(3) **CERTIFICATE OF APPROPRIATENESS.** The written approval of a permit application for work that is appropriate and that does not adversely affect a resource.

(4) **COMMISSION.** A historic district commission created by the City Council pursuant to the Local Historic Districts Act, Public Act 169 of 1970, being M.C.L. §§ 399.201 et seq.

(5) **COMMITTEE.** A historic district study committee appointed by the City Council pursuant to the Local Historic Districts Act, Public Act 169 of 1970, being M.C.L. §§ 399.201 et seq.

(6) **DEMOLITION.** The razing or destruction, whether entirely or in part, of a resource and includes, but is not limited to, demolition by neglect.

(7) **DEMOLITION BY NEGLIGENCE.** Neglect in maintaining, repairing, or securing a resource that results in deterioration of an exterior feature of the resource or the loss of structural integrity of the resource.

(8) **DENIAL.** The written rejection of a permit application for work that is inappropriate and that adversely affects a resource.

(9) **HISTORIC DISTRICT.** An area, or group of areas not necessarily having contiguous boundaries, that contains one resource or group of resources that are related by history, architecture, archaeology, engineering, or culture.

(10) **HISTORIC PRESERVATION.** The identification, evaluation, establishment, and protection of resources significant in history, architecture, archaeology, engineering, or culture.

(11) **HISTORIC RESOURCE.** A publicly or privately owned building, structure, site, object, feature, or open space that is significant in the history, architecture, archaeology, engineering, or culture of this state, or the city, or of the United States.

(12) **NOTICE TO PROCEED.** The written permission to issue a permit for work that is inappropriate and that adversely affects a resource, pursuant to a finding under § 153.538(D).

(13) **OPEN SPACE.** Undeveloped land, a naturally landscaped area, or a formal or human-made landscaped area that provides a connective link or a buffer between other resources.

(14) **ORDINARY MAINTENANCE.** For the purposes of this chapter, keeping a resource unimpaired and in good condition through ongoing minor intervention, undertaken from time to time, in its exterior condition. **ORDINARY MAINTENANCE** does not change the external appearance of the resource except through the elimination of the usual and expected effects of weathering. **ORDINARY MAINTENANCE** does not constitute work for purposes of the Local Historic Districts Act, Public Act 169 of 1970, being M.C.L. §§ 399.201 et seq., as amended.

(15) **PROPOSED HISTORIC DISTRICT.** An area or group of areas not necessarily having contiguous boundaries, that has delineated boundaries and is under review by a committee or a standing committee for the purpose of making a recommendation as to whether it should be established as a historic district or added to an established historic district.

(16) **REPAIR.** For the purposes of this chapter, to restore a decayed or damaged resource to a good or sound condition by any process. A **REPAIR** that changes the external appearance of a resource constitutes work for purposes of the Local Historic Districts Act, Public Act 169 of 1970, being M.C.L. §§ 399.201 et seq., as amended.

(17) **RESOURCE.** One or more publicly- or privately-owned historic or nonhistoric buildings, structures, sites, objects, features, or open spaces located within a historic district.

(18) **STANDING COMMITTEE.** A permanent body established by the City Council pursuant to the Local Historic Districts Act, Public Act 169 of 1970, being M.C.L. §§ 399.201 et seq., as amended, to conduct activities of a historic study committee on a continuing basis.

(19) **WORK.** Construction, addition, alteration, repair, moving, excavation, or demolition.

HOME, TOURIST. A dwelling which offers sleeping accommodations in less than ten rooms to transient guests for compensation. See definition of **BOARDING HOUSE, TOURIST HOUSE.**

HOME OCCUPATION. Any use customarily conducted entirely within the dwelling and carried on by the inhabitants thereof, not involving employees other than members of the immediate family residing on the premises, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, does not change the character thereof, and which does not endanger the health, safety, and welfare of any other persons residing in that area by reason of noise, noxious odors, unsanitary or unsightly conditions, fire hazards, and the like, involved in or resulting from such occupation, professions, or hobby. Provided further, that no article or service is sold or offered for sale on the premises, except such as is produced by such occupations; that such occupation shall not require internal or external alterations or construction features, equipment, machinery, outdoor storage, or signs not customarily in residential areas. Clinics, hospitals, barber shops, beauty parlors, tea rooms, tourist homes, animal hospitals, kennels, millinery shops, restaurants, and child care day nurseries, among others, shall not be deemed to be **HOME OCCUPATIONS.**

HOMELESS SHELTER. A building with sleeping and bath facilities used for temporary occupancy by persons without an identified place of residence.

HOSPITAL. A building, structure, or institution in which sick or injured persons, primarily inpatients, are given medical or surgical treatment and operating under license by the Department of Public Health, State of Michigan.

HOTEL. A facility containing ten or more guest rooms and offering transient lodging accommodations on a daily rate to the general public and providing additional services, such as restaurants, meeting rooms, and recreational facilities.

KENNEL, DOG. Any lot or premises on which dogs are kept for any commercial purpose, including, but not limited to, boarding, breeding, and training.

KENNEL/PEN FOR DOG OR ANIMAL. An enclosed area or pen, which may or may not include a structure, where dogs or other domesticated animals are confined when outdoors. Said enclosed area or pen shall be constructed to mean a fence surrounding a yard.

JUNK. Any motor vehicles, machinery, appliances, products, or merchandise with parts missing or scrap metals or other scrap materials that are damaged, deteriorated, or are in a condition which cannot be used for the purpose for which the product was manufactured.

LOADING SPACE. An off-street space on the same lot with a building or group of buildings, for temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and having direct and unobstructed access to a public street or alley.

LOT. A parcel of land consisting of one or more lots of record occupied or intended to be occupied by a principal building or use and any accessory buildings or by any other use or activity permitted thereon and including the open spaces and yards required under this chapter, and having its frontage upon a public street or road either dedicated to the public or designated on a recorded subdivision. Provided that the owner of any number of contiguous lots may have as many of said contiguous lots considered as a single lot for the purpose of this chapter as he or she so elects and in such case the outside perimeter of said group of lots shall constitute the front, rear, and side lot lines thereof. This latter parcel is then often referred to as a **ZONING LOT.**

(1) **LOT, CORNER.** A lot where the interior angle of two adjacent sides at the intersection of two streets is less than 135 degrees. A lot abutting upon a curved street or streets shall be considered a **CORNER LOT** for the purposes of this chapter if the arc is of less radius than 150 feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than 135 degrees. (See Appendix A, § 4, entitled, "Corner, Interior, and Double Frontage Lots".)

(2) **LOT, DOUBLE FRONTAGE.** A lot other than a corner lot having frontage on two more or less parallel streets. In the case of a row of **DOUBLE FRONTAGE LOTS**, one street will be designated as the front street for all lots in the plat and in the request for a certificate of occupancy permit. If there are existing buildings in the same block fronting on one or both of the streets, the required minimum front yard setback shall be observed on those streets where the majority of the buildings presently front.

(3) **LOT, INTERIOR.** A lot other than a corner lot with only one lot line fronting on a street.

(4) **LOT, SUB.** A portion of a platted lot on which a dwelling with common party walls may be constructed and separately conveyed subject to compliance with §§ 153.400 through 153.406, PDD - Planned Development District, of this chapter.

LOT AREA, GROSS. The net lot area plus one-half the area of that right-of-way directly adjacent to or abutting any side of the lot, except street frontage, plus any portion of adjoining public lands deemed proper to be included by the City Planning Commission.

LOT AREA, NET. The total horizontal area within the lot lines of a lot.

LOT COVERAGE. The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures, and swimming pools.

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

LOT LINES. Any line dividing one lot from another or from a street right-of-way or any public place.

(1) **LOT LINE, FRONT.** In the case of an interior lot abutting on one public or private street, the line separating the lot from such street right-of-way. In the case of a corner or double frontage lot, the **FRONT LOT LINE** shall be that line separating said lot from that street which is designated as the front street in the plat and/or in the request for a certificate of occupancy.

(2) **LOT LINE, REAR.** The lot boundary line which is opposite and most distant from the front lot line. In the case of a lot with side lot lines diverging or converging toward the rear, the **REAR LOT LINE** shall be a line drawn parallel to the front lot line not less than 20 feet long lying farthest from the front lot line but wholly within the lot and so located that a perpendicular can be drawn from it to some point on the principal building.

(3) **LOT LINE, SIDE.** Any lot boundary line not a front lot line or a rear lot line. **ASIDE LOT LINE** separating a lot from a street is a side street lot line. A **SIDE LOT LINE** separating a lot from another lot or lots is an interior lot line.

LOT OF RECORD. A lot the dimension and configuration of which are shown on a map recorded in the office of the Register of Deeds for the county, or a lot or parcel described by metes and bounds, the accuracy of which is attested to by a professional engineer or land surveyor (so registered and licensed in the state) and likewise so recorded and on a file with the county.

LOT WIDTH. The horizontal distance between the side lot lines, measured at the two points where the building line, or setback line, intersects the side lot lines.

MARQUEE. A permanent roofed structure attached to and supported by the building and projecting over public property.

MASSAGE PARLOR. Any place or establishment where a massage is made available. A massage is any method of treating the superficial parts of a patron for medical, hygienic, exercise, or relaxation purposes by rubbing, stroking, kneading, tapping, pounding, vibrating, or stimulating with the hands or any instrument, or by the application of air, liquid, or vapor baths of any kind whatever.

MOBILE HOME. A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. **MOBILE HOME** does not include a recreational vehicle. (See M.C.L. §§ 125.2301 et seq.)

MOBILE HOME PARK. A parcel or tract of land under the control of a person upon which three or more mobile homes are located on a continual nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incidental to the occupancy of a mobile home and which is not intended for use as a temporary trailer park. (See M.C.L. §§ 125.2301 et seq.)

MODULAR HOME OTHER THAN MOBILE HOME. A unit which requires being transported to the site separately in two or more sections, and to which such major elements as the heating system or a substantial portion of the siding are installed after transport, and shall not be considered a mobile home.

MONOPOLE TOWER. A telecommunications tower consisting of a single pole, constructed with guy wires or ground anchors.

MOTELS or MOTOR COURTS. A building containing ten or more guest rooms, each of which maintains a separate outside entrance, designed or used primarily for providing sleeping accommodations for automobile travelers and having a parking space adjacent to each sleeping room.

MOTOR HOME. A self-propelled motorized vehicular unit primarily designed for travel and/or recreational usage, which

also contains facilities for cooking and for overnight lodging. This term does not apply to mobile homes.

MUNICIPAL PARK. A parcel of land that is used as a park and is operated under the supervision of the city.

NONCONFORMING USE OR BUILDING.

(1) **NONCONFORMING BUILDING.** A building or portion thereof lawfully existing at the effective date of this chapter, or amendments thereto, and which does not conform to the provisions (e.g., setbacks, height, lot coverage, parking) of this chapter in the zoning district in which it is located. (See Appendix A, § 5, entitled "Nonconforming Use".)

(2) **NONCONFORMING USE.** A use which lawfully occupied a building or land at the effective date of this chapter or amendments thereto, and that does not conform to the use regulations of the zoning district in which it is located. (See Appendix A, § 5, entitled "Nonconforming Use".)

NURSERY SCHOOL, DAY NURSERY, or CHILD CARE CENTER. An establishment wherein three or more children, not related by bonds of consanguinity or fostership to the family living on the premises, are for remuneration cared for. Such schools or centers need not have a resident family on the premises.

OCCUPANCY. The purpose for which a building, or part thereof, is used or intended to be used.

OCCUPANCY LOAD. The number of individuals normally occupying the building or part thereof, or for which the existing facilities have been designed.

OCCUPIED. Arranged, designed, built, altered, converted to, rented, leased, or intended to be inhabited, not necessarily for dwelling purposes.

OFF-STREET PARKING LOT. A structure providing vehicular parking spaces along with adequate drives and aisles. Adequate maneuvering space shall be provided which allows unrestricted access and egress plus on-site storage space for at least two vehicles.

OPEN AIR BUSINESS USES. Includes the following business uses:

(1) Retail sales of trees, shrubbery, plants, flowers, seed, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment;

(2) Retail sale of fruit and vegetables;

(3) Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park, and/or similar recreation uses;

(4) Bicycle, utility truck or trailer, motor vehicles, boats or home equipment sales, or rental or repair services; and

(5) Outdoor display and sale of garages, swimming pools, motor homes, mobile homes, snowmobiles, farm implements, and similar products.

ORDINANCE. The same as the term "code", "zoning code", or "zoning ordinance" of the city as used herein.

OUTLOT. A parcel of land which must be designated on a recorded plat as an **OUTLOT** before it may be legally considered as such.

OWNERSHIP, SINGLE AND SEPARATE. Ownership by a person or by two or more members of the same family of a lot parcel of land which is completely isolated from any other property held by the same person or persons.

PARKING SPACE. An area for each automobile or motor vehicle, such space being exclusive of necessary drives, aisles, entrances, or exits, and being fully accessible from a street or alley for the storage or parking of self-propelled vehicles.

PENAL AND CORRECTIONAL INSTITUTIONS. Prisons, jails, and associated correctional institutions and facilities in which varying degrees of security are required for the incarceration and confinement of convicted prisoners.

PERMIT. The written authority issued by the Chief Inspector permitting the construction, removal, moving, alteration, use, change of use or otherwise involving a building and/or parcel of land. (See also definition of **BUILDING PERMIT**.)

PICKUP CAMPER. A recreational unit designed to be mounted on a pickup or truck chassis and with sufficient equipment to render suitable for use as temporary lodging for travel, recreation and vacation uses.

PLAZA. An open area accessible to the public, which is either an open area along the front lot line not less than five feet deep, measured perpendicular to the front lot line, or an open area on a through lot, extending from the street and not less than 40 feet wide. A **PLAZA** shall not at any point be more than five feet above the curb level of the nearest adjoining street and shall be unobstructed from its lowest level to the sky.

PORCH, ENCLOSED. A covered entrance to a building or structure which is totally enclosed, and projects out from the main wall of said building or structure and has a separate roof or an integral room with the principal building or structure to which it is attached.

PORCH, OPEN. A covered entrance to a building or structure which is unenclosed except for columns supporting the porch roof, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

PUBLIC NOTICE. A notice of the time, place, and purpose of a public hearing, which notice, except where otherwise expressly provided herein, shall be published in a newspaper having general circulation in the city.

PUBLIC UTILITY. Any person, firm, corporation, municipal department, or board duly authorized to furnish and furnishing under municipal or state regulation to the public transportation, including railroad trackage, water, gas, electricity, telephone, steam, telegraph, cable television, or sewage disposal.

PUBLIC UTILITY SUBSTATION. Any building or structure, not located within a street or alley, essential to the distribution of service and operation of the above-described public utilities which is not located on the same site as the principal utility.

RECREATIONAL SPACE.

(1) For use in determining recreation space ratio compliance, the minimum required **RECREATIONAL SPACE** shall include only that part of the ground area of a lot which:

- (a) Is devoted to outdoor recreational space, outdoor swimming pools, greenery, or service space for household activities which are normally carried on outdoors;
- (b) Is not devoted to private roadways open to vehicular transportation, access drives, accessory off-street parking space or aisles, or accessory off-street loading berths;
- (c) Contains no structures on the ground except:
 1. Open porches;
 2. Terraces;
 3. Recreational or drying yard equipment;
 4. Arbors, trellises, walls or fences, bird baths, ornamental features, window boxes, or other planting boxes; and
 5. Flagpoles.
- (d) Is accessible to the occupants of all dwelling units within the structure;
- (e) Is located in a side or rear yard and has a minimum dimension of 18 feet if the development it is serving has nine or fewer dwelling or rooming units, or is so located and has a minimum dimension of 25 feet if the development it is serving has ten or more dwelling or rooming units. All required **RECREATIONAL SPACES** shall comply with the minimum dimension described above and said dimension shall be measured along a perpendicular drawn from any point on one side of the recreational space to the opposite side; and
- (f) Is unobstructed between the ground and the sky, except that not more than 25% of the total **RECREATIONAL SPACE** provided on any lot may be roofed, and in such case not more than 50% of the perimeter of the roofed section shall be enclosed. The City Planning Commission may modify the provisions of this division (1)(f) when said modification may be accomplished without substantially deviating from the spirit, intent, and purpose of this chapter.

(2) **RECREATIONAL SPACE** on a roof, or private balcony, private patio, or similar private area may be substituted for ground recreational space in accordance with the following.

- (a) *Substitution of roof space.* Each square foot of **RECREATIONAL SPACE** on a roof may be substituted for one square foot of ground of recreational space provided the following conditions are met.
 1. *Minimum dimension.* Such **RECREATIONAL SPACE** on a roof shall have a minimum dimension of 15 feet, measured from inside of parapet or railing to inside of parapet or railing, or to the exterior face of any wall or other obstruction projecting above roof level.
 2. *No obstructions.* Such **RECREATIONAL SPACE** on a roof shall be free of all obstructions, except for arbors, trellises, flagpoles, plumbing or air vents, or recreational or clothes drying equipment.
 3. *Design and safety precautions.* Such **RECREATIONAL SPACE** on a roof shall be suitably surfaced and shall be protected by a parapet or railing in accordance with the safety regulations of the building regulations.
 4. *Accessibility.* Such **RECREATIONAL SPACE** shall be accessible to the occupants of all dwelling units within the structure.
- (b) *Substitution of private balcony, private patio, or similar private area.* Each square foot of **RECREATIONAL SPACE** on a private balcony, private patio, or similar private area, as determined by the Chief Inspector, may be substituted for one square foot of ground or roof recreational space provided the following conditions are met.
 1. *Minimum dimension and area.* Such areas shall have a minimum dimension of four feet six inches, measured perpendicularly from one side to the other side, and a minimum net area of 22.5 square feet.
 2. *No obstructions.* Such areas shall be free of all obstructions, except arbors, trellises, window boxes, or other planting boxes, awnings or canopies, and recreational or clothes drying equipment.
 3. *Safety precautions.* Such areas shall be protected in accordance with the safety regulations of the building regulations.

(3) Provided, that at least 50% of the total required **RECREATIONAL SPACE** shall be accessible to all residents and shall be provided on the ground or roof, and further provided, that when a portion of the recreational space is provided on a private balcony or similar area, the minimum dimension of the required ground or roof space may be adjusted by the City Planning Commission when this can be accomplished without deviating from the spirit, intent, and the purpose of this chapter. In no instance, however, shall the minimum ground or roof dimension be less than 12 feet.

RECREATIONAL SPACE RATIO (RSR). The ratio between the minimum allowable amount of recreation space on a lot in relation to the gross floor area of all existing and proposed structures on said lot. Example: An **RSR** of .085 would require, for a multiple residential structure having 50,000 square feet of gross floor area, a total of 4,250 square feet of recreation space on the same lot.

RESTAURANT. See **DRIVE-IN ESTABLISHMENT** above.

RETAINING WALL. A permanent solid barrier of brick, stone, wood, or other opaque material approved by the Chief Inspector intended to enclose an area. For the purpose of this chapter, all supporting members, posts, stringers, braces, pilasters, or other construction features of a **RETAINING WALL** shall be located and placed on the inside of the wall away from public view. All **RETAINING WALLS**, moreover, shall be constructed and/or painted, tinted, or colored in one color only for their exterior surface, and no sign or advertising shall be placed, affixed, painted, or designed thereon.

ROOMING HOUSE. Any building containing more than two and less than ten rooms that are occupied for sleeping purposes for compensation, whether the compensation be paid directly or indirectly. The term **ROOMING HOUSE** shall include lodging house and boarding house, but not tourist home, automobile court, hotel, motel, or dwelling.

SALE, RUMMAGE, INCLUDING GARAGE SALE, YARD SALE, BASEMENT SALE. A temporary sale of used personal items.

SETBACK. The minimum horizontal distance required to exist between the front line of the building, excluding steps or unenclosed porches and the front street or right-of-way line. The required **SETBACK** area is that area encompassed by the respective lot lines and setback lines. (See Appendix A, § 6, entitled "Yard Requirements".)

SIGN. Any interior or exterior device, structure, or part of a building or structure which directs attention to an object, product, place, service, activity, person, institution, organization, or business which, except as otherwise provided, is visible from any public thoroughfare, sidewalk, alley, or public property. The definition does not include, unless otherwise indicated, signs primarily directed at persons within the premises of the sign owner. Neither does it include signs the total area of which is less than one square foot. The term **SIGN** shall include, but not be limited to, any printed or written text, pictorial representation, numeral, emblem, banner, or pennant.

SIGN AREA. This term or other reference to square measure is the entire area within one or more circles, triangles, or quadrilaterals or combination thereof enclosing the extreme limits of the sign together with any frame, other material, or other color forming an integral part of the display or used to differentiate it from the background against which it is placed. The definition does not include the supporting structure necessary for the erection or attachment of the sign. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign. However, where two sign faces are erected back to back only the larger of the two faces shall be included in determining the **SIGN AREA**.

SIGN FACE. Surface of a sign exposed to the view of the public carrying a sign message.

SIGN, IDENTIFICATION. A sign limited to carrying any or all of the following: name; address; major enterprise; or principal product or service offered.

SIGN, OFF-SITE. A sign other than an on-site sign.

SIGN, ON-SITE. A sign indicating the name, occupation, nature of activities conducted, services or goods offered, or the products manufactured on the premises where the sign is located.

SIGN, PUBLIC. Signs of a noncommercial nature and in the public interest erected by or on the order of a public officer or body in the performance of the public duty. The definition includes, but is not limited to, a governmental building identification sign, safety sign, danger sign, trespassing sign, traffic sign, memorial plaque, or a historical interest sign.

SIGN, SPECIAL PURPOSE TEMPORARY. A temporary sign other than those described in §153.155(A) through (G).

SIGN, TEMPORARY. A display, informational sign, banner, or other advertising device not constructed for long term use and intended for a limited period of display, including any sign which can be physically lifted, pulled, or wheeled from one location to another.

SOLAR COLLECTION. A device, or combination of devices, structure, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy and that contributes significantly to a structure's energy supply.

SOLAR ENERGY SYSTEM. A complete design or assembly consisting of a solar energy collector, an energy storage facility (where used), and components for the distribution of transformed energy (to the extent they cannot be used jointly with a conventional energy system). **PASSIVE SOLAR ENERGY SYSTEMS** are included in this definition but not to the extent that they fulfill other functions such as structural and recreational.

STORY. The portion of a building, other than a mezzanine, included between the surface of a floor and the upper surface of the floor next above, or if there be no floor above, then the space between the floor and the top of the ceiling joists, or,

where there is not a ceiling, to the top of the roof rafters. (See Appendix A, § 7, entitled “Basement and Story Illustration”.)

(1) **BASEMENT.** Counted as a story if over 50% of its height is above the level from which the height of the building is measured, or, if it is used for dwelling purposes by other than a janitor or domestic servants employed in the same building, including the family of the same. (See the definition of **BASEMENT** and Appendix A, § 7, entitled “Basement and Story Illustration”.)

(2) **HALF.** The part of a building between a pitched roof and the uppermost full story, said part having a floor area which does not exceed one-half of the floor area of said full story, provided the area contains at least 200 square feet with a clear height of at least seven feet and six inches. (See Appendix A, § 8, entitled “Basic Structural Terms”.)

(3) **MEZZANINE.** A **MEZZANINE FLOOR** may be used in the definition of a full story when it covers more than 50% of the area of the story underneath said **MEZZANINE**, or, if the vertical distance from the floor next below it to the floor next above it is 24 feet or more.

STREET. A thoroughfare or way having 30 feet or more of right-of-way or easement width, other than an alley, for the use of the public and/or open to public travel. A **PUBLIC STREET** is a street accepted by dedication or otherwise by the city. A **PRIVATE STREET** or **PRIVATE DRIVE** is a street not so accepted, or any street designated as a private street upon a recorded plat.

STRUCTURE. Anything erected or constructed, such as a building, edifice, or structural formation of any kind, including improved parking lots, which requires permanent location on the ground or attachment to something having such location, and which is artificially built up or composed of parts joined together in some definite manner.

SWIMMING POOL. Any structure or container whether located above or below grade designed to hold water to a depth of greater than 24 inches, intended for swimming or bathing. A **SWIMMING POOL** shall be considered as an accessory building for the purpose of determining required yard spaces and maximum lot coverage.

TELECOMMUNICATIONS FACILITY. Refers to antennas and towers, either individually or together.

TENT. A shelter of canvas or the like supported by poles and fastened by cords or pegs driven into the ground and shall not include those types of tents used solely for children’s recreational purposes.

TOWER. A structure, such as a lattice tower, guy tower, or monopole tower constructed as a freestanding structure or in association with a building, other permanent structure, or equipment on which is located one or more antennas intended for transmitting or receiving analog, digital, microwave, cellular telephone, personal wireless service, or similar forms of electronic communication. The term includes microwave towers, common carrier towers, and cellular telephone towers.

TRAFFICWAYS PLAN. Any maps, charts, plans, or regulation governing the location, width and other features of major and secondary trafficways.

TRAILER COACH. See definition of **MOBILE HOME**.

TRAVEL TRAILER. A portable, non-motorized vehicular unit primarily designed for travel and/or recreational usage, also containing facilities for overnight lodging. This term also includes “fifth wheels”, but not mobile homes.

USE. The purpose for which land or premises of a building thereon is designed, arranged, intended, or for which it is occupied, maintained, let, or leased.

(1) **ACCESSORY.** A use naturally and normally incidental to, subordinate to, and devoted exclusively to the main use of the premises.

(2) **ILLEGAL NONCONFORMING.** An existing use of land and structures as of the effective date of this chapter construed as a nuisance or damaging to abutting property or hazardous to persons; such uses to be discontinued and abated. (See Appendix A, § 5, entitled “Nonconforming Use”.)

(3) **LEGAL NONCONFORMING.** An existing use of land and/or structures as of the effective date of this chapter which does not conform to the uses specified as permitted in a district, but which is not construed by this chapter as a nuisance, or damaging to abutting property, or hazardous to persons.

(4) **PUBLIC.** Any use financed by public funds and operated as part of the governmental function, including any proprietary activities operated by the city.

(5) **QUASI-PUBLIC.** Any use operated by a private individual or group for public purpose, but having only limited public control or accessibility. The term **QUASI-PUBLIC** shall not include hospitals or any institution for the care of mental disorders or the treatment of alcoholics or drug addicts.

UTILITY ROOM. A room in a dwelling, not located in the basement, the use of which is primarily for storage or for a housing heating unit, or for laundry purposes.

VARIANCE. A **VARIANCE** granted by the Board of Appeals on Zoning is a modification of the literal provisions of this chapter which is granted when strict enforcement would cause undue hardship owing to circumstances unique to the individual property on which the **VARIANCE** is granted. Hardships based solely on economic considerations are not grounds for a **VARIANCE**.

VETERINARY CLINIC. An enclosed building wherein small animals such as dogs, birds, cats, or other household pets are

given medical or surgical treatment, and use as a boarding kennel is limited to short-time boarding incidental to clinic use. Such clinics are only those under the direction of a licensed veterinarian registered with the county and constructed in such a manner that noise and odor outside of the building are completely eliminated.

YARD, REQUIRED SIDE-REAR-FRONT. An open space of prescribed width or depth, adjacent to a lot or property line, on the same land with a building or group of buildings, which open space lies in the area between the building or group of buildings, and the nearest lot line and is unoccupied and unobstructed from the ground to the sky, except as otherwise provided herein. (See Appendix A, § 9, entitled "Lot Terms", and § 6, entitled "Yard Requirements".)

(1) **FRONT.** An open space extending the full width of a lot and of a depth measured horizontally at right angles to the front property line, lot line, or right-of-way line.

(2) **REAR.** An open space extending the full width of a lot and of a depth measured horizontally at right angles to the rear property line, lot line, or right-of-way line, except as otherwise provided in this chapter.

(3) **SIDE.** An open space extending on each side of the lot from the required front yard to the required rear yard, and of a width measured horizontally at right angles to the respective side property line, lot line, or right-of-way line.

YARD, SIDE-REAR-FRONT. A general term applied to the space on a lot or parcel containing a building or group of buildings, lying between the building or group of buildings and the nearest respective lot or property line facing each building. (See Appendix A, § 9, entitled "Lot Terms".)

(Prior Code, § 153.021) (Ord. D-1418, §§ 203 through 299.25, passed 11-22-1982, effective 1-21-1983; Ord. D-1439, passed 10-17-1983, effective 10-27-1983; Ord. D-1621, passed 10-1-1990, effective 10-11-1990; Ord. D-1645, passed 10-7-1991, effective 10-17-1991; Ord. D-1654, passed 4-27-1992, effective 5-7-1992; Ord. D-1656, passed 5-4-1992, effective 5-14-1992; Ord. D-1679, passed 11-9-1992, effective 11-19-1992; Ord. D-1880, passed 11-20-2000, effective 11-30-2000; Ord. D-1912, passed 12-31-2001, effective 1-10-2002; Ord. O-10, passed 8-11-2003, effective 8-21-2003)

ZONING MAP AND DISTRICTS

§ 153.035 DISTRICTS ESTABLISHED.

For the purposes of this chapter, the city is divided into 14 district classifications known as follows: R-1, R-1A, R-2, R-3, R-4, RO-1, B-1, B-1A, B-2, B-3, M-1, M-2, M-3, and PDD.

(Prior Code, § 153.030) (Ord. D-1418, § 301, passed 11-22-1982, effective 1-21-1983)

§ 153.036 MAP.

(A) The boundaries of the districts are shown upon the map attached to Ord. D-1418 and hereby made a part of this chapter by reference, which map is designated as the "Zoning Map of the City of Saginaw". The Zoning Map shall be kept on file in the office of the Clerk of the city, and all notations, references, and other information shown thereon are a part of this chapter and have the same force and effect as if said Zoning Map and all such notations, references, and other information shown thereon were fully set forth or described herein.

(B) District boundary lines follow:

(1) Streets, alleys, shorelines, lot lines, or any line which may be established on the Zoning Map, Official Map of the city, or any recorded subdivision thereof;

(2) An extension of any of the foregoing lines; or

(3) A line located 100 feet or such distance as dimensioned on the Zoning Map, from and parallel to the nearest street right-of-way line as established at the time of enactment of this chapter.

(Prior Code, § 153.031) (Ord. D-1418, § 302, passed 11-22-1982, effective 1-21-1983)

§ 153.037 DISTRICT BOUNDARY EXCEPTIONS.

(A) Where a district boundary line, as established in this section or as shown on the Zoning Map, divides a lot which was in single ownership and of record at the time of enactment of this chapter, the following requirements apply.

(1) The use authorized thereon and the other district requirements applying to the least restricted portion of such lot under this chapter shall be considered as extending to the entire lot, provided that the more restricted portion of such lot is entirely within 25 feet of said dividing district boundary line. The use so extended shall thereafter be deemed to be conforming.

(2) (a) Any part of a less restricted use extended beyond a district boundary under the terms of this section shall be housed entirely within an enclosed building.

(b) Such building shall conform to any applicable yard and area requirements in the more restricted district.

(3) Any portion of such lot lying in the more restricted district and having adequate area and street frontage to meet minimum zoning requirements shall be developed only for a use permitted in such more restricted districts.

(B) Questions concerning the exact location of district boundary lines shall be determined by the Board of Appeals on

Zoning according to rules and regulations which may be adopted by it.

(Prior Code, § 153.032) (Ord. D-1418, § 303, passed 11-22-1982, effective 1-21-1983)

GENERAL PROVISIONS AND EXCEPTIONS

§ 153.050 CONFLICTING REGULATIONS.

Whenever any provision of this chapter imposes more stringent requirements, regulations, restrictions, or limitations than are imposed or required by the provisions of any other law or chapter, the provisions of this chapter shall govern. Similarly, when any other law or ordinance imposes more stringent requirements, regulations, restrictions, or limitations than are imposed or required by the provisions of this chapter, the provisions of said law or ordinance shall govern.

(Prior Code, § 153.040) (Ord. D-1418, § 401, passed 11-22-1982, effective 1-21-1983)

§ 153.051 SCOPE.

No building or structure, or part thereof, shall hereafter be erected, constructed, reconstructed, or altered and maintained, and no new use or change shall be made, used or maintained of any building, structure, or land, or part thereof, except in conformity with the provisions of this chapter.

(Prior Code, § 153.041) (Ord. D-1418, § 402, passed 11-22-1982, effective 1-21-1983)

§ 153.052 STREET AND ALLEY RIGHTS-OF-WAY.

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

(Prior Code, § 153.042) (Ord. D-1418, § 403, passed 11-22-1982, effective 1-21-1983)

§ 153.053 PERMITTED USES.

No building shall be erected, converted, enlarged, reconstructed, or structurally altered, nor shall any building or land be used, designed, or arranged, for any purpose other than is permitted in the district in which the building or land is located.

(Prior Code, § 153.043) (Ord. D-1418, § 404, passed 11-22-1982, effective 1-21-1983)

§ 153.054 PERMITTED AREA.

No building shall be erected, converted, enlarged, reconstructed, or structurally altered, except in conformity with the area regulations of the district in which the building is located.

(Prior Code, § 153.044) (Ord. D-1418, § 405, passed 11-22-1982, effective 1-21-1983)

§ 153.055 PERMITTED HEIGHT; EXCEPTIONS.

(A) No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit hereinafter established for the district in which the building is located, except that roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, stage lofts and screens, flagpoles, chimneys, smokestacks, individual domestic radio and television aerials and wireless masts, water tanks, solar collectors, or similar structures may be erected above the height limits herein prescribed. No such structure may be erected to exceed by more than 15 feet the height limits of the district in which it is located; nor shall such structure have a total area greater than 25% of the roof area of the building, nor shall such structure be used for any residential purpose or any commercial purpose other than a use incidental to the main use of the building. Freestanding monuments, transmission towers, radio or television antennas or towers, chimneys, flagpoles, water towers, and similar structures may be erected on a lot to a greater height than the limit established for the district in which the lot is located, subject to the following limitations.

(1) The total height of the structure shall be 150 feet or less from the ground.

(2) The use of the exception must be one that is normally incidental to the permitted use of the principal building or use of the lot.

(3) The exception may not cover, at any level, more than 5% of the area of the lot.

(B) In any R-1, R-1A, or R-2 District, public and quasi-public buildings, except hospitals, permitted in such district may be erected to a height not exceeding 75 feet, provided any required front, rear, or side yard shall be increased one foot for each foot by which such building exceeds the height limits established in § 153.440.

(Prior Code, § 153.045) (Ord. D-1418, § 406, passed 11-22-1982, effective 1-21-1983)

§ 153.056 ZONING LOT.

Every building hereafter erected or structurally altered to provide dwelling units shall be located on a lot as herein defined,

and in no case shall there be more than one such building on one lot unless otherwise provided in this chapter.

(Prior Code, § 153.046) (Ord. D-1418, § 407, passed 11-22-1982, effective 1-21-1983)

§ 153.057 LOTS, YARDS AND OPEN SPACES.

(A) No space which for the purpose of building or dwelling group has been counted or calculated as part of a minimum side yard, rear yard, front yard, or other open space required by this chapter may by reason of change in ownership or otherwise be counted or calculated to satisfy or comply with a minimum yard, court, or other open space requirement of or for any other building. In any residential district, the front and rear yard requirements of a double frontage lot shall be the same as prescribed for any single lot in the zone wherein the double frontage lot is located.

(B) In determining whether the minimum open space requirements of this chapter have been met, the Chief Inspector shall consider and count any area of land owned by the developer adjacent to the property for which plans for the development of a building have been submitted to the Chief Inspector which lies between the outside edge of an easement for a county drain and the centerline of the drain proper. In the event that the parcel to be so developed is divided by any such drain, the Chief Inspector shall consider and count the entire area affected by the easement of the drain; provided, however, that such surface area afore-described shall not be utilized for permanent structures or any other improvements of the drain; provided, further, that in no event shall the area lying within any such drain easement be considered or counted for more than 20% of the total minimum open space requirement of this chapter. (See also §§ 153.505 through 153.521, Floodplain District.)

(Prior Code, § 153.047) (Ord. D-1418, § 408, passed 11-22-1982, effective 1-21-1983)

§ 153.058 PROJECTIONS, YARD ENCROACHMENTS.

Projections, such as outside stairways, fire escapes, fire towers, porches, platforms, balconies, boiler flues, solar energy systems, and other similar projections, extending beyond the main wall of a building and attached thereto shall be considered as part of the building and such projections shall not occupy any of the minimum required yards or open spaces except as follows:

(A) Fences in accordance with the provisions of §153.086;

(B) Chimneys, flues, cornices, belt courses, leaders, sills, pilasters, lintels, eaves, gutters, and ornamental features may project not more than 18 inches into any required yard or court. Apparatus needed for the operation of active and passive solar energy systems, including, but not limited to, overhangs, movable insulating walls and roofs, detached solar collectors, reflectors, and piping, may project a distance not to exceed four feet into any required front or rear yard, and 40% into any required side yard to a maximum of four feet;

(C) Uncovered porches, platforms, terraces, steps, and similar structures not extending above the ground floor level may extend into minimum required yard areas not nearer than three feet to an interior side lot line, nor nearer than five feet to any other lot line. Nothing in this division (C) shall prevent subgrade structures or uses; and

(D) The minimum yard spaces, including lot area per family and maximum lot coverage required by this chapter for each and every building existing at the time of the passage of this chapter or for any building hereafter erected, shall not be encroached upon or considered as yard or open space requirements for any other building.

(Prior Code, § 153.048) (Ord. D-1418, § 409, passed 11-22-1982, effective 1-21-1983; Ord. D-1621, passed 10-1-1990, effective 10-11-1990)

§ 153.059 EXISTING PORCHES.

(A) All covered porches existing at the time of adoption of this chapter may be enclosed with screens, including an opaque railing enclosure not to exceed 30 inches in height from the floor. In any R District, any covered porch existing at the time of adoption of this chapter which encroaches on the required minimum front yard may be enclosed with removable storm windows, including an opaque railing enclosure not to exceed 30 inches in height from floor, provided said enclosed porch will not extend toward the street line beyond the enclosed portion of any adjacent dwelling by more than one-third of the distance separating the two buildings. In no case shall such enclosed porch be less than ten feet from the street line.

(B) In an R District, covered porches existing at the time of adoption of this chapter and extending into required front yard area may be replaced with a vestibule or enclosed entryway, provided such vestibule or enclosed entryway is not greater than eight feet wide, does not extend more than four feet from the main wall of the building involved, or any nearer than ten feet to the front property line.

(Prior Code, § 153.049) (Ord. D-1418, § 410, passed 11-22-1982, effective 1-21-1983)

§ 153.060 NEW BASEMENTS UNDER EXISTING DWELLINGS.

All dwellings lacking a full basement and which extend into the minimum front, side, or rear yards may have a basement or cellar constructed under the entire structure in its present location, provided that at the time of construction the dwelling was properly located on the lot.

(Prior Code, § 153.050) (Ord. D-1418, § 411, passed 11-22-1982, effective 1-21-1983)

§ 153.061 GENERAL YARD EXCEPTIONS.

Nothing in this chapter shall be deemed to prohibit the following uses or structures in minimum required yard space:

- (A) Gardens, garden ornaments, and usual landscape features;
- (B) Fences in accordance with the provisions of §153.086;
- (C) Off-street parking for motor vehicles except as regulated under §153.125(B)(4);
- (D) Retaining walls; and
- (E) Public playgrounds.

(Prior Code, § 153.051) (Ord. D-1418, § 412, passed 11-22-1982, effective 1-21-1983)

§ 153.062 FRONT AND REAR YARD EXCEPTIONS.

(A) In any residential district where the front yards of existing principal buildings in a block-front are either greater or less than the minimum required front yard for such district, the required front yard depth shall be disregarded, subject to the following conditions.

(1) Any principal building hereafter erected on an interior lot on such blockfront shall provide a minimum front yard at least equal to the average setback of the principal buildings on the lots abutting said front yard. If no such principal building exists on an abutting lot, the minimum setback for the district shall be used in computing said average setback. In the case of a corner lot having no principal building, the minimum setback shall be assumed to be three-fourths of the minimum required front yard for the district, and this distance shall be used in computing said average setback. In computing the minimum front yard requirements, setbacks in excess of 35 feet in R-1 and R-1A Districts shall be considered to be 35 feet and setbacks in excess of 25 feet in R-2 and R-3 Districts shall be considered to be 25 feet, and in R-4 Districts shall be considered to be 20 feet.

(2) No new principal building shall project into the required front yard for said district more than one-third of the distance separating the subject building from the nearest principal building on the abutting lot.

(3) The provisions of this division (A) shall never require greater front yard depth than 35 feet in R-1 or R-1A Districts, 25 feet in R-2 and R-3 Districts, or 20 feet in R-4 Districts.

(B) In cases where less than the full required future right-of-way width of a street has been deeded or dedicated, the building setback on any properties abutting thereon which have not provided for sufficient street area by deed or dedication shall be measured from the future required right-of-way line. This required street width shall be determined for minor residential streets by the standards set forth in the platting regulations and for any other street by the Trafficways Plan or any amendment thereto.

(C) The depth of any rear yard abutting upon a street shall be not less than the depth of front yards required for a conforming building of similar height on an adjoining lot fronting on such street.

(D) Whenever there is a public alley at the rear of a lot upon which the lot abuts for its full width, measurement of the depth of any abutting rear yard required for a principal building under this chapter may be made to the centerline of such alley.

(Prior Code, § 153.052) (Ord. D-1418, § 413, passed 11-22-1982, effective 1-21-1983)

§ 153.063 OUTSIDE STORAGE AND PARKING ON RESIDENTIALLY ZONED AND/OR USED LOTS.

(A) For motor homes, travel trailers, folding-type trailers, pick-up campers, snowmobiles on trailers, boats, and similar and related type units, the regulations of outside storage on all lots zoned and used for residential purposes are as follows.

(1) A total of three but not more than one of each of the above units may be stored or parked outside on a lot which is zoned and used for residential purposes, except that in regard to snowmobiles up to four such units may be stored or parked outside on a lot. The ownership of such units shall be in the name of a member of the immediate family of the lot's owner, tenant, or lessee.

(2) The above units, when stored outside, shall be located a minimum of five feet to the rear of the front building line, except as provided in the case of vacant lots under division (C) following.

(3) The combined area covered by the dwelling, accessory buildings, other above-grade structures, swimming pool, and the area covered by the outside storage of the above units may not exceed 40% of the total area of the lot; provided, however, that not more than three such units may be stored or parked outside on any lot regardless of the restrictions of this subdivision.

(4) All of the above-described units shall be locked or secured at all times while stored or parked so as to prevent injury to any person or property.

(5) None of the above units or any recreational equipment parked or stored outside shall be connected to electricity, water, gas, or sanitary facilities for living, lodging, or housekeeping purposes and none of the same shall be used for living, lodging, or housekeeping purposes.

(6) All recreation equipment and vehicles shall be maintained in good condition, shall be operable, and shall have a current license or registration.

(B) The parking or storage of buses and converted buses in excess of 18 feet in length, and boats in excess of 22 feet in length, on residentially zoned lots, is prohibited. A suitable covering shall be placed over all boats whenever stored outside.

(C) Not more than one recreational unit, motor home, travel trailer, pick-up camper, folding-type trailer, boat, or similar and related type units may be parked or stored on vacant residentially zoned lots. When stored on vacant lots, said units shall be located only on the rear half of said lots.

(D) Commercial vehicles, as defined in §153.021, shall not be parked or stored at any time on property used or zoned residentially.

(Prior Code, § 153.053) (Ord. D-1418, § 414, passed 11-22-1982, effective 1-21-1983)

§ 153.064 STREET ACCESS.

No dwelling shall be built, moved, or converted upon a lot having a frontage of less than 20 feet upon a public street, or upon a private street or other permanent easement giving access to a public street. No building permit shall be issued for any construction located on any lot or parcel of land in the city that does not abut on a public street or highway; provided, that this chapter shall not be the basis for preventing the issuance of a building permit for ordinary repair or maintenance of any building that is already erected on the date of the adoption of this chapter upon a lot or parcel of land that does not so abut such a street or highway.

(Prior Code, § 153.054) (Ord. D-1418, § 415, passed 11-22-1982, effective 1-21-1983)

§ 153.065 VISIBILITY.

No structure, wall, fence, shrubbery, or trees shall be erected, maintained, or planted on any lot which will obstruct the view of the driver of a vehicle approaching an intersection. (See specific standards under § 94.008.)

(Prior Code, § 153.055) (Ord. D-1418, § 416, passed 11-22-1982, effective 1-21-1983) Penalty, see § 153.999

§ 153.066 DWELLINGS IN NONRESIDENTIAL DISTRICT.

No dwelling unit shall be erected in a M-1, M-2, or M-3 District. However, the sleeping quarter of a watchman or a caretaker may be permitted in said districts in conformance with the specific requirements of the particular district.

(Prior Code, § 153.056) (Ord. D-1418, § 417, passed 11-22-1982, effective 1-21-1983) Penalty, see § 153.999

§ 153.067 DWELLINGS IN OTHER THAN MAIN STRUCTURES IN R-1 AND R-2 DISTRICTS.

No residential structure shall be erected upon the rear of a lot or upon a lot with another dwelling.

(Prior Code, § 153.057) (Ord. D-1418, § 418, passed 11-22-1982, effective 1-21-1983) Penalty, see § 153.999

§ 153.068 NUMBER OF BUILDINGS ON LOT; RESTRICTION.

Each dwelling hereafter erected or structurally altered shall be located on a lot and, except in the case of a multiple dwelling residential development, there shall be not more than one main building, one garage, and one additional accessory building on any single lot. In order to permit the assembly of two or more adjoining lots by the owner of said lots, there shall be required a declaration of restrictions running with the land executed by the owner and recorded with the County Register of Deeds, consolidating the lots into one single parcel which shall henceforth be deemed by the Chief Inspector as a single lot and subject to all of the provisions contained in this section. The location of said dwelling and its accessory buildings on said lot shall conform with the general plan and scheme of the subdivision in which the lot is located.

(Prior Code, § 153.058) (Ord. D-1418, § 419, passed 11-22-1982, effective 1-21-1983)

§ 153.069 USE EXCEPTIONS.

Nothing in this chapter shall be deemed to prohibit the following accessory or incidental uses:

(A) The renting of rooms to not more than two non-transient persons in a dwelling unit which is otherwise occupied in a manner permitted in the district in which it is located;

(B) Customary refreshment and service uses and buildings in any public park or recreational area incidental to the recreational use of such area;

(C) Essential services as defined in § 153.021;

(D) Home occupations as defined in §153.021, provided further that:

(1) No evidence of such use is visible from the street or from neighboring properties;

(2) No signs except as provided in §§153.145 through 153.169 are displayed in connection with such use;

(3) Any mechanical equipment used at any time in connection with such use is the same or similar to such equipment

as is usual and permissible for household purposes or hobbies;

(4) Any mechanical equipment used in connection with such use is so designed and constructed that the operation thereof does not adversely affect insurance rates or the use of radio and television on other properties; and

(5) At least one standard off-street parking space is provided, in addition to that required for the residential use, with a maximum of three spaces for both uses.

(E) Rummage sales, provided that:

(1) The sale is confined to the property;

(2) The sale is only for three days or less of duration;

(3) Only one rummage sale per property per year is permitted; and

(4) No signs except as provided in §§153.145 through 153.169 shall be displayed.

(Prior Code, § 153.059) (Ord. D-1418, § 420, passed 11-22-1982, effective 1-21-1983)

§ 153.070 ACCESSORY BUILDINGS.

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

(A) Where the accessory building is structurally attached to a main building, it shall be subject to and must conform to all regulations of this chapter applicable to main or principal buildings.

(B) An accessory building may be located in a side or rear yard where there is compliance with all applicable yard spaces.

(C) Not more than two garage/accessory buildings may be erected on any single lot, subject to setback, lot coverage and other standards of this chapter. The total area of all accessory buildings on a lot may not exceed the ground floor area of the main building or 864 square feet, whichever allows the larger square footage. Accessory buildings shall not be erected in any required yard except a rear yard, providing that in no instance shall such a building be nearer than two feet to any adjoining lot line except that on a corner lot the entrance to a garage shall not be less than eight feet from the lot line adjacent to the side street, and except as provided in divisions (G) and (H) below.

(D) An accessory building may occupy not more than 30% of a required rear yard, plus 40% of any non-required rear yard.

(E) No detached accessory building shall be located closer than seven feet to any main or principal building.

(F) A garage accessory building may not exceed one story or 15 feet in height; all other accessory buildings may not exceed ten feet in height.

(G) In the case of double frontage lots, accessory buildings shall observe front yard requirements on both street frontages wherever there are any principal buildings fronting on said street in the same block or adjacent blocks.

(H) When an accessory building is located in the rear yard area on a corner lot, the side lot line which is substantially a continuation of the required front yard setback of the lot to its rear, said accessory building shall be set back from the street side at least as far as the required front yard setback of the lot at the rear of the subject corner lot.

(I) In any residence zone, no garage in the side yard of a dwelling shall be erected closer to the side lot line than the permitted distance for the dwelling. For the garage located behind the dwelling, the garage may be erected two feet from any interior side or rear lot line. No garage or portion thereof shall extend into the required front yard area. Attached garages of fireproof construction may be erected to extend beyond the front line of the house in those areas which are being developed according to a common plan that includes the construction of attached garages extending beyond the front line of the house, except that such garage shall not encroach in or upon the minimum front yard area as required by this chapter. (See also requirements of § 153.062(A)(1).)

(J) No garage, utility, or accessory building shall be constructed upon or moved to any parcel of property until the principal building on, or intended to be placed thereon, is at least two-thirds completed, except that construction of an attached garage may proceed with the construction of the dwelling.

(K) No accessory building may be closer than four feet to any other accessory building.

(L) No accessory building shall be used in any part for dwelling purposes.

(Prior Code, § 153.060) (Ord. D-1418, § 421, passed 11-22-1982, effective 1-21-1983; Ord. D-1656, passed 5-4-1992, effective 5-14-1992; Ord. D-1822, passed 7-13-1998, effective 7-27-1998)

§ 153.071 AUTOMOBILE SERVICE STATIONS AND PUBLIC GARAGES.

(A) *Purpose-effect.* In order to regulate and control the problems of noise, odor, light, fumes, vibration, dust, danger of fire and explosion, and traffic congestion which result from the unrestricted and unregulated construction and operation of automobile service stations, and to regulate and control the adverse effects which these and other problems incidental to the automobile service station may exercise upon adjacent and surrounding areas, the following regulations and requirements

are provided for automobile service stations located in any zone. All automobile service stations erected after the effective date of the chapter in districts permitting such use shall comply with all requirements of this section as well as with §§ 114.15 through 114.21 of this code of ordinances. No automobile service station existing on the effective date of this chapter shall be structurally altered so as to provide a lesser degree of conformity with the provisions of this section than existed on the effective date of the chapter.

(B) *Minimum area and frontage.* An automobile service station shall be located on a lot having a frontage along the principal street of not less than 120 feet, and having a minimum area of not less than 14,400 square feet.

(C) *Setbacks.* An automobile service station building housing an office and/or facilities for servicing, greasing, and/or washing motor vehicles shall be located not less than 40 feet from any street lot line, and not less than 25 feet from any side or rear lot line adjoining a residentially zoned district.

(D) *Driveways and curbs.*

(1) All driveways providing ingress to or egress from an automobile service station shall be not more than 30 feet wide at the property line. No more than one curb opening shall be permitted for each 50 feet of frontage or major fraction thereof along any street. No driveway or curb opening shall be located nearer than 20 feet to any corner or exterior lot line, as measured along the property line. No driveway shall be located nearer than 30 feet, as measured along the property line, to any other driveway giving access to or from the same automobile service station.

(2) A raised curb six inches in height shall be erected along all street lot lines, except for driveway openings.

(E) *Paved areas.* The entire parking area shall be paved with a permanent surface of concrete or asphaltic concrete and shall be graded and drained in accordance with the requirements of § 153.125(B)(5). Any unpaved area of the site shall be landscaped with lawn or other horticultural materials, maintained in a neat and orderly fashion at all times, and separated from the paved area by a raised curb or other equivalent barrier.

(F) *Equipment location.* All lubrication equipment, motor vehicle washing equipment, hydraulic hoists and pits shall be enclosed entirely within a building. All gasoline pumps shall be located not less than 15 feet from any lot line, and shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or overhanging any public sidewalk, street, or right-of-way.

(G) *Number of pumps.* An automobile service station located on a lot having an area of 14,400 square feet shall include not more than four double gasoline pumps or eight single gasoline pumps and two enclosed stalls for servicing, lubricating, greasing, and/or washing motor vehicles. An additional two gasoline pumps and/or one enclosed stall may be included with the provision of each additional 2,000 square feet of lot area.

(H) *Walls.* Where an automobile service station adjoins property located in any residential zone, a solid masonry wall five feet in height shall be erected and maintained along the interior lot line or if separated from the residential zone by an alley, then along the alley lot line. In addition, all trash areas for used tires, auto parts and other items shall be enclosed on all sides by the five-foot masonry wall except for access gates or doors. All masonry walls shall be protected by a fixed curb or barrier to prevent vehicles from contacting the wall. The masonry wall may be required by the Chief Inspector where the service station adjoins a nonresidential use such as a professional office building, clinic, day nursery, or landscaped area of other nonresidential uses. Walls may be gradually reduced in height (e.g., stepped down) within 25 feet of any street right-of-way line. No wall may exceed four feet in height in any yard abutting a street.

(I) *Lighting.* All exterior lighting, including illuminated signs, shall be erected and hooded or shielded so as to be deflected away from adjacent and neighboring property.

(J) *Location near certain premises prohibited.* No automobile service station or public garage shall be located nearer than 100 feet as measured from any point on the property line to any school, playground, church, hospital, or other such uses where large numbers of people congregate.

(K) *Outdoor storage and vehicle rentals.* Outdoor storage or parking of vehicles or trailers other than private passenger automobiles shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m., except that equipment rental operations shall be permitted if incidental to the automobile service station and if restricted to travel trailers or campers of under 21 feet overall length, car-top carriers, and similar auto accessories and are within fenced enclosures observing the same setbacks as required for buildings in the zoning district wherein the automobile service station is located, and their storage area does not exceed 20% of the area of the service station site. Rentals shall be limited to trucks not exceeding 30 feet in length and trailers not larger than tandem axle utility trailers not intended to carry heavy construction equipment.

(L) *Signs.* There shall be compliance with §§ 153.145 through 153.169

(Prior Code, § 153.061) (Ord. D-1418, § 422, passed 11-22-1982, effective 1-21-1983)

§ 153.072 DRIVE-IN RESTAURANTS.

(A) When a drive-in establishment adjoins property located in any residential district, a masonry wall, ornamental on both sides, and five feet in height, shall be erected and maintained along the interior line, or if separated from the residential zone by an alley, then along the alley lot line. In addition, all outside trash areas shall be enclosed by said five-foot masonry wall. Said wall shall be protected from possible damage inflicted by vehicles using the parking area by means of pre-cast concrete wheel stops at least six inches in height, or by firmly implanted bumper guards not attached to the wall, or by other suitable barriers. No wall may exceed four feet in height in any yard abutting a street.

(B) The entire parking area shall be paved with a permanent surface of concrete or asphaltic concrete and shall be graded and drained in accordance with the requirements of § 153.125(B)(5). Any unpaved area of the site shall be landscaped with lawn or other horticulture materials maintained in a neat and orderly fashion at all times, and separated from the paved area by a raised curb or other equivalent barrier.

(C) Lights shall be installed in a manner which will not create a driving hazard on abutting streets or which will not cause direct illumination on adjacent residential properties.

(D) Adequate ingress and egress shall be provided.

(E) Before approval is given for any use, a site plan shall be submitted to the City Engineer for a written report before submittal to the City Planning Commission for review, pursuant to § 153.083, as to suitability of location of entrances and exits to the site, parking area, screening, lighting, and other design features.

(Prior Code, § 153.062) (Ord. D-1418, § 423, passed 11-22-1982, effective 1-21-1983)

§ 153.073 GRADE REQUIREMENTS.

A minimum sloping grade sufficient for drainage to the sidewalk elevation shall be established for front yards by the Chief Inspector. In instances where there are existing structures on adjoining lots the Chief Inspector shall be guided by the existing grades on the adjoining developed properties to achieve a reasonably uniform transition grade between the lots involved. All rear yards shall be graded so as to provide a gradual sloping grade from the rear wall of the building to the rear lot line. The grade at the rear lot line may be established by the Chief Inspector.

(Prior Code, § 153.063) (Ord. D-1418, § 424, passed 11-22-1982, effective 1-21-1983)

§ 153.074 BUILDING TO BE MOVED.

(A) Any building or structure which has been wholly or partially erected on any premises located within the city shall not be moved to and be placed upon any other premises in the city until a building permit for such removal shall have been secured under § 153.557. Any such building or structure shall fully conform to all the provisions of this chapter in the same manner as a new building or structure. No building or structure shall be moved into the city from outside the city limits.

(B) Before a permit may be issued for moving a building or structure, the Chief Inspector shall inspect same and shall determine if it is in a safe condition to be moved, whether it may be reconditioned to comply with the Building Code and other city requirements for the use and occupancy for which it is to be used, and whether it will be of similar character with the buildings in the area where it is to be moved. Also, clearances will be obtained from all utility companies ensuring that utilities are discontinued and all facilities accounted for. Providing these conditions can be compiled with, a building permit shall be issued for the moving of said building or structure, this permit to carry the verification of the Chief Inspector.

(Prior Code, § 153.064) (Ord. D-1418, § 425, passed 11-22-1982, effective 1-21-1983)

§ 153.075 EXCAVATIONS OR HOLES.

The construction, maintenance, or existence within the city of any unprotected, unbarricaded, open, or dangerous excavations, holes, pits, or wells, or of any excavations, holes, or pits which constitute or are reasonably likely to constitute a danger or menace to public health, safety, or welfare, are hereby prohibited; provided, however, this section shall not prevent any excavation under a permit issued pursuant to this chapter or the building regulations, where such excavations are properly protected and warning signs posted in such manner as may be approved by the Chief Inspector.

(Prior Code, § 153.065) (Ord. D-1418, § 426, passed 11-22-1982, effective 1-21-1983)

§ 153.076 EXCAVATION, REMOVAL AND FILLING OF LAND.

The use of land for the excavation, removal, filling, or depositing of any type of earth material, topsoil, gravel, rock, garbage, rubbish, or other wastes or by-products is not permitted in any zoning district except under a certificate from, and under the supervision of, the Chief Inspector in accordance with a topographic plan, approved by the Department of Public Services and Engineering, submitted by the feeholder owner of the property concerned. The topographic plan shall be drawn at a scale of not less than 50 feet equals one inch (50 feet = one inch) and shall show existing and proposed grades and topographic features and such other data as may from time to time be required by the Chief Inspector. Such certificate may be issued in appropriate cases upon the filing with the application of a cash bond or surety bond by a surety company authorized to do business in the state running to the city in an amount as established by the Chief Inspector which will be sufficient in amount to rehabilitate the property upon default of the operator or such other reasonable expenses. This regulation does not apply to normal soil removal for basement or foundation work when a building permit has previously been duly issued by the Chief Inspector, or to minor grade adjustments incidental to uses which do not alter natural drainage patterns or cause or increase runoff onto adjacent properties.

(Prior Code, § 153.066) (Ord. D-1418, § 427, passed 11-22-1982, effective 1-21-1983)

§ 153.077 RESTORING UNSAFE BUILDINGS.

Nothing in this chapter shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by the Chief Inspector or the required compliance with his or her lawful order.

(Prior Code, § 153.067) (Ord. D-1418, § 428, passed 11-22-1982, effective 1-21-1983)

§ 153.078 CONSTRUCTION BEGUN PRIOR TO ADOPTION OF CHAPTER.

Nothing in this chapter shall be deemed to require any change in the plans, construction, or designed use of any building upon which actual construction was lawfully begun prior to the adoption of this chapter, and upon which building actual construction has been diligently carried on, and provided further, that such building shall be completed within one year from the date of passage of this chapter.

(Prior Code, § 153.068) (Ord. D-1418, § 429, passed 11-22-1982, effective 1-21-1983)

§ 153.079 VOTING PLACES.

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

(Prior Code, § 153.069) (Ord. D-1418, § 430, passed 11-22-1982, effective 1-21-1983)

§ 153.080 PLAT APPROVAL.

No proposed plat of a new subdivision shall hereafter be approved by the City Council unless the lots within such plat equal or exceed the minimum size and width requirements set forth in the various districts of this chapter, and unless such plat fully conforms with the statutes of the state and the city code.

(Prior Code, § 153.070) (Ord. D-1418, § 431, passed 11-22-1982, effective 1-21-1983)

§ 153.081 GREENBELTS.

(A) Whenever a greenbelt is required in this chapter, it shall be completed prior to the issuance of any certificate of occupancy and shall thereafter be maintained with permanent plant materials to provide a screen to abutting properties. Such greenbelts shall be planted and maintained with suitable materials equal in characteristics to the plant materials listed below:

<i>Evergreen Trees</i>
Douglas fir
Hemlock
Juniper
Pine
Spruce
White fir

<i>Narrow Evergreens</i>
Arborvitae
Blue columnar Chinese juniper
Column hinok cypress
Irish yew
Pyramidal red cedar
Swiss stone pine

<i>Large Deciduous Trees</i>
<i>Large Deciduous Trees</i>
Beech
Birch
Ginkgo
Hackberry
Hard maple
Honeylocust
Hop hornbeam

Linden
Oak
Planetree (sycamore)
Sweet-gum

Small Trees
Small Trees
Dogwood
Flowering crab
Hawthorn
Hornbeam
Magnolia
Mountain ash
Redbud
Russian olive

Large Deciduous Shrubs
Large Deciduous Shrubs
Buckthorn
Cotoneaster
Euonymus
Forsythia
Hazelnut
Honeysuckle
Lilac
Mock-orange
Ninebark
Privet
Rose of Sharon
Sumac
Viburnum

(B) Design and specifications for fences, walls, and other protective barriers, where required, will be indicated on the greenbelt plan.

(Prior Code, § 153.071) (Ord. D-1418, § 432, passed 11-22-1982, effective 1-21-1983)

§ 153.082 PROTECTIVE SCREENING OF NONRESIDENTIAL AREAS FROM RESIDENTIAL AREAS.

In order to provide adequate protective screening for residential areas adjacent to or near nonresidential areas, the following regulations shall apply.

(A) (1) Where a B-1, B-1A, B-2, B-3, RMU, M-1, M-2, or M-3 District abuts directly upon an R District, a landscaped greenbelt shall be provided and maintained along its entire length by the users of the business and industrial zoned property. In addition, those districts shall be screened from such contiguous, residentially zoned district by either a building housing a permitted use or else by a solid, ornamental masonry wall five feet in height above grade between the required greenbelt and the commercial or industrial use. Such greenbelt shall be a strip of land not less than 15 feet in width which is planted and maintained in accordance with § 153.081, so as to create a permanent buffer within one year following approval of the development by the city. If in the opinion of the Board of Appeals on Zoning the greenbelt would serve no good purpose, the Board may waive such requirement and provide only the wall between the residential use and the business or industrial use. The remainder of the landscaped area which is not planted in accordance with § 153.081 as provided above shall be in well kept lawn. All landscaping shall be maintained in a healthy growing condition, neat and orderly in appearance.

(2) When vehicles or open air displays generally exceed a five-foot height, the wall shall be increased to a height not

exceeding ten feet. All such walls shall be of uniform height around the premises and the design of such wall approved by the City Planning Commission.

(B) Where required walls are provided on the business side of public alleys, wall requirements may be waived to provide necessary entrance to or exit from required off-street parking and loading areas; provided, that approval is secured from the Chief Inspector as to the suitability of the width and the location of such openings in the wall.

(Prior Code, § 153.072) (Ord. D-1418, § 433, passed 11-22-1982, effective 1-21-1983; Ord. D-1920, passed 6-3-2002, effective 6-13-2002)

§ 153.083 SITE PLAN REVIEW.

The purpose of site plan review is to determine compliance with the provisions set forth herein and to promote the orderly development of the city, the stability of land values and investments and the general welfare, and to help prevent the impairment or depreciation land values and development by the erection of structures or additions or alterations thereto without proper attention to siting and appearance. Prior to the erection of any building or structure, or change in use, in any zoning district in the city and any land use requiring special approval or any planned unit development, a site plan shall be submitted for review and approval. This review and approval shall be performed by the Chief Inspector or by the City Planning Commission as follows.

(A) *Site plan review by the Chief Inspector.*

(1) The Chief Inspector shall perform a site plan review for:

- (a) A residential structure having four or fewer dwelling units therein and accessory buildings, structures, and uses thereto;
- (b) A change in the use of a structure or land which does not require additional parking and does not involve exterior structural alterations;
- (c) An accessory building containing 1,000 square feet or less; and
- (d) An addition to an existing structure if such addition totals 25% or less of the floor area of the existing structure.

(2) In order to perform this review, the Chief Inspector may require the submission of information set forth in division (B)(2) below.

(3) The Chief Inspector shall transmit copies of the site plan to the Department of Public Services and Engineering, the City Engineer, and other city departments or divisions as appropriate, for review. Upon receiving recommendations from the responding departments or divisions, the Chief Inspector shall transmit the recommendations to the applicant, and if the applicant concurs with the staff recommendations, the site plan will be approved along with all recommendations agreed to by the applicant.

(4) In instances where the applicant does not concur with recommendations suggested during the administrative site plan review, the applicant may request the site plan be transmitted to the City Planning Commission to resolve the disagreement. A fee for site plan review by the Chief Inspector shall be paid for accessory buildings containing 1,000 square feet or less; and, for additions to existing buildings which are 25% or less of the floor area of the structure, and shall be the same as the Planning Commission site plan review fee.

(5) Site plans for additions to existing structures which are 25% or less of the floor area of the existing structure shall be approved administratively only if the exterior of the addition will be surfaced with material or materials which do not differ from material or materials on the existing structure.

(B) *Site plan review by the City Planning Commission.* All other structures and uses of land or buildings shall be reviewed by the City Planning Commission, and the following site plan review procedures shall be followed.

(1) Ten copies of the site plan, at a scale of not less than one inch equals 50 feet (one inch = 50 feet), including all relevant items herein required, shall be submitted to the Chief Inspector not less than 15 days prior to the next regular or special City Planning Commission meeting.

(2) The following information shall accompany all plans submitted for review by the City Planning Commission:

- (a) A legal description of the property under consideration;
- (b) A map indicating the gross land area of the development, the present zoning classification thereof, and the zoning classification and land use of the abutting properties surrounding the proposed development, including the location of structures and other improvements;
- (c) A fully dimensioned drawing of the site. Existing topographic information shall be shown at a contour interval of two feet or less if requested by the Chief Inspector;
- (d) A vicinity map showing the location of the area in relation to surrounding properties, streets, freeways, schools, school sites, and other significant features of the city where appropriate;
- (e) A drawing of the site showing the general development plan with at least the following details shown to scale and dimensioned:

1. Location of each existing and each proposed structure in the development area, the use or uses to be contained therein, the number of stories, gross building areas, distances between

structures and lot lines, setback lines, and approximate location of vehicular ingress, egress, and loading points;

2. All streets, driveways, easements, service aisles, and parking areas, including general layout and design of parking lot spaces;

3. All pedestrian walks, malls, and open areas for parks, recreation, light, and air to be dedicated to the public and which are to be retained by the developer, manager, or property owners association;

4. Location and height of all walls, fences, and screen planting, including a general plan for the landscaping of the development and the method by which landscaping is to be accomplished and be maintained together with a brief narrative description of the landscaping plan;

5. Types of surfacing, such as paving, turfing, or gravel to be used at the various locations;

6. A grading plan of the area, including necessary data relating to grade and soil erosion control; and

7. Existing and proposed utilities.

(f) Plans and elevations of one or more structures, indicating proposed architecture;

(g) Proposed restrictive covenants if property is to be subdivided or if requested by the Chief Inspector;

(h) Such other information as may be required by the city to assist in the consideration of the proposed development;

(i) In order that buildings, open space, and landscaping will be in harmony with other structures and improvements in the area, and to assure that no undesirable health, safety, noise, and traffic conditions will result from the development, the City Planning Commission shall determine whether the site plan meets the following criteria, unless the City Planning Commission determines that one or more of such criteria are inapplicable:

1. The vehicular transportation system shall provide for circulation throughout the site and for efficient ingress and egress to all parts of the site by fire and safety equipment;

2. Pedestrian walkways shall be provided as deemed necessary by the City Planning Commission for separating pedestrian and vehicular traffic;

3. Recreation and open space areas shall be provided in all multiple-family residential developments;

4. The site plan shall comply with the district requirements for minimum floor space, height of building, lot size, yard space, density, and all other requirements as set forth in § 153.440;

5. The requirements for greenbelts, fencing, walls, and other protective barriers shall be complied with as provided in this chapter;

6. The site plan shall provide for adequate storage space for the use therein, including, where necessary, storage space for recreational vehicles; and

7. The site plan shall comply with all requirements of the applicable zoning district, unless otherwise provided in this chapter.

(j) The site plan shall be reviewed by the City Planning Commission and shall be approved, disapproved, or approved with specific conditions as may be deemed necessary to carry out the purpose of this chapter and other codes and regulations of the city. If the City Planning Commission finds a site plan not in conformance with the provisions set forth in this section, it may, at its discretion, return the site plan to the applicant with a written statement of the modifications necessary to obtain approval. Upon resubmission of the modified site plan, the City Planning Commission shall review the plan and approve, disapprove, or approve with specific conditions as may be deemed necessary to carry out the purpose of this chapter and other codes and regulations of the city;

(k) Following approval of the site plan by the City Planning Commission, the Chief Inspector shall issue a building permit upon submission of proper construction plans, and shall ensure that the development is undertaken and completed in accordance with the approved plans. For any approved site plan, building permits must be obtained encompassing a minimum of 25% of the gross floor area shown on the site plan approval or the site plan shall be deemed null and void without any further action by the city;

(l) The building permit may be revoked by the Chief Inspector in any case where the conditions of the site plan as approved by the City Planning Commission or Chief Inspector have not been complied with;

(m) The site plan, if approved, shall become part of the record of approval, and subsequent actions relating to the activity authorized shall be consistent with the approved site plan unless a change or addition conforming to this chapter receives the mutual agreement of the landowner and the City Planning Commission or Chief Inspector as appropriate. Incidental and minor variations of the approved site plan with written approval of the Chief Inspector shall not invalidate prior site plan approval; and

(n) In instances where specific dimensional or area requirement of this chapter are not satisfied on the site plan, requests for variance(s) may be initiated by the applicant to the Board of Appeals on Zoning or City Planning Commission as

appropriate.

(Prior Code, § 153.073) (Ord. D-1418, § 434, passed 11-22-1982, effective 1-21-1983; Ord. D-1579, passed 10-17-1988, effective 10-27-1988)

§ 153.084 PERFORMANCE STANDARDS.

Any use permitted in any zoning district must also comply with all applicable federal, state, county, and city health and pollution laws and regulations with respect to noise, smoke, and particulate matter, vibration, noxious and odorous matter, glare and heat, fire and explosive hazards, gases, electromagnetic radiation, and drifting airborne matter. Every use hereafter established shall not exceed the limits prescribed within the appropriate respective regulation referenced to above. It shall be the responsibility of the owner of the property, where violations of these regulations are suspected, to provide competent written documentation by a registered professional engineer or similar expert to show that the suspected violations do not exist, and the city may elect to so measure a particular emission or environmental impact.

(Prior Code, § 153.074) (Ord. D-1418, § 435, passed 11-22-1982, effective 1-21-1983)

§ 153.085 AREAS ADDED TO THE CITY.

(A) Any area annexed to the city from a territory which has no zoning regulations shall be automatically classified as part of the most restricted adjoining city zoning district. The newly annexed area shall remain so classified until the Planning Commission shall have completed a land use plan for it, and the City Council shall have amended the Zoning Map to show its permanent zoning classification.

(B) Any area having zoning regulations in effect at the time of its annexation to the city shall retain such zoning regulations for a period of one year after its annexation unless the City Council shall during said period adopt other zoning regulations for it.

(Prior Code, § 153.075) (Ord. D-1418, § 436, passed 11-22-1982, effective 1-21-1983)

§ 153.086 FENCES.

(A) *Residential and restricted office districts.* Fences shall be permitted in residential and restricted office districts, subject to the following conditions.

(1) *Fences in front yard areas.* Fences which are located in the front yard area between the front of the dwelling and the front property line shall not exceed a height of four feet and shall be of open construction.

(2) *Fences in rear yard areas.* Fences which are located in the rear yard shall not exceed a height of six feet and may be of open or closed construction.

(3) *Fences on corner lots.*

(a) Fences constructed or installed on corner lots or parcels having a side yard abutting upon a street may be erected to a height of six feet above ground level but shall not extend beyond the side yard building line in the side yard area adjacent to the street side of the building thereon.

(b) Fences located in the street side yard area on corner lots, between the dwelling and the street property line, shall not exceed a height of four feet and shall be of open construction except that a fence six feet in height and of open or closed construction may be erected in the street side yard area where a corner lot shares a common rear lot line with the rear adjacent property owner.

(4) *Fences located in interior side yard areas.* Fences constructed or erected in the interior yard area may be erected to a height of six feet above ground level and may be of open or closed construction except that when an abutting dwelling has a door or window (except basement window) located less than five feet from the fence, said fence shall be reduced to four feet in height if it is of closed construction.

(5) *Exceptions.* The height restrictions of this chapter shall not apply to schools, public or private, or to public recreation areas, or to public utility installations where higher fences are required for the safety and protection of the public.

(B) *Industrial districts and business districts.* Fences in industrial districts may not exceed eight feet in height and fences in business districts may not exceed six feet in height and may be of open or closed construction, except that fences in required front or street side yard areas shall be no more than four feet in height and shall be of open construction. Fences exceeding six feet in height in business districts may be approved by the Board of Appeals on Zoning as a special exception under § 153.584 when there are unique and exceptional circumstances. Residential uses in business and industrial zones shall comply with the fence requirements of division (A) above.

(C) *Unobstructed site.*

(1) *Unobstructed site distance.* No fence, structure, hedge, or planting shall be erected, established, or maintained on any lot which will obstruct the view of drivers in vehicles approaching an intersection of two streets or the intersection of a street and an alley (see diagram, Appendix A, § 10). Fences or plantings located in the triangular areas described below shall not be permitted to obstruct cross-visibility between a height of 30 inches and eight feet above grade.

(2) *Unobstructed sight area.* The unobstructed triangular area is described as follows:

(a) The area formed at the corner, intersection of two streets bounded by the curb lines extended to the point of the intersection and by a base line intersecting each curb 60 feet from said point of intersection. Where no curb exists, the edge of the roadway shall be considered a curb within the meaning of this section; and

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

(D) *Use of abutting properties.* No fence shall be erected where it would prevent or unreasonably obstruct the use of adjacent property, nor shall a fence be erected where it would obstruct or prevent the continued safe use of an existing driveway or other means of access to adjacent property. In enforcing this provision, the Chief Inspector may require a fence to be set back a minimum distance from a driveway or property line.

(E) *Barbed wire.* The placement of barbed wire is regulated as follows.

(1) *Industrial districts.* For industrial properties, barbed wire must be at least six feet above grade. Barbed wire is not allowed on properties used for residential purposes in industrial districts.

(2) *Business districts.* For business properties where outdoor storage is allowed, barbed wire may be approved by the Board of Appeals on Zoning as a special exception under § 153.584 when there are unique and exceptional circumstances. If approved by the Board of Appeals on Zoning, the barbed wire must be at least six feet above grade. Barbed wire is not allowed on properties used for residential purposes in business districts.

(3) *Public utility installations.* Barbed wire may be placed on fences surrounding a public utility installation in any zoning district, provided the barbed wire is placed not less than six feet above grade.

(F) *Electric fences.* Electric fences may be approved in industrial zones by the Board of Appeals on Zoning as a special exception under § 153.584 of this chapter when there are unique and exceptional circumstances. See §153.584(H) for requirements and standards.

(G) *Materials.* Fences shall consist of materials commonly used in conventional fence construction, such as wood or metal. If, because of design or construction, one side of the fence has a more finished appearance than the other, the side of the fence with the more finished appearance shall face the exterior of the lot.

(H) *Maintenance.* All fences shall be maintained in a good structural condition at all times. All fences shall be kept neatly painted, stained, or preserved and such treatment shall be of the same contiguous color, stain, or other treatment.

(Prior Code, § 153.076) (Ord. D-1418, § 437, passed 11-22-1982, effective 1-21-1983; Ord. D-1621, passed 10-1-1990, effective 10-11-1990; Ord. D-1844, passed 9-27-1999, effective 10-7-1999) Penalty, see § 153.999

§ 153.087 TELECOMMUNICATIONS TOWERS AND ANTENNAS.

(A) *Placement of telecommunications facilities by zoning district.*

(1) In Light Industrial (M-1), General Industrial (M-2), and Heavy Industrial (M-3), telecommunications facilities shall be a permitted use provided:

- (a) The site is not adjacent to or across adjacent street from any parcel zoned R-1, R-2, R-3, R-4, or RO-1;
- (b) The site is more than 1,500 feet from any parcel zoned R-1, R-2, R-3, R-4, or RO-1;
- (c) The site is more than 1,500 feet from any parcel which contains a dwelling;
- (d) The height of a tower designed to accommodate one antenna is less than 125 feet; and
- (e) The height of a tower designed to accommodate more than one user is less than 200 feet.

(2) In Light Industrial (M-1), General Industrial (M-2), and Heavy Industrial (M-3), telecommunications facilities shall be a special use if the provisions of divisions (A)(1)(a), (A)(1)(b), and (A)(1)(c) above can not be met.

(3) In Central Business (B-3) and General Business (B-2), telecommunications facilities shall be a permitted use after special approval provided:

- (a) The site is not adjacent to or across adjacent street from any parcel zoned R-1, R-2, R-3, R-4, or RO-1;
- (b) The site is more than 1,000 feet from any parcel zoned R-1, R-2, R-3, R-4, or RO-1;
- (c) The site is more than 1,000 feet from any parcel which contains a dwelling;
- (d) The height of a tower designed to accommodate one antenna is less than 75 feet; and
- (e) The height of a tower designed to accommodate more than one user is less than 100 feet.

(B) *Requirements for telecommunications facilities.* Telecommunications facilities are subject to the design standards as contained in § 153.490.

(Prior Code, § 153.077) (Ord. D-1880, passed 11-20-2000, effective 11-30-2000)

SMALL CELL WIRELESS FACILITIES

§ 153.090 GENERAL.

(A) The co-location of a small cell wireless facility and associated support structure within a public right of way ("ROW") is not subject to zoning reviews or approvals under this ordinance to the extent exempt from such reviews under Public Act 365 of 2018, as amended, the Small Wireless Communications Facilities Deployment Act. In such cases, a utility pole in the ROW may not exceed 40 feet above ground level without special land use approval, and a small cell wireless facility in the ROW shall not extend more than five feet above a utility pole or wireless support structure on which the small cell wireless facility is co-located.

(B) Co-location of a small cell wireless facility or installation of an associated support structure shall require that the wireless provider apply for and obtain a permit from the City consistent with the Permitting of Small Cell Wireless Facilities Ordinance, §§ 116.41 through 116.45. Small cell wireless facilities and associated support structures not exempt from zoning reviews are only permitted in accordance with the provisions of the city's zoning ordinance and Act 365, and upon application for and receipt from the city of a permit consistent with the permitting of small cell wireless facilities ordinance.

(Ord. O-214, passed 11-4-2019, effective 11-14-2019)

§ 153.091 DEFINITIONS.

(A) For purposes of this subchapter, the following words, terms and phrases shall be defined as follows:

APPLICANT. A wireless provider who has applied for or been issued a zoning approval as provided in this subchapter.

CHIEF INSPECTOR. The City of Saginaw's Chief Inspector or their designee.

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

WIRELESS COMMUNICATION SUPPORT STRUCTURE. A structure that is designed to support, or is capable of supporting, wireless communication equipment. A **WIRELESS COMMUNICATION SUPPORT STRUCTURE** may include a monopole, lattice tower, guyed tower, water tower, utility pole or building.

SMALL CELL WIRELESS FACILITY. A wireless facility that meets both of the following requirements:

(a) Each antenna is located inside an enclosure of not more than six cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements would fit within an imaginary enclosure of not more than six cubic feet.

(b) All other wireless equipment associated with the facility is cumulatively not more than 25 cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.

(B) All other terms and phrases used herein shall be defined consistent with Public Act 365 of 2018, as amended, and/or Public Act 366 of 2018, as amended.

(Ord. O-214, passed 11-4-2019, effective 11-14-2019)

§ 153.092 WIRELESS COMMUNICATION EQUIPMENT.

(A) Wireless communication equipment (but not a wireless communication support structure) is a permitted use and allowed in all zoning districts. Wireless communication equipment does not have to be related to the principal use of the site. Wireless communication equipment is not subject to zoning review and approval if all of the following requirements are met:

(1) The wireless communication equipment will be co-located on an existing wireless communication support structure or in an existing equipment compound.

(2) The existing wireless communication support structure or existing equipment compound is in compliance with the City's zoning ordinance or was approved by the appropriate zoning body or official for the City.

(3) The proposed co-location will not do any of the following:

(a) Increase the overall height of the wireless communication support structure by more than 20 feet or ten percent of its original height, whichever is greater.

(b) Increase the width of the wireless communication support structure by more than the minimum necessary to permit co-location.

(c) Increase the area of the existing equipment compound to greater than 2,500 square feet.

(4) The proposed co-location complies with the terms and conditions of any previous final approval of the wireless communication support structure or equipment compound by the appropriate zoning body or official of the city.

(B) Notwithstanding the foregoing, wireless communication equipment otherwise exempt must still comply with all other applicable city codes including a requirement that the chief inspector determines that the co-location will not adversely impact the structure to which it is attached.

(C) A co-location that meets the requirements of subsections (A)(1) and (2), above, but which does not meet subsections (A)(3) or (4), is subject to special land use review by the Planning Commission in accordance with the City's zoning ordinance and Sections 514(3) to (6) of Public Act 366 of 2018, as amended.

(D) Any equipment placed in a residential district shall not be erected at a height that requires lighting. Any equipment placed adjacent to a residential district or use that requires lighting shall be a continuous red beacon at night.

(E) Wireless communication equipment that is not attached to an existing structure (thus requiring the installation of a new wireless communication support structure), is subject to special land use review consistent with the city's zoning ordinance and consistent with the city's master plan.

(Ord. O-214, passed 11-4-2019, effective 11-14-2019)

§ 153.093 SPECIAL LAND USE STANDARDS FOR WIRELESS COMMUNICATION FACILITIES.

(A) Wireless communication support structures must be installed on a lawful lot for the zoning district in which it is located, either as a principal use, or as an accessory use related to the principal use, and must meet all of the requirements established by this code for such zoning districts.

(B) To the extent the other requirements of this code, including §§153.087 and 153.490, do not conflict with this chapter, Public Act 365 of 2018, as amended, or Public Act 366 of 2018, as amended, such requirements shall still apply to the placement of wireless communication facilities and wireless communication support structures.

(Ord. O-214, passed 11-4-2019, effective 11-14-2019)

§ 153.094 SPECIAL LAND USE STANDARDS FOR NON-EXEMPT SMALL CELL WIRELESS FACILITIES.

(A) The modification of existing or installation of new small cell wireless facilities, or the modification of existing or installation of new wireless support structures used for such small cell wireless facilities, that are not exempt from zoning review in accordance with Public Act 365 of 2018, as amended, shall be subject to special land use review and approval in accordance with the following procedures and standards:

(1) The processing of an application is subject to all of the following requirements:

(a) Within 30 days after receiving an application under this subsection, the Chief Inspector shall notify the applicant in writing whether the application is complete. The notice tolls the running of the 30-day period.

(b) The running of the time period tolled under subdivision (a) resumes when the applicant makes a supplemental submission in response to the Chief Inspector's notice of incompleteness.

(c) A complete application shall be submitted to the Planning Commission for review.

(d) The Planning Commission shall approve or deny the application and notify the applicant in writing within 90 days after an application for a modification of a wireless support structure or installation of a small cell wireless facility is received or 150 days after an application for a new wireless support structure is received. The time period for approval may be extended by mutual agreement between the applicant and the Chief Inspector.

(2) The Planning Commission shall base its review of the special land use request on the standards contained within the City's zoning ordinance; provided, however that a denial shall comply with all of the following:

(a) The denial is supported by substantial evidence contained in a written record that is publicly released contemporaneously with the denial.

(b) There is a reasonable basis for the denial.

(c) The denial would not discriminate against the applicant with respect to the placement of the facilities of other wireless providers.

(3) In addition to the provisions set forth above, in the Planning Commission's review:

(a) An applicant's business decision on the type and location of small cell wireless facilities, wireless support structures, or technology to be used is presumed to be reasonable. This presumption does not apply with respect to the height of wireless facilities or wireless support structures.

(b) An applicant shall not be required to submit information about its business decisions with respect to any of the following:

1. The need for a wireless support structure or small cell wireless facilities.

2. The applicant's service, customer demand for the service, or the quality of service.

(c) The Planning Commission may impose reasonable requirements regarding the appearance of facilities, including those relating to materials used or arranging, screening, or landscaping.

(d) The Planning Commission may impose spacing, setback, and fall zone requirements substantially similar to spacing, setback, and fall zone requirements imposed on other types of commercial structures of a similar height in a similar location.

(4) The fee for zoning review of a special land use and associated site plan shall be as established by the City Council and posted in the Office of the City Clerk.

(5) (a) Within one year after a zoning approval is granted, an applicant shall commence construction of the approved structure or facilities that are to be operational for use by it, unless the Chief Inspector and the applicant agree to extend this period or the delay is caused by a lack of commercial power or communications facilities at the site. If the applicant fails to commence the construction of the approved structure or facilities within the time required, the zoning approval is void.

(b) An applicant may voluntarily request that a zoning approval be terminated.

(6) The city shall not institute a moratorium on either of the following:

(a) Filing, receiving, or processing applications for zoning approval under this section.

(b) Issuing approvals for installations that are not a permitted use.

(7) The city may revoke a zoning approval, upon 30 days' notice and an opportunity to cure, if the small cell wireless facilities and any associated wireless support structure fail to meet the requirements of the approval, applicable codes, or applicable zoning requirements.

(Ord. O-214, passed 11-4-2019, effective 11-14-2019)

NONCONFORMING USES, BUILDINGS, STRUCTURES, AND LOTS

§ 153.100 NONCONFORMANCE REGULATED.

(A) Any lawful use of the land or buildings existing at the date of passage of this chapter and located in a district in which it would not be permitted as a new use under the regulations of this chapter is hereby declared to be a nonconforming use and not in violation of this chapter; provided, however, that a nonconforming use shall be subject to, and the owner comply with, the regulations in this chapter.

(B) The existence of nonconforming uses is hereby declared to be contrary to the best interests of the community and it is hereby declared to be the policy of the city as expressed in this chapter to discontinue nonconforming uses in the course of time, as circumstances permit, having due regard for the rights of all parties concerned.

(Prior Code, § 153.090) (Ord. D-1418, § 501, passed 11-22-1982, effective 1-21-1983)

§ 153.101 NONCONFORMING USES OF LAND.

Where at the time of passage of this chapter lawful use of land exists which would not be permitted by the regulations imposed by this chapter, and where such use involves no individual structure with a current replacement cost exceeding \$1,000, the use may be continued so long as it remains otherwise lawful, provided:

(A) No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this chapter;

(B) No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this chapter;

(C) If any such nonconforming use of land ceases for any reason for a period of more than one year, such land shall conform to the regulations specified by this chapter for the district in which such land is located; or

(D) No structure not conforming to the requirements of this chapter shall be erected in connection with such nonconforming use of land.

(Prior Code, § 153.091) (Ord. D-1418, § 502, passed 11-22-1982, effective 1-21-1983) Penalty, see § 153.999

§ 153.102 NONCONFORMING USES OF STRUCTURES.

If lawful use involving individual structures with a current replacement cost of \$1,000 or more, or of structure and premises in combination, exists at the effective date of adoption of this chapter that would not be allowed in the district under the terms of this chapter, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions.

(A) No existing structure devoted to a use not permitted by this chapter in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located; or unless granted permission by the Board of Appeals on Zoning by the authority provided under § 153.584(F) and in accordance with the following requirements:

(1) Any enlarged portion shall conform to the yard and height requirements for the district in which it is located and be situated on land which was under the same ownership as that occupied by the existing building or structure on October 15, 1958, and has continued to be in one ownership;

(2) The total floor area added to any nonconforming use shall never exceed 50% of the floor area occupied by such use on October 15, 1958, and any extension granted shall be entirely within an enclosed building; and

(3) Any Board of Appeals on Zoning action taken in connection with the enlargement of a nonconforming use or building shall conform with the general standards outline in § 153.589.

(B) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption of this chapter, but no such use shall be extended to occupy any land outside such building.

(C) If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may be changed to another nonconforming use provided that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. Whenever a nonconforming use has been changed to a conforming use, or to a use permitted in a district of greater restrictions, it shall not thereafter be changed to a nonconforming use.

(D) Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the entire structure shall eliminate the nonconforming status of land.

(Prior Code, § 153.092) (Ord. D-1418, § 503, passed 11-22-1982, effective 1-21-1983) Penalty, see § 153.999

§ 153.103 NONCONFORMING STRUCTURES.

Where a lawful structure exists at the effective date of adoption of this chapter that could not be built under the terms of this chapter by reasons of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued as 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) Should such structure be moved for any reason whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

(C) If any such nonconforming structure ceases being used for any reason for a period of more than one year, any subsequent use of such structure shall conform to the regulations specified by this chapter for the district in which such structure is located.

(Prior Code, § 153.093) (Ord. D-1418, § 504, passed 11-22-1982, effective 1-21-1983) Penalty, see § 153.999

§ 153.104 SUBSTANDARD LOTS OF RECORD.

(A) (1) In any R District, a single-family dwelling may be erected on a substandard lot which is of record at the time of the adoption of this chapter and under separate ownership from an abutting vacant lot provided that the side yards meet that allowed by § 153.440 or that prescribed in Table 1, whichever is less, for corner lots, and Table 2 for interior lots, and further that no side yard shall be less than three feet, nor any street side yard be less than ten feet, that the lot area is not less than 50% of the minimum specified for the district and all other requirements for the district are complied with.

(2) In any R District where a lot of record at the time of adoption of this chapter is under separate ownership from the lot abutting the rear lot line and is of sufficient depth to permit a buildable depth of 26 feet, the required rear yard may be reduced by not more than six feet to provide such 26 foot buildable depth for a single-family dwelling; provided, however, that the lot area is not less than 50% of the minimum specified for the district and all other requirements for the district are complied with.

Table 1 — Required Side Yards for Selected Corner Lot Widths				
Lot Width (feet)	Buildable Width (feet)	Required Side Yards		
		Minimum Side Yard (feet)	Street Side Yard (feet)	Total (feet)
Where the street side yard adjoins an interior lot (see Example "a" in diagram, Appendix A, § 11)				
Table 1 — Required Side Yards for Selected Corner Lot Widths				
Lot Width (feet)	Buildable Width (feet)	Required Side Yards		
		Minimum Side Yard (feet)	Street Side Yard (feet)	Total (feet)
Where the street side yard adjoins an interior lot (see Example "a" in diagram, Appendix A, § 11)				
46	26	5	15	20

45	26	5	14	19
44	26	5	13	18
43	26	5	12	17
42	26	5	11	16
41	26	4	11	15
40	26	4	10	14
39	26	3	10	13
Where lot adjoins another corner lot (see Example "b" in diagram, Appendix A, § 11)				
46	29	5	12	17
45	28	5	12	17
44	27	5	12	17
43	26	5	12	17
42	26	5	11	16
41	26	4	11	15
40	26	4	10	14
39	26	3	10	13

Table 2 — Required Side Yards for Selected Interior Lot Widths

Lot Width (feet)	Buildable Width (feet)	Required Side Yards		
		Minimum Side Yard (feet)	Other Side Yard (feet)	Total (feet)

Table 2 — Required Side Yards for Selected Interior Lot Widths

Lot Width (feet)	Buildable Width (feet)	Required Side Yards		
		Minimum Side Yard (feet)	Other Side Yard (feet)	Total (feet)
39	26	4	9	13
38	26	3	9	12
37	26	3	8	11
35	26	3	6	9
33	26	3	4	7
32	26	3	3	6

(B) If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage of this chapter, and if all or part of the lots do not meet the requirements for lot width and area as established by this chapter, the lands involved shall be considered to be an undivided parcel for the purposes of this chapter, and no portion of said parcel shall be used or occupied which does not meet lot width and area requirements established by this chapter, nor shall any division of the parcel be made which leaves remaining any lot width or area below the requirements stated in this chapter.

(Prior Code, § 153.094) (Ord. D-1418, § 505, passed 11-22-1982, effective 1-21-1983)

§ 153.105 REPAIRS AND MAINTENANCE.

(A) On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, to an extent not exceeding 15% of the current replacement cost of the nonconforming structure or nonconforming portion of the structure as the case may be provided that the cubic content existing when it became nonconforming shall not be increased.

(B) If the Chief Inspector shall declare it necessary to strengthen or restore any nonconforming building, structure, or wall, this shall be permissible, provided that such work shall not include structural alterations or changes in the type of construction, and that the extent of such restoration or strengthening shall not exceed the minimum specified by the Chief Inspector to render the building or structure safe for occupancy. However, if a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to a lack of repairs and maintenance, and is declared by the Chief Inspector to be unsafe or unlawful by reason of physical condition, it shall not thereafter be

restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.

(Prior Code, § 153.095) (Ord. D-1418, § 506, passed 11-22-1982, effective 1-21-1983)

§ 153.106 RECONSTRUCTION OF DAMAGED NONCONFORMING BUILDINGS AND STRUCTURES.

Nothing in this chapter shall prevent the reconstruction, repair, or restoration and the continued use of any nonconforming building or structure damaged by fire, collapse, explosion, acts of God or acts of public enemy subsequent to the effective date of this chapter, wherein the expense of such reconstruction does not exceed 25% of the current replacement cost of the entire building or structure at the time such damage occurred; provided that such valuation shall be subject to the approval of the Chief Inspector whose decision shall be subject to the approval of the Board of Appeals on Zoning, and provided that such restoration and resumption shall take place within one year from time of such damage, and provided further, that said use be identical with nonconforming use permitted and in effect directly preceding said damage. Where pending insurance claims require an extension of time, the Chief Inspector may grant a time extension provided that the property owner submit a certification from the insurance company attesting to the delay. Until such time as the debris from any fire damage is fully removed, the premises shall be adequately fenced or screened from access by children who may be attracted to the premises. No fee shall be charged for an appeal under the provisions of this section.

(Prior Code, § 153.096) (Ord. D-1418, § 507, passed 11-22-1982, effective 1-21-1983)

§ 153.107 FORFEITURE OF RIGHT TO CONTINUE NONCONFORMING USE.

When nonconforming use of property is discontinued through vacancy, lack of operation, or other similar condition for period of one year or more, thereafter no right shall exist to maintain on said property a nonconforming use unless the Board of Appeals on Zoning grants such privilege within one year after such discontinuance. No nonconforming use, if changed to a use permitted in the district in which it is located, shall be resumed or changed back to a nonconforming use.

(Prior Code, § 153.097) (Ord. D-1418, § 508, passed 11-22-1982, effective 1-21-1983)

§ 153.108 CHANGE OF NONCONFORMING USE.

(A) The Chief Inspector may issue a certificate of occupancy for a change of a nonconforming use only when the proposed change in use is a use which is permitted in the district, provided applicable yard and area requirements are met, and following appropriate site plan review.

(B) In the event the proposed change in use is a use which does not conform with the use regulations of the district in which it is located, the Chief Inspector may not issue a certificate of occupancy for any change of a nonconforming use until the proposed change in use has been authorized by the City Planning Commission after a duly advertised public hearing.

(C) In no case shall a legal nonconforming use be replaced by a use that is less restricted. (See §153.021 for district listing by restrictiveness.)

(D) In no case shall a legal nonconforming use be replaced by a nonconforming use which creates more nuisances (such as: noise; smoke; odors; or dangerous hazards) than the original nonconforming use it is proposed to replace.

(Prior Code, § 153.098) (Ord. D-1418, § 509, passed 11-22-1982, effective 1-21-1983)

§ 153.109 CHANGE OF TENANCY OR OWNERSHIP.

There may be a change in tenancy, ownership, or management of an existing nonconforming use, provided there is no change in the nature or character of such nonconforming use.

(Prior Code, § 153.099) (Ord. D-1418, § 510, passed 11-22-1982, effective 1-21-1983)

§ 153.110 ACQUISITION OF NONCONFORMING STRUCTURES.

(A) The City Planning Commission may from time to time recommend to the City Council the acquisition of such private property as does not conform in use or structure to the regulations and restrictions of various districts defined in this chapter and the removal of such use or structure.

(B) The City Planning Commission shall submit its reasons and estimates of cost and expense of such acquisition and removal of the nonconformity and probable resale price of the property to be acquired after removal of the nonconformity as obtained from the appropriate city department, board, or commission. The City Planning Commission shall recommend that portion of the difference between the estimated cost of acquisition and removal of the nonconformity and the probable resale price which in its opinion should be either paid from the city's General Fund or assessed against a benefitted district.

(C) Whenever the City Council has under advisement the acquisition by purchase, condemnation, or otherwise as provided by law of any nonconforming building, structure, or use, a preliminary public hearing thereon shall be held before the City Council. Not less than 15 days before the hearing, a notice of time, place and purpose of such public hearing shall be published in a paper circulating in the city and the City Clerk shall send by mail addressed to the respective owners of any such properties at the addresses given in the last assessment roll, a written notice of time, place, and purpose of such hearing. If the cost and expense or any portion thereof is to be assessed to a special district, the City Assessor shall be directed to furnish the City Council with a tentative special assessment district and the tentative plan of assessment, the names of the respective owners of the property in such district and addresses of such owners in the last assessment roll.

The City Clerk shall also send the notice to the respective owners in the tentative assessment district.

(D) Whenever the City Council, after a public hearing as required in division (C) above, shall declare by resolution that proceedings be instituted for the acquisition of any property on which is located a nonconforming building, structure, or use in accordance with the laws of the state, the Charter, this chapter, and other applicable ordinances of the city, the City Clerk shall send by mail a certified copy of such resolution to the respective owners of the properties and to the owners of the properties in any special assessment district, if such method of financing is selected by the City Council, at the address given in the last assessment roll.

(E) Upon passing of the title to the private property so acquired as provided in division (D) above to the city, the City Council shall cause the discontinuance or removal of the nonconforming use or the removal, demolition, or remodeling of the nonconforming structure. The City Council shall thereafter order such property sold or otherwise disposed of, but only for a conforming use. If a special assessment district has been created for this particular acquisition, the City Council shall confirm the cost and expense of such project and report any assessable cost to the City Assessor who shall then prepare an assessment roll in the manner provided for in the Charter, code, and other applicable ordinances of the city. Such assessment roll may, in the discretion of the City Council, be in one or more but not to exceed five annual installments.

(Prior Code, § 153.100) (Ord. D-1418, § 511, passed 11-22-1982, effective 1-21-1983)

§ 153.111 CERTIFICATE OF OCCUPANCY, NONCONFORMING USE.

(A) (1) At any time after the adoption of this chapter should the city become aware of a nonconforming use, the owner of said nonconforming use shall be notified by the Chief Inspector of the provisions of this section, and that his or her property constitutes a nonconforming use. Within 30 days after receipt of said notice, the owner shall apply for and be issued a certificate of occupancy for the nonconforming use by the Chief Inspector. The application for such certificate shall designate the location, nature, and extent of the nonconforming use and such other details as may be necessary for the issuance of the certificate of occupancy.

(2) If the owner of a nonconforming use fails to apply for a certificate of occupancy within 30 days after receipt of the foregoing notice, the use ceases to be a legal nonconforming use and is hereby declared to be in violation of this chapter. The Chief Inspector and the City Attorney shall take appropriate action.

(B) If the Chief Inspector shall find, upon reviewing the application for a certificate of occupancy, that the existing use is illegal or in violation of any other ordinance or law, or, if he or she finds that the building for which the certificate is requested has been constructed or altered for the existing use or any other use without full compliance with the building regulations or this chapter in effect at the time of construction or alteration, he or she shall not issue the certificate of occupancy but shall declare such use to be in violation of this chapter.

(C) After the adoption of this chapter, or any amendments thereto, the Chief Inspector shall prepare a record of all known nonconforming uses and occupations of lands, buildings, and structures, including tents and trailer coaches, existing at the time of adoption of such chapter. Such record shall contain the names and addresses of the owners of record of such nonconforming use and of any occupant, other than the owner, the legal description of the land, and the nature and extent of use. Such list shall be available at all times in the office of the Chief Inspector.

(Prior Code, § 153.101) (Ord. D-1418, § 512, passed 11-22-1982, effective 1-21-1983) Penalty, see § 153.999

§ 153.112 PLANS ALREADY FILED.

In any case where plans and specifications for a building or structure have been filed which would conform with the zoning regulations effective at the date of such filing but not with the regulations of this chapter, and where a building permit for such building or structure has been issued and construction work started at the effective date of this chapter, such work may proceed provided it is completed within one year of said date of this chapter.

(Prior Code, § 153.102) (Ord. D-1418, § 513, passed 11-22-1982, effective 1-21-1983)

OFF-STREET PARKING AND LOADING REQUIREMENTS

§ 153.125 OFF-STREET PARKING, GENERAL.

(A) In all zoning districts, off-street parking requirements for the storage and parking of self-propelled motor vehicles for the use of occupants, employees and patrons of the buildings hereafter erected, altered, or extended shall be provided as prescribed in this subchapter. Such space shall be under the direct control, either by ownership or long-term lease, of the owner of the buildings or use served, shall be maintained, and shall not be encroached upon so long as the main building or structure remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this subchapter.

(B) The determination of the required spaces and the regulation thereof shall be governed by the following regulations.

(1) *Area requirement.* For the purpose of this section, 300 square feet of lot area shall be deemed a parking space for one vehicle, including access aisle, except that 180 square feet of lot area which has direct means of ingress and egress from an alley or street may also be deemed a parking space.

(2) *Fractional units.* In computing units or measurements to determine the number of required spaces, any fraction up to and including one-half shall be disregarded and fractions over one-half shall require one space.

(3) *Loading spaces.* Loading spaces shall not be construed as supplying off-street parking space.

(4) *Location of spaces.* The off-street parking facilities required for one- and two-family dwellings shall be located on the same lot or plot of ground as the building they are intended to serve and shall consist of a parking strip, parking apron, or garage. A parking strip or driveway shall be located such that it leads to at least one parking space in a yard other than the required front or street side yard. Additional spaces may be located in the required front or street side yard provided the space is not located in a space bound by the front building line, the side building line nearest the parking strip or driveway and the front lot line (see Figure 6.1 in § 12 of Appendix A to this chapter) or on corner lots the space bound by the front lot line, the street side yard lot line (see Figure 6.2 in § 12 of Appendix A to this chapter). (See also § 72.23 of this code of ordinances.) Off-street parking facilities required for all other uses shall be located on the lot or on property within 400 feet of any entrance to the building such parking is intended to serve, measured between such entrance and the nearest point of such required parking area.

(5) *Surfacing.*

(a) Off-street parking and loading areas, including access drives, for all uses shall be surfaced with either:

1. Six inches of portland cement concrete; or

2. Two inches of asphaltic concrete laid over a base of crushed stone with a compacted thickness of six inches and shall be graded and drained to dispose of all surface water on the property.

(b) 1. Exception to divisions (B)(5)(a)1. and (B)(5)(a)2. above for single-family dwellings parking spaces, strips, or aprons shall be surfaced with asphalt, concrete, or six inches of stone mix or gravel.

2. Gravel and stone mix surfaces shall be maintained such that the parking space, strip, or apron is free from ruts or holes.

3. If stone mix or gravel is used the parking area must be clearly defined by use of side borders of landscape ties, treated wood, brick concrete, or other similar border materials.

4. All parking spaces, strips, or aprons that are not in compliance with this section must be brought into compliance by June 1, 2001.

(c) Surfacing similar to that described above shall be required in the case of any "Off-Street Parking A" automobile parking area approved by the City Planning Commission as a special approval use under the provisions of § 153.128. To assure the actual completion of improvements required as a condition for the special approval, a performance guarantee in an amount sufficient to cover the construction cost of the adequate improvements, such cost to be determined by the Department of Engineering, shall be required. (See § 153.563.)

(6) *Parking barriers.* Parking barriers, where required in §§ 153.128(B)(7) and 153.129(E) and (K), shall consist of continuous curbs or bumper rails of either wood, metal, or concrete as defined by the city building regulations, securely anchored, and be not less than six inches or more than 24 inches in height above the surface of the parking area involved.

(7) *Similar uses.* In the case of a use not specifically mentioned, the requirements for off-street parking facilities for a use which is so mentioned and is similar shall apply.

(8) *Existing spaces.* Off-street parking existing on the effective date of this chapter, which serves an existing building or use, shall not be reduced in size to less than required under the terms of this subchapter.

(9) *Seating allocation.* In stadiums, sports arenas, churches, and other places of assembly in which patrons or spectators occupy benches, pews, or other similar seating facilities, each 24 inches of such seating facilities shall be counted as one seat for the purpose of determining requirements for off-street parking facilities under this section.

(10) *Mixed uses in same building.* In the case of mixed uses in the same building or on the same property, the total requirements for off-street parking and loading shall be the sum of the requirements for the particular individual uses computed separately in accordance with § 153.126.

(11) *Collective use of spaces.* Nothing in this subchapter shall be construed to prevent collective provisions of off-street parking facilities for two or more buildings or uses; provided, that collectively, such facilities shall not be less than the sum of the requirements for the various individual uses computed separately in accordance with § 153.126.

(12) *Joint use of spaces.* Not more than 50% of the off-street parking requirements for a specific use may be satisfied by the applicant for a building permit or certificate of occupancy by establishing that the owner of the property on which the proposed building or use is to be established has, in connection therewith, the legal right of record to the joint use of private off-street parking facilities meeting the requirements of this chapter and which are provided by other uses not normally open, used, or operating during the principal operating hours of the proposed use. The legal right herein referred to as other than by joint ownership of the land shall be for the useful life of the building in which the use is to be established as determined by the Chief Inspector. All questions as to the existence of such legal right shall be determined by the City Attorney, and the applicant shall furnish such abstracts of title, title searches, and legal instruments for examination as the City Attorney may find necessary to make such determination.

(13) *Irrevocable use.* All required off-street parking spaces shall be stated in an application for a building permit and shall be reserved irrevocably for such a use.

(14) *General conditions.* Except when land is used as a storage space in connection with the business of a repair or service garage, the time limit for parking in off-street parking areas shall prevail in accordance with § 153.129(L), it being the purpose and intention of the foregoing that the requirements of maintaining vehicle storage or parking space is to provide for the public safety in keeping parked cars off the streets, but such requirement is not designed to or intended to provide for, and it shall be unlawful to permit, the storage or parking on such open land of wrecked or junked cars, or for creating a junkyard or a nuisance in such area.

(15) *Restriction of parking on private property.* It shall be unlawful for any person, firm, or corporation to park any motor vehicle on any private property, or use said private property as parking space, without the express or implied consent, authorization, or ratification of the owner, holder, occupant, lessee, agent, or trustee of such property.

(16) *Exempt from parking requirements.* All uses located within designated areas containing municipal off-street parking facilities, as are identified on the Zoning Map, are exempt from the requirements in § 153.126, but if parking is provided such areas shall be improved pursuant to applicable requirements contained in §§ 153.127 through 153.131, inclusive.

(17) *Curbing/bumper blocks.* Concrete curbing or concrete or treated wood tire bumper block of a minimum height of six inches and a maximum height of 12 inches shall be located around the perimeter of the parking facility, excluding areas of ingress and egress.

(18) *Parking lot landscaping.*

(a) In addition to requirements for landscaping setback areas and buffers, all off-street parking lots of more than 40 spaces shall incorporate and provide protected landscaped areas located within the parking lot. The ratio of landscaped area to number of parking spaces shall be 100 square feet for each 20 parking spaces. The minimum size for an interior parking lot landscaped island shall be 100 square feet. Required parking lot setback areas shall not satisfy the requirement for interior landscaping. Applicants are encouraged to locate landscaped islands adjacent to end parking stalls to protect end vehicles and improve sight distance. (See division (B)(19) below.)

(b) In all landscaped areas, at least one evergreen tree with a minimum height of four feet or one deciduous tree with a minimum caliper of three inches shall be provided for every 200 square feet of parking lot landscaping required. The landscaping shall be provided with a variety of plant materials including trees of a selected variety and size as may be practical for planting and architectural effect. When parking lot landscaping is provided in one or more end islands, the maximum mature height of shrubs and similar species shall be 30 inches and the minimum canopy height of deciduous trees shall be eight feet, in order to provide clear sight distance.

(19) *Parking islands.* In order to delineate on-site circulation, ensure adequate sight distance at the intersection of parking aisles, ring roads and private roads, protect vehicles at the end of parking bays, and define the geometry of internal intersections, end islands (painted or landscaped/ curbed) shall be required at the end of all off-street parking spaces adjacent to an aisle or road. At a minimum, one landscaped island (see division (B)(18) above) shall be provided for every two painted islands. End island design shall generally conform to concept shown in Appendix A, § 13.

(Prior Code, § 153.115) (Ord. D-1418, § 601, passed 11-22-1982, effective 1-21-1983; Ord. D-1887, passed 2-19-2001, effective 3-1-2001; Ord. D-1922, passed 6-17-2002, effective 6-27-2002)

§ 153.126 TABLE OF OFF-STREET PARKING REQUIREMENTS.

The amount of required off-street parking space for new uses or buildings, additions thereto, and additions to existing buildings as specified above shall be determined in accordance with the following table, and the space so required shall be stated in the application of a building permit and shall be irrevocably reserved for such use and shall comply with the provisions of §§ 153.128 through 153.131 as may be applicable.

Use	Required Number of Parking Spaces
Business and Commercial	
Amusement establishments	1 per every 50 square feet of gross floor area
Automobile car wash establishment	1 for each employee and manager; see § 153.127 for waiting establishment requirements
Automobile service stations	1 for each employee plus 1 for the owner and/or manager, plus 3 for each grease rack or stall for servicing vehicles or wash rack; for self-serve stations a minimum of 4 waiting spaces per island in addition to vehicles actually being serviced
Beauty parlor or barber shop	3 spaces for each of the first 2 beauty or barber chairs, and 1.5 spaces for each additional chair

Beauty schools	1 for every 60 square feet of gross floor area less the area devoted to storage, utility rooms, or lavatories
Bowling alleys	8 for each bowling lane, plus required parking for any bar, restaurant, or assembly space attached to a bowling alley
Carry-out restaurants	1 for every 150 square feet of gross floor area, with a minimum of 8 spaces
Drive-in restaurants (see also § 153.127)	1 for every 2 seats in an established seating plan area, plus 1 for every 15 square feet of usable customer area other than in an established seating plan area, plus 1 for every 2 employees based upon maximum employment shift, and plus 1 for each outside customer automobile service stall area
Establishments other than drive-in, carry-out, and fast food establishments for sale and consumption on the premises of beverages, food, or refreshments	1 for each 70 square feet of gross floor area
Fast food restaurants	1 for each 60 square feet of gross floor area, with a minimum of 25 spaces; see § 153.127 for waiting space requirements
Furniture and appliance establishments; household equipment; repair shops; showroom of a plumber, decorator, electrician, or similar trade; clothing and shoe repair shops; laundries; hardware stores; machinery sales establishments; and other similar uses	4 for each establishment plus 1 space for every 800 square feet of gross floor area, less the area devoted to storage, processing, or manufacturing (for which requirements see the entry under "Industrial; industrial establishments..." below) and less the area devoted to utility rooms and lavatories
Home occupation	1 for each residence in which an authorized home occupation exists in addition to the 2 spaces required for the residence itself
Laundromats and coin-operated dry cleaners	1 for every 2 washing or dry cleaning machines
Miniature golf course	1 for each hole plus 1 for each employee
Mortuary establishments	1 for every 75 square feet of floor space in the slumber room, parlors, or individual funeral service rooms
Motel, hotel, or other commercial lodging establishments	1 for each occupancy unit, plus 1 for each employee, plus extra spaces for dining rooms, ballrooms, or meeting rooms, based upon maximum occupancy code
Motor vehicle sales and service establishments, trailer sales and rental, boat showrooms, and public garages	1 for every 400 square feet of gross floor area of sales room, plus 1 for each employee, plus 1 for the owner and/or manager, plus 3 for each grease rack or stall for servicing vehicles
Open air business establishments, except as listed in the provisions of this table for miniature golf courses and motor vehicle sales and service above	1 for every 500 square feet of lot area for retail sales and retail uses
Photography studio	1 space for each 400 square feet of gross floor area
Quick oil change	1 for each employee plus one for each oil change bay; see § 153.127 for waiting space requirements
Radio and television station	1 space for each employee on maximum shift plus 5 customer spaces
Rental establishments	See requirements as appropriate under the provisions for open air businesses above and retail stores below

Retail stores, except as otherwise specified herein	1 for every 250 square feet of gross floor area
Self service storage facility	1 space per every 3 storage units with a minimum of 5 spaces for the complex
Shopping center or clustered commercial	5.5 for every 1,000 square feet of gross leasable floor area
Studios; dance, health, music, and other similar places of instruction and recreation; pool or billiard parlors; roller or ice skating rinks; exhibition halls and assembly halls without fixed seats	1 for every 40 square feet of gross floor area, less the area devoted to storage, utility rooms, and lavatories
Theaters (drive-in)	1 per each customer vehicle, plus 10% of the total vehicle capacity for waiting area, plus one for each employee
Industrial	
Collision shops	1 for every 500 square feet of gross floor area (does not include storage of wrecked or repaired vehicles)
Industrial establishments, including manufacturing, research, and testing laboratories, creameries, bottling works, printing, plumbing or electrical workshops	1 for every 500 square feet of gross floor area, or 1 per every 1.5 employee, computed on the basis of the greatest number of persons employed at any one period during the day or night, whichever is greater
Wholesale establishments	1 for every 1,700 square feet of gross floor area or 1 for each employee, computed on the basis of the greatest number of persons employed at any one period during the day or night, whichever is greater
Institutional	
Campground - RV park	1 dust free 10-foot by 30-foot space for each campsite plus 1 parking space for each employee
Churches, temples, or synagogues	1 for every 3 seats based on maximum seating capacity in the main place of assembly therein
Colleges and private schools	5 spaces for each classroom plus 1 for every 200 square feet of office area
Community center	1 for every 3 persons allowed, maximum occupant capacity
Elementary and junior high schools	1 for each teacher, employee, and administrator, in addition to the requirements of the auditorium or assembly hall
Homes for the aged and convalescent homes	1 for every 3 beds
Hospitals	1 for every 3 beds, plus 1 space for every 3 staff members based upon total staff at the hospital, or 1.2 spaces per bed, whichever is greater
Libraries, museums, and noncommercial art galleries	1 for every 200 square feet of gross floor area, less the area devoted to book and art storage, utility rooms, and lavatories
Marinas, public or private	1 per 5 boat berths and 1 per 500 square feet of dry boat storage and 1 per employee
Places of outdoor assembly	1 for every 3 seats, or 6 feet of benches
Pre-schools, nursery schools, day nurseries, child day care centers	1 for every 350 square feet of usable floor space, plus 1 space for each faculty member, employee, or owner, plus 3 passenger vehicle spaces for loading and unloading of children
Prison, detention facility	1 space for every 3 blocks
Private clubs or lodge halls	1 for every 3 persons allowed within the maximum occupancy load as established by the city, county, or state fire, building, or health regulations

School auditorium	1 space for every 6 seats based on the maximum seating capacity in the main place of assembly therein
Senior high schools	1 for every teacher, employee, administrator and 1 for each 10 students, in addition to the requirements of the auditorium or assembly hall
Stadium, sports arenas, or similar place of outdoor assembly	1 for every 3 seats or 6 feet of benches
Substance abuse treatment center	1 space for every 3 beds
Tennis clubs, swimming pool clubs, or other similar uses	6 spaces for each court, plus 1 for each employee; should spectator area be provided, 1 space for every 3 seats or 6 feet of benches
Theaters and auditoriums (indoor), other than school auditoriums	1 for every 3 seats, based on maximum seating capacity in the main place of assembly therein, plus 1 for every 2 employees
Offices	
Business offices; professional offices of lawyers, architects, engineers, planners, accountants, or other professions	3 spaces per 1,000 square feet of gross floor area or 1 space per 333 square feet of gross floor area
Drive-in financial institutions (banks, savings and loan offices, credit unions) (see also § 153.127)	Same as requirements for financial institutions below plus waiting spaces required in § 153.127
Financial institutions (banks, savings and loan offices, credit unions)	1 for every 200 square feet of gross floor area
Junk yard	1 space for each employee plus one for each 10,000 square feet of storage area
Professional offices of doctors, dentists or similar professions; medical centers or clinics	5 spaces per 1,000 square feet of gross floor area or 1 space per 200 square feet of gross floor area
Recycling center	1 space for each employee plus 15 vehicle waiting spaces for drop off of materials
Truck terminal	1 space per 1,000 square feet of floor area, 1 space per employee, whichever is greater
Residential	
Adult foster care small and large group homes	1 space for every 3 beds
Bed and breakfast operation	1 for each occupancy unit plus 1 for each employee plus 2 for dwelling unit of owner/operator
Halfway house	1 for each resident
Low-rent public housing	1 for each dwelling unit
Multiple dwellings	2 for each dwelling unit
One-family and two-family dwellings	2 for each dwelling unit
Rooming house	1 space for each roomer plus 1 additional space for the owner or manager
Senior citizens housing	1 for every 2 dwelling units
Senior citizens low-rent housing	1 for every 3 dwelling units

(Prior Code, § 153.116) (Ord. D-1418, § 602, passed 11-22-1982, effective 1-21-1983; Ord. D-1887, passed 2-19-2001, effective 3-1-2001; Ord. D-1899, passed 9-24-2001, effective 10-4-2001)

§ 153.127 OFF-STREET WAITING AREA FOR DRIVE-THROUGH FACILITIES.

(A) An **OFF-STREET WAITING SPACE** is defined as an area ten feet wide by 24 feet long and shall not include the use of any public space, street, alley, or sidewalk, and shall be located entirely within any RO-1, B-1, B-1A, B-2, B-3, M-1, M-2, or M-3 District.

(B) On the same premises with every building, structure, or part thereof erected and occupied for the purpose of serving customers in their automobiles by means of a service window or similar arrangement where the automobile engine is not turned off, there shall be provided off-street waiting spaces.

<i>Use Served by Drive-Through Lane</i>	<i>Minimum Stacking Requirements by Lane</i>
<i>Use Served by Drive-Through Lane</i>	<i>Minimum Stacking Requirements by Lane</i>
Car wash (coin operated)	3 vehicles in advance of the washing beyond storage for 1.5 vehicles beyond the washing bay as a drying vacuum area
Car wash (tunnel wash)	4 times the maximum capacity of the auto wash in advance of the tunnel and 3 vehicles beyond the tunnel for drying areas
Child care centers	1 vehicle per 15 children inclusive of the vehicle at the drop-off point; no parking area or maneuvering lanes shall be permitted between the drop-off point and the principal entrance to the building
Convenience market	3 vehicles per lane inclusive of the vehicle at the window
Dry cleaners	4 vehicles per lane inclusive of the vehicle at the window
Financial institution	6 vehicles per lane inclusive of the vehicle at the window
Quick oil change	4 vehicles per lane inclusive of the vehicle being served
Restaurant	The distance between the order board and the pick-up window shall store 4 vehicles, and storage shall be provided for 4 vehicles in advance of the menu board (not including the vehicles at the pick-up window and menu board)
Other uses	For uses not listed above, the Planning Commission shall make the determination of minimum required vehicle stacking spaces at the time of the site plan review, based upon analysis by the City Traffic Engineer and City Planner

(C) Drive-through lanes shall not utilize any space which is necessary for adequate access to parking spaces from internal maneuvering lanes.

(D) Drive-through lanes shall have a minimum centerline radius of 25 feet.

(E) Drive-through lanes shall be striped, marked, or otherwise distinctively delineated.

(Prior Code, § 153.117) (Ord. D-1418, § 603, passed 11-22-1982, effective 1-21-1983; Ord. D-1887, passed 2-19-2001, effective 3-1-2001)

§ 153.128 DEVELOPMENT AND STANDARDS—OFF-STREET PARKING A.

(A) “Off-Street Parking A” will be permitted in all R Districts following approval of the City Planning Commission; however, the Commission may approve “Off-Street Parking A” only when it is reasonably indicated that business or industrial property in adjoining areas, either contiguous or across a public right-of-way, is unavailable or impractical for the development of an off-street parking facility, and there is compliance with requirements of § 153.562.

(B) “Off-Street Parking A” shall be considered a conditional accessory use to adjoining or adjacent business and industrial property and as such is to be used for customer or employee vehicle parking of such adjoining business or industry only. Further, penetration of residence property for establishment of “Off-Street Parking A” shall not exceed 125 feet measured at right angles from the residential property line adjoining, either contiguous or across a public right-of-way from a business or industrial district, except as may be provided in an officially adopted city community development plan or project, and shall be subject to the following requirements.

(1) No repair or service to vehicles and no display of vehicles for purpose of sale shall be carried on or permitted upon such premises.

(2) No advertising signs shall be erected on the premises, but one sign may be erected at each of the points of ingress or egress and such sign may bear the name of the operator of the facility and the enterprise it is intended to serve. Signs shall comply with the requirements of § 153.153 and shall not exceed four feet in height.

(3) All land between the parking barriers referred to in division (B)(7) below and the property lines, as well as the surface of the parking area, shall be kept free from tall grass, weeds, rubbish, refuse, and debris, and all unsurfaced areas shall be landscaped.

(4) The parking surface shall be covered with a pavement having an asphalt or portland cement binder as required under § 153.125(B)(5) and shall be graded and drained to the storm sewer so as to dispose of surface water which might accumulate within or upon such areas. No surface water from such parking area shall be permitted to drain onto adjoining property.

(5) When lighting facilities are used, reflectors shall be installed to reflect the light away from adjacent residential areas, and the source of illumination shall not be more than 15 feet above the parking surface.

(6) Side yards shall be maintained for a space of not less than ten feet between the side lot lines of adjoining residential lots and the parking area. The depth of the front yard or street side yard setback line from the street as established for houses in any block in any given residential area shall be continued and made applicable to parking space in such residential area and it is unlawful to use the space between such setback line and the sidewalk for the parking of motor vehicles; provided, however, that the barrier in division (B)(7) below shall be located on the setback line as required in this section. No setback is required where the parking lot abuts onto a rear lot line of an adjoining residential lot, provided that the barrier noted above does not allow vehicles to overhang onto adjacent property.

(7) Whenever such parking area adjoins residential property and/or a residential street or alley, an ornamental wood fence or masonry wall not less than four feet in height shall be erected and maintained between any required yard space and the area to be used for parking. On such other locations where a protective barrier is required, the use of an ornamental wood fence and masonry wall and/or dense shrubbery, not less than five feet high, may be permitted by the City Planning Commission. Parking areas of a type described in § 153.125(B)(6) shall be provided to prevent vehicles striking said wall or shrubbery. All required walls, fences, or other barriers shall be properly maintained and kept free of debris, signs or any advertising whatsoever.

(8) Plans for the development of any parking facility must be submitted in triplicate to the Department of Public Services and must be approved by the Chief Inspector, City Engineer prior to the start of construction. The construction shall be in accordance with the requirements of the building regulations and this chapter, and such construction shall be completed and approved by the Department of Public Services and Engineering before actual use of the property as a parking lot.

(9) During the time the facility is closed and not available for the parking thereon of motor vehicles, a suitable chain or gate shall be placed across every exit and entrance for motor vehicles; such chain or gate shall be securely locked and access to the lot effectively barred.

(10) The use of any loud noise-producing device or public address system shall be prohibited.

(Prior Code, § 153.118) (Ord. D-1418, § 604, passed 11-22-1982, effective 1-21-1983)

§ 153.129 DEVELOPMENT AND STANDARDS—BUSINESS AND INDUSTRIAL DISTRICTS.

Off-street parking in RO-1, B-1, B-1A, B-2, B-3, M-1, M-2, or M-3 Districts shall conform to the following requirements.

(A) Plans for the development of any parking facility must be submitted in triplicate to the Department of Public Services and must be approved by the Chief Inspector, City Engineer prior to the start of construction. The construction shall be in accordance with the requirements of the building regulations and this chapter, and such construction shall be completed and approved by the Chief Inspector and the City Traffic Engineer before the actual use of the property as a parking lot. Parking structures may be built in areas to satisfy parking requirements, subject to the area, height, bulk, and placement regulations for buildings and structures in the district wherein they are located.

(B) Adequate means of ingress and egress shall be provided to all parking spaces and shown in the plan submitted.

(C) The parking surface shall be covered with a pavement having an asphalt or portland cement binder, as required under § 153.125(B)(5), and shall be graded and drained to the storm sewer so as to dispose of surface water which might accumulate within or upon such area. No surface water from such parking area shall be permitted to drain onto adjoining property.

(D) Necessary curbs or other protection for the public and for the protection of adjoining properties, streets, and sidewalks shall be provided and maintained.

(E) Whenever such parking facility adjoins residential property and/or a residential street or alley, a wall, fence, or planting of such height, character and design as will meet the approval of the City Planning Commission shall be erected and maintained. Location of the wall or fence and parking barrier facing a residential street shall be determined with due regard for side yard requirements and building setback lines adjoining the residence district as may be required in the particular business or industrial zoning district. Parking barriers of a type described in § 153.125(B)(6) shall be provided to prevent vehicles striking the wall or fence.

(F) All street boundaries of such parking facilities where residential property is located on the opposite side of the street shall be treated the same as set forth in § 153.128(B)(7).

(G) Signs as regulated under § 153.153 may be erected at each point of ingress and egress indicating such access, the name of the operator, and the enterprise it is intended to serve.

(H) All illumination of such parking facilities shall be deflected away from residential areas and shall be installed in such manner as to allow the reduction of the amount of light after normal parking hours each day.

(I) Parking lots shall have all parking spaces clearly delineated on the surface of the lot to ensure maximum usability of the lot and suitable passage into, through, or from the lot.

(J) Where street setback lines are provided by the platting regulations or established through the Trafficways Plan, or amendment thereto, such setback lines shall be maintained.

(K) In all cases where such parking facilities abut public sidewalks, bumper guards of a type described in §153.125(B)(6) shall be placed thereon so that a motor vehicle cannot be driven or parked with any part thereof extending into a public right-of-way.

(L) It is unlawful to park or store motor vehicles for continuous periods of more than 48 hours. Such parking facility may not be used for the storage or parking of junked or wrecked vehicles of any type, or used as a storage area for industrial equipment or material, or used as a dump for refuse of any description.

(Prior Code, § 153.119) (Ord. D-1418, § 605, passed 11-22-1982, effective 1-21-1983) Penalty, see § 153.999

§ 153.130 DEVELOPMENT AND STANDARDS—RESIDENTIAL DISTRICTS.

Off-street parking for uses located in residential districts, excluding single-family dwellings, and including one-, two-, three-, and four-unit residential structures, adult foster care, small and large group homes, home occupations, family and group day care homes, bed and breakfast operations, and boarding and rooming houses, shall conform to the following regulations.

(A) The parking surface shall be covered with a pavement having an asphalt or portland cement binder, as required under § 153.125(B)(5), and shall be graded and drained to a storm sewer so as to dispose of surface water on the property.

(B) When lighting facilities are used, deflectors or shields shall be installed to direct the light away from adjacent residence areas and the source of illumination shall not be more than 15 feet above the parking surface.

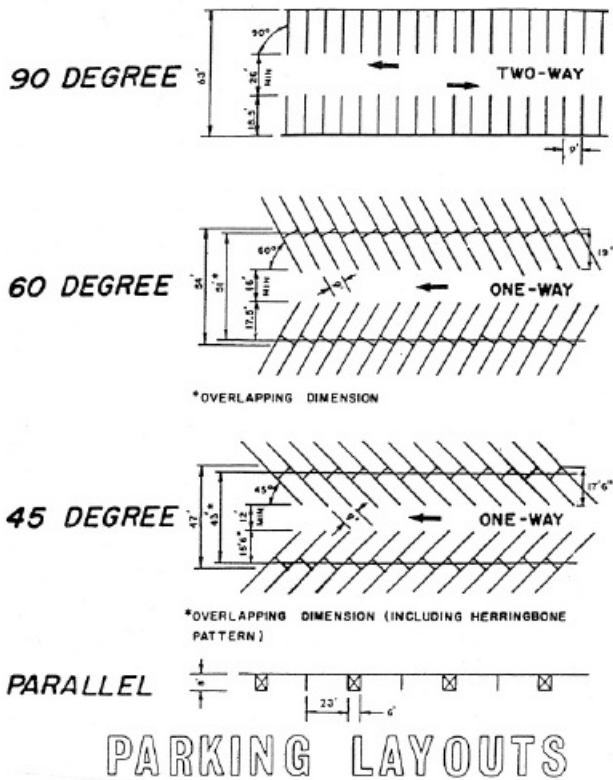
(C) All open parking areas shall be screened from adjacent properties by means of a brick wall, screen fencing, evergreens, and/or other barriers to minimize noise from motor vehicles and to prevent the direct glare of headlights from falling on adjacent properties.

(Prior Code, § 153.120) (Ord. D-1418, § 606, passed 11-22-1982, effective 1-21-1983; Ord. D-1887, passed 2-19-2001, effective 3-1-2001)

§ 153.131 OFF-STREET PARKING LAYOUT AND DESIGN.

Plans for the layout of off-street parking facilities shall be in accordance with the following minimum requirements:

<i>Parking Pattern</i>	<i>Maneuvering Lane Width</i>	<i>Parking Space Width</i>	<i>Parking Space Length</i>	<i>Total Width of One Tier of Spaces Plus Maneuvering Lane</i>	<i>Total Width of Two Tiers of Space Plus Maneuvering Lane</i>
0 degrees parallel parking	12 ft.	8 ft.	23 ft.	20 ft.	28 ft.
45 degrees	12 ft.	9 ft.	18.5 ft.	33 ft.	47 ft.
60 degrees	16 ft.	9 ft.	18.5 ft.	35 ft.	54 ft.
90 degrees	26 ft.	9 ft.	18.5 ft.	44.5 ft.	63 ft.



(Prior Code, § 153.121) (Ord. D-1418, § 607, passed 11-22-1982, effective 1-21-1983)

§ 153.132 OFF-STREET LOADING REQUIREMENTS.

(A) On the same premises with every building, structure, or part thereof erected and occupied for industrial establishments, storage, goods display, department store, hotel, high rise apartment building, market, hospital, laundry, dry cleaning, or other uses similarly involving the receipt or distribution of vehicles, materials, or merchandise, there shall be provided and maintained on the lot, or within such building or structure, adequate space for standing, loading, and unloading services in order to avoid undue interference with public use of the streets and alleys.

(B) Such loading and unloading space, unless otherwise adequately provided for, shall be an area 12 feet by 50 feet, and 15 feet height clearance, according to the following schedule:

Gross Floor Area (In Square Feet)	Loading and Unloading Spaces Required in Terms of Square Feet of Gross Floor Area	
	Commercial	Industrial
0—5,000	None	None
5,001—20,000	1	1 + 1/5,000 in excess of 5,000
20,001—50,000	1 + 1/20,000 in excess of 20,000	3 + 1/15,000 in excess of 20,000
50,001—100,000	1 + 1/20,000 in excess of 20,000	5 + 1/10,000 in excess of 50,000
100,001—300,000	5 + 1/100,000 in excess of 100,000	10 + 1/100,000 in excess of 100,000
300,001—500,000	10 + 1/100,000 in excess of 300,000	10 + 1/100,000 in excess of 300,000
Over 500,000	12 + 1/250,000 in excess of 500,000	14 + 1/150,000 in excess of 500,000

(C) No loading space shall be located closer than 50 feet from any residentially zoned district unless located within a completely enclosed building or enclosed on all sides facing a residential zoned district by a solid masonry wall or ornamental fence of a type approved by the City Planning Commission not less than six feet in height. Lights used to illuminate loading areas shall be arranged so as to reflect away from adjacent areas.

(Prior Code, § 153.122) (Ord. D-1418, § 608, passed 11-22-1982, effective 1-21-1983)

SIGNS

§ 153.145 FINDINGS.

The City Planning Commission finds that signs have an obvious impact on the character and quality of the city. Further, it finds that failure to regulate their size, location, and construction has in specific instances resulted in poor identification of individual businesses, deterioration of the business and residential areas of the city, intensification of the conflicts between different types of land use, reduction in the effectiveness of traffic control devices, and safety hazards to pedestrians and motorists.

(Prior Code, § 153.135) (Ord. D-1418, § 701, passed 11-22-1982, effective 1-21-1983)

§ 153.146 PURPOSE.

(A) The purpose of this subchapter is to regulate signs and outdoor advertising in a manner which will minimize their harmful effects while permitting latitude for creative and effective advertising and identification. To achieve this purpose, this subchapter has the following objectives:

- (1) To prevent the placement of on-site signs in a manner that will conceal or obscure signs of adjacent businesses;
- (2) To keep the number of on-site signs at a level reasonably necessary to identify a business and its products;
- (3) To keep on-site signs within a reasonable scale with respect to the building to which they relate;
- (4) To prevent off-site signs from conflicting with business, residential, and public land uses;
- (5) To keep an area adjacent to streets clear of signs which might obstruct the view of motorists;
- (6) To reduce the visual distractions for motorists on the streets; and

(7) To control the use of signs and of their motion, colors, illumination, and their insistent and distracting demand for attention which can be injurious to the mental and physical well being of the public and can be destructive to adjacent property values and to natural beauty.

(B) Accordingly, it has become necessary in the public interest to regulate the sizes, location, character, and other pertinent features of all signs in the city.

(Prior Code, § 153.136) (Ord. D-1418, § 702, passed 11-22-1982, effective 1-21-1983)

§ 153.147 PROHIBITED SIGNS.

Signs are prohibited which:

(A) Contain statements, words, or pictures of an obscene, indecent, or immoral character such as will offend the public morals or decency;

(B) Contain or are an imitation of an official traffic sign or signal or contain the words "stop", "go slow", "caution", "danger", "warning", or similar words. Traffic directional signs in a private parking area are exempted from this provision;

(C) Are of a size, location, movement, content, coloring, or manner of illumination which may be confused with or construed as a traffic control device or emergency vehicle;

(D) Obstruct a motorist's view of any traffic signs, street sign, or traffic signal;

(E) Contain or consist of banners, pennants, pinwheels, ribbons, streamers, strings of light bulbs other than holiday decorations or similar devices. Upon site plan review, the City Planning Commission may approve specific modifications of this provision; and

(F) Have a moving part except for the conveyance of noncommercial information.

(Prior Code, § 153.137) (Ord. D-1418, § 703, passed 11-22-1982, effective 1-21-1983) Penalty, see § 153.999

§ 153.148 VIOLATIONS AND REMOVAL THEREOF.

(A) Any sign erected, altered, or converted subsequent to the passage of this subchapter and in violation of any of the provisions thereof is hereby declared to be a nuisance per se.

(B) Upon discovery of a violation of this subchapter the Chief Inspector or his or her deputies shall provide written notice to the person in possession of the premises upon which the sign is erected as is reasonably available and to the owner of the premises upon which the sign is erected as shown by the records of the City Assessor. Such notice shall state the defects found upon inspection of the sign and order the sign to be brought into compliance with this subchapter or removed.

(C) The Chief Inspector or his or her representative shall also post a copy of such notice upon the violative sign or upon the premises upon which the sign is erected. Such notice shall be sufficiently weatherproof to withstand normal exposure to the elements and shall be readily visible from the nearest public thoroughfare.

(D) If the violative sign has not been removed or brought into compliance with this subchapter within 30 days from the

issuance of the order specified in division (B) above, the Chief Inspector or his or her deputies shall provide notice to the person in possession of the premises upon which the violative sign is erected and to the owner of premises upon which the sign is erected to appear at a hearing before a hearing officer and to show cause why the sign should not be considered to be in violation of this subchapter. Notice shall be provided in the same manner as in divisions (B) and (C) above. The hearing shall not be less than ten days from the posting of the notice.

(E) The hearing officer shall determine whether the sign involved is in violation of this chapter based on competent evidence and testimony. Section 2-106 of Chapter 2-1 of the Michigan Building Code, as amended, shall govern the appointment of the hearing officer and the conduct of the hearing except as modified herein.

(F) If the hearing officer determines that the sign involved is in violation of this subchapter, he or she shall order the action necessary to bring the sign into compliance. Based upon competent evidence and testimony, the hearing officer shall also establish a reasonable time by which the requirements of the order shall commence and shall be completed.

(G) If the decision and order provided for in division (F) above are not complied with in the specified time, the hearing officer may cause the violative sign to be removed and destroyed. The cost of removal, destruction, and disposal of the sign may be charged against the premises in accordance with the provisions of § 33.21. The city may also rely upon the remedies specified in § 153.999.

(H) Nothing in this section shall prevent the Chief Inspector from ordering the summary removal of any sign presenting an immediate threat to the safety of the public.

(Prior Code, § 153.138) (Ord. D-1418, § 704, passed 11-22-1982, effective 1-21-1983) Penalty, see § 153.999

§ 153.149 ILLUMINATION.

(A) Signs in residential districts may be illuminated with not more than 200 watts of non-flashing white light. Such lights must be shielded so that they illuminate only the surface of the sign.

(B) No sign shall have blinking, flashing, rotating, or fluttering illumination.

(C) No sign shall be illuminated in a manner which changes light intensity, brightness, or color.

(D) No sign shall have colored lights which may be confused with or construed as traffic control devices or emergency vehicles.

(E) No sign shall be illuminated in such manner that the direct or reflected light from the sign creates a traffic hazard for motor vehicle operators on public thoroughfares.

(Prior Code, § 153.139) (Ord. D-1418, § 705, passed 11-22-1982, effective 1-21-1983)

§ 153.150 NONCONFORMING SIGNS.

(A) Signs lawfully erected prior to the effective date of this subchapter which do not meet the standards thereof may be maintained except as hereafter provided.

(B) No nonconforming signs:

(1) Shall be changed to another nonconforming sign;

(2) Shall have any changes made in the message displayed unless the sign is specifically designed for periodic change of message; or

(3) Shall be structurally altered so as to prolong the life of the sign or so as to change the shape, size, type, or design of the sign unless such change renders the sign conforming.

(C) If the owner of a sign or the premises on which a sign is located changes the location of a building, property line, or sign or changes the use of a building so that any sign on the premises is rendered nonconforming, such sign must be removed or made to conform to this subchapter.

(Prior Code, § 153.140) (Ord. D-1418, § 706, passed 11-22-1982, effective 1-21-1983) Penalty, see § 153.999

§ 153.151 SIGNS FOR NONCONFORMING USES.

(A) On-site signs for any building or land use not conforming to the zoning provisions for the district in which it is located shall not exceed the following size limitations, whichever results in the larger sign area:

(1) One-half square foot of sign area for each lineal foot of building frontage or one-fourth square foot of sign area for each lineal foot of lot frontage, whichever is greater, not to exceed a maximum of 25 square feet in area; or

(2) The maximum sign area permitted for the zoning district in which the sign is located.

(B) Off-site signs shall comply with all the provisions of the district in which the nonconforming use is located.

(Prior Code, § 153.141) (Ord. D-1418, § 707, passed 11-22-1982, effective 1-21-1983)

§ 153.152 OFF-SITE SIGNS.

- (A) The maximum area per sign face of an off-site sign shall not exceed:
 - (1) Three hundred fifty square feet if the sign is located within a B-2 District;
 - (2) Seven hundred fifty square feet if the sign is located in an M-1 or M-2 District; and
 - (3) There is no maximum area limitation if the sign is located in a M-3 District.
- (B) Off-site signs shall not be located in any required yard area.
- (C) No off-site sign structure shall be closer than 300 feet to another off-site sign structure.
- (D) Off-site signs shall comply with the height limitations of this subchapter for the respective zoning districts in which the signs are located.

(Prior Code, § 153.142) (Ord. D-1418, § 708, passed 11-22-1982, effective 1-21-1983)

§ 153.153 AUXILIARY PARKING LOT SIGNS.

- (A) An auxiliary parking lot in conjunction with an adjacent use may have one on-site identification sign per adjacent street. Each such sign shall not exceed four square feet in area.
- (B) The area of signs indicating an entrance or exit shall not exceed four square feet in area.
- (C) The area of signs indicating other parking instructions or traffic direction information shall not exceed three square feet in area.
- (D) Such signs may be located anywhere within the limits of the premises subject to the height restriction of the zoning district in which located.

(Prior Code, § 153.143) (Ord. D-1418, § 709, passed 11-22-1982, effective 1-21-1983)

§ 153.154 PUBLIC SIGNS.

Public signs are exempted from the provisions of this chapter.

(Prior Code, § 153.144) (Ord. D-1418, § 710, passed 11-22-1982, effective 1-21-1983)

§ 153.155 TEMPORARY SIGNS.

The following signs shall be permitted in any zoning district:

- (A) Unilluminated signs which identify a construction project and the architects, engineers, contractors, and other firms or individuals involved with such construction project. However, such signs shall not include product advertisements or endorsements. Such signs shall be confined to the construction site and must be removed within 14 days from the beginning of the intended use of the project. The total area of all such signs is limited to 16 square feet per firm;
- (B) Political signs announcing political and public issues contained on a ballot, and other pertinent data thereto are permitted provided the maximum area of all such signs on one lot shall not exceed 32 square feet. All such signs designated as political signs shall be removed within seven days of the election for which they were erected;
- (C) Unilluminated signs pertaining to the availability for sale, lease, or rent of a lot or building existing thereon, and “sold” signs pertaining to the sale of a lot or building existing thereon provided that the total area of all such signs on any one lot shall not exceed six square feet and provided further that each such sign shall be removed immediately after seven days following closing;
- (D) (1) Unilluminated signs pertaining to the sale, lease, or rent of subdivisions, planned shopping centers, and other developments consisting of one acre or more shall be in compliance with the following table:

Land Size	Total Number Signs	Total Maximum Area/Sign
Over one but less than six acres	1	100 sq. ft.
Over six but less than 20 acres	2	100 sq. ft.
Over 20 acres	3	100 sq. ft.

- (2) Such signs shall be removed within two years except that any such sign may be approved for one additional year by the Board of Appeals on Zoning after a duly advertised public hearing. Each such sign shall be removed not more than 60 days after the sale, lease, rent, or development of the property.
- (E) Special event signs or banners approved by the City Council in conjunction with an exhibition authorized in accordance with § 96.021, provided that all signs and banners are removed immediately after the end of the exhibition;
- (F) Interior signs displayed by a business occupying not more than one-fourth of the ground level window area of said business. No such sign shall be displayed for more than 15 days in any 30-day period. Signs displayed for longer than this

time period shall be considered permanent signs and computed in sign area governed by other sections of this subchapter;

(G) One unilluminated rummage sale sign not exceeding three square feet in area provided any such sign is removed promptly after the end of the sale;

(H) All such signs may be erected anywhere within the limits of the property;

(I) No such sign displayed flatly against the surface of a building shall project above the roof line of the associated structure. No other such sign shall extend more than ten feet above the average grade at the base of the sign; and

(J) Unless otherwise provided, any such sign may be illuminated in accordance with §153.149.

(Prior Code, § 153.145) (Ord. D-1418, § 711, passed 11-22-1982, effective 1-21-1983; Ord. D-1665, passed 10-26-1992, effective 11-5-1992; Ord. D-1941, passed 12-30-2002, effective 1-9-2003) Penalty, see § 153.999

§ 153.156 SPECIAL PURPOSE TEMPORARY SIGNS.

Special purpose temporary signs shall be allowed in any zoning district, providing that each such sign shall require a permit and be subject to the following restrictions.

(A) *Time limit.* A special purpose temporary sign may be displayed for no more than the number of days specified below, commencing on the issue date of the permit. At the conclusion of the permit period, the special purpose temporary sign must be removed from the parcel or stored indoors.

(1) *Residential properties.* Special purpose temporary sign permits shall be valid for a period of two consecutive days and no more than three special purpose temporary signs shall be allowed per residential parcel per calendar year.

(2) *Nonresidential properties.* Special purpose temporary signs may be placed on a parcel for no more than 30 days in a calendar year and no more than four special purpose temporary sign permits shall be issued per parcel per calendar year.

(B) *Size.* A special purpose temporary sign shall be no larger than 32 square feet.

(C) *Location.* A special purpose temporary sign is subject to the height and setback restrictions for signs in the zoning district in which it is placed. No off-site special purpose temporary signs are allowed.

(D) *Illumination.* Illumination of special purpose temporary signs is permitted, but only in accordance with §153.149.

(E) *Permits.* A permit fee, as established by the City Manager with Council approval, shall be charged, except for residential parcels, each time such sign is placed on the parcel.

(F) *Tagging.* All special purpose temporary signs shall display a tag, in a place conspicuous to inspectors, indicating the name of the permit holder, the permit number, the date the permit was issued and when it expires, said tag to be provided by the city.

(Prior Code, § 153.146) (Ord. D-1418, § 711.1, passed 11-22-1982, effective 1-21-1983; Ord. D-1654, passed 4-27-1992, effective 5-7-1992)

§ 153.157 SIGNS IN R-1 DISTRICTS.

(A) In any R-1 District, only the following on-site signs may be displayed either flatly against the surface of the building involved or at least ten feet from any street lot line:

(1) Signs indicating the names and addresses of the occupants not to exceed a total of two square feet;

(2) One temporary announcement sign or permanent bulletin board, with changeable copy, not to exceed 32 square feet in area and one identification sign not to exceed ten square feet in area;

(3) One identification sign for each permitted use after special approval, except a church or hospital, not to exceed four square feet in area; and

(4) A master plan for signage for each hospital shall be submitted for approval by the City Planning Commission. Once approved by the Commission, minor variations in size and height per sign (+/-) five square feet in area may be approved administratively. The procedure for filing the master signage plan shall be the same as the procedure for site plan review. There will not be a fee charged for review of minor variations approved administratively. The maximum amount of signage allowed for any hospital will be determined during review of the master sign plan, taking into consideration the size of the hospital campus, specialized services provided, location of parking facilities, and traffic directional needs.

(B) Unless otherwise provided, any sign permitted may be illuminated in accordance with §153.149.

(C) No sign displayed flatly against the surface of a building shall project above the roof line of the associated structure. No other sign shall extend more than six feet above the average grade at the base of the sign.

(Prior Code, § 153.147) (Ord. D-1418, § 712, passed 11-22-1982, effective 1-21-1983; Ord. D-1823, passed 7-13-1998, effective 7-27-1998; Ord. D-1845, passed 10-11-1999, effective 10-21-1999) Penalty, see § 153.999

§ 153.158 SIGNS IN R-1A DISTRICTS.

(A) In any R-1A District only the following on-site signs may be displayed either flatly against the surface of the building involved or at least ten feet from any street lot line:

(1) Any sign permitted in R-1 Districts as permitted therein;

(2) One identification sign each for all other permitted uses, excluding home occupations, not to exceed four square feet in area except as otherwise specifically provided; and

(3) One identification sign for each university, college, seminary, golf course, private museum, or agricultural or industrial exposition, not to exceed 20 square feet in area.

(B) Unless otherwise provided, any sign permitted may be illuminated in accordance with §153.149.

(C) The height restriction on signs in R-1A Districts shall be the same as specified for R-1 Districts.

(Prior Code, § 153.148) (Ord. D-1418, § 713, passed 11-22-1982, effective 1-21-1983)

§ 153.159 SIGNS IN R-2 DISTRICTS.

(A) In any R-2 District, only the following on-site signs may be displayed either flatly against the surface of the building involved or at least ten feet from any street lot line:

(1) Any sign permitted in R-1 and R-1A Districts as permitted therein;

(2) One identification sign for each permitted day care center or planned mobile home park development not to exceed 12 square feet in area; and

(3) One identification sign for each university, college, seminary, golf course, private museum, or agricultural or industrial exposition not to exceed 20 square feet in area.

(B) Unless otherwise provided, any sign permitted may be illuminated in accordance with §153.149.

(C) The maximum height of signs in R-2 Districts shall be the same as specified for R-1 Districts.

(Prior Code, § 153.149) (Ord. D-1418, § 714, passed 11-22-1982, effective 1-21-1983)

§ 153.160 SIGNS IN R-3 DISTRICTS.

(A) In any R-3 District, only the following on-site signs may be displayed either flatly against the surface of the building involved or at least ten feet from any street lot line:

(1) Any sign permitted in R-1, R-1A, or R-2 Districts as permitted therein;

(2) One identification sign for each tourist home, rooming house, boarding house, or home occupation not to exceed two square feet in area; and

(3) One identification sign for each permitted membership club or charitable or other welfare institution not to exceed eight square feet in area.

(B) Unless otherwise provided, any sign permitted may be illuminated in accordance with §153.149.

(C) The height restriction on signs in R-3 Districts shall be the same as specified for R-1 Districts.

(Prior Code, § 153.150) (Ord. D-1418, § 715, passed 11-22-1982, effective 1-21-1983)

§ 153.161 SIGNS IN R-4 DISTRICTS.

(A) In any R-4 District, only the following on-site signs may be displayed either flatly against the surface of the building involved or at least ten feet from any street lot line:

(1) Any sign permitted in R-1, R-1A, R-2, or R-3 Districts as permitted therein; and

(2) One identification sign for each high rise apartment not to exceed 16 square feet in area.

(B) Unless otherwise provided, any sign permitted may be illuminated in accordance with §153.149.

(C) The height restriction on signs in R-4 Districts shall be the same as specified for R-1 Districts.

(Prior Code, § 153.151) (Ord. D-1418, § 716, passed 11-22-1982, effective 1-21-1983)

§ 153.162 SIGNS IN RO-1 DISTRICTS.

(A) In any RO-1 District, only the following on-site signs may be displayed either flatly against the surface of the associated building or at least ten feet from any street lot line:

(1) Any sign permitted in R-1, R-1A, R-2, R-3, or R-4 Districts as permitted therein; and

(2) One identification sign for each membership club, charitable or welfare institution, private museum, or special approval office use not to exceed one-half square foot in area for each lineal foot of building frontage or one-fourth square

foot in area for each lineal foot of lot frontage, whichever is greater. However, no sign shall exceed a maximum of 25 square feet in area.

(B) Unless otherwise provided, any sign permitted may be illuminated in accordance with §153.149.

(C) The height restriction on signs in RO-1 Districts shall be the same as specified for R-1 Districts.

(Prior Code, § 153.152) (Ord. D-1418, § 717, passed 11-22-1982, effective 1-21-1983)

§ 153.163 SIGNS IN B-1 DISTRICTS.

(A) In any B-1 District, only the following on-site identification signs may be displayed provided no portion of such sign is located nearer than nine feet from any street lot line unless otherwise provided:

(1) Any sign permitted in R-1, R-1A, R-2, R-3, R-4, or RO-1 Districts as permitted therein except as modified in this section with regard to setback;

(2) Signs facing the front lot line whose area does not exceed one and one-half square feet for each lineal foot of building frontage or one-half square foot for each lineal foot of lot frontage, whichever is greater;

(3) Signs located on corner lots facing other than the front lot line whose area does not exceed 50% of one and one-half square feet for each lineal foot of building length along the respective lot line or 50% of one-half square foot for each lineal foot of lot length along the respective lot line, whichever is greater;

(4) Signs on the vertical faces of marquees provided that no such sign shall project above or below the marquee if the marquee is located over the required yard area or public right-of-way;

(5) Signs attached to the building or erected separately subject to the setback requirements of this section; and

(6) Signs erected upon the premises of an automobile service station subject to the size limitation of divisions (A)(2) and (A)(3) above as long as the sign is within the limits of the property for each abutting street provided that no portion intended for visual communication is less than 12 feet from grade. The nine foot setback does not apply to automobile service station signs.

(B) Any sign permitted may be illuminated in accordance with §153.149.

(C) No sign displayed on, attached to, or over a building shall project above the eave line of the associated structure. No other sign shall extend more than 35 feet above the average grade at the base of the sign.

(D) The total area of all signs permitted for any property use, including corner lots, shall not exceed 200 square feet.

(Prior Code, § 153.153) (Ord. D-1418, § 718, passed 11-22-1982, effective 1-21-1983) Penalty, see § 153.999

§ 153.164 SIGNS IN B-1A DISTRICTS.

Any sign permitted in R-1, R-1A, R-2, R-3, R-4, RO-1, or B-1 Districts as permitted therein is allowed in a B-1A District.

(Prior Code, § 153.154) (Ord. D-1418, § 719, passed 11-22-1982, effective 1-21-1983)

§ 153.165 SIGNS IN B-2 DISTRICTS.

(A) In any B-2 District, only the following on-site identification signs may be displayed provided no portion of such sign projects more than one foot beyond the street lot line:

(1) Any sign permitted in R-1, R-1A, R-2, R-3, R-4, RO-1, B-1, or B-1A Districts as permitted therein except as modified in this section with regard to setback;

(2) Signs facing the front lot line whose area does not exceed three square feet for each lineal foot of building frontage or one square foot for each lineal foot of lot frontage, whichever is greater; and

(3) Signs facing other than the front lot line whose area does not exceed 50% of three square feet in area for each lineal foot of building length along the respective lot line or 50% of one square foot in area for each lineal foot of lot length along the respective lot line, whichever is greater.

(B) Any sign permitted may be illuminated in accordance with §153.149.

(C) The height restrictions on signs in B-2 Districts shall be the same as specified for B-1 Districts.

(D) The total area of all on-site signs permitted for any property use, including corner lots, shall not exceed 350 square feet.

(E) Off-site signs are permitted in accordance with §153.152.

(Prior Code, § 153.155) (Ord. D-1418, § 720, passed 11-22-1982, effective 1-21-1983)

§ 153.166 SIGNS IN B-3 AND RMU DISTRICTS.

(A) With the exception of off-site signs, any other sign permitted in R-1, R-1A, R-2, R-3, R-4, RO-1, B-1, or B-2 Districts

as permitted therein is allowed in a B-3 or RMU District.

(B) Off-site signs are not permitted in B-3 or RMU Districts.

(Prior Code, § 153.156) (Ord. D-1418, § 721, passed 11-22-1982, effective 1-21-1983; Ord. D-1920, passed 6-3-2002, effective 6-13-2002)

§ 153.167 SIGNS IN M-1 DISTRICTS.

(A) In any M-1 District, only the following on-site signs are permitted provided no portion of such sign is located closer to the street lot line than the required front yard setback as specified in § 153.440 for the M-1 District:

(1) Any sign permitted in R-1, R-1A, R-2, R-3, R4, RO-1, B-1, B-1A, B-2 or B-3 Districts as permitted therein except as modified in this section with regard to setback; and

(2) One on-site sign per use facing each lot line subject to the following size limitations:

(a) The on-site sign facing the front lot line shall not exceed three square feet in area for each lineal foot of lot frontage, or one square foot in area for each lineal foot of lot frontage, whichever is greater; and

(b) The on-site signs facing other than the front lot line shall not exceed 50% of three square feet in area for each lineal foot of building length along the respective lot line or 50% of one square feet in area for each lineal foot of lot length along the respective lot line, whichever is greater.

(B) Any sign permitted may be illuminated in accordance with §153.149.

(C) There is no maximum height for signs in M-1 Districts.

(D) The total area of all on-site signs permitted for any property use, including corner lots, shall not exceed 750 square feet.

(E) Off-site signs are permitted in accordance with § 153.152.

(F) Signs may be attached to or project from the surface or roof of the building involved or may be erected separately.

(Prior Code, § 153.157) (Ord. D-1418, § 722, passed 11-22-1982, effective 1-21-1983)

§ 153.168 SIGNS IN M-2 DISTRICTS.

(A) Any sign permitted in R-1, R-1A, R-2, R-3, R-4, RO-1, B-1, B-1A, B-2, B-3, or M-1 Districts as permitted therein is allowed in an M-2 District provided that no portion of such sign is located closer to the street lot line than the front yard setback as specified in § 153.440 for the M-2 District.

(B) Any sign permitted may be illuminated in accordance with §153.149.

(C) There is no maximum height for signs in M-2 Districts.

(D) The total area of all on-site signs permitted for any property use, including corner lots, shall not exceed 750 square feet.

(E) Off-site signs are permitted in accordance with § 153.152.

(F) Signs may be attached to or project from the surface or roof of the building involved or may be erected separately.

(Prior Code, § 153.158) (Ord. D-1418, § 723, passed 11-22-1982, effective 1-21-1983)

§ 153.169 SIGNS IN M-3 DISTRICTS.

(A) Any sign permitted in R-1, R-1A, R-2, R-3, R-4, RO-1, B-1, B-1A, B-2, B-3, M-1, or M-2 Districts is allowed in an M-3 District provided no portion of such sign is located closer to the street lot line than the front yard setback as specified in § 153.440 for the M-3 District.

(B) Any sign permitted may be illuminated in accordance with §153.149.

(C) There is no maximum height for signs in M-3 Districts.

(D) There is no maximum area for signs in M-3 Districts.

(E) Off-site signs are permitted in accordance with § 153.152.

(F) Signs may be attached to or project from the surface or roof of the building involved or may be erected separately.

(Prior Code, § 153.159) (Ord. D-1418, § 724, passed 11-22-1982, effective 1-21-1983)

R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT

§ 153.180 STATEMENT OF PURPOSE.

(A) The R-1, Single-Family Residential District is established as a district in which the principal use of land is for single-

family dwellings.

(B) For the R-1 District, in promoting the general purpose of this subchapter, the specific intent of this district is:

- (1) To encourage the construction of and the continued use of the land for single-family dwellings;
- (2) To prohibit business, commercial, or industrial use of land, and to prohibit any other use which would substantially interfere with development or continuation of single-family dwellings in the district;
- (3) To encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this subchapter; and
- (4) To discourage any land use which would generate traffic on minor or local streets other than normal traffic generated by the residences on those streets.

(Prior Code, § 153.170) (Ord. D-1418, § 801, passed 11-22-1982, effective 1-21-1983)

§ 153.181 PRINCIPAL PERMITTED USES.

In the R-1 District, no uses shall be permitted unless otherwise provided in this subchapter, except the following:

- (A) Single-family detached dwellings;
- (B) Municipal, county, state, or federal administrative or service buildings;
- (C) Planned developments as provided in §§ 153.400 through 153.406;
- (D) Public, parochial, or private elementary, junior, and senior high schools, and colleges offering courses in general education, not operated for profit;
- (E) Publicly-owned and operated parks, play fields, golf courses, community center buildings, museums, libraries, and other community facilities;
- (F) Home occupations as defined in § 153.021, as regulated under § 153.069(D);
- (G) An adult foster care family home providing supervision or care, or both, to six or fewer persons. This division (G) shall not apply to adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional institutions. At least 45 days before licensing a residential facility herein described, the state licensing agency shall notify the Zoning Administrator of the city where the proposed facility is to be located to review the number of existing or proposed similar adult foster care family homes whose property lines are within a 1,500-foot radius of the property lines of the location of the applicant. The Zoning Administrator shall, when a proposed facility is to be located within the city, give appropriate notification of the proposal to license the facility to those residents whose property lines are within a 1,500-foot radius of the property lines of the proposed facility. A state licensing agency shall not license a proposed adult foster care family home when another such facility exists within a 1,500-foot radius, unless elsewhere permitted by this subchapter, of the proposed location or when the issuance of the license would substantially contribute to an excessive concentration of adult foster care family homes within the city. The foregoing notice and distance requirements shall not apply to state licensed residential facilities caring for four or fewer minors. These regulations shall not apply to a state licensed adult foster care residential facility licensed before March 31, 1977, or to a residential facility which was in the process of being developed and licensed before March 31, 1977, if approval had been granted by the City Council; (Refer also to §§ 153.455 through 153.491 for applicable standards.)
- (H) Accessory buildings and uses customarily incidental to the above principal permitted uses, subject to requirements of § 153.070;
- (L) Signs as provided in §§ 153.145 through 153.169;
- (J) Off-street parking in accordance with the requirements of §§ 153.125 through 153.132; and
- (K) Temporary buildings and trailers for use incidental to construction work.

(Prior Code, § 153.171) (Ord. D-1418, § 802, passed 11-22-1982, effective 1-21-1983)

§ 153.182 PERMITTED USES AFTER SPECIAL APPROVAL.

The following uses shall be permitted subject to applicable site design standards in §§ 153.455 through 153.491 and subject further to the approval of the City Planning Commission in accordance with processing procedures in § 153.562:

- (A) Churches, convents, rectories, and other facilities normally incidental thereto, subject to site design standards established in §§ 153.455 through 153.491;
- (B) Hospitals, subject to site standards established in §§ 153.455 through 153.491;
- (C) "Off-Street Parking A" land use pursuant to standards in § 153.128;
- (D) Private adult education facilities, and athletic or community centers, not operated for profit;
- (E) Private parks, country clubs, golf courses, and golf driving ranges if in connection with a golf course or country club, subject to standards established in §§ 153.455 through 153.491; and

(F) (1) Public utility buildings, telephone exchange buildings, electric transformer stations and substations, municipal pumping stations, and gas regulator stations without open storage yards, when in addition to meeting other requirements, the proposed installation can be shown to be reasonably necessary to the orderly development of the surrounding residential area.

(2) In the case of electric overhead supply systems it shall be shown that the location and alignment being requested is the arrangement most compatible with the residential areas involved, necessary to the regional power network, and that it is extremely unreasonable to locate such facility entirely in business or industrial districts.

(3) Nothing in this division (F) shall authorize overhead supply systems in conduit districts.

(Prior Code, § 153.172) (Ord. D-1418, § 803, passed 11-22-1982, effective 1-21-1983)

§ 153.183 SITE PLAN REVIEW.

For all uses in a R-1 District, a site plan shall be submitted of review and approval in accordance with §53.083.

(Prior Code, § 153.173) (Ord. D-1418, § 804, passed 11-22-1982, effective 1-21-1983)

§ 153.184 AREA, HEIGHT, BULK, AND PLACEMENT REQUIREMENTS AND PERFORMANCE STANDARDS.

Area, height, bulk, and placement requirements and performance standards, unless otherwise specified, are as provided in §§ 153.084 and 153.440.

(Prior Code, § 153.174) (Ord. D-1418, § 805, passed 11-22-1982, effective 1-21-1983)

R-1A, AGRICULTURAL RESIDENTIAL DISTRICT

§ 153.195 STATEMENT OF PURPOSE.

The R-1A, Agricultural Residential District is established as a district in which the principal use of land is for open agricultural land use, which areas are also designated for well-planned low density residential and institutional uses when development consistent with the city's Comprehensive Development Plan is proposed.

(Prior Code, § 153.190) (Ord. D-1418, § 901, passed 11-22-1982, effective 1-21-1983)

§ 153.196 PRINCIPAL PERMITTED USES.

In the R-1A District, no uses shall be permitted unless otherwise provided in this subchapter, except the following:

(A) All principal permitted uses in the R-1 District;

(B) Farms (except commercial animal, poultry, or pet enterprises), gardens, plant material nurseries, and greenhouses, provided no buildings, yards, or runs for the care, shelter, or confinement of animals or fowl or the storage of manure is located nearer than 100 feet from a lot line;

(C) Golf courses, including clubhouse facilities and service buildings;

(D) Universities, colleges, and seminaries, including fraternity and sorority houses, and customary recreational facilities in connection with such use located on the same property;

(E) Home occupations as defined in § 153.021 and regulated under § 153.069(D);

(F) Accessory buildings and uses customarily incidental to the above principal permitted uses, subject to requirements of § 153.070;

(G) Signs as provided in §§ 153.145 through 153.169;

(H) Off-street parking in accordance with the requirements of §§153.125 through 153.132; and

(I) Temporary buildings and trailers for use incidental to construction work.

(Prior Code, § 153.191) (Ord. D-1418, § 902, passed 11-22-1982, effective 1-21-1983)

§ 153.197 PERMITTED USES AFTER SPECIAL APPROVAL.

The following uses shall be permitted subject to applicable site design standards in §§153.455 through 153.491 and subject further to the approval of the City Planning Commission in accordance with processing procedures in § 153.562:

(A) All permitted uses after special approval in the R-1 District;

(B) Agricultural and industrial expositions, thoroughbred horse racing, harness racing;

(C) Cemeteries, including necessary buildings, subject to standards established in §§153.455 through 153.491; and

(D) Private museums.

(Prior Code, § 153.192) (Ord. D-1418, § 903, passed 11-22-1982, effective 1-21-1983)

§ 153.198 SITE PLAN REVIEW.

For all uses in a R-1A District, a site plan shall be submitted for review and approval in accordance with §153.083.
(Prior Code, § 153.193) (Ord. D-1418, § 904, passed 11-22-1982, effective 1-21-1983)

§ 153.199 AREA, HEIGHT, BULK, AND PLACEMENT REQUIREMENTS AND PERFORMANCE STANDARDS.

Area, height, bulk, and placement requirements and performance standards, unless otherwise specified, are as provided in §§ 153.084 and 153.440.

(Prior Code, § 153.194) (Ord. D-1418, § 905, passed 11-22-1982, effective 1-21-1983)

R-2, TWO-FAMILY RESIDENTIAL DISTRICT

§ 153.210 STATEMENT OF PURPOSE.

The R-2, Two-Family Residential District is established as a district in which the principal use of land is for single-family dwellings, two-family dwellings, and certain low density multiple dwellings subject to site standards intended to not overcrowd the neighborhood, congest local streets, or otherwise adversely effect the character of established neighborhoods.

(Prior Code, § 153.210) (Ord. D-1418, § 1002, passed 11-22-1982, effective 1-21-1983)

§ 153.211 PRINCIPAL PERMITTED USES.

In the R-2 District, no uses shall be permitted unless otherwise provided in this subchapter, except the following:

- (A) All principal permitted uses in the R-1 District;
- (B) Two-family dwellings not to exceed one two-family dwelling per lot, except in the case of a multiple dwelling maintained since January 1, 1950, in which event said multiple dwelling may be continued to the extent so maintained for a continuous period since January 1, 1950, and shall hereafter be subject to all the provisions pertaining to legally established nonconforming uses. The burden of proof as to the date of establishment of any use provided for in this section shall be upon the owner;
- (C) Accessory buildings and uses customarily incidental to the above principal permitted uses;
- (D) Signs as provided in §§ 153.145 through 153.169;
- (E) Off-street parking in accordance with the requirements of §§153.125 through 153.132; and
- (F) Temporary buildings and trailers for use incidental to construction work.

(Prior Code, § 153.211) (Ord. D-1418, § 1002, passed 11-22-1982, effective 1-21-1983)

§ 153.212 PERMITTED USES AFTER SPECIAL APPROVAL.

The following uses shall be permitted subject to applicable site design standards in §§153.455 through 153.491 and subject further to the approval of the City Planning Commission in accordance with processing procedures in § 153.562:

- (A) All permitted uses after special approval in the R-1 District;
- (B) Construction of new or conversion of existing structures to contain three or four dwelling units; (Refer also to § 153.440(G).)
- (C) Private museums;
- (D) Nursery schools, day nurseries, and child day care centers, subject to site standards established in §§153.455 through 153.491; and
- (E) Adult foster care small group homes.

(Prior Code, § 153.212) (Ord. D-1418, § 1003, passed 11-22-1982, effective 1-21-1983)

§ 153.213 SITE PLAN REVIEW.

For all uses in a R-2 District, a site plan shall be submitted for review and approval in accordance with §153.083.
(Prior Code, § 153.213) (Ord. D-1418, § 1004, passed 11-22-1982, effective 1-21-1983)

§ 153.214 AREA, HEIGHT, BULK, AND PLACEMENT REQUIREMENTS AND PERFORMANCE STANDARDS.

Area, height, bulk, and placement requirements and performance standards, unless otherwise specified, are as provided in §§ 153.084 and 153.440.

(Prior Code, § 153.214) (Ord. D-1418, § 1005, passed 11-22-1982, effective 1-21-1983)

R-3, LOW DENSITY MULTIPLE DWELLING RESIDENTIAL DISTRICT

§ 153.225 STATEMENT OF PURPOSE.

The R-3, Low Density Multiple Dwelling Residential District is designed primarily for single-family and two-family dwellings and low density multiple-family dwellings. It is designed to promote a harmonious mixture of detached and group housing and related education, cultural, and religious land uses in a basically residential environment.

(Prior Code, § 153.230) (Ord. D-1418, § 1101, passed 11-22-1982, effective 1-21-1983)

§ 153.226 PRINCIPAL PERMITTED USES.

In the R-3 District, no uses shall be permitted unless otherwise provided in this subchapter, except the following:

(A) All principal permitted uses in the R-2 District;

(B) Multiple-family dwellings, including apartments, townhouses, terraces, and row houses provided all such dwellings shall have at least one property line abutting a major or secondary thoroughfare as classified in the city's Trafficways Plan, or have vehicular access to such a thoroughfare through property zoned R-3 or R-4. All ingress and egress shall be directly onto said thoroughfare;

(C) Adult foster care small and large group homes subject to standards established in §§153.455 through 153.491;

(D) Boarding or rooming houses, lodging houses, and tourist homes subject to standards established in §§153.455 through 153.491;

(E) Community garages, provided that not more than two commercial vehicles of not over one and one-half ton capacity are housed therein;

(F) Convalescent and nursing homes subject to standards in §§153.455 through 153.491;

(G) Convents and nurses homes;

(H) Day care centers subject to standards established in §§153.455 through 153.491;

(I) Hospitals subject to site design standards in §§153.455 through 153.491;

(J) Private museums;

(K) Private school and educational institutions;

(L) Accessory buildings and uses customarily incidental to the above principal permitted uses;

(M) Signs as provided in §§ 153.145 through 153.169;

(N) Off-street parking in accordance with the requirements of §§153.125 through 153.132; and

(O) Temporary buildings and trailers for use incidental to construction work.

(Prior Code, § 153.231) (Ord. D-1418, § 1102, passed 11-22-1982, effective 1-21-1983)

§ 153.227 PERMITTED USES AFTER SPECIAL APPROVAL.

The following uses may be permitted subject to applicable site design standards in §§153.455 through 153.491 and subject further to the approval of the City Planning Commission in accordance with processing procedures in § 153.562:

(A) All permitted uses after special approval in the R-1 and R-2 Districts;

(B) Membership clubs, or fraternal or recreational buildings not operated for profit;

(C) Mobile home park developments subject to standards established in §§153.455 through 153.491;

(D) "Off-Street Parking A" land use pursuant to standards in §153.128; and

(E) Public utility buildings, telephone exchange buildings, electric transformer stations and substations, municipal pumping stations and gas regulator stations without open storage yards when, in addition to meeting other requirements, the proposed installation can be shown to be reasonably necessary to the orderly development of the surrounding residential area. In the case of electric overhead supply systems it shall be shown that the location and alignment being requested is the arrangement most compatible with the residential areas involved, necessary to the regional power network, and that it is extremely unreasonable to locate such facility entirely in business or industrial districts. Nothing in this division (E) shall authorize overhead supply systems in conduit districts.

(Prior Code, § 153.232) (Ord. D-1418, § 1103, passed 11-22-1982, effective 1-21-1983)

§ 153.228 SCREENING REQUIREMENT.

Where required parking lots of any use permitted in an R-3 District are erected such that the headlights of the cars in the parking lot will face into any other residential zoned property, a solid ornamental wood fence or masonry wall, a minimum of three feet in height, shall be required along that parking lot boundary line facing the residentially zoned property.

(Prior Code, § 153.233) (Ord. D-1418, § 1104, passed 11-22-1982, effective 1-21-1983)

§ 153.229 SITE PLAN REVIEW.

For all uses in a R-3 District, a site plan shall be submitted for review and approval in accordance with §153.083. Site plan review authority of preliminary plans of mobile home parks, as authorized under the Mobile Home Commission Act, Public Act 96 of 1987, being M.C.L. §§ 125.2301 et seq., shall follow the procedures in § 153.083, except that said preliminary plans need not include detailed construction plans, rather they should depict location of the site in relation to surrounding properties, layout, general design, and other information desirable to fully illustrate the character of the project. If the plan meets the specific standards (e.g., setback, parking, buffers) in this chapter, the site plan shall be approved.

(Prior Code, § 153.234) (Ord. D-1418, § 1105, passed 11-22-1982, effective 1-21-1983)

§ 153.230 AREA, HEIGHT, BULK, AND PLACEMENT REQUIREMENTS AND PERFORMANCE STANDARDS.

Area, height, bulk, and placement requirements and performance standards, unless otherwise specified, shall be as provided in §§ 153.084 and 153.440.

(Prior Code, § 153.235) (Ord. D-1418, § 1106, passed 11-22-1982, effective 1-21-1983)

R-4, HIGH DENSITY MULTIPLE DWELLING RESIDENTIAL DISTRICT

§ 153.245 STATEMENT OF PURPOSE.

The R-4, High Density Multiple Dwelling Residential District is designed to permit a more intensive residential use of land with various types of multiple dwellings, including high rise apartment structures, and related institutional uses. These districts would generally be located adjacent to streets permitting good accessibility, and should be compatible with adjoining single-family neighborhoods. Various types and sizes of residential units, for ownership or rental, would be provided at planned locations in the community to meet the needs of the different age and family groups in the community.

(Prior Code, § 153.250) (Ord. D-1418, § 1201, passed 11-22-1982, effective 1-21-1983)

§ 153.246 PRINCIPAL PERMITTED USES.

In the R-4 District, no uses shall be permitted unless otherwise provided in this subchapter, except the following:

- (A) All principal permitted uses in the R-3 District;
- (B) High rise apartment structures;
- (C) Accessory buildings or uses customarily incidental to the above principal permitted uses;
- (D) Signs as provided in §§ 153.145 through 153.169;
- (E) Off-street parking in accordance with the requirements of §§153.125 through 153.132;

(F) Incidental services within high rise apartment buildings for the convenience of occupants, such as news, tobacco, or candy stands, delicatessens, restaurants, personal service shops, and similar uses, provided the following conditions are filled:

- (1) At least 75 dwelling units shall be contained within the apartment building or apartment building group;
 - (2) A total of not more than 2% of the gross floor area of the building shall be used;
 - (3) All such incidental services shall be situated within the interior of the building so that no part thereof shall be directly accessible to the general public or to tenants from any street, or public or private way;
 - (4) No sign or window display shall be discernible or visible from a sidewalk, street, or public or private way; and
 - (5) Such incidental services shall not be provided on the same floor as dwelling units are situated, unless separated therefrom by a fireproof wall as provided in the building regulations.
- (G) Temporary buildings and trailers for use incidental to construction use.

(Prior Code, § 153.251) (Ord. D-1418, § 1202, passed 11-22-1982, effective 1-21-1983)

§ 153.247 PERMITTED USES AFTER SPECIAL APPROVAL.

The following uses may be permitted subject to applicable site design standards in §§153.455 through 153.491 and subject further to the approval of the City Planning Commission in accordance with processing procedures in § 153.562: all permitted uses after special approval in a R-3 District.

(Prior Code, § 153.252) (Ord. D-1418, § 1203, passed 11-22-1982, effective 1-21-1983)

§ 153.248 SCREENING REQUIREMENT.

Where required parking lots of any use permitted in an R-4 District are erected such that the headlights of the cars in the parking lot will face into any residentially zoned property, a solid masonry wall or other barrier of opaque material, a

minimum of three feet in height, shall be required along that parking lot boundary line facing the residentially zoned property.
(Prior Code, § 153.253) (Ord. D-1418, § 1204, passed 11-22-1982, effective 1-21-1983)

§ 153.249 SITE PLAN REVIEW.

For all uses in a R-4 District, a site plan shall be submitted for review and approval in accordance with §153.083.
(Prior Code, § 153.254) (Ord. D-1418, § 1205, passed 11-22-1982, effective 1-21-1983)

§ 153.250 AREA, HEIGHT, BULK, AND PLACEMENT REQUIREMENTS AND PERFORMANCE STANDARDS.

Area, height, bulk, and placement requirements and performance standards, unless otherwise specified, are as provided in §§ 153.084 and 153.440.

(Prior Code, § 153.255) (Ord. D-1418, § 1206, passed 11-22-1982, effective 1-21-1983)

RO-1, RESTRICTED OFFICE DISTRICT

§ 153.265 STATEMENT OF PURPOSE.

The RO-1, Restricted Office District is intended for multiple-family residential uses and those restricted office and restricted business uses which will provide opportunities for local employment close to residential areas, thus reducing travel to and from work; and which will provide clean, modern office buildings in landscaped settings; which will provide, adjacent to residential areas, appropriate districts for uses which do not generate large volumes of traffic, traffic congestion, and parking problems; and which will promote the most desirable use of land in accordance with the city's Comprehensive Plan.

(Prior Code, § 153.270) (Ord. D-1418, § 1301, passed 11-22-1982, effective 1-21-1983)

§ 153.266 PRINCIPAL PERMITTED USES.

In the RO-1 District, no uses shall be permitted unless otherwise provided in this subchapter, except the following:

- (A) Dwellings containing four or fewer units;
- (B) Adult foster care family homes and adult foster care small and large group homes subject to standards established in §§ 153.455 through 153.491;
- (C) Hospitals subject to site design standards in §§153.455 through 153.491;
- (D) Day care centers, nursery schools, day nurseries, or child care centers subject to the requirements of §153.477;
- (E) Senior citizen and community education facilities;
- (F) Accessory buildings and uses customarily incidental to the above permitted principal uses subject to the requirements of § 153.070;
- (G) Signs as provided in §§ 153.145 through 153.169;
- (H) Off-street parking in accordance with the requirements of §§153.125 through 153.132;
- (I) Home occupations as defined in §153.021 and regulated under § 153.069(D); and
- (J) Temporary buildings and trailers for use incidental to construction work.

(Prior Code, § 153.271) (Ord. D-1418, § 1302, passed 11-22-1982, effective 1-21-1983; Ord. D-1477, passed 2-15-1985, effective 2-25-1985)

§ 153.267 PERMITTED USES AFTER SPECIAL APPROVAL.

The following uses may be permitted subject to applicable site design standards in §§153.455 through 153.491 and subject further to the approval of the City Planning Commission in accordance with processing procedures in § 153.562:

- (A) Apartments, townhouses, terraces, and row houses containing more than four dwelling units;
- (B) Barber and beauty shops;
- (C) (1) Business offices, professional and governmental offices, including executive, administrative, professional, accounting, real estate, clerical, stenographic, and drafting; and
- (2) The above uses shall not be construed to eliminate offices of recognized manufacturers' agents, provided that no display will be in an exterior show window, and the total area devoted to display including both the objects displayed and the floor space set aside for persons observing the displayed objects shall not exceed 15% of the usable floor area of the establishment using the display of an actual product for sale as a sales procedure; provided that there shall be no outdoor storage of goods or material, irrespective of whether or not they are for sale, and provided further, that there shall be no warehousing or indoor storage of goods or material, irrespective of whether or not they are for sale beyond that normally incidental to the above permitted office-type uses.

- (D) Laboratories, x-ray, blood and related human testing procedures;
- (E) Medical or dental centers and clinics, not including veterinary hospitals;
- (F) Professional office of a medical doctor, osteopath, chiropractor, dentist, optometrist, architect, lawyer, professional engineer, land surveyor, landscape architect, or community planner;
- (G) Financial institutions, including banks, savings and loan offices, credit unions, and loan production offices;
- (H) Veterinary clinics and offices, excluding outside exercise yards and pens;
- (I) Funeral homes;
- (J) Public utility buildings, telephone exchange buildings, electric transformer stations and substations, municipal pumping stations, and gas regulator stations, but not including storage yards;
- (K) Historic theme restaurants, subject to standards established in §§153.455 through 153.491; and
- (L) Churches, convents, rectories, and other facilities normally incidental thereto, subject to site design standards established in §§ 153.455 through 153.491.

(Prior Code, § 153.272) (Ord. D-1418, § 1303, passed 11-22-1982, effective 1-21-1983)

§ 153.268 SITE PLAN REVIEW.

For all uses in an RO-1 District, a site plan shall be submitted for review and approval in accordance with §53.083.

(Prior Code, § 153.273) (Ord. D-1418, § 1304, passed 11-22-1982, effective 1-21-1983)

§ 153.269 AREA, HEIGHT, BULK, AND PLACEMENT REQUIREMENTS AND PERFORMANCE STANDARDS.

Area, height, bulk, and placement requirements and performance standards, unless otherwise specified, are as provided in §§ 153.084 and 153.440.

(Prior Code, § 153.274) (Ord. D-1418, § 1305, passed 11-22-1982, effective 1-21-1983)

B-1, LOCAL BUSINESS DISTRICT

§ 153.280 STATEMENT OF PURPOSE.

The B-1, Local Business District is intended to permit retail business and service uses which are needed to serve the nearby residential areas. In order to promote such business developments so far as is possible and appropriate in each area, uses are prohibited which would create hazards, offensive and loud noises, vibration, smoke, glare, or heavy truck traffic, or late hours of operation. The intent of this district is also to encourage the concentration of local business areas to the mutual advantage of both the consumers and merchants and thereby to promote the best use of land at certain strategic locations and to avoid the continuance of encouraging marginal, strip, business development along major thoroughfares.

(Prior Code, § 153.290) (Ord. D-1418, § 1401, passed 11-22-1982, effective 1-21-1983)

§ 153.281 PRINCIPAL PERMITTED USES.

In the B-1 District, no uses shall be permitted unless otherwise provided in this subchapter, except the following:

- (A) Business services, including the following:
 - (1) Business, professional, or governmental;
 - (2) Commercial parking lots;
 - (3) Financial institutions, including banks, savings and loan association offices, credit unions, and loan production offices; and
 - (4) Post offices or postal stations.
- (B) Clothing service, including the following:
 - (1) Dressmaking shops;
 - (2) Dry cleaning establishments occupying a total floor area not to exceed 2,000 square feet and using not more than two clothes cleaning units, neither of which shall have a rated capacity of more than 40 pounds, using cleaning fluid which is non-explosive and non-flammable;
 - (3) Laundry agencies;
 - (4) Millinery shops;
 - (5) Self-service laundry and dry cleaning establishments; and
 - (6) Tailor and pressing shops.

(C) Equipment service, including the following:

- (1) Electric appliance repair shops;
- (2) Radio and electronic repair, television shops;
- (3) Shoe repair shops; and
- (4) Watch repair shops.

(D) Food service (excluding drive-in type businesses), the business of which shall be conducted entirely within an enclosed building, including, but not limited to, the following:

- (1) Bake shops;
- (2) Dairy stores;
- (3) Delicatessens;
- (4) Groceries;
- (5) Meat, fish, and poultry markets;
- (6) Restaurants; and
- (7) Taverns.

(E) Medical offices, including the following:

- (1) Doctor, dentist, chiropractic offices;
- (2) Medical centers, industrial health clinics;
- (3) Medical laboratories, testing, research establishments; and
- (4) Veterinary hospitals and clinics, kennels, excluding outside exercise yards and pens.

(F) Personal service, including the following:

- (1) Barber shops;
- (2) Beauty shops;
- (3) Funeral homes;
- (4) Health salons; and
- (5) Photographic studios.

(G) Retail service and retail stores, generally, including the following:

- (1) Antique shops;
- (2) Apparel shops;
- (3) Bicycle sales and service;
- (4) Book stores;
- (5) Camera shops;
- (6) Drugstores;
- (7) Flower shops;
- (8) Gift shops;
- (9) Hardware, paint, and wallpaper stores;
- (10) Hobby shops;
- (11) Household appliances;
- (12) Jewelry stores;
- (13) Newsdealers;
- (14) Picture framing stores;
- (15) Radio, television, and record shops;
- (16) Stationers; and

(17) Variety stores.

(H) Membership clubs, fraternal, or recreational buildings;

(I) All dwellings, including apartments, townhouses, terraces, and row houses;

(J) Uses similar to the above, as determined by the City Planning Commission;

(K) Accessory buildings and uses customarily incidental to the above principal permitted uses, subject to requirements of § 153.070;

(L) Signs as provided in §§ 153.145 through 153.169;

(M) Off-street parking and loading facilities in accordance with the requirements of §§153.125 through 153.132; and

(N) Temporary buildings and trailers for use incidental to construction work.

(Prior Code, § 153.291) (Ord. D-1418, § 1402, passed 11-22-1982, effective 1-21-1983)

§ 153.282 PERMITTED USES AFTER SPECIAL APPROVAL.

The following uses may be permitted subject to applicable site design standards in §§153.455 through 153.491 and subject further to the approval of the City Planning Commission in accordance with processing procedures in § 153.562:

(A) Automobile service stations subject to site design standards in §153.071;

(B) Drive-in restaurants or other drive-in establishments serving food and/or beverages, subject to site design standards in §§ 153.455 through 153.491; and

(C) Public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations, but not including storage yards.

(Prior Code, § 153.292) (Ord. D-1418, § 1403, passed 11-22-1982, effective 1-21-1983)

§ 153.283 REQUIRED CONDITIONS.

The following conditions are required for all uses in the B-1 District.

(A) All business, service, or processing shall be conducted wholly within a completely enclosed building, provided further, that all lighting in connection with permitted business uses shall be so arranged as to reflect the light away from all adjoining residence buildings or residentially zoned property.

(B) All business or service establishments shall be mainly for the purpose of dealing directly with consumers. All goods produced or processed on the premises shall be principally sold at retail on the premises where produced and/or processed.

(C) Where a new or expanded land use occurs in a B-1 District, after the effective date of this chapter, which abuts directly upon a residentially zoned district, protective screening shall be provided in accordance with § 153.082.

(Prior Code, § 153.293) (Ord. D-1418, § 1404, passed 11-22-1982, effective 1-21-1983)

§ 153.284 SITE PLAN REVIEW.

For all uses in a B-1 District, a site plan shall be submitted for review and approval in accordance with §153.083. See § 153.082 for protective screening requirements.

(Prior Code, § 153.294) (Ord. D-1418, § 1405, passed 11-22-1982, effective 1-21-1983)

§ 153.285 AREA, HEIGHT, BULK, AND PLACEMENT REQUIREMENTS AND PERFORMANCE STANDARDS.

Area, height, bulk, and placement requirements and performance standards, unless otherwise specified, are as provided in §§ 153.084 and 153.440.

(Prior Code, § 153.295) (Ord. D-1418, § 1406, passed 11-22-1982, effective 1-21-1983)

B-1A, INTERCHANGE BUSINESS DISTRICT

§ 153.300 STATEMENT OF PURPOSE.

The B-1A, Interchange Business District is intended primarily for those activities and services oriented to automobile traffic at interchange areas of feeder roads and expressway/freeway facilities. The avoidance of undue congestion on feeder roads, the promotion of smooth traffic flow at the interchange area and on the interchange business loop, and the protection of adjacent properties in other zones from adverse influences of traffic are the prime consideration in the application of this district.

(Prior Code, § 153.310) (Ord. D-1418, § 1501, passed 11-22-1982, effective 1-21-1983)

§ 153.301 PRINCIPAL PERMITTED USES.

In the B-1A District, no uses shall be permitted, unless otherwise provided in this subchapter, except the following:

- (A) All principal permitted uses and all permitted uses after special approval in the B-1 District;
- (B) Accessory buildings and uses customarily incidental to the above principal permitted uses subject to the requirements of § 153.070;
- (C) Signs as provided in §§ 153.145 through 153.169;
- (D) Off-street parking and loading facilities in accordance with the requirements of §§153.125 through 153.132; and
- (E) Temporary buildings and trailers for use incidental to construction work.

(Prior Code, § 153.311) (Ord. D-1418, § 1502, passed 11-22-1982, effective 1-21-1983)

§ 153.302 SITE PLAN REVIEW.

For all uses in a B-1A District, a site plan shall be submitted for review and approval in accordance with §153.083. See § 153.082 for protective screening requirements.

(Prior Code, § 153.312) (Ord. D-1418, § 1503, passed 11-22-1982, effective 1-21-1983)

§ 153.303 AREA, HEIGHT, BULK, AND PLACEMENT REQUIREMENTS AND PERFORMANCE STANDARDS.

Area, height, bulk, and placement requirements and performance standards, unless otherwise specified, are as provided in §§ 153.083 and 153.440.

(Prior Code, § 153.313) (Ord. D-1418, § 1504, passed 11-22-1982, effective 1-21-1983)

B-2, GENERAL BUSINESS DISTRICT

§ 153.315 STATEMENT OF PURPOSE.

The B-2, General Business District is intended to permit a wider range of business and entertainment activities than those permitted in the B-1 or B-1A Districts. The permitted uses are intended to provide businesses and services usually found in major business areas along major streets, regional thoroughfares or near freeway access ramps. These uses generate large volumes of vehicular traffic, require substantial access for off-street parking and loading, and require detailed planning particularly as to relationships with adjacent residential areas. Multiple dwelling residential uses are also allowed in a planned setting with business uses.

(Prior Code, § 153.330) (Ord. D-1418, § 1601, passed 11-22-1982, effective 1-21-1983)

§ 153.316 PRINCIPAL PERMITTED USES.

In the B-2 District, no uses shall be permitted unless otherwise provided in this subchapter, except the following:

- (A) All principal permitted uses in the B-1 District;
- (B) Any service establishment of an office, showroom, or workshop nature, such as a decorator, upholsterer, caterer, exterminator, building contractor, and similar establishments that require a retail outlet;
- (C) Assembly halls;
- (D) Automobile service stations subject to site design standards in §153.071;
- (E) Automobile, truck, motorcycle, trailer, recreation vehicle, or boat showrooms, including outdoor storage or display of sales product;
- (F) Automotive service establishments, entirely within an enclosed building, limited to the following: body repair; painting and refinishing; motor repair; truck equipment installation; auto glass installation; waxing and polishing; tire sales and tire mounting; and muffler and battery service;
- (G) Bus, transit and train passenger terminals;
- (H) Business schools or private schools operated for a profit;
- (I) Business service establishments, such as office machine and typewriter repair, printing, photostating, blueprinting;
- (J) Cocktail lounges, night clubs, taverns, supper clubs, and private clubs, subject to standards in §§153.455 through 153.491;
- (K) Commercial recreation uses, including the following:
 - (1) Indoor theaters;
 - (2) Bowling alleys;
 - (3) Billiard rooms;

- (4) Dance halls; and
 - (5) Skating rinks.
 - (L) Colleges or universities;
 - (M) Department stores;
 - (N) Funeral homes;
 - (O) Government buildings and uses;
 - (P) Hotels and motels;
 - (Q) All dwellings, including apartments, townhouses, terraces, and row houses;
 - (R) Physical cultural facilities, such as gymnasiums, reducing salons, beauty schools;
 - (S) Printing and publishing establishments;
 - (T) Public utility offices, telephone exchanges, and public utility substations within a completely enclosed building (not necessarily roofed);
 - (U) Railroad freight stations or sidings;
 - (V) Retail business whose principal activity is the sale or rental of merchandise within a completely enclosed building;
 - (W) Garages to be used exclusively for the storage of commercial and or passenger motor vehicles;
 - (X) Accessory buildings and uses customarily incidental to the above principal permitted uses, subject to the requirements of § 153.070;
 - (Y) Signs as provided in §§ 153.145 through 153.169;
 - (Z) Off-street parking and loading facilities in accordance with the requirements of §§ 153.125 through 153.132; and
 - (AA) Temporary buildings and trailers for use incidental to construction work.
- (Prior Code, § 153.331) (Ord. D-1418, § 1602, passed 11-22-1982, effective 1-21-1983)

§ 153.317 PERMITTED USES AFTER SPECIAL APPROVAL.

The following uses may be permitted subject to applicable site design standards in §§ 153.455 through 153.491 and subject further to the approval of the City Planning Commission in accordance with processing procedures in § 153.562:

(A) Adult bookstores, adult motion picture theaters, cabarets, or massage parlors, provided that no such business shall be located within 1,000 feet of another adult bookstore, adult motion picture theater, cabaret, or massage parlor in order to prevent the concentration of these uses in any one area and discourage the development of a skid row area, and provided that none of the above-named uses shall be permitted within 1,000 feet of any residentially zoned district, except that this provision may be waived if the person applying for the waiver shall file with the City Planning Commission a petition which indicates approval of the proposed regulated use by at least 51% of the persons owning, residing or doing business within a radius of 1,000 feet of the location of the proposed use. The petitioner shall attempt to contact all eligible locations within this radius, and must maintain a list of all addresses at which no contact was made; (See also §§ 153.455 through 153.491 for applicable standards.)

- (B) Automobile wash establishments subject to standards in §§ 153.455 through 153.491;
- (C) Central heating plants equipped with facilities for smoke elimination;
- (D) Commercial greenhouses subject to standards in §§ 153.455 through 153.491;
- (E) Drive-in restaurants or other drive-in establishments serving food and/or beverages, subject to standards in §§ 153.455 through 153.491;
- (F) New or used mobile homes, excavation equipment, machinery or farm implement sales;
- (G) New or used automobile, truck, motorcycle, trailer, recreation vehicle, boat, snowmobiles, travel trailers, campers, motor homes, tents and accessory equipment, sales or rental, wherein motor vehicles or recreation vehicles are stored or displayed outside of completely enclosed buildings;
- (H) Outdoor drive-in theaters, subject to standards established in §§ 153.455 through 153.491;
- (I) Open air business uses, subject to standards established in §§ 153.455 through 153.491;
- (J) Pinball parlors, pool halls, billiard rooms, amusement machine complex/arcades, subject to standards established in §§ 153.455 through 153.491;
- (K) Radio or television towers, freestanding, subject to standards established in §§ 153.455 through 153.491;
- (L) Storage or service garages, including self-service storage facilities;

(M) Wholesale stores, storage facilities, warehouses, distributing plants, freezers, and lockers;

(N) Uses customarily incidental to any of the permitted uses listed in §§153.316 and 153.317, including with any permitted retail business the incidental manufacture, processing, or storage of goods for sale, except the killing or dressing of animals or fowl, or the cleaning of fish, subject to the following conditions:

(1) Any such incidental use shall be conducted entirely within an enclosed building and shall not occupy more than 30% of the total floor area occupied by the business;

(2) No more than five persons shall be employed in any such incidental operation, and any goods resulting therefrom shall be sold at retail on the premises; and

(3) The incidental use shall be no more obnoxious than the principal use.

(O) Welfare and charitable institutions and homeless shelters, other than penal or correctional institutions for the care of liquor or drug addicts, subject to site design standards in §§ 153.455 through 153.491.

(Prior Code, § 153.332) (Ord. D-1418, § 1603, passed 11-22-1982, effective 1-21-1983; Ord. D-1662, passed 8-10-1992, effective 8-20-1992; Ord. D-1912, passed 12-31-2001, effective 1-10-2002)

§ 153.318 SITE PLAN REVIEW.

For all uses in a B-2 District, a site plan shall be submitted for review and approval in accordance with §153.083. See § 153.082 for protective screening requirements.

(Prior Code, § 153.333) (Ord. D-1418, § 1604, passed 11-22-1982, effective 1-21-1983)

§ 153.319 AREA, HEIGHT, BULK, AND PLACEMENT REQUIREMENTS AND PERFORMANCE STANDARDS.

Area, height, bulk, and placement requirements and performance standards, unless otherwise specified, are as provided in §§ 153.084 and 153.440.

(Prior Code, § 153.334) (Ord. D-1418, § 1605, passed 11-22-1982, effective 1-21-1983)

B-3, CENTRAL BUSINESS DISTRICT

§ 153.330 STATEMENT OF PURPOSE.

The B-3, Central Business District is intended primarily for central shopping and merchandising activities that serve the entire community or large sections thereof, and which is so located that the provisions of off-street parking facilities cannot reasonably be required. Certain light wholesale uses are also permitted. A prime characteristic of this district is a core of intense pedestrian activity. Most persons entering the district will come by mass transit or automobile and typically will park once to carry out several errands.

(Prior Code, § 153.350) (Ord. D-1418, § 1701, passed 11-22-1982, effective 1-21-1983)

§ 153.331 PRINCIPAL PERMITTED USES.

In the B-3 District, no uses shall be permitted, unless otherwise provided in this subchapter, except the following:

(A) All principal permitted uses in the B-2 District, except automobile service stations;

(B) Accessory buildings and uses customarily incidental to the above principal permitted uses, subject to requirements of § 153.070;

(C) Signs as provided in §§ 153.145 through 153.169;

(D) Off-street parking and loading facilities including parking structures in accordance with the requirements of §§ 153.125 through 153.132;

(E) Temporary buildings and trailers for use incidental to construction work.

(Prior Code, § 153.351) (Ord. D-1418, § 1702, passed 11-22-1982, effective 1-21-1983)

§ 153.332 PERMITTED USES AFTER SPECIAL APPROVAL.

The following uses may be permitted subject to applicable site design standards in §§153.455 through 153.491 and subject further to the approval of the City Planning Commission in accordance with processing procedures in § 153.562:

(A) Automobile service stations subject to site design standards in §153.071;

(B) Central heating plants equipped with facilities for smoke elimination; and

(C) Radio or television towers, subject to standards established in §§153.455 through 153.491.

(Prior Code, § 153.352) (Ord. D-1418, § 1703, passed 11-22-1982, effective 1-21-1983)

§ 153.333 SITE PLAN REVIEW.

For all uses in a B-3 District, a site plan shall be submitted review and approval in accordance with §53.083. See § 153.082 for protective screening requirements.

(Prior Code, § 153.353) (Ord. D-1418, § 1704, passed 11-22-1982, effective 1-21-1983)

§ 153.334 AREA, HEIGHT, BULK, AND PLACEMENT REQUIREMENTS AND PERFORMANCE STANDARDS.

Area, height, bulk, and placement requirements and performance standards, unless otherwise specified, are as provided in §§ 153.084 and 153.440.

(Ord. D-1418, § 1705, passed 11-22-1982, effective 1-21-1983)

(Prior Code, § 153.354)

M-1, LIGHT INDUSTRIAL DISTRICT

§ 153.345 STATEMENT OF PURPOSE.

In the M-1, Light Industrial District, the intent is to permit certain industries which are of a light manufacturing, warehousing, and wholesaling character to locate in planned areas of the city, so that such uses may be integrated with nearby land uses, such as commercial and residential uses; limitations are placed upon the degree of noise, smoke, glare, waste, and other features of industrial operations so as to avoid adverse effects.

(Prior Code, § 153.370) (Ord. D-1418, § 1801, passed 11-22-1982, effective 1-21-1983)

§ 153.346 PRINCIPAL PERMITTED USES.

Any of the following uses are permitted when the manufacturing compounding or processing is conducted entirely within a completely enclosed building:

(A) Industrial establishments:

(1) Assembly, fabrication, manufacture, packaging or treatment of such products as food products (excluding butchering, animal slaughtering), candy, drugs, cosmetics and toiletries, musical instruments, optical goods, toys, novelties, electrical instruments and appliances, radio and phonographs, pottery and figurines or other ceramic products using only previously pulverized clay;

(2) Assembly, fabrication, manufacture, or treatment of such products from the following previously prepared materials: bone; canvas; cellophane; cloth; cork; felt; fibre; glass; leather; paper; plastics; precious or semi-precious metals or stones; sheet metal (excluding large stampings such as automobile fenders or bodies); shell; textiles; wax; wire; wood (excluding power saw and planing mills); and yarns;

(3) Bakeries (wholesale);

(4) Buffing, polishing, or electric plating, excluding heat treating furnaces;

(5) Building supply, solid fuel businesses or contracting firms with incidental storage yards on the same lot, including building and allied craft contractors, subject to standards established in §§ 153.455 through 153.491;

(6) Central dry cleaning plants and laundries;

(7) Laboratories—research or testing;

(8) Tool and die shops; metalworking machine shops involving the use of grinding or cutting tools; manufacturing of tools, dies, jigs, fixtures; publishing, printing, or forming of box, carton, and

cardboard products, bookbinding, printing, or engraving;

(9) Painting and sheet metal shops, tire vulcanizing and recapping shops, undercoating and rustproofing shops, welding shops, automobile bump shops, grinding shops, machine rebuilding, and spray painting establishments;

(10) Pickle processing, subject to standards established in §§153.455 through 153.491;

(11) Recreational vehicle storage yards, subject to standards established in §§153.455 through 153.491;

(12) Truck, bus, and train terminals; and

(13) Truck tractor and trailer sales and display, rental, and repair.

(B) Docks, wharves, and boat storage;

(C) Public and private utility buildings, telephone exchange buildings, electric transformer stations and substations, gas regulator stations, municipal pumping stations, lines, easements, installations and facilities, including storage yards;

(D) Public buildings and service uses, not dealing directly with the general public on an individual basis;

(E) Automobile repair or service facilities, parking garages, and lots;

(F) Recreation vehicle storage yards subject to standards established in §§153.455 through 153.491;

(G) Wholesale and warehousing: the sale at wholesale or warehousing of automotive parts and equipment; dry goods and apparel; groceries and related products; raw farm products except livestock and noxious fertilizers; electrical goods, hardware, plumbing, heating equipment and supplies; machinery and equipment; tobacco and tobacco products; paper and paper products; furniture and home furnishings, and any commodity the manufacture of which is permitted in this district;

(H) Any other uses similar to any of the above principal permitted uses, as determined by the City Planning Commission;

(I) Accessory buildings and uses customarily incidental to the above principal permitted uses;

(J) Signs as provided in §§ 153.145 through 153.169;

(K) Off-street parking and loading facilities in accordance with the requirements of §§ 153.125 through 153.132; and

(L) Temporary buildings and trailers for use incidental to construction work.

(Prior Code, § 153.371) (Ord. D-1418, § 1802, passed 11-22-1982, effective 1-21-1983)

§ 153.347 PERMITTED USES AFTER SPECIAL APPROVAL.

The following uses may be permitted subject to applicable site design standards in §§ 153.455 through 153.491 and subject further to the approval of the City Planning Commission in accordance with processing procedures in § 153.562:

(A) The following retail and service establishments, provided that such establishments are clearly ancillary to the permitted industrial uses and are in keeping with the intent of the M-1 Districts:

(1) Automobile service stations;

(2) Barber and beauty shops;

(3) Eating and drinking establishments when food or beverage is consumed within a completely enclosed building; and

(4) Hotels and motels.

(B) Railroad freight depots and classification yards; and

(C) Penal and correctional institutions and detention facilities subject to the standards in §§ 153.455 through 153.491.

(Prior Code, § 153.372) (Ord. D-1418, § 1803, passed 11-22-1982, effective 1-21-1983; Ord. D-1912, passed 12-31-2001, effective 1-10-2002)

§ 153.348 OPEN STORAGE.

All manufacturing activities shall be conducted within an enclosed building, except that external storage of materials shall be permitted, provided that the storage area shall be visually screened from all streets and adjoining commercial and residential properties with a noncombustible fence or wall, or with a non-deciduous planted screen at least five feet in height and at least 80% solid; such fence or wall shall be of such design and constructed of such material and maintained in such manner as shall be in keeping with the character of the area.

(Prior Code, § 153.373) (Ord. D-1418, § 1804, passed 11-22-1982, effective 1-21-1983)

§ 153.349 SITE PLAN REVIEW.

For all uses in a M-1 District, a site plan shall be submitted for review and approval in accordance with § 153.083. See § 153.082 for protective screening requirements.

(Prior Code, § 153.374) (Ord. D-1418, § 1805, passed 11-22-1982, effective 1-21-1983)

§ 153.350 AREA, HEIGHT, BULK, AND PLACEMENT REQUIREMENTS AND PERFORMANCE STANDARDS.

Area, height, bulk, and placement requirements and performance standards unless otherwise specified, are as provided in §§ 153.084 and 153.440.

(Prior Code, § 153.375) (Ord. D-1418, § 1806, passed 11-22-1982, effective 1-21-1983)

M-2, GENERAL INDUSTRIAL DISTRICT

§ 153.365 STATEMENT OF PURPOSE.

The intent of the M-2, General Industrial District, is to permit general industrial uses to locate in desirable areas of the city, which uses are primarily of an intensive manufacturing, assembling, and fabricating character, including large-scale or specialized industrial operations requiring good access by road and/or railroad, and needing special sites, or public and utility services. Reasonable regulations apply to users in this district so as to permit the location of industries which will not cause adverse effects on residential and commercial areas in the city.

(Prior Code, § 153.390) (Ord. D-1418, § 1902 (1901), passed 11-22-1982, effective 1-21-1983)

§ 153.366 PRINCIPAL PERMITTED USES.

In the M-2, General Industrial District, no uses shall be permitted, unless otherwise provided in this subchapter, except the following:

- (A) All principal permitted uses in the M-1 District;
- (B) All permitted uses after special approval in the M-1 District;
- (C) Assembly and/or manufacture of motor vehicles and components, cigars and cigarettes, electrical fixtures, batteries, and other electrical apparatus and hardware;
- (D) Business machine manufacturing;
- (E) Cold storage plants;
- (F) Commercial ice manufacturing;
- (G) Electroplating;
- (H) Foundries;
- (I) Heat treating;
- (J) Metal stamping, pressing, and buffing plants;
- (K) Millwork lumber and power saw and planing mills;
- (L) Nut, bolt, or screw manufacturing;
- (M) Paint manufacturing;
- (N) Pharmaceutical products manufacturing;
- (O) Railroad freight depots and classification yards;
- (P) Steel fabrication;
- (Q) Any other uses similar to any of the above principal permitted uses, as determined by the City Planning Commission;
- (R) Accessory buildings and uses customarily incidental to the above principal permitted uses;
- (S) Signs as provided in §§ 153.145 through 153.169;
- (T) Off-street parking and loading facilities in accordance with the requirements of §§153.125 through 153.132; and
- (U) Temporary buildings and trailers for use incidental to construction work.

(Prior Code, § 153.391) (Ord. D-1418, § 1902, passed 11-22-1982, effective 1-21-1983)

§ 153.367 PERMITTED USES AFTER SPECIAL APPROVAL.

The following uses may be permitted subject to applicable site design standards in §§153.455 through 153.491 and subject further to the approval of the City Planning Commission in accordance with processing procedures in § 153.562:

- (A) Breweries, distilleries, canning factories, chemical plants, subject to standards established in §§153.455 through 153.491;
- (B) Brick yards, concrete block manufacturing;
- (C) Central station light or power plants;
- (D) Concrete and asphalt mixing plants;
- (E) Fertilizer warehouses;
- (F) Junkyards, subject to standards established in §§153.455 through 153.491;
- (G) Mining, excavating, or other removal of sand, earth, minerals, or other material naturally found in the earth;
- (H) Open storage yards of building and construction contractors, equipment, and supplies, stone, sand, and gravel sales and storage, subject to standards established in §§ 153.455 through 153.491;
- (I) Slaughtering of animals, livestock yards;
- (J) Tanning, curing, or storage of raw, green, or salted hides or skins;
- (K) The following retail and service establishments, provided that such establishments are clearly ancillary to the permitted industrial uses and are in keeping with the intent of the M-2 District:
 - (1) Automobile service stations;
 - (2) Barber and beauty shops;

- (3) Eating and drinking establishments when food or beverage is consumed within a completely enclosed building; and
- (4) Hotels and motels.

(L) Penal and correctional institutions and detention facilities, subject to the standards established in §§153.455 through 153.491.

(Prior Code, § 153.392) (Ord. D-1418, § 1903, passed 11-22-1982, effective 1-21-1983; Ord. D-1912, passed 12-31-2001, effective 1-10-2002)

§ 153.368 OPEN STORAGE.

Required front yard and side yard setbacks adjacent to street frontage shall not be used for the external storage of materials.

(Prior Code, § 153.393) (Ord. D-1418, § 1902 (1904), passed 11-22-1982, effective 1-21-1983)

§ 153.369 SITE PLAN REVIEW.

For all uses in an M-2 District, a site plan shall be submitted for review and approval in accordance with §153.083. See § 153.082 for protective screening requirements.

(Prior Code, § 153.394) (Ord. D-1418, § 1905, passed 11-22-1982, effective 1-21-1983)

§ 153.370 AREA, HEIGHT, BULK, AND PLACEMENT REQUIREMENTS AND PERFORMANCE STANDARDS.

Area, height, bulk, and placement requirements and performance standards, unless otherwise specified, are as provided in §§ 153.084 and 153.440.

(Ord. D-1418, § 1906, passed 11-22-1982, effective 1-21-1983)

(Prior Code, § 153.395)

M-3, HEAVY INDUSTRIAL DISTRICT

§ 153.385 STATEMENT OF PURPOSE.

The intent of the M-3, Heavy Industrial District, is to permit intensive manufacturing, assembling, and fabricating industries, including large-scale or specialized industrial operations requiring good access by road and/or railroad, and needing special sites, or public and utility services.

(Prior Code, § 153.410) (Ord. D-1418, § 2001, passed 11-22-1982, effective 1-21-1983; Ord. D-1912, passed 12-31-2001, effective 1-10-2002)

§ 153.386 PRINCIPAL PERMITTED USES.

In the M-3, Heavy Industrial District, no uses shall be permitted, unless otherwise provided in this subchapter, except the following:

- (A) All principal permitted uses in the M-2 District;
- (B) All permitted uses after special approval in the M-2 District, except penal and correctional institutions and detention facilities;
- (C) Any other uses similar to any of the above principal permitted uses, as determined by the City Planning Commission;
- (D) Accessory buildings and uses customarily incidental to the above principal permitted uses;
- (E) Signs as provided in §§ 153.145 through 153.169;
- (F) Off-street parking and loading facilities in accordance with the requirements of §§153.125 through 153.132; and
- (G) Temporary buildings or trailers for use incidental to construction work.

(Prior Code, § 153.411) (Ord. D-1418, § 2002, passed 11-22-1982, effective 1-21-1983; Ord. D-1912, passed 12-31-2001, effective 1-10-2002)

§ 153.387 PERMITTED USES AFTER SPECIAL APPROVAL.

The following uses may be permitted subject to applicable site design standards in §§153.455 through 153.491 and subject further to the approval by the City Planning Commission in accordance with processing procedures in § 153.562: penal and correctional institutions and detention facilities subject to standards established in §§ 153.455 through 153.491.

(Prior Code, § 153.412) (Ord. D-1912, passed 12-31-2001, effective 1-10-2002)

§ 153.388 SITE PLAN REVIEW.

For all uses in a M-3 District, a site plan shall be submitted for review and approval in accordance with §153.083. See §

153.082 for protective screening requirements.

(Prior Code, § 153.413) (Ord. D-1418, § 2003, passed 11-22-1982, effective 1-21-1983; Ord. D-1912, passed 12-31-2001, effective 1-10-2002)

§ 153.389 AREA, HEIGHT, BULK, AND PLACEMENT REQUIREMENTS AND PERFORMANCE STANDARDS.

Area, height, bulk, and placement requirements and performance standards unless otherwise specified, are as provided in §§ 153.084 and 153.440.

(Prior Code, § 153.414) (Ord. D-1418, § 2004, passed 11-22-1982, effective 1-21-1983; Ord. D-1912, passed 12-31-2001, effective 1-10-2002)

PDD—PLANNED DEVELOPMENT DISTRICT

§ 153.400 STATEMENT OF PURPOSE.

The Planned Development District (PDD) is intended to provide flexible land use and design regulations for innovative residential and commercial development. A Planned Development District shall provide for the development of land as an integral unit which incorporates within a single plan the location and arrangement of all buildings, walks, and drives, parking areas, utilities, landscaping, and any other modifications or additions to the site. Deviation from the use and dimensional specifications elsewhere in this chapter may be allowed so long as the general purposes for the standards are achieved and the general provisions of the zoning regulations are observed. A planned development is to achieve economy and efficiency in the use of land and provide for open space and land for recreational purposes. It shall be compatible with the surrounding area and promote a development pattern in harmony with the objectives of the city's Comprehensive Plan.

(Prior Code, § 153.425) (Ord. D-1418, § 2101, passed 11-22-1982, effective 1-21-1983)

§ 153.401 DEVELOPMENT STANDARDS FOR PLANNED DEVELOPMENT DISTRICTS.

(A) *Minimum area.* A planned development shall be comprised of minimum area of two acres, or represent a natural and logical extension of an existing PDD.

(B) *Permitted use.* The following uses are permitted in the PDD:

(1) Residential, commercial, and recreational buildings and uses when such mixture provides the best possible living and working environment while safeguarding the use and development of the surrounding area;

(2) Residences may be of a variety of types, including one-family, two-family, multiple-family, and other types of dwelling units provided that such combination of dwelling unit types will not interfere with orderly and reasonable platting of an area if such area is to be platted or replatted;

(3) Multiple-family dwelling units may be located in buildings containing or intended to contain commercial and/or office activities. Dwelling units shall not be permitted on any floor on which commercial and/or offices are located or intended to be located, unless separated therefrom by a fireproof wall as provided in the building regulations; and

(4) Dwellings with common party walls may be constructed on a sub-lot and separately conveyed subject to compliance with all of the following conditions:

(a) Each sub-lot shall be located in an area of the PDD that is to become a recorded subdivision;

(b) The allowable number of sub-lots shall be determined by dividing the area to be platted by the density limits of the PDD. In no case, however, shall a subplot have an area of less than 2,000 square feet nor more than one one-dwelling unit thereon. For density computation purposes any land used for streets, or any land not suitable for residential development, shall not be included, with the exception of such land as will be permanently dedicated for park or recreation space, and open space to be held in common ownership;

(c) Off-street parking. There shall be at least two off-street parking spaces for each dwelling unit; refer to §153.125(B)(4) for location;

(d) The height requirements of the PDD district shall apply;

(e) Use of common areas: when the proposed sub-lots are located in a subdivision which also contains areas to be held in common ownership by the respective owners of lots or sub-lots, such common area may be used for open space uses, for accessory buildings, and for recreational facilities; and

(f) Access: each sub-lot shall have access from a parking area or public or private street.

(C) *Accessory uses.*

(1) Signs, subject to the requirements in §§153.145 through 153.169, applying to a particular use or type of use shall apply to such use even though located in the Planned Development District. The City Planning Commission shall have the authority to decide any questions involving signs in the PDD that may arise because of the innovative design of the development. The City Planning Commission may accept, reject, or modify the size, content, design, location, lighting, and overall appearance of all proposed signs not provided for in §§ 153.145 through 153.169.

(2) Accessory uses for PDD are the approved customary accessory or associate uses such as, but not limited to, private garages, storage spaces, parks, recreational and community activities and shall be permitted in the PDD as deemed appropriate by the City Planning Commission.

(D) *Density requirements.*

(1) Because land is used more efficiently in the PDD, improved environmental quality can often be produced with a greater number of single dwelling units per net acre than is usually permitted in traditionally zoned residential districts. The maximum density permitted in a PDD, based upon the zoning district the proposed PDD was formerly located in, is as follows:

R-1A Districts	4 dwelling units per acre
R-1 Districts	8 dwelling units per acre
R-2 Districts	20 dwelling units per acre
R-3, R-4 Districts	35 dwelling units per acre
RO-1, B-1, B-1A Districts	50 dwelling units per acre
B-2, M-1, M-2, M-3 Districts	50 dwelling units per acre
B-3 Districts	50 dwelling units per acre

(2) In determining the maximum number of dwelling units which will be permitted, any public rights-of-way or private easement used or proposed for streets or any land not suitable for residential development shall not be included, with the exception of such land as will be permanently dedicated for park or recreation space, and open space to be held in common ownership.

(E) *Yard and setback requirements.* Specific yard and setback requirements of the former zoning district(s) in which the PDD is now located shall be used as a guide and these may be modified to the extent that lot sizes may be reduced or yard areas eliminated in lieu of providing common space.

(F) *Height.* The height regulations in the PDD provide that any buildings exceeding a height of three stories or 35 feet shall be approved as to specific height by the City Planning Commission. Approval shall be based upon findings regarding light, air circulation, views, and airport flight patterns.

(G) *Off-street parking.* There will be compliance with the off-street parking and loading requirements of the PDD and §§ 153.125 through 153.132 for the particular use involved, except that the number of spaces required may be reduced in a PDD if approved by the City Planning Commission as part of the area plan. Such reduction shall be justified by the applicant and shall be based upon a finding that sufficient parking will be available through sharing of spaces by different uses (refer to § 153.125(B)(12) regarding joint sharing of parking areas), that the parking requirement is excessive for the type of use proposed, that walk-in trade for commercial centers will reduce parking demand, or similar factors.

(H) *Circulation and access.*

(1) Each lot or principal building in a PDD shall have vehicular access from a parking area or public or private street.

(2) Each lot or principal building in a PDD shall have pedestrian access from a public or private sidewalk or walkway where deemed necessary by the City Planning Commission. All parts and phases of the PDD shall be interconnected by a walkway system which will provide for the necessary, safe, and convenient movement of pedestrians. A bicycle path system may also be provided in the PDD and may be part of the sidewalk system where approved by the City Planning Commission. Said system shall be connected to the public sidewalk system.

(3) Public streets to be dedicated to the city shall be designed and constructed according to city standards established for public streets. Private streets need not be constructed to city standards. However, if in the future private streets in a PDD are to be dedicated to the city, the owners shall first fully agree to bear the full expense of repair, construction, or any other action required to make streets meet city standards. However, this latter provision shall be incorporated in the private covenants running with the land.

(4) An individual dwelling unit in any single-family, two-family townhouse, or similar residential structure shall not have direct access to a collector or arterial street.

(I) *Utilities.*

(1) Each principal building in a PDD District shall be directly or indirectly connected to public water and the sanitary sewer system.

(2) Each structure or parking facility in a PDD District shall be provided with adequate on-site storm drainage.

(3) Electrical, telephone, and cable television lines shall be underground. Waiver of this requirement may be granted by the Board of Appeals on Zoning in floodplain areas upon showing of excessive cost or potential danger.

(J) *Recreation space regulations.*

(1) Minimum recreation space ratio (RSR), as defined in §153.021, and recreation space, as defined in §153.021, shall

be computed for any development in a PDD District as follows, except that at least 10% of the total land area within a PDD shall be in such recreation space:

Former Zoning District	Minimum Recreation Space Ratio
Former Zoning District	Minimum Recreation Space Ratio
R-1, R-1A	.24
R-2	.24
R-3, R-4	.17
RO-1, B-1, B-1A	.15
B-2, M-1, M-2, M-3	.11
B-3	.09
RSR = Recreation Space ÷ Floor Space	

(2) Recreation space shall be conveniently and equitably located through the PDD in relation to the location of dwelling units and natural features.

(3) Recreation space shall have minimum dimensions which, in the City Planning Commission's opinion, are usable for the functions intended and which will be maintainable.

(4) The City Planning Commission may require that natural amenities such as ravines, rock outcrops, wooded areas, tree or shrub specimens, unique wildlife habitats, ponds, streams, and marshes be preserved as part of the open space system of the PDD.

(K) *Compatibility to adjacent land uses.* Grouping of buildings, uses, and parking shall be compatible to building arrangements within the development itself as well as with surrounding development. No building arrangement shall be approved which adversely affects surrounding properties.

(Prior Code, § 153.426) (Ord. D-1418, § 2102, passed 11-22-1982, effective 1-21-1983; Ord. O-9, passed 6-30-2003, effective 7-10-2003)

§ 153.402 APPLICATION PROCEDURE AND ZONING APPROVAL PROCESS.

(A) *General.* Whenever any Planned Development District is proposed and before any building permit for the erection of a permanent building in such district shall be granted or any subdivision or any part thereof may filed in the office of the City Clerk, the developer or his or her authorized agent shall apply for and secure approval of such PDD in accordance with the following procedures.

(B) *Area plan requirements.*

(1) *Procedure for petition and area plan approvals.*

(a) Petitioner shall confer with the staff of the City Planning Commission prior to making application for the rezoning so that agreement can be reached on basic site and land use considerations, general development criteria, and detailed processing procedure. This preapplication conference before submission of a PDD request is required so that the petitioner does not expend large sums of time and money on detailed plans until there is general agreement of use and design concepts.

(b) Petition for a PDD classification shall be for an amendment to the official City Zoning Map and approval of an area plan. A petition for a PDD classification for a parcel of land may be made by the owner(s) of record or by any person(s) acting on behalf of the owner(s) of record of the subject parcel.

(c) The petition shall be filed with the City Clerk who shall transmit the petition and the area plan to the City Council. The City Council shall forward the petition and plan to the City Planning Commission.

(d) Upon receipt of the petition and area plan from the Council, the City Planning Commission shall undertake a study of same and shall complete said study within 60 days of receipt of all required information by the City Planning Commission. The Commission shall also undertake site plan review of the area plan pursuant to requirements of § 153.083 of this chapter. The City Planning Commission shall advise the applicant in writing of any recommended changes in the area plan as are needed to conform to the regulations and standards of this chapter.

(e) The City Planning Commission shall, after receiving the petition and area plan from the Council, establish a public hearing on the petition and area plan, said hearing to be held after the receipt by the City Planning Commission of the information required in division (B)(2) below. The City Planning Commission shall give notice of the public hearing as required by the Michigan Zoning Enabling Act, Public Act 110 of 2006, being M.C.L. § 125.3103 by publishing a legal notice of the hearing date in a newspaper which circulates in the city, and sent by regular mail, at least five days but not more than 15 days prior to the hearing date, to all property owners and occupants of each dwelling unit in a structures located within 300 feet of the proposed PDD. For structures containing more than four dwelling units owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who

shall post the notice at the primary entrance to the structure.

(f) Following the public hearing of the City Planning Commission, the Commission shall transmit a copy of its report and recommendation on the petition and area plan to the City Council, together with a summary of the comments received at the public hearing.

(g) The City Council shall review the petition and area plan application and the City Planning Commission report thereon, and after reviewing the report, a summary of comments received at the public hearing, minutes of all proceedings, and all documents related to the PDD shall within 30 days approve, disapprove, or table for further consideration the ordinance of adoption of the petition and area plan.

(h) If the petition and PDD area plan are approved by the City Council, the applicant shall review the petition and area plan in their approved form. The applicant and all owner(s) of record or the legal representative of the owner(s) of record of all property included within the PDD shall then sign a statement that the approved petition and area plan shall be binding upon the applicant and owner(s) of record and upon their heirs, successors, and assigns. The petition and area plan shall not be officially approved until said statement has been signed as required herein and has been received by the City Clerk.

(i) Following official adoption and enactment of the ordinance by the City Council, the PDD designation for the area in question shall be designated on the official City Zoning Map.

(2) *Information required for area plan.* The applicant shall present the following evidence regarding the following characteristics of the proposed development in writing:

(a) *General characteristics.*

1. General character, concept, and substance of PDD;
2. Objectives and purpose to be served;
3. Compliance with city regulations and standards;
4. Scale and scope of PDD development proposed;
5. Market analysis and economic feasibility of the proposed PDD development as deemed necessary by the City Planning Commission;
6. Community impact in terms of streets and traffic, schools, recreation facilities, costs and revenues, and utility systems;
7. Environmental impact statement as deemed necessary by the City Planning Commission;
8. Development schedules; and
9. Compliance with the adopted Generalized Land Use Plan of the city, or is a logical and acceptable amendment thereto.

(b) *Design and control features.*

1. Development plan at a scale of not less than one inch to 50 feet (one inch = 50 feet) if the subject property is less than 15 acres and one inch to 100 feet (one inch = 100 feet) if 15 acres or more;
2. Date, northpoint, and graphic scale;
3. Dimensions of all lot and property lines showing the relationship of the subject property to abutting properties;
4. Existing topographic features of the site;
5. Existing or proposed floodway and floodway fringe areas (refer to §§153.505 through 153.521), bodies of water, and other unbuildable areas;
6. Location of all existing and proposed structures on the subject property and all existing structures within 100 feet of the subject property;
7. Location of all existing and proposed drives and parking areas;
8. Location of any accessory signs, and the dimensions of such signs;
9. Location of existing and proposed right-of-way widths of all abutting streets and alleys;
10. Names and addresses of the architect, planner, landscape architect, or the engineer responsible for the preparation of the area plan;
11. Location of all outdoor lighting facilities;
12. Typical floor plans; method of trash and garbage collection, and in the case of outdoor trash receptacles, the location and method of screening; location of any covered carports;
13. Typical exterior building elevations and style of architecture;

14. Density of use for each use area of the site;
15. Location, size, and uses of common open space public or resident group use areas and facilities, including school sites, parks, and play areas;
16. General description of the organization(s) or individual(s) who will own and maintain all land areas in the PDD, including common open space;
17. General description of covenants, grants, easements, or other restrictions to be imposed upon land or buildings, including the rules and regulations of any homeowners association, cooperative association, or other type of association;
18. Detail of easement on private streets to allow necessary city access to the streets, water lines, sanitary sewer, storm sewer, as well as provisions for access of emergency vehicles. The utilities may be maintained by the developer; if so, only access in case of emergency repairs and access for emergency vehicles is necessary;
19. Circulation plan for internal streets, roadways, and pedestrian walkways;
20. Description of applicant's intentions regarding selling or leasing of all or portions of land in the PDD and of dwelling units;
21. Description of all proposed nonresidential uses;
22. General landscape concept showing tree masses to be preserved or added, proposed landscape plan, grading plan illustrating new land contours, berms, mounds, and similar features;
23. Delineation of areas to be subdivided pursuant to the Land Division Act, Public Act 288 of 1967, being M.C.L. §§ 560.101 et seq.;
24. Average initial sales prices of dwelling units for sale and/or average initial rents for rental dwelling units, and aesthetic features of the overall development; and
25. Schedule and phasing of construction.

(3) *Petition and area plan standards.* The City Planning Commission shall determine and shall provide evidence of same in its report to the City Council, pursuant to division (B)(1)(f) above that the petition and area plan meet the following standards:

- (a) The proposed development conforms to the adopted Generalized Land Use Plan or any part thereof, or represents land use policy which, in the City Planning Commission's opinion, is a logical and acceptable change in the adopted Generalized Land Use Plan;
- (b) The proposed development conforms to the intent and to all regulations and standards of the PDD and of the applicable zoning requirements;
- (c) The proposed development is adequately served by public facilities and services such as highways, streets, police and fire protection, drainage courses, water and sewer facilities, and refuse disposal;
- (d) The common open space, any other common properties, individual properties, and all other elements of the PDD are so planned that they achieve a unified open and recreation area system with open space and all other elements in appropriate locations, suitably related to each other, the site, and the surrounding land;
- (e) The applicant has made provisions satisfactory to the City Planning Commission to assure that those areas shown on the plan for use by the public or by occupants of the development will be or have been irrevocably committed for that purpose. Provisions satisfactory to the City Planning Commission have been made to provide for the financing of any improvements shown on the plan for open space areas and common use areas, streets, walkways, and utilities which are to be included within the development, and that maintenance of such improvements is assured;
- (f) The location of the proposed uses, 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 neighborhood. In applying this standard, the Commission shall consider, among other things, convenient routes for pedestrian traffic, particularly of children; 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 neighborhood;
- (g) Streets follow 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 plan provides for logical extensions of public streets and provides suitable street connections to adjacent parcels, where applicable;
- (h) Major pedestrian circulation is provided for within the site and interconnects all residential and community areas. The pedestrian system provides a logical extension of pedestrian ways from outside the site and provides pedestrian connections to the edges of the site, where appropriate;
- (i) The mix of housing unit types and densities and the mix of residential and nonresidential uses is acceptable in terms of convenience, privacy, compatibility, and similar measures;
- (j) Where applicable, the City Planning Commission shall determine that noise, odor, light, or other external effects

from any source whatsoever which is connected with the proposed use will not adversely affect adjacent and neighboring land and uses;

(k) The proposed development creates a minimum disturbance to natural features and land forms; and

(l) Phased developments are designed so that each phase will be complete without depending on completion of a future phase.

(Prior Code, § 153.427) (Ord. D-1418, § 2103, passed 11-22-1982, effective 1-21-1983)

§ 153.403 EFFECT OF APPROVAL OF PETITION AND AREA PLAN.

Approval of the petition and area plan by the City Council shall have the following effects:

(A) Approval confers a right to the applicant, for a period of three years from the date of approval, that existing zoning regulations as they apply to the land included in the petition and the area plan shall remain unchanged, provided that required subsequent planning and/or construction are pursued in accordance with the approved area plan within this time period. Upon the abandonment of a particular project approved under this subchapter, or upon the expiration of three years from the effective date of approval of a planned development wherein the planned development has not been completed (or commenced and an extension of time granted by the City Planning Commission), the authorization shall expire and the zoning shall be reviewed by the City Planning Commission and amended by the City Council to a suitable zoning district classification;

(B) Approval by the City Council and City Planning Commission of an area plan constitutes acceptance of uses, building location, layout of streets, dwelling unit count and type, floor areas, densities, construction schedule, and all other elements of the area plan; and

(C) No deviation from the area plan approved by the City Council shall be permitted except as provided in §153.404.

(Prior Code, § 153.428) (Ord. D-1418, § 2104, passed 11-22-1982, effective 1-21-1983)

§ 153.404 AMENDMENT OF AREA PLAN.

(A) A developer may request an amendment to an approved area plan. All amendments shall follow the procedures and conditions herein required for original submittal and review in full.

(B) A request for amendment shall be made in writing to the City Council and shall clearly state the reasons therefor. Such reasons may be based upon changing social or economic conditions or potential improvements in layout mutually affecting the interest of the city and developer such as technical causes, site conditions, state or federal projects and installations, and statutory revisions. The City Council upon receipt of such request shall refer said request to the City Planning Commission for hearing and recommendations.

(C) The City Planning Commission, after the duly noticed public hearing, shall recommend whether the requested change is to be approved, modified, or denied. The burden shall be on the applicant to show good cause for any requested change.

(D) The City Planning Commission shall notify the City Council and any other applicable agency of its recommendation for approval, modification, or denial of such changes. If the amendment is recommended for approval, the revised drawings as approved shall each be signed by the applicant and the owner(s) of record or the legal representative(s) of said owner(s).

(E) The City Planning Commission shall then transmit the recommended revised drawings to the City Council for its approval.

(F) Following official adoption of the amendment and enactment of the amending ordinance by the City Council, the designated change shall become an amendment to the area plan.

(Prior Code, § 153.429) (Ord. D-1418, § 2105, passed 11-22-1982, effective 1-21-1983)

§ 153.405 PERFORMANCE GUARANTEES.

(A) (1) Performance bonds, cash deposits, or other forms of security acceptable as to type and amount to the city shall be provided by the applicant to the City Clerk (see § 153.563).

(2) Such security shall be for construction of all public site improvements shown on the approved area plan.

(B) (1) The applicant shall submit a cost estimate of the improvements to be covered by the guarantee and verified as to amount by the city's Department of Public Services and Engineering.

(2) The city may release portions of a deposit in relation to work completed and approved upon inspection as complying with the approved plan; provided, however, that the balance on deposit will be sufficient to complete remaining public site improvements.

(3) In the event that the applicant shall fail to provide improvements according to an approved plan, the city shall have the authority to have such work completed and to reimburse itself for costs of such work by appropriating funds from the deposited security, or may require performance by the bonding company.

(Prior Code, § 153.430) (Ord. D-1418, § 2106, passed 11-22-1982, effective 1-21-1983)

§ 153.406 VIOLATIONS.

(A) Any violations of such approved plan shall be grounds for the Chief Inspector to order that all construction be stopped and to order that building permits and certificates of occupancy be withheld until the violation is removed or adequate guarantee of such removal is provided.

(B) Violations of any plan approved under this subchapter, or failure to comply with any requirements of this subchapter, including any agreements and conditions attached to any approved plan, shall be considered a violation of this chapter as provided in § 153.999 herein.

(Prior Code, § 153.431) (Ord. D-1418, § 2107, passed 11-22-1982, effective 1-21-1983)

RIVERFRONT MIXED USE DISTRICT

§ 153.420 PURPOSE.

The Riverfront Mixed Use District is a transitional area of the Riverfront and Washington Avenue corridor intended for new commercial, office, residential, park, recreation and marina development. The District and the sub-districts described below, are on the city zoning map and are intended to guide and promote the development of Saginaw's River Corridor and adjacent business districts in accordance with the Saginaw River Corridor Master Plan and the City of Saginaw Master Plan.

(Prior Code, § 153.460) (Ord. O-149, passed 9-9-2013, effective 9-19-2013; Ord. O-202, passed 4-2-2018, effective 4-12-2018)

§ 153.421 CHARACTER OF RMU DISTRICT.

(A) *General character.* The Riverfront Mixed-Use District is primarily characterized by commercial development along the Saginaw River Corridor. A prime characteristic of this District is two cores of intense pedestrian activity, Old Town and Downtown, with shopping and merchandising activities that serve the entire community.

(B) *Street, block and access patterns.* The Riverfront Mixed-Use District consists of two main street districts from which development radiates and a river that bisects the District. Sites along the river tend to be longer and more irregularly shaped lots, while downtown and commercial areas follow a traditional, small-block street grid.

(C) *Building placement and location.* Residential buildings typically have consistent, moderate front setbacks and consistent orientation. Commercial buildings typically have consistent orientation towards primary streets and shallow front setbacks with parking at the rear and/or side of the building.

(D) *Building height.* The Riverfront Mixed-Use District is characterized by low-scale buildings except for mid-rise commercial and mixed-use structures, particularly at nodes or along primary streets, and high-rise buildings in downtown centers.

(E) *Mobility.* There is a balance of pedestrian, bicycle and vehicle reliance with greater access to the multi-modal transportation system.

(Ord. O-202, passed 4-2-2018, effective 4-12-2018)

§ 153.422 DISTRICTS AND REGULATING PLAN.

(A) *District intent.*

(1) *MS – Main Street District.* The intent of the Main Street District is to create a pedestrian-friendly, compact mixed-use district. The Main Street District is broken down into sub-districts of MS-E for Downtown and MS-W for Old Town.

(2) *UE – Urban Edge District.* The intent of the Urban Edge District is to accommodate a flexible variety of uses and scales, preserve historic homes, integrate context-sensitive mixed-uses, and serve as a transition from denser Main Street to surrounding residential neighborhoods.

(3) *RC – Riverfront Commercial.* The intent of the Riverfront Commercial District is to provide opportunity for more suburban style commercial development including drive-thru service and restaurants and wider front yard setbacks.

(4) *UF – Urban Flex District.* The intent of the Urban Flex District is to acknowledge the transition of industrial uses to flex spaces such as integrating housing with employment centers and strategically integrating attached residential units into established residential neighborhoods along certain corridors.

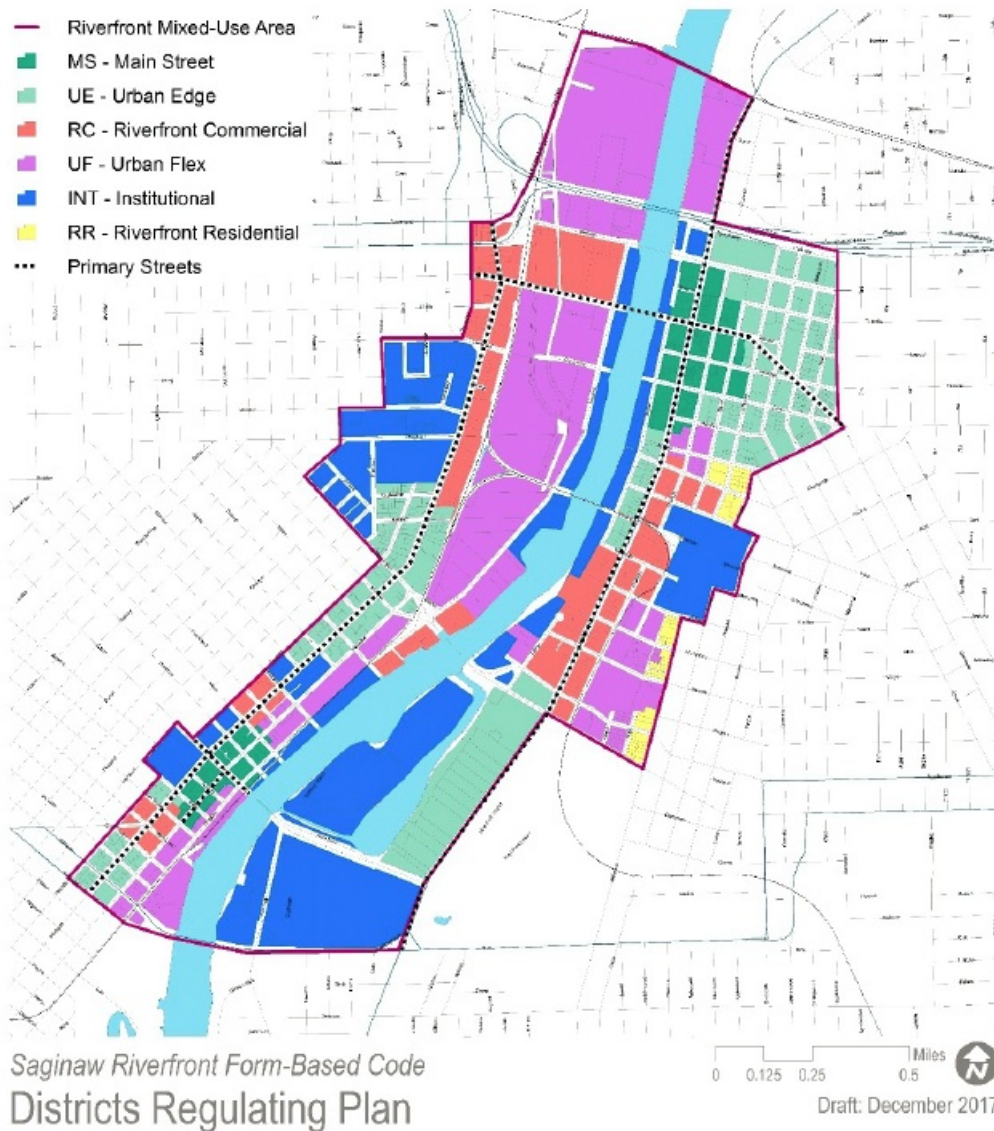
(5) *INST – Institutional District.* The intent of the Institutional District is to preserve open space and allow for comprehensive development of institutional, governmental and hospital campuses.

(6) *RR – Riverfront Residential District.* The intent of the Riverfront Residential District is to accommodate a variety of detached and attached urban housing types.

(B) *Regulating plan.*

(1) The regulating plan is the controlling document and principal tool for implementing form districts. It is a subset of the Zoning Map.

(2) Comparable to the Zoning Map, the regulating plan provides specific information on the development parameters for parcels within each district, and it may identify additional regulations and/or special circumstances for specific locations.



(Ord. O-202, passed 4-2-2018, effective 4-12-2018)

§ 153.423 BUILDING FORM STANDARDS.

(A) *General intent.* The intent of the Riverfront Mixed-Use District is to:

- (1) Promote and protect the Central Business District as a safe, active, pedestrian-scaled, diverse area through building forms that create a positive public street edge;
- (2) Implement the Saginaw Master Plan;
- (3) Integrate higher density in a way that respects and relates to the character and built environment of adjacent areas;
- (4) Combine a mix of uses to create a safe, vital community;
- (5) Create unique, attractive, pedestrian and bicycle-friendly places with a streetscape that prioritizes pedestrian circulation; and
- (6) Encourage urban-style infill development on vacant sites.

(B) *Building form intent.* The following goals are considerations with regard to building form in the Riverfront Mixed Use District:

(1) *Height.* Encourage buildings whose forms are responsive to the surrounding context, including opportunities to reinforce existing and evolving nodes of mixed-use, pedestrian and transit activities. Arrange building heights and scaling devices to provide transitions to adjoining areas.

(2) *Siting.*

(a) *Required build-to.* Provide a consistent street edge to enhance character of the urban context. Define streets to

promote pedestrian activity and sense of place.

(b) *Setbacks.* Site buildings to be consistent with intended character and functional requirements of the urban context. Site buildings to define the street edge/public realm consistent with the context. Use building siting to create positive transitions between districts.

(c) *Parking location.* Minimize the visual impacts of parking areas on streets and adjoining property. Minimize conflicts between pedestrian and vehicles.

(3) *Design elements.*

(a) Promote variation in building form that enhances access to daylight, air and views from within and around new structures. Encourage variation in building form that provides opportunities for architectural scale relationships in large building contexts.

(b) *Transparency.* Maximize transparency of windows at street level to activate the street. Use doors and windows to establish scale, variation and patterns on building facades that provide visual interest.

(c) *Entrances.* Give prominence to the pedestrian realm as a defining element of neighborhood character. Provide convenient access to buildings and pedestrian active uses from the street. Articulate building entrances as visual aid in way-finding. Provide a positive relationship to the street through access, orientation and placement consistent with the context.

(C) *Primary building form standards.* The following standards are to be used as a guide in developing building forms in the site plan process.

(1) *Building form intent.*

(a) *General mixed-use.* Establish the base set of standards for a variety of mixed-use applications.



(b) *Apartment.* Establish standards for multi-unit dwelling development that allows a variety of layouts, but requires a minimum of one entrance at the street. Also accommodates, where permitted, appropriately scaled group living, civic, and nonresidential development.



(c) *Townhouse.* Establish standards for appropriately designed multi-unit dwelling development that requires each unit to have a street-facing entrance. Also accommodates, where permitted, appropriately scaled group living, civic, and nonresidential development.



(d) *Urban house.* Establish standards for single- and two-unit dwelling developments consistent with the established character of the Riverfront District. Also accommodates, where permitted, appropriately scaled group living, civic, and nonresidential development.



(e) *Drive-thru*. To allow more flexible design standards to accommodate unique circumstances of automotive-oriented uses with an accessory drive-thru lane.



(2) *Building types permitted by District.*

P – Permitted		Districts						
SLU – Special Land Use		MS-E	MS-W	UE	RC	UF	INT	RR
Building Type	Description	Main Street East - Downtown	Main Street West - Old Town	Urban Edge	Riverfront Commercial	Urban Flex	Institutional	Riverfront Residential
P – Permitted		Districts						
SLU – Special Land Use		MS-E	MS-W	UE	RC	UF	INT	RR
Building Type	Description	Main Street East - Downtown	Main Street West - Old Town	Urban Edge	Riverfront Commercial	Urban Flex	Institutional	Riverfront Residential
General Mixed-Use	Mixed-use buildings to reinforce pedestrian comfort, walkability, and activity. Typically, active ground floor uses with high transparency window areas creating a connection between the sidewalk and building interiors.	P	P	P	P	P	SLU	
Apartment	Multi-unit dwelling requiring at least one street-facing entrance	P	P	P	P	SLU		SLU
Townhouse	Multi-unit dwellings with each unit having street-facing entrance	SLU	SLU	P		P		SLU

Urban house	Single and two-unit style buildings consistent with established character			P		P	SLU	P
Drive-thru	To allow more flexible design standards to accommodate unique accessory drive-thru circumstances				SLU	SLU		

Building types identified above as SLU are subject to the special land use standards in §153.562.

(3) Building form standards by building type.

General Mixed-Use	Districts					
Building Form Standards	MS-E	MS-W	UE	RC	UF	INT
General Mixed-Use	Districts					
Building Form Standards	MS-E	MS-W	UE	RC	UF	INT
HEIGHT						
Stories (min/max)	3/-	2/5	1/3	1/3	1/5	1/-
Feet (min/max)	38'/-	24'/70'	-/50'	-/45'	-/70'	-/60**
Ground floor, floor to floor height (min)	16'	16'	16'	-	-	-
SITING						
REQUIRED FRONT YARD FRONTAGE	(min build-to % within front setback min/max) see §153.427(B)					
Primary street	85% 5'-10'	85% 0'-5'	75% 0'-5'	-	-	-
Non-primary street	75% 0' - 5'	75% 0'-5'	60% 0'-5'	-	-	-
Side street	60% 0'-5'	60% 0'-5'	40% 0'-5'	-	-	-
SETBACKS						
Block sensitive setback required (see § 153.427(C)(2))	no	no	yes	no	yes	yes
Primary street (min)	5'	0'	0'	15'	5'	15'
Front, non-primary street (min)	0'	0'	0'	15'	0'	15'
Side street (min)	0'	0'	0'	15'	0'	15'
Side interior (min) adjacent to residential/ non-residential district	0'/0'	0'/0'	6'/0'	10'/5'	6'/0'	20'/15'
Rear, alley/no alley (min)	0' / 0'	0' / 0'	0'/10'	-/10'	0'/10'	10'/50'
PARKING						
Surface parking between building and front street/side street	Not permitted/ not permitted		Not permitted/ not permitted	Permitted (10% max lot area)/ permitted	Not permitted/ permitted	Not permitted / not permitted
Ground floor parking setback from primary street (see § 153.467(C)(4))	30'	30'	30'	-	-	-
Vehicle access	From alley when present or as determined during site plan review					
DESIGN ELEMENTS						
Fenestration, ground floor, primary facade (min)	60%	60%	40%	40%	40%	30%

Fenestration, ground floor, secondary facade (min)	30%	25%	25%	25%	25%	25%
Fenestration, upper floors (min)	20%					
Pedestrian access, primary facade	Entrance					
*Buildings of greater than the maximum height may be allowed provided side and rear yards are increased above the minimum required yards by one foot for each foot of building height that exceeds the maximum height allowed.						

Apartment	Districts			
Building Form Standards	UE	RC	UF	RR
Apartment	Districts			
Building Form Standards	UE	RC	UF	RR
HEIGHT				
Stories (min/max)	2/5	1/5	2/5	2/3
Feet (min/max)	24'/60'	-/60'	24'/60'	24'/40'
SITING				
LOT				
Lot size	-	-	-	6,000 sf
Lot width (min)	-	-	-	50'
SETBACKS				
Block sensitive setback required (see § 153.427(C)(2))	Yes	Yes	Yes	Yes
Primary street (min/max)	5'/15'	15'/50'	10'/20'	15'/25'
Front, non-primary street (min/max)	0'/15'	10'/25'	10'/20'	15'/25'
Side street (min)	5'	10'	5'	10'
Side interior (min)	10'	5'	5'	10'
Rear, alley/no alley	12'/20'			
PARKING				
Surface parking between building and primary street/side street	Not permitted/ not permitted	Not permitted / permitted	Not permitted / permitted	Not permitted / permitted
Vehicle access	From alley; or from street when no alley present			
DESIGN ELEMENTS				
Fenestration, primary facade (min)	20%			
Fenestration, secondary facade (min)	10%			
Pedestrian access, primary or secondary facade	Entrance			

Townhouse	Districts				
Building Form Standards	MS¹	UE	RC	UF	RR
Townhouse	Districts				
Building Form Standards	MS¹	UE	RC	UF	RR
HEIGHT					
Stories (max)	2.5				
Feet (max)	35'				
Ground floor finish elevation (min)	18"				

SITING					
Dwelling units per structure (min/max)	3/10				
SETBACKS					
Block sensitive setback required (see § 153.467(C)(2))	No	Yes	Yes	Yes	Yes
Front (min)	5'	5'	20'	20'	15'
Side (each; min)	5'	5'	5'	5'	5'
Rear, alley/no alley	12'/20'	12'/20'	12'/20'	12'/20'	12'/25'
PARKING					
Surface parking between building and primary street/side street	Not permitted/permitted				
Vehicle access	From alley or from street when no alley present				
DESIGN ELEMENTS					
Fenestration, primary facade (min)	20%				
Fenestration, secondary facade (min)	10%				
Street facing garage doors, primary facade	Not permitted				
Street facing garage door, side street	Not permitted	Not permitted	Not permitted	Permitted, maximum width 9' per unit	Permitted, 3' behind front facade, maximum width 9' per unit
Pedestrian access, primary facade	Porch or stoop				
1 Not permitted on primary streets					

Urban House	Districts	
Building Form Standards	UE	RR
Urban House	Districts	
Building Form Standards	UE	RR
HEIGHT		
Stories (max)	2.5	
Feet (max)	35'	
Ground floor finish elevation (min)	18"	
SITING		
SETBACKS & BUILDING COVERAGE		
Block sensitive setback required (see § 153.467(C)(2))	Yes	Yes
Primary street or front (min)	20'	
Side street (min)	5'	
Rear	25'	25'
Building coverage, including accessory structures (max)	50%	40%
PARKING		
Surface parking between building and front street/side street	Not permitted/not permitted	Not permitted/ permitted
Vehicle access	From alley when present	
DESIGN ELEMENTS		

Attached garage allowed	Shall be setback 5' from principal building along the primary facade and shall not exceed 35% of the entire width of the primary facade or 16', whichever is greater
Pedestrian access, primary facade	Street-facing entrance and entry feature

Drive-Thru	Districts	
Building Form Standards	RC	UF
Drive-Thru	Districts	
Building Form Standards	RC	UF

HEIGHT		
Stories (max)	3	
Feet (max)	38'	
Ground floor, floor to floor height (min)	16'	

SITING		
SETBACKS		
Primary street or front (min)	15'	0'
Side street (min)	10'	0'
Side interior (min), adjacent to residential district/nonresidential	10'/ 5'	6' /0'
Rear, alley/no alley	0'/10'	0'/10'

PARKING		
Surface parking between building and front street/side street	Permitted (10% max of lot area)/ permitted	Not permitted / permitted
Ground floor parking setback from primary street		30'
Vehicle access	One driveway per street frontage*	

DESIGN ELEMENTS		
Fenestration, primary facade (min)	50 - 70%	
Fenestration, secondary facade (min)	30%	
Pedestrian access, primary facade	Entrance	

* A second access may be approved by city staff upon a finding that the additional access is essential for convenient access, and that the access is spaced adequately and designed to minimize conflicts.

(Ord. O-202, passed 4-2-2018, effective 4-12-2018)

§ 153.424 ADDITIONAL DESIGN STANDARDS.

(A) *Facade articulation.*

(1) *Intent.* To create visually interesting and human-scaled facades, particularly those that face streets or open spaces and avoid large areas of undifferentiated facades.

(2) *Design standards.* Building facades facing primary and side streets shall incorporate, at a minimum, three of the following architectural scaling elements.

- (a) A change in color;
- (b) A change in material or material module or pattern;
- (c) A system of horizontal and vertical scaling elements such as a belt course, string course, projecting fins, or projecting cornice or eye brow;
- (d) Expression of the structural system and infill panels through a change in plane of at least three inches;
- (e) Articulation of window and doorway surrounds, which may include sills, lintels, pilasters, and mullions through a change in plane of at least two inches;
- (f) A system of horizontal and vertical articulating reveals of at least three-eighths inch width by three-eighths inch depth;
- (g) A system of art or ornament integral to the building, such as an inset decorative panel or metal framework

anchored to embed in the building facade.

(3) *Design guidelines.*

(a) Facade articulation should be more detailed at the ground floor.

(b) Exterior walls shall have architectural delineation between the first and second stories. The second story facade height shall be less than the first story height.

(c) Architectural scaling elements should be integrated into the building facade and not appear as an insubstantial overlay.

(d) Architectural scaling elements should be composed in a way that highlight a building's intrinsic architectural characteristics, including structural and use or ownership representation.

(4) *Abutting facade.* Where a principal building facade abuts a facade of secondary importance, such as along an alley or internal service area, architectural scaling elements should be integrated into that portion of the secondary facade exposed to public view.

(B) *Building materials.*

(1) *Intent.* To allow for creative building design while achieving the following:

(a) To create visual interest through a varied palette of texture, color and module;

(b) To give buildings and surfaces a human scale;

(c) To ensure the consistent use of high quality materials appropriate for an urban environment; and

(d) To promote safety, durability, sustainability and ease of maintenance.

(2) *Approved building materials.* Only high-quality, durable materials that complement existing materials and character of the District shall be used on facades visible from the street. The following materials are approved for use in any quantity. Other materials of equal quality may be used.

(a) Brick, including glazed brick;

(b) Natural and architectural pre-cast stone;

(c) Architectural pre-cast concrete;

(d) Hard coat stucco;

(e) Glass and channel glass units;

(f) Wood lap siding;

(g) Architectural metal panel systems;

(h) Decorative metal framing systems with an exterior-grade finish system; and

(i) Concrete masonry units with an architectural coloration or finish.

(3) *Limited building materials.* The following materials shall not be used on building facades visible from the street.

(a) Exterior insulation and finishing systems (EIFS); or

(b) Materials of a structural or unfinished nature such as tilt-up concrete panels and plain concrete masonry units.

(C) *Rooftop and/or upper story decks.*

(1) *Intent:* To protect the privacy of adjacent rear yards in residential neighborhoods.

(2) Rooftop and/or upper story decks are prohibited in the rear 35% of the zone lot depth.

(3) The Chief Inspector, or designee, may prohibit other similar structures in the rear 35% of the lot as measured from the rear lot line, when the Chief Inspector, or designee, finds the structure would have similar adverse privacy impacts.

(D) *Pedestrian access.*

(1) *Applicability.* The building form standards specify which type of pedestrian access is required for each building form.

(2) *Pedestrian access requirements.* The following are required supplemental standards for each type of pedestrian access:

(a) *Entrance.* An entrance shall provide a clear, obvious, publicly accessible connection between the street and the primary use within the building.

1. An entrance shall be located on the primary street facing facade;

2. An entrance shall be functional and unobstructed during open business hours;

3. An entrance shall be one of the following:

a. *Door*. An entrance on the same plane as the building facade.

b. *Recessed entrance*. An entrance inset behind the plane of the building facade by no more than 15 feet.

c. *Corner entrance*. An angled street-facing entrance located on the corner of a building at approximately 45° to the intersecting streets.

(b) *Entry feature*. An entry feature shall signal the connection between the street and the primary use within the building.

1. An entry feature shall be located on the front facade.

2. An entry feature shall be a door, gate, front porch, front stoop, front terrace, canopy and/or arcade.

(E) *General site design and facility standards*. All development shall provide:

(1) Adequate design of grades, paving, gutters, drainage and treatment of turf to handle storm waters, prevent erosion and formation of dust;

(2) Adequate, safe and convenient arrangement of pedestrian circulation facilities, roadways, driveways, off-street parking and loading space, facilities for waste disposal;

(3) Arrangement of buildings and vehicular circulation open spaces so that pedestrians moving between buildings are not unnecessarily exposed to vehicular traffic;

(4) Adequate amount and proper location of pedestrian walks, malls and landscaped spaces to separate horizontally or vertically pedestrian walks, malls and public transportation loading places from general vehicular circulation facilities;

(5) Arrangement and orientation of buildings and location of off-street parking areas so as to minimize the impacts on adjacent properties;

(6) Proper arrangement of signs and lighting devices with respect to traffic control devices and adjacent residential districts to minimize hazardous distraction, glare, and reduce visual clutter;

(7) Adequate amount and safe location of play areas for children and other recreational areas according to the concentration of residential occupancy;

(8) Adequate consideration for the access needs of residents with disabilities; and

(9) Adequate identification of buildings, particularly in development where two or more buildings use one street address or where two or more buildings are located on private street or drives.

(F) *Landscaping and screening*.

(1) Intent: To encourage site design that improves pedestrian experience, site permeability, reduces the urban heat island effect, and is easily maintained.

(2) Areas of lot coverage that are not paved or occupied by building footprint must be landscaped with grass lawn, ground covers, perennial/shrub beds or a combination thereof.

(3) Non-organic ground covers (such as, stone chips, rock) must be arranged in a deliberate manner and may not exceed more than 25% of the site landscape area.

(4) Street yard landscaping within the public rights-of-way.

(a) Public rights-of-way shall be planted with grass. Trees, shrubs, or other ground covers may be planted within the right-of-way only as otherwise permitted by city ordinance or as otherwise provided by other appropriate authorities with jurisdiction over the street.

(b) Yards abutting primary streets shall incorporate decorative paving and streetscape elements. Plant material shall be located in tree wells, bioswales, and above ground planters.

(5) Between sidewalk and parking.

(a) Setback landscaping between the edge of sidewalk and parking lot edge shall consist of lawn and landscape planting beds.

(b) Landscape planting beds shall be a minimum of 25% of the landscape setback area.

(c) Setback areas greater than 15 feet in depth must plant at least one deciduous tree for every 30 feet of frontage or part thereof and a minimum of one shrub shall be planted for each ten lineal feet of frontage, or portion thereof.

(d) These landscape requirements are in addition to other screening or buffer requirements as indicated in the applicable zoning district section.

(6) Between sidewalk and building.

(a) Non-residential setback landscaping between the edge of sidewalk and building face shall consist of lawn, landscape planting beds, and paved pedestrian areas.

(b) Landscape planting beds shall be a minimum of 25% of the landscape setback area. This may be reduced to 0% in areas where the public sidewalk is immediately adjacent to the building face.

(c) Setback areas greater than 20 feet in depth must plant at least one deciduous tree for every 30 feet of frontage or part thereof and a minimum of one shrub shall be planted for each ten lineal feet of frontage, or portion thereof.

(7) *Parking lot landscaping.* Parking lot landscaping shall be arranged in a manner that improves the safety of pedestrian and vehicular traffic, guides traffic movement, improves the environment and improves the appearance of the parking area and site. Parking lot landscaping shall be provided in accordance with the following standards:

(a) One tree shall be required for each 4,000 square feet of paved driveway and parking lot surface, provided that no fewer than two trees are provided.

(b) All of the required parking lot trees and landscape areas shall be placed within landscape islands inside of the parking lot or the area within ten feet surrounding the parking lot.

(c) Each tree shall be provided with an open land area of not less than 150 square feet to provide area for infiltration and with a minimum diameter of six feet at the trunk of the tree for protection. If a sprinkled irrigation system is provided, the open land areas can be reduced to no less than 75 square feet. Tree plantings shall also be protected from automobiles with curbing or other suitable device.

(d) Landscaping shall be installed such that, when mature, it does not obscure traffic signs, fire hydrants, lighting, drainage patterns on site or adjacent properties, or obstruct vision for safety of ingress or egress.

(8) *Parking lot screening.*

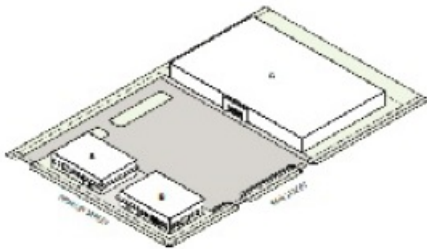
(a) *Front yard.* An eight-foot landscape buffer is required which may be reduced to five feet with a three-foot opaque masonry knee wall.

(b) Side and rear yard when adjacent to single-family residential district. A six-foot landscape buffer is required which may be reduced to five feet with a three foot opaque masonry knee wall.

(G) *Multiple buildings on a single lot.*

(1) Intent: To provide design flexibility in the siting of multiple buildings on a single lot while mitigating any potential adverse impacts.

(2) When build-to standards are met for the entire zone lot, and surface parking location and street level activation standards are met for the buildings being used to meet the required build-to standards, additional buildings on the site are not subject to the build-to, surface parking location, and street level activation standards.



(3) A continuous network of pedestrian walkways within and between developments, providing pedestrians the opportunity to walk between destinations, including buildings and amenities, must be provided. Pedestrian walkways that cross a parking lot or internal street or driveway must be clearly marked through a change in paving materials distinguished by their color, texture or height.

(H) *Design standard exceptions.*

(1) *Height exceptions.* The requirements of § 153.055 shall apply.

(2) *Setback permitted encroachments.*

(a) Architectural features may project out one and one-half feet, including belt courses, sills, lintels, pilasters, pediments, cornices; chimneys and fireplace insert vents not exceeding six feet in width.

(b) Canopies providing cover to an entrance shall not exceed 25% of the width of face of building or 20 feet in width, whichever is less.

(c) Gutters and roof overhangs may encroach up to three feet.

(d) Porches, decks, patios, exterior balconies, stoops, and above grade stairways at the street level connecting to a porch must meet the following standards:

1. All sides shall be at least 50% open except for any side abutting a building facade.

2. May project up to eight feet in front yard, five feet at side street and rear.

3. Not permitted in side interior.

(e) Projecting windows may project one and one-half feet into front, side streets and rear setbacks and shall be a minimum of one and one-half feet above finished floor and not extend floor to ceiling.

(f) Driveways may encroach any distance into a yard; surface parking is not allowed.

(g) Barrier-free access structures where no alternative locations are available may encroach any distance into any yard.

(h) Gas and electric meters may encroach a maximum of one and one-half feet into any yard.

(i) Ground mounted air conditioning units or other similar mechanical equipment may encroach a maximum of three feet into a side or rear yard, as long as the following are met:

1. Does not exceed noise standards;

2. Does not exceed four feet in height or ten square feet in area per unit;

3. Has adequate screening to conceal it from view from adjacent properties and public rights-of-way by means of landscaping and/or fencing; and

4. The location of the unit(s) minimizes the impacts on adjoining properties.

(j) An emergency egress meeting Fire Code may project a maximum of three feet into front and side yards and a maximum of ten feet into rear yards.

(k) A pedestrian bridge where the encroachment is necessary to complete a connection for access to a mass transit station may encroach any distance.

(Ord. O-202, passed 4-2-2018, effective 4-12-2018)

§ 153.425 MAIN STREET DISTRICT ADDITIONAL DESIGN STANDARDS.

(A) *Intent.* The intent of the Main Street District (both east and west) requires ground floor storefront uses and architectural requirements in order to preserve the walkable, active interface with the public realm. Main Street buildings shall also meet the design specifications for the building form standards of § 153.423 and additional design standards of § 153.424, except as provided herein.

(B) *Fenestration.*

(1) Ground floor fenestration shall comprise a minimum of 70% of the ground story facade between two and eight feet above grade.

(2) Ground floor windows may not be made opaque by window treatments (except operable sunscreen devices). A minimum of 80% of the window surface shall allow a view into the building interior for a depth of at least 12 feet.

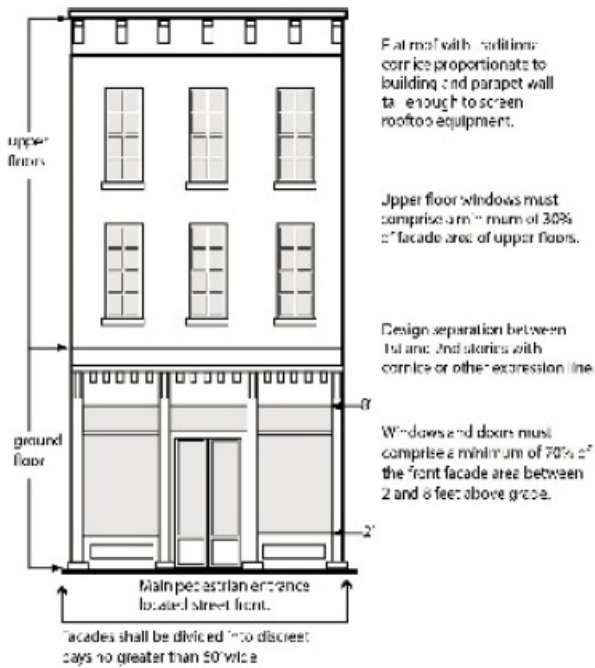
(C) *Horizontal articulation.*

(1) Horizontal articulation is the arrangement and proportion of facade materials and elements (windows, doors, columns, pilasters, and bays) into discreet bays.

(2) For each block frontage, facades shall be divided into discreet horizontally articulated bays at no greater than 60 feet each.

(3) Adjacent facades shall contain different wall materials and rhythm of bays to distinguish each storefront in the horizontal plane.

(4) There shall be a minimum of one functional entrance every full 25 feet of frontage.



The above drawing is intended to illustrate the application of the design standards in this ordinance, but not require a specific architectural style.

(D) *Ground floor articulation.* Main Street buildings shall be designed to create a distinct and separated ground floor area through the use of a horizontal expression line, such as a string course, change in material or textures, awnings or canopies, or a sign band between the first and second stories.

(E) *Uses.*

(1) Only active ground floor uses are permitted:

- (a) Retail sales and services;
- (b) Restaurant/bar/lounge; or
- (c) Residential and lodging uses.

(2) Support functions such as lobbies, rental offices, and club rooms may be located on the ground floor.

(Ord. O-202, passed 4-2-2018, effective 4-12-2018)

§ 153.426 USES AND PARKING STANDARDS.

USES	DISTRICT					
	MS	UE	RC	UF	INT	RR
Single unit detached residential		P				P
Attached residential	P	P		P		1-4 units: P 5+units: SLU
Mixed-use	P	P	P	P		0-2,000 SF commercial: p1
Retail sales and service	P	p1	P			
Office	P	P	P	P	SLU	
Lodging	P	P	P	P		

Institutional	P	P			SLU	
Public assembly		SLU	SLU	SLU	SLU	SLU
R & D			SLU	P		
Light industrial				SLU		
Parking					SLU ²	
<p>1 Along primary streets only</p> <p>2 Any parking as a principal use (required for an adjacent use) requires Riverfront Commission approval</p> <p>Uses identified above as SLU are subject to the special land use standards in §153.562</p>						

(A) *Use definitions.*

(1) *Attached residential.* Two or more family residence, boarding or lodging houses or residential care facilities, and accessory uses thereto.

(2) *Mixed-use.* A development that blends a combination of residential and nonresidential uses where those functions are physically and functionally integrated.

(3) *Retail sales and service.*

(a) Commercial establishments involved in the retail sale of new or used products, and the retail provision of consumer, repair, banking with a retail focus, or rental services to individuals, households and businesses; and

(b) Eating/drinking establishments.

(4) *Office.* Uses where a person transacts his or her business or carries on his or her stated profession in administrative, clerical, arts, or professional (such as, architect, lawyer, medical, dental) fields.

(5) *Institutional.*

(a) Elementary, secondary, vocational school, college and university; and

(b) Municipal services, offices and uses.

(6) *R&D.*

(a) A research and development facility, training facility, production studio, laboratory, display/showroom/sales facility, or other similar use;

(b) A facility for scientific research, investigation, testing or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory; or

(c) Production facilities for the production of consumer goods such as food, beverages, art, clothing, textiles, etc. that have a minimum of 20% floor area dedicated to retail sales.

(7) *Light industrial.*

(a) Establishments primarily engaged in the sale, storage, and distribution of goods and materials to retailers or other businesses for resale to individual or business customers. This land use category does not include heavy manufacturing, resource extraction, scrap operations, or salvage operations.

(b) Manufacturing establishments primarily engaged in the fabrication or assembly of products from pre-structured materials or components; or a manufacturing establishment whose operations include storage of materials; processing, fabrication, or assembly of products; and loading and unloading of new materials and finished products, and does not produce or utilize in large quantities as an integral part of the manufacturing process, toxic, hazardous, or explosive materials. Because of the nature of its operations and products, little or no noise, odor, vibration, glare, and/or air and water pollution is produced, and, therefore, there is minimal impact on surrounding properties.

(B) *Parking standards.*

(1) *Parking requirements.* Parking shall be provided for all uses in accordance with the requirements of §153.126 except that the Planning Commission may reduce the amount of on-site parking required in the Riverfront Mixed Use District by up to 50% in the following instances:

(a) The parking requirement may be satisfied through shared parking with an adjacent use. All uses must be located within 300 feet of the shared parking and a copy of an executed shared parking agreement must be provided to the city. A mixed-use development that has uses with different peak hour parking demands, such as a restaurant in an office building.

(b) This may include on-street parking that is located along the lot's frontage and public off-street parking lots that are located within 500 feet of the site.

(c) The parking requirement may be reduced where the applicant can demonstrate, based on supporting documentation provided by the applicant, the parking need for that particular use is less than required by this subchapter or valet service to a satellite parking lot will be provided.

(d) Total parking requirements shall not be reduced by more than 50% even where a site satisfied more than one of the above criteria.

(2) *Bicycle parking.*

(a) Intent: The intent of this section is to provide adequate and safe facilities for the temporary placement and use of bicycles. This section is intended to specify the required type, number, and location of bicycle parking spaces on a site. The regulations and requirements are designed to promote and encourage the safety and general welfare of the community by:

1. Promoting an alternative and energy-efficient mode of transportation;
2. Encouraging a healthy lifestyle by promoting and accommodating the use of bicycles; and
3. Providing adequate and safe facilities for the temporary placement of bicycles.

(b) *Applicability.*

1. Bicycle parking shall be provided for any new building constructed after the effective date of this section. After the effective date of this section, bicycle parking shall also be provided on all sites when an addition to an existing building is constructed that results in the need for additional motor vehicle parking spaces or for any change in the use of a building that results in the need for additional motor vehicle parking spaces.

2. This section does not prohibit the voluntary installation of bicycle parking that conforms to the requirements set forth in this section.

3. Except as otherwise required, a bicycle parking area shall be treated in a similar manner as required motor vehicle parking area.

(c) *Exceptions.* Bicycle parking shall be required for all uses, with the exception of one- and two-family residential uses.

(d) *Location.*

1. A bicycle parking area shall be located such that it is visible, safe, and convenient with adequate lighting provided.

2. Bicycle parking areas shall be located to maximize accessibility to building entrances.

(e) *Design criteria and dimensions.* Bicycle parking racks and lockers are encouraged to be unique in design and appearance; however, the bicycle parking area shall be functional, operational, and shall provide for the following:

1. A bicycle rack, bicycle locker, or functionally equivalent structures shall be used to secure a bicycle.
2. Bicycle parking areas incorporating the standard inverted "U" shaped bicycle rack, or functionally equivalent structure, shall have the following dimensions:
 - a. The minimum height of the bicycle rack shall be 36 inches from the base to the top of the rack.
 - b. The minimum length for the bicycle rack shall be two feet.
3. A bicycle rack shall accommodate at least two bicycles.
4. The exterior surface of bicycle racks and bicycle lockers shall be non-abrasive, non-marring, and durable.
5. The bicycle parking area shall be constructed with adequate space to allow operation of the locking mechanism and each bicycle parking space shall be easily accessible. A bicycle parking area shall not interfere with any designated pedestrian sidewalk or pathway, required vehicle parking spaces or vehicle maneuvering lanes, and shall not eliminate any required landscape area.
6. The bicycle parking rack shall be installed so that the rack supports the bicycle in an upright position and allows for the bicycle frame and front wheel to be securely locked.
7. The bicycle parking area shall be hard surfaced with material such as asphalt, concrete, or a brick paving system and shall be adequately maintained and kept free of mud, dust, ice, and snow.
8. The bicycle racks, bicycle lockers or functionally equivalent structures must be securely anchored.
9. Up to one-half of the required bicycle parking spaces on the site may be located inside of a building.

(f) *Shared bicycle parking facilities.* For sites containing multiple uses or tenants, a single bicycle parking area may be provided as long as the total number of bicycle parking spaces provided is not less than the sum of all of the separate uses combined.

1. *Bicycle parking requirements.* Unless otherwise provided, one bicycle parking space shall be provided for every ten motor vehicle parking spaces required. The minimum number of bicycle parking spaces provided shall not be less than two. The maximum number of bicycle parking spaces shall not exceed 50.

2. *Reduction of required motor vehicle parking spaces.* The number of required motor vehicle parking spaces on a site may be reduced by one motor vehicle parking space for every two bicycle parking spaces installed on a site in

compliance with this section. Motor vehicle parking spaces may not be reduced by more than 10% of the total number of required motor vehicle parking spaces.

(g) *Waiver.* An individual may submit a written request to the Chief Inspector, or designee, for a waiver from the requirements of this section. The request shall state the reason(s) for the waiver and contain any other applicable information related to the waiver. In making a determination regarding a waiver the Chief Inspector, or designee, may consider characteristics of the site including the type of use, site layout (accessibility, maneuverability, design, and other related elements), or unique circumstances.

(3) *Parking lot design.* The requirements of § 153.131 shall apply.

(4) *Loading.* The requirements of § 153.132 shall apply.

(5) *Parking deck design.*

(a) *Intent.* To minimize the visual impact of structured parking decks on the public realm, mitigate nuisances including noise and light, and design decks to be visually compatible with the surrounding character and development.

(b) *Design standards.*

1. Spandrel panels or opaque architectural wall systems, a minimum of 42 inches high, shall be required to screen the view of parking cars and car headlights from the opposite side of the street.

2. For all exposed, above-grade parking structures on side streets and alleys, at least 50% of the ground floor level must be covered by an architectural screen.

3. Parking decks exposed to view shall be subject to the same standards as buildings in terms of massing, form, and building character.

4. The 30-foot parking setback area shall apply on primary streets and is required to be lined on all exterior ground-floor elevations by non-parking uses.

(Ord. O-202, passed 4-2-2018, effective 4-12-2018)

§ 153.427 ADMINISTRATIVE PROVISIONS.

(A) *Applicability.* For properties located in the Riverfront Mixed-Use District, as designated on the Zoning Map, compliance with each component of this subchapter shall apply based on the table below:

	<i>Height</i>	<i>Siting</i>	<i>Design Standards</i>	<i>Uses</i>	<i>Parking</i>
	<i>Height</i>	<i>Siting</i>	<i>Design Standards</i>	<i>Uses</i>	<i>Parking</i>
New construction	X	X	X	X	X
Expansion of building area:					
0%-25% of building area	X		X	X	X
26% or more of building area	X	X	X	X	X
Changes in use:					
Does not require additional parking or building additions				X	X
Requires additional parking or expand the parking lot by more than 10% from the approved site plan		X	X	X	X
Expansion of parking area		X	X		X
Facade changes			X		
Improvements to nonconforming sites, structures and uses are also subject to review according to §§153.100 through 153.112					

(B) *Plan review.*

(1) Site plan and concept plan reviews and approvals shall be required for the activities or uses listed in §153.425.

(2) Development requiring site plan review shall follow the site plan review process set forth in §153.083.

(3) Approvals are obtained from the Planning Commission, City Council, or Chief Inspector, or designee, depending upon the nature of the proposed construction or use. Where City Council approval is required, it shall be based upon the recommendation of the Planning Commission. Where the ordinance allows the city to grant modifications to a specific requirement, the approval authority shall be the body with the authority to grant the associated modification or waiver, based upon the standards provided in that section. Variances may only be granted by the Board of Appeals on Zoning as set forth

in § 153.586.

(4) Activities and uses that are exempt from site plan/sketch plan approval still require a building permit. All construction or building modification is subject to city building permit requirements of the Inspections Division of the Department of Neighborhood Services and Inspections.

(5) The Chief Inspector, or designee, retains the option to require a complete site plan for review by the Planning Commission, particularly for sites which do not comply with previously approved site plans, sites with parking deficiencies, sites abutting residential districts or sites experiencing problems with drainage, traffic, noise, aesthetics or other general health and safety issues. If a full site plan is required, the Chief Inspector, or designee, shall inform the applicant to submit a set of plans in accordance with § 153.083(B) within 14 days of receipt of the application.

(6) *Concept plan review.* Minor expansions, accessory structures, or changes in use to existing sites are permitted to provide less detailed information than a full scale site plan review. The level of information is intended to be proportional to the extent of the change and yet ensure adequate review for compliance with applicable standards. Submissions for concept plan review shall include:

- (a) Application form;
- (b) Conceptual review fee;
- (c) The name and address of the owner and any designated representative of the owner;
- (d) Written description of the proposed use;
- (e) Conceptual site plan, illustrating existing site features such as lot dimensions, general footprints of buildings and parking, and provides more detail on the areas of the site proposed to be changed. The level of information required shall be established by the Chief Inspector, or designee, to be sufficient to ensure the modification complies with this and other applicable city codes; and
- (f) A location map.

Review Process Approvals	Administrative		Planning Commission	City Council
	Concept Plan	Full Site Plan		
Review Process Approvals	Administrative		Planning Commission	City Council
	Concept Plan	Full Site Plan		
Site plan review				
New development			X	
Major expansion			X	
Minor expansion	X			
Accessory structures	X			
Change in use that requires additional parking or expand the parking lot by more than 10% from the approved site plan	X			
Provide more parking spaces than permitted (must meet special land use criteria)			X	
Special land use			X	
Rezoning			X	X

(C) Modifications requiring Planning Commission approval.

(1) Modifications to the design standards of §§153.423 and 153.424 may be approved by the Planning Commission. A modification shall require an application that includes a site plan and a front elevation drawing of the proposed building superimposed on a color drawing or photograph of the entire block showing the relationship of the proposed building to other buildings on the block. The application shall be reviewed by the Planning Commission based upon the following criteria:

- (a) The design of the building shall be in keeping with the architectural character of the Riverfront Mixed-Use District, as articulated in the Master Plan. This shall not prevent innovation and creativity in design that is in keeping with the Master Plan, as determined by the Planning Commission.
- (b) The building shall be oriented toward the front sidewalk, having a functioning entrance and enhance the continuity of the pedestrian oriented environment. A modification shall not result in increasing the dominance of vehicular parking or garage doors along the front of the building.
- (c) The design of the roof shall be compatible with character of other buildings along the block and shall meet district

height requirements.

(d) The exterior finish materials shall be of equal or better quality, in terms of durability and appearance/texture similar to brick, stone, or wood, as those permitted in the district. The intent is to accommodate new technologies and building material while maintaining the desired character of the Riverfront Mixed-Use District, as defined in subsection (1) above.

(e) Ground floor windows shall be provided along the front sidewalk to maintain the pedestrian-orientation of the streetscape and upper story windows and shall not be incompatible with the rhythm and proportions of windows on other buildings along the block.

(2) *Relief from unlisted standards.* Any request for relief from a required form district standard other than those listed above shall be made through the variance permit procedures set forth in § 153.586.

(3) *Deviations from approved site plan.* Minor changes to the approved final site plan may be approved by the Chief Inspector, or designee, without requiring a resubmittal to the Planning Commission or City Council, as applicable, provided that the applicant or property owner notifies the Chief Inspector, or designee, of any proposed amendment to such approved site plan prior to making said change on the site and the Chief Inspector, or designee, determines the proposed revision does not alter the basic design, compliance with the standards of approval, nor any specified conditions of the approved site plan. Where the modifications are not determined to be minor, then the site plan shall require resubmittal to the Planning Commission or City Council, as applicable, for approval as a site plan amendment. For purposes of interpretation, the following shall be considered minor changes:

(a) The size of structures may be reduced, or increased by up to 5% provided the overall density of units does not increase.

(b) Movement of a building or buildings by no more than ten feet.

(c) Plantings approved in the landscape plan may be replaced by similar types and sizes of landscaping which provides a similar screening effect on a one-to-one or greater basis.

(d) Trees to be preserved that were damaged or lost during construction may be replaced by trees of a similar species with a minimum caliper of two inches, with two new trees required for each tree replaced.

(e) Improvements to site access or circulation, such as deceleration lanes, boulevards, curbing, pedestrian/bicycle paths and the like.

(f) Changes of building materials to another of higher quality, as determined by the Chief Inspector, or designee.

(g) Changes in floor plans which do not alter the character of the use.

(h) Slight modification of sign placement or reduction of size.

(i) Changes required or requested by the city, county, state or federal agency for safety reasons or for compliance with other applicable laws.

(j) Situations similar to the above.

(Ord. O-202, passed 4-2-2018, effective 4-12-2018)

§ 153.428 DEFINITIONS AND RULES OF MEASUREMENT.

(A) *Streets and frontages.*

(1) *Primary streets.*

(a) Primary streets are depicted on the regulating plan. These are intended to be the defining corridors of the Riverfront Mixed-Use District. The primary streets are intended for active, retail-based storefronts and serve as the most visitor-friendly areas for increased importance on character and accessibility.

(b) Primary streets may be along front or side frontages.

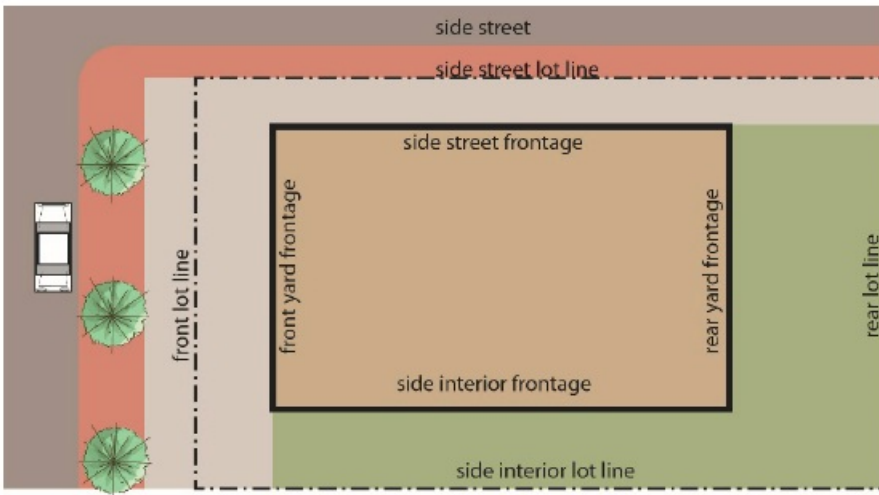
(2) *Frontages and lot lines.*

(a) The front shall be the zone lot line abutting the street frontage, between any intervening rights-of-way (including alleys), on which a greater number of principal buildings face.

(b) The rear shall be the zone lot line opposite the front.

(c) For lots abutting more than one street, the side street shall be the zone lot line abutting the street that is not the front.

(d) The remaining zone lot lines shall be side interior.



(3) *Facades.*

- (a) Primary facades shall be the building elevation along the build-to line on the front yard frontage.
- (b) Secondary facades shall be any facades that are not primary facades.

(B) *Build-to requirements.*

(1) *Required build-to.*

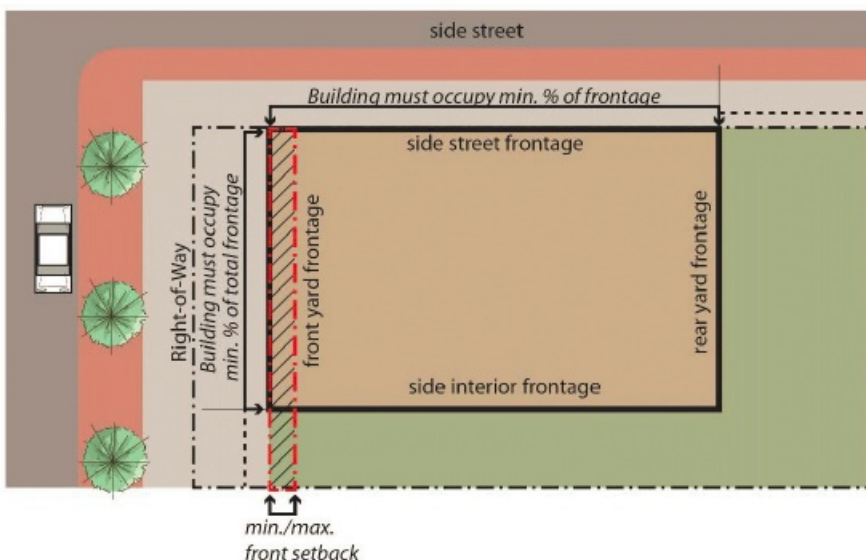
- (a) *Intent.* To clearly define the public realm through consistent building placement, massing and orientation.
- (b) *Applicability.* The building form standards specify required build-to standards.
- (c) *Rules of measurement.*

1. Required build-to standards are measured from and perpendicular to the lot line abutting a street. Where a public access easement abuts the public street right-of-way on a lot, the build-to shall be measured from the easement rather than the lot line.

2. Required build-to is calculated as a percentage using the length of the primary building wall (and/or the length of a permitted build-to alternative) divided by the total lot width, as measured at the lot line abutting the subject street right-of-way.

3. For recessed vehicle garage doors that provide direct entrance to an integrated parking structure, but which are setback farther than the maximum of the build-to range due to city standards or safety concerns, the width in linear feet may be added to the length of the applicable building wall for purposes of meeting the minimum percentage.

4. Buildings shall be built at or within the build-to frontage requirement for at least the minimum percentage required along the front and/or side street frontage.



(2) *Build-to alternatives.* The following alternatives may be used as alternatives to a required build-to minimum percentage standard, subject to Chief Inspector, or designee, approval:

- (a) *Permanent outdoor seating.* Permanent outdoor patio seating space shall be placed between the building and the front or side street lot line.

(b) *Private open space.* The following requirements apply:

1. Shall be open to the sky, but may include open structures, such as pergolas;
2. May include tables, chairs, benches, sculptures and similar elements;
3. Shall be fully visible from the street; and
4. Shall not be permanently enclosed by railings, fences, gates or walls that do not allow public access during business hours.

(c) *Garden wall with covered seating.* Garden walls must be between 30 inches and 42 inches in heights with the following exceptions:

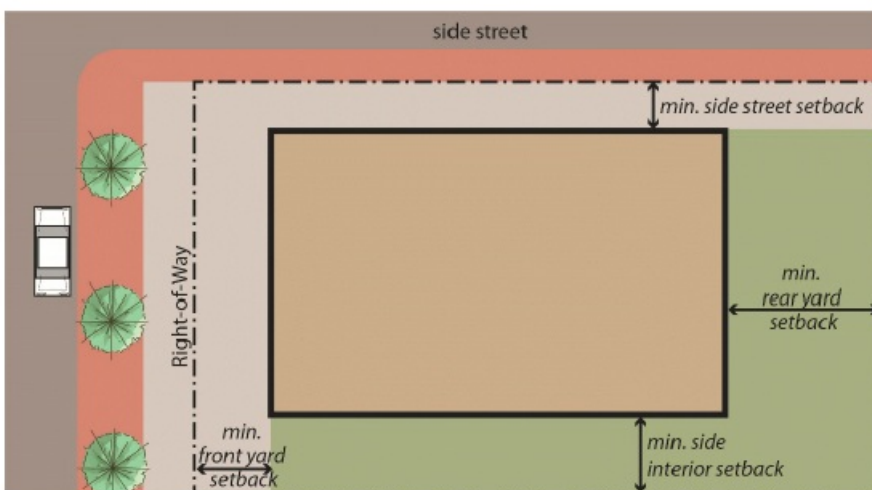
1. Decorative and/or structural piers may exceed 42 inches in height.
2. Seating incorporated into the wall may be a minimum of 18 inches in height and may be accessed from both sides of the wall without an intervening division.
3. Allowed materials are limited to masonry or an ornamental metal fence with masonry piers, spaced not more than 25 feet, with landscaping.

(d) *Courtyard.* The following requirements apply:

1. Shall face the front street;
2. Shall have a width of at least 15 feet, measured as the distance between the two closest edges of the exterior walls facing each other across the courtyard;
3. Shall have a depth of at least 30 feet measured as the horizontal distance between the primary street-facing exterior building wall nearest to the primary street zone lot line and the closest facade of the exterior building wall facing the primary street behind the courtyard, measured perpendicular to the lot line;
4. The courtyard is intended primarily for pedestrian use and shall include all of the following physical characteristics:
 - a. Shall be no more than one-half story above or below grade at the lot line adjoining the front street;
 - b. Shall be physically accessible from the front street, but may be secured for private use;
 - c. Shall be visible from the front street zone lot line;
 - d. Shall be open to the sky; and
 - e. Shall be bounded on not less than three sides with connected building facades.
5. The courtyard area may be used for any of the following:
 - a. Single or multiple entries to uses within the building;
 - b. Public or private landscaped area; or
 - c. Outdoor seating area.

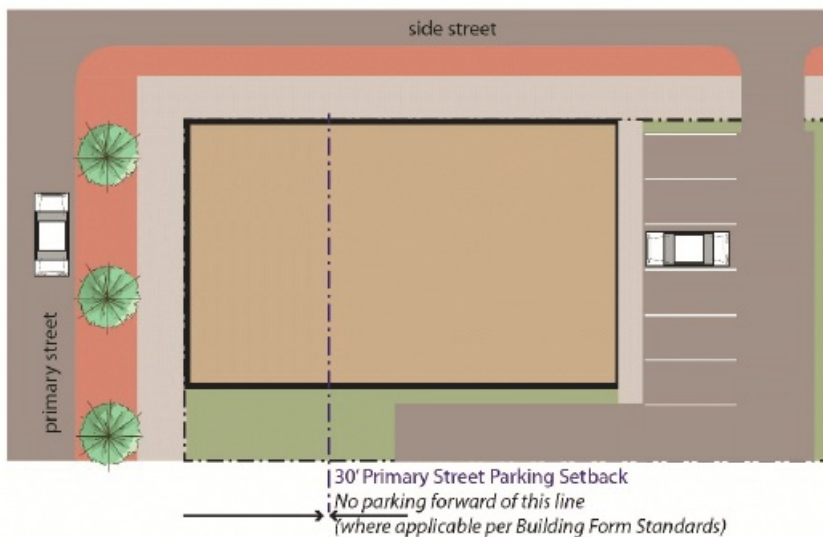
(C) *Setbacks.*

(1) *Setbacks.* The minimum horizontal distance between the building line and a front, rear, or side lot line, a protected area or parking.



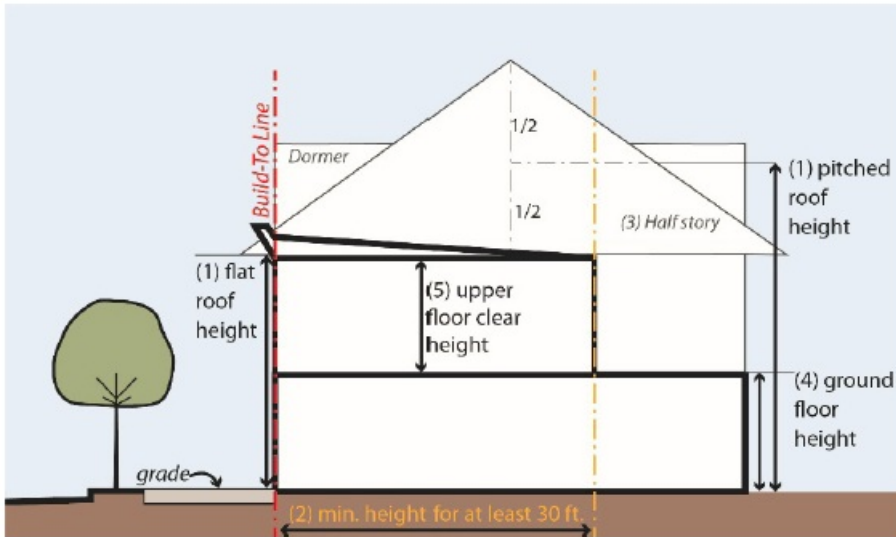
(2) *Block sensitive setback.*

- (a) *Intent.* To provide context-sensitive infill development related to existing conditions and to maintain an existing character along the same side of a street.
 - (b) *Applicability.* Requirements per building form standards.
 - (c) *Average.* A setback equal to the average setback of 50% of the buildings to be retained within the blockface. The applicant shall provide a map with those measurements.
- (3) *Protected area setback.*
- (a) *Intent.* To provide a setback from sensitive natural features.
 - (b) *High water mark.* Parcels fronting the Saginaw River or Lake Linton shall be setback 20 feet from the ordinary high water mark.
- (4) *Parking setback.*
- (a) *Intent.* To accommodate the functional siting of buildings and surface parking while continuing to minimize the impacts of parking on the pedestrian experience.
 - (b) *Surface parking not allowed.* Where it is indicated that surface parking is not allowed between a building and a primary street and/or a side street, surface parking shall not be located in the area directly between any portion of a building facade and the street.
 - (c) *Parking setback.* Parking and loading spaces are not permitted within a primary street 30-foot parking setback, as indicated in the building form standards. Vehicle maneuvering lanes are highly discouraged within parking setbacks and are only permitted when alternative locations are not available or if it is determined necessary during site plan review.



(D) *Building height.*

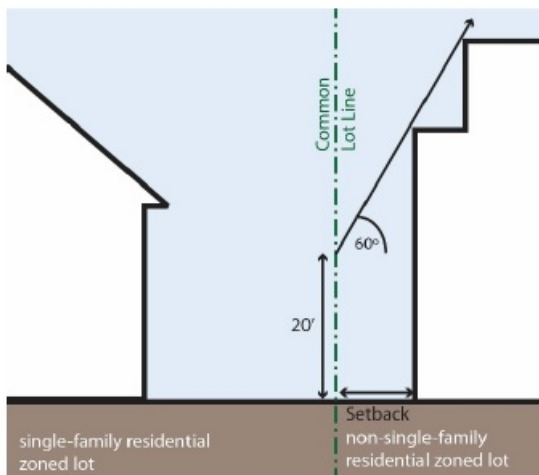
- (1) The minimum and maximum building heights are measured from the average fronting sidewalk to the halfway point of a pitched roof or to the top of a wall plate for flat roofs.
- (2) The minimum height shall be satisfied from the build-to line back to a depth of at least 30 feet.
- (3) A building height maximum of a half story, labeled as ".5", indicates an attic story with dormers in a pitched roof. Dormers in a half story shall be less than 15 feet wide and their collective width may not be more than 60% of the building elevation length.
- (4) Ground floor height shall be measured from the average fronting sidewalk grade to the second story finished floor elevation.
- (5) Upper floor clear height is measured from finished floor elevation to finished ceiling elevation.



(E) *Upper floor setbacks adjacent to residential.*

(1) *Intent.* To provide adequate light and air for abutting residential developments.

(2) *Design standard.* An upper floor setback shall be required for properties adjacent to single-family residential zoned lots, whether directly adjacent or abutting through an alley right-of-way. To determine the height reduction area, a vertical plane shall be extended from the nearest lot line of the residentially zoned lot 20 feet in height from average grade and then in a direction of 60°, rising vertically, towards the center of the subject lot.



(F) *Fenestration.*

(1) Fenestration is defined as openings in the building wall, including windows, doors and open areas. When measuring fenestration, framing elements (such as muntins) with a dimension less than one inch are considered part of the opening.

(2) Ground floor fenestration shall be measured between two and eight feet above grade.

(3) Windows shall be oriented vertically.

(4) Windows glazing shall be clear and shall transmit at least 65% of the visible daylight.

(Ord. O-202, passed 4-2-2018, effective 4-12-2018)

SCHEDULE OF REGULATIONS

§ 153.440 SCHEDULE AND FOOTNOTES TO REGULATIONS.

Zoning District	Minimum Lot Width	Minimum Lot Size	Maximum Lot Coverage (%)	Minimum Yard Setbacks (ft.) (N)			
				Front (D)	Sides (C)		Rear (D)
	Least One	Total of Two					
				Minimum Yard Setbacks (ft.) (N)			

Zoning District	Minimum Lot Width	Minimum Lot Size	Maximum Lot Coverage (%)	Front (D)	Sides (C)		Rear (D)
					Least One	Total of Two	
R-1	60	6,000	40	20	5	14	25
R-1A	100	12,000	40	20	5	14	25
R-2	50 (G)	5,000 (G)	40	20	5	14	25
R-3	60	(H)	40	20	5	14	20
R-4	200	(J)	40	20	5 (I)	14 (I)	20
RO-1	60	(H)	40	20	10	20	20
B-1	40	4,000 (J)	50	20 (L)	10 (M)	20 (M)	20
B-2	40	4,000 (J)	50	-	10 (M)	20 (M)	-
B-3	-	(J)	-	-	-	-	-
M-1	100	20,000	75	0	0	0	0
M-2	100	20,000	75	0	0	0	0
M-3	100	-	75	0	0	0	0
RMU	-	(J)	-	-	-	-	-

Zoning District	Maximum Height of Buildings (B)		Minimum Floor Area per Dwlg. Unit (sq. ft.)	Minimum Bldg. Frnt. and Depth (in ft.)	Floor Area Ratio (FAR)*	Rec Space Ratio (RSR)*
	In Stories	In Feet				
	Maximum Height of Buildings (B)					
	Maximum Height of Buildings (B)					
	Maximum Height of Buildings (B)					
	Maximum Height of Buildings (B)					
R-1	2-1/2	35	864	26	-	-
R-1A	2-1/2	35	864	26	-	-
R-2	2-1/2	35	864	26	-	-
R-3	-	-	(K)	26	0.7	.12
R-4	-	-	(K)	26	2.0	.07
RO-1	-	-	(K)	26	1.0	.12
B-1	-	-	(K)	-	1.0	.07
B-2	-	-	(K)	-	5.0	.07
B-3	-	-	(K)	-	10.0	.07
M-1	-	-	-	-	0.8	-
M-2	-	-	-	-	2.0	-
M-3	-	-	-	-	4.0	-
RMU	-	-	(K)	-	10.0	.07
PDD	See §§ 153.400 through 153.406 for applicable regulations					
*FAR =Floor Area/RSR =Recreation Space Lot Area Floor Area						

(A) See also site design standards in §§153.455 through 153.491, for land uses requiring special approval.

(B) For height exceptions see § 153.055. There must also be compliance with the Tri-City Area Joint Airport Zoning Ordinance, effective June 11, 1970, which requires a special permit to erect or extend a structure, including buildings, radio and television antennas, chimneys, stacks, gables, towers, or other additions attached to structures in excess of 99 feet above the existing ground level.

(C) (1) In any R-1, R-1A, or R-2 District, the width of the required minimum street side yard on any corner lot shall be three-fourths of the minimum front yard depth required on the contiguous interior residential lot fronting on the same street as the side yard abuts. If the front yard on such interior lot is greater than the minimum required, then the minimum street side yard required shall be three-fourths of the front yard depth as determined in § 153.062(A)(1). A minimum of 12 feet shall be required where there is no interior lot. In any R-3, R-4, RO-1, or B-1 District, the width of minimum required street side yard on corner lots shall be ten feet.

(2) Where the side wall of a single- or two-family dwelling exceeds 35 feet in length, the side yard adjacent to such wall shall be increased, in addition to the other requirements contained herein, one foot for each five feet of such excess length up to a maximum side yard width of 50 feet. For the purpose of this section, the length of a side wall of a building shall be the shortest distance between the front yard and the rear yard.

(3) In all residential districts on a lot occupied by any building which is permitted in said districts other than solely for residential purposes, the width of each yard shall be computed as follows:

Minimum side yard width =

$$\frac{\text{Length of bldg. (in ft.) along side yd.} + 2 \times \text{ht. of bldg. (in ft.)}}{6}$$

6

(D) In all residential, business, and industrial districts, the required front and street side yard setbacks shall not be used for off-street parking, loading, or unloading, and shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping, plant materials, or vehicle access drives, and except that for single-family detached residences and two-family houses, one passenger motor vehicle may be parked on a paved driveway or garage apron in a required front yard. (See also §§ 153.062 and 153.063.)

(E) The minimum floor area per dwelling unit shall not include areas of basements, breezeways, unenclosed porches, terraces, attached garages, attached sheds, or utility rooms.

(F) Applies only to multiple dwellings, boarding houses, tourist homes, rooming houses, and similar residential units.

(G) For two-family residences, a minimum lot width of 60 feet and a minimum lot area of 7,200 square feet shall be provided. For new or conversion of existing structures to contain three or four dwelling units, the minimum required lot area shall be 7,200 square feet plus 1,000 square feet per dwelling unit in excess of two units.

(H) For all dwellings there shall be provided a minimum lot area of 4,000 square feet for the first dwelling unit in a building plus 1,200 square feet for each additional dwelling unit therein. Each lot occupied by any other building providing permanent or transient sleeping accommodations shall contain at least 4,000 square feet for the first family or group of five occupant accommodations, with at least 1,200 square feet for each additional group of five occupant accommodations or major fraction thereof.

(I) (1) Minimum side yards for multiple dwellings, boarding houses, tourist homes, rooming houses, and similar residential units shall be computed as follows:

Minimum side yard width =

$$\frac{\text{Length of bldg. (in ft.) along side yd.} + 2 \times \text{ht. of bldg. (in ft.)}}{15}$$

15

(2) Where two or more multiple, row, or terrace dwellings are erected upon the same lot, a minimum yard space of 50 feet in width shall be provided between structures. This yard width shall be increased by two feet for each ten feet or part thereof by which each multiple, row, or terrace dwelling structure, having common yards, exceeds 40 feet in length on that side of the dwelling structure facing the common yard; and also increased by one foot for each five feet or part thereof by which each permitted multiple dwelling structure having common yards exceeds 40 feet in height on that side of the dwelling structure facing the common yard.

(J) Lot area requirements for residential buildings are determined from FAR and RSR standards, yard space, and off-street parking requirements.

(K) (1) Floor space area per dwelling unit (sq. ft.) shall be as follows:

	<i>Minimum Size (sq. ft.)</i>
Efficiency	450
One-bedroom unit	525
Two-bedroom unit	750
Three-bedroom unit	850
Four- or more bedroom unit	1,000

(2) Not more than 5% of dwelling units in any building may be of efficiency type. The term bedroom excludes kitchens,

bathrooms, utility rooms, libraries, dens, and rooms for common use of dwelling unit occupants.

(L) Where an existing front setback line has been established by existing commercial buildings occupying 50% or more of the frontage within the same block, such established setback shall apply.

(M) For nonresidential buildings, side yards are not required along interior side lot lines if all walls abutting or facing such lot lines are of fire-resistive construction as provided for in the Building Code. However, where a commercial district borders on a side street and a residential district exists in the same block, there shall be provided a setback of ten feet for all buildings, parking, and loading area. Where any or all of a building in a B-1, B-1A, or B-2 District is used for residential purposes, side yards shall be provided as required in the R-4 District.

(N) Refer to §§ 153.057, 153.058, 153.061, and 153.062.

(O) Minimum yard dimensions for M-1, M-2, and M-3 Districts are as follows: any lot adjacent to or across a street from an R District shall provide the same abutting front, side, or rear yard as is required in the R District adjacent to or across said street.

(P) Minimum yard dimensions for M-2 and M-3 Districts are as follows: any lot adjacent to or across a street from an R District shall provide twice the amount of abutting front, side, or rear yard as is required in the R District adjacent to or across said street.

(Prior Code, § 153.475) (Ord. D-1418, § 2200, passed 11-22-1982, effective 1-21-1983; Ord. D-1824, passed 7-13-1998, effective 7-27-1998; Ord. D-1920, passed 6-3-2002, effective 6-13-2002; Ord. O-9, passed 6-30-2003, effective 7-10-2003)

SITE DESIGN STANDARDS FOR PERMITTED USES AND PERMITTED USES AFTER SPECIAL APPROVAL

§ 153.455 GENERAL PROVISIONS.

(A) For all divisions (D) in the sections in this subchapter, see also §153.082 for protective screening of nonresidential uses from residential areas; and for all divisions (E) in the sections in this subchapter, see §§ 153.125 through 153.132 for requirements regarding off-street parking and loading for specific land uses.

(B) The requirements noted in this chapter are in addition to, or, where in conflict, supersede those requirements for particular zoning districts as indicated in § 153.440. For all permitted uses after special approval, see processing requirements in § 153.562.

(Prior Code, § 153.490) (Ord. D-1418, §§ 2332, 2333, passed 11-22-1982, effective 1-21-1983)

§ 153.456 ADULT BOOKSTORES, ADULT MOTION PICTURE THEATERS, CABARETS, MASSAGE PARLORS.

The following regulations shall apply to adult bookstores, adult motion picture theaters, cabarets, and massage parlors:

(A) Zoning district in which permitted: B-2;

(B) Minimum lot area: none specified;

(C) Special minimum yard space and lot width requirements: none specified;

(D) Special screening requirement: none specified; and

(E) Other requirements: not permitted in locations within 1,000 feet of an existing church or school site or park or playground boundary or residence, nor in locations within 1,000 feet of an existing adult bookstore, adult motion picture theater, cabaret, or massage parlor. (See also § 153.317.)

(Prior Code, § 153.491) (Ord. D-1418, § 2301, passed 11-22-1982, effective 1-21-1983; Ord. D-1564, passed 9-28-1987, effective 10-8-1987)

§ 153.457 ADULT FOSTER CARE FAMILY HOMES.

The following regulations shall apply to adult foster care family homes:

(A) Zoning district in which permitted: R-1, R-1A, R-2, R-3, R-4, RO-1;

(B) Minimum lot area: none specified;

(C) Special minimum yard space and lot width requirements: none specified;

(D) Special screening requirements: none specified; and

(E) Other requirements: 1,500 feet apart; site to be evaluated for degree of potential residential-commercial use conflicts.

(Prior Code, § 153.492) (Ord. D-1418, § 2302, passed 11-22-1982, effective 1-21-1983; Ord. D-1435, passed 8-8-1983, effective 8-18-1983)

§ 153.458 ADULT FOSTER CARE SMALL GROUP HOMES.

The following regulations shall apply to adult foster care small group homes:

- (A) Zoning district in which permitted: R-2, R-3, R-4, and RO-1;
- (B) Minimum lot area: none specified;
- (C) Special minimum yard space and lot width requirements: none specified;
- (D) Special screening requirements: none specified; and
- (E) Other requirements: site to be evaluated for degree of potential residential-commercial use conflicts.

(Prior Code, § 153.493) (Ord. D-1418, § 2303, passed 11-22-1982, effective 1-21-1983; Ord. D-1435, passed 8-8-1983, effective 8-18-1983)

§ 153.459 ADULT FOSTER CARE LARGE GROUP HOMES.

The following regulations shall apply to adult foster care large group homes:

- (A) Zoning district in which permitted: R-3, R-4, and RO-1;
- (B) Minimum lot area: none specified;
- (C) Special minimum yard space and lot width requirements: none specified;
- (D) Special screening requirements: none specified; and
- (E) Other requirements: site to be evaluated for degree of potential residential-commercial use conflicts.

(Prior Code, § 153.494) (Ord. D-1418, § 2304, passed 11-22-1982, effective 1-21-1983; Ord. D-1435, passed 8-8-1983, effective 8-18-1983)

§ 153.460 AUTOMOBILE WASH ESTABLISHMENTS.

The following regulations shall apply to automobile wash establishments:

- (A) Zoning district in which permitted: B-2;
- (B) Minimum lot area: none specified;
- (C) Special minimum yard space and lot width requirements: minimum front yard setback of 40 feet for all structures;
- (D) Special screening requirements: five-foot high solid masonry wall, fence, or planting screen along any interior lot line adjacent to a residential zone excepting the portion adjacent to the front or street side yards required therein. The height of said screen shall be reduced to four feet whenever it is within ten feet of any window or door openings which provide light or air in adjoining residential or business buildings; and
- (E) Other requirements:

(1) A vehicle waiting area shall be provided on the lot which will accommodate vehicles. In determining the number of vehicle waiting spaces available to meet minimum code requirements, the number of vehicles normally accommodated within the building can be counted, but in no case shall there be less than three automobiles per stall for manual or self-service establishments, and 15 automobiles per stall for automatic establishments. Said vehicle waiting area, including entrance and exit drives, shall be improved to comply with the standards set forth in § 153.129; and

(2) Adequate provision shall be made to keep all water from washing operations on the premises. Where mechanical or manual drying is not done, a mechanical device shall be provided to ensure that each vehicle shall wait on the premises a minimum of 90 seconds following the end of the washing operation.

(Prior Code, § 153.495) (Ord. D-1418, § 2305, passed 11-22-1982, effective 1-21-1983)

§ 153.461 AUTOMOBILE SERVICE STATIONS.

The following regulations shall apply to automobile service stations:

- (A) Zoning district in which permitted: B-1, B-1A, B-2, B-3, M-1, M-2, and M-3;
- (B) Minimum lot area: see § 153.071 for regulations;
- (C) Special minimum yard space and lot width requirements: see § 153.071 for regulations;
- (D) Special screening requirements: see § 153.071 for regulations; and
- (E) Other requirements: see § 153.071 for regulations.

(Prior Code, § 153.496) (Ord. D-1418, § 2306, passed 11-22-1982, effective 1-21-1983)

§ 153.462 BOARDING HOUSES, ROOMING HOUSES, LODGING HOUSES AND TOURIST HOMES.

The following regulations shall apply to boarding houses, rooming houses, lodging houses, and tourist homes:

- (A) Zoning district in which permitted: R-3 and R-4;

- (B) Minimum lot area: none specified;
- (C) Special minimum yard space and lot width requirements: none specified;
- (D) Special screening requirements: none specified; and
- (E) Other requirements: site to be evaluated for degree of potential residential-commercial use conflicts.

(Prior Code, § 153.497) (Ord. D-1418, § 2307, passed 11-22-1982, effective 1-21-1983)

§ 153.463 BREWERIES, DISTILLERIES, CANNING FACTORIES, AND CHEMICAL PLANTS.

The following regulations shall apply to breweries, distilleries, canning factories, and chemical plants:

- (A) Zoning district in which permitted: M-2 and M-3;
- (B) Minimum lot area: none specified;
- (C) Special minimum yard space and lot width requirements: none specified;
- (D) Special screening requirements: none specified; and
- (E) Other requirements: special consideration of potential odor and pollution nuisances.

(Prior Code, § 153.498) (Ord. D-1418, § 2308, passed 11-22-1982, effective 1-21-1983)

§ 153.464 BUILDING SUPPLY, SOLID FUEL BUSINESSES, OR CONTRACTING FIRMS WITH INCIDENTAL STORAGE YARD ON THE SAME LOT; INCLUDING BUILDING AND ALLIED CRAFT CONTRACTORS.

The following regulations shall apply to building supply, solid fuel businesses, or contracting firms with incidental storage yards on the same lot, including building and allied craft contractors:

- (A) Zoning district in which permitted: M-1, M-2, and M-3;
- (B) Minimum lot area: none specified;
- (C) Special minimum yard space and lot width requirements: none specified;
- (D) Special screening requirements: visually screened from all adjoining residential and commercial properties by a fence, wall, or planting screen at least 80% opaque, and of a design compatible with the neighborhood; and
- (E) Other requirements: none specified.

(Prior Code, § 153.499) (Ord. D-1418, § 2309, passed 11-22-1982, effective 1-21-1983)

§ 153.465 CEMETERIES.

The following regulations shall apply to cemeteries:

- (A) Zoning district in which permitted: R-1A;
- (B) Minimum lot area: 20 acres;
- (C) Special minimum yard space and lot width requirements: all structures to be a minimum of 100 feet from any lot line;
- (D) Special screening requirements: five-foot fence around entire site except for gates at entrance and exit points; and
- (E) Other requirements: site must abut a trunkline or major thoroughfare as designated on the Saginaw Comprehensive Plan Coordinated System of Trafficways, with all ingress and egress directly to said trunkline or major thoroughfare. New cemeteries and sections added to existing cemeteries shall have no markers or monuments above grade.

(Prior Code, § 153.500) (Ord. D-1418, § 2310, passed 11-22-1982, effective 1-21-1983)

§ 153.466 CHURCHES, CONVENTS, AND RECTORIES.

The following regulations shall apply to churches, convents, and rectories:

- (A) Zoning district in which permitted: R-1, R-1A, R-2, R-3, R-4, and RO-1;
- (B) Minimum lot area: two acres;
- (C) Special minimum yard space and lot width requirements: 150 feet minimum lot width; minimum side and rear yard shall be 25 feet;
- (D) Special screening requirements: none specified; and
- (E) Other requirements: site must abut and have direct access to a trunkline or major thoroughfare, as designated on the Saginaw Comprehensive Plan Coordinated System of Trafficways, or access via a local street through a business or industrial district connecting to a trunkline or major thoroughfare.

(Prior Code, § 153.501) (Ord. D-1418, § 2311, passed 11-22-1982, effective 1-21-1983; Ord. D-1515, passed 7-14-1986, effective 7-24-1986)

§ 153.467 COCKTAIL LOUNGES, NIGHTCLUBS, TAVERNS, SUPPER CLUBS, PRIVATE CLUBS.

The following regulations shall apply to cocktail lounges, nightclubs, taverns, supper clubs, and private clubs:

- (A) Zoning district in which permitted: B-2 and B-3;
- (B) Minimum lot area: none specified;
- (C) Special minimum yard space and lot width requirements: none specified;
- (D) Special screening requirements: none specified; and
- (E) Other requirements: shall comply with the Michigan Liquor Control Code, Public Act 58 of 1998, being M.C.L. § 436.1503, as amended, of the Liquor Control Code of 1988, regarding proximity to a church or school building.

(Prior Code, § 153.502) (Ord. D-1418, § 2312, passed 11-22-1982, effective 1-21-1983)

§ 153.468 COMMERCIAL GREENHOUSES.

The following regulations shall apply to commercial greenhouses:

- (A) Zoning district in which permitted: R-1A and B-2;
- (B) Minimum lot area: one acre;
- (C) Special minimum yard space and lot width requirements: all structures to be minimum of 40 feet from all lot lines;
- (D) Special screening requirements: none specified; and
- (E) Other requirements: none specified.

(Prior Code, § 153.503) (Ord. D-1418, § 2313, passed 11-22-1982, effective 1-21-1983)

§ 153.469 CONVALESCENT AND NURSING HOMES.

The following regulations shall apply to convalescent and nursing homes:

- (A) Zoning district in which permitted: R-3 and R-4;
- (B) Minimum lot area: none specified;
- (C) Special minimum yard space and lot width requirements: none specified;
- (D) Special screening requirements: none specified; and
- (E) Other requirements: site to be evaluated for degree of potential residential-commercial use conflicts.

(Prior Code, § 153.504) (Ord. D-1418, § 2314, passed 11-22-1982, effective 1-21-1983)

§ 153.470 DRIVE-IN RESTAURANTS OR OTHER DRIVE-IN ESTABLISHMENTS SERVING FOOD AND/OR BEVERAGES.

The following regulations shall apply to drive-in restaurants or other drive-in establishments serving food and/or beverages:

- (A) Zoning district in which permitted: B-1 and B-2;
- (B) Minimum lot area: none specified;
- (C) Special minimum yard space and lot width requirements: none specified;
- (D) Special screening requirements: five-foot masonry wall, fence, or planting screen; and
- (E) Other requirements: site must abut a trunkline or major thoroughfare as designated on the Saginaw Comprehensive Plan Coordinated System of Trafficways, with all ingress and egress directly to said trunkline or major thoroughfare. (See § 153.072.)

(Prior Code, § 153.505) (Ord. D-1418, § 2315, passed 11-22-1982, effective 1-21-1983)

§ 153.471 HISTORIC THEME RESTAURANTS.

The following regulations shall apply to historic theme restaurants:

- (A) Zoning district in which permitted: RO-1, after special approval by the Planning Commission;
- (B) Minimum lot area: none specified;

(C) Special minimum yard space and lot width requirements: none specified;

(D) Special screening requirements: fence or shrubbery hedge to screen parking from residential areas to be approved by the Planning Commission;

(E) Parking requirements: same as specified for eating and drinking establishments (see §153.126);

(F) Signage requirements: only one sign permitted with a maximum area of 25 square feet; and

(G) Other requirements: must be contained in an existing residential structure which will be restored to its original condition. The only exterior changes allowed would be those required for public safety purposes. Hours of operation to be determined by the City Planning Commission.

(Prior Code, § 153.506) (Ord. D-1418, § 2315-1, passed 11-22-1982, effective 1-21-1983; Ord. D-1433, passed 7-25-1983, effective 8-4-1983)

§ 153.472 HOME OCCUPATIONS.

The following regulations shall apply to home occupations:

(A) Zoning district in which permitted: R-1, R-1A, R-2, R-3, and R-4;

(B) Minimum lot area: none specified;

(C) Special minimum yard space and lot width requirements: none specified;

(D) Special screening requirements: none specified; and

(E) Other requirements: no evidence of such use may be visible from the street or from neighboring properties. No signs except as provided in §§ 153.145 through 153.169 may be displayed in connection with such use. Any mechanical equipment used at any time in connection with such use is:

(1) The same or similar to such equipment as is usual and permissible for household purposes or hobbies; and

(2) Is so designed and constructed that the operation thereof does not adversely affect insurance rates or the use of radio and television on other properties. (See also § 153.021 and § 153.069(D).)

(Prior Code, § 153.507) (Ord. D-1418, § 2316, passed 11-22-1982, effective 1-21-1983)

§ 153.473 HOMELESS SHELTERS.

The following regulations shall apply to homeless shelters:

(A) Zoning district in which permitted: B-2, after special approval by the Planning Commission;

(B) Minimum lot area: lot area requirements determined from floor area ratio, yard space, and off-street parking requirements;

(C) Special minimum yard space and lot requirement: none specified;

(D) Special screening requirements: none specified; and

(E) Other requirements: all activities to occur within the shelter building. Site to be evaluated for degree of potential residential-commercial conflicts.

(Prior Code, § 153.508) (Ord. D-1418, § 2316.01, passed 11-22-1982, effective 1-21-1983; Ord. D-1662, passed 8-10-1992, effective 8-20-1992)

§ 153.474 HOSPITALS.

The following regulations shall apply to hospitals:

(A) Zoning district in which permitted: R-1, R-1A, R-2, R-3, R-4, and RO-1;

(B) Minimum lot area: five acres;

(C) Special minimum yard space and lot width requirements: all be obscured from all residential property view with a wall or banner of suitable material at least five feet in height; and

(D) Other requirements: site must abut to a trunkline or major thoroughfare as designated on the Saginaw Comprehensive Plan Coordinated System of Trafficways, with all ingress and egress directly to said trunkline or major thoroughfare.

(Prior Code, § 153.509) (Ord. D-1418, § 2317, passed 11-22-1982, effective 1-21-1983)

§ 153.475 JUNKYARDS.

The following regulations shall apply to junkyards:

- (A) Zoning district in which permitted: M-2 and M-3;
- (B) Minimum lot area: ten acres;
- (C) Special minimum yard space and lot width requirements: 20-foot wide greenbelt adjoining all property lines;
- (D) Special screening requirements: masonry wall or fence not less than six feet in height, required at interior boundaries of greenbelt; and
- (E) Other requirements: junk may not be stacked higher than the height of the screening wall.

(Prior Code, § 153.510) (Ord. D-1418, § 2318, passed 11-22-1982, effective 1-21-1983)

§ 153.476 MOBILE HOME PARKS.

The following regulations shall apply to mobile home parks:

- (A) Zoning district in which permitted: R-3;
- (B) Minimum lot area: see § 153.485;
- (C) Special minimum yard space and lot width requirements: see § 153.485;
- (D) Special screening requirements: see § 153.485; and
- (E) Other requirements: see § 153.485.

(Prior Code, § 153.511) (Ord. D-1418, § 2319, passed 11-22-1982, effective 1-21-1983)

§ 153.477 NURSERY SCHOOLS, DAY NURSERIES, AND CHILD DAY CARE CENTERS.

The following regulations shall apply to nursery schools, day nurseries, and child day care centers:

- (A) Zoning district in which permitted: R-2, R-3, and RO-1;
- (B) Minimum lot area: 6,000 square feet;
- (C) Special minimum yard space and lot width requirements: outdoor play area of 1,200 square feet exclusive of structures, parking, and driveways;
- (D) Special screening requirements: play area to be enclosed by a four-foot high ornamental fence; and
- (E) Other requirements: none specified.

(Prior Code, § 153.512) (Ord. D-1418, § 2320, passed 11-22-1982, effective 1-21-1983; Ord. D-1477, passed 2-15-1985, effective 2-25-1985; Ord. D-1940, passed 12-30-2002, effective 1-9-2003)

§ 153.478 OFF-STREET PARKING A.

The following regulations shall apply to Off-Street Parking A:

- (A) Zoning district in which permitted: R-1, R-1A, R-2, R-3, and R-4;
- (B) Minimum lot area: none specified;
- (C) Special minimum yard space and lot width requirements: minimum 100-foot lot width;
- (D) Special screening requirements: none specified; and
- (E) Other requirements: no exterior lighting shall cause a driving hazard on an abutting street, nor be exposed to any adjacent residentially zoned property.

(Prior Code, § 153.513) (Ord. D-1418, § 2321, passed 11-22-1982, effective 1-21-1983)

§ 153.479 OPEN STORAGE YARDS OF BUILDING AND CONSTRUCTION CONTRACTORS, LUMBER YARDS, STONE, SAND AND GRAVEL SALES AND STORAGE.

The following regulations shall apply to open storage yards of building and construction contractors, lumber yards, stone, sand, and gravel storage:

- (A) Zoning district in which permitted: M-2 and M-3;
- (B) Minimum lot area: none specified;
- (C) Special minimum yard space and lot width requirements: none specified;
- (D) Special screening requirements: visually screened from all adjoining residential and commercial properties by a fence, wall, or planting screen at least 80% opaque, of a design compatible with the neighborhood; and
- (E) Other requirements: none specified.

(Prior Code, § 153.514) (Ord. D-1418, § 2323, passed 11-22-1982, effective 1-21-1983)

§ 153.480 OUTDOOR DRIVE-IN THEATERS.

The following regulations shall apply to outdoor drive-in theaters:

- (A) Zoning district in which permitted: B-2;
- (B) Minimum lot area: 20 acres;
- (C) Special minimum yard space and lot width requirements: all structures to be minimum of 100 feet from any lot line;
- (D) Special screening requirements: entire property to be fenced; and
- (E) Other requirements: site must abut a trunkline or major thoroughfare as designated on the Saginaw Comprehensive Plan Coordinated System of trafficways, with all ingress and egress directly to said trunkline or major thoroughfare.

(Prior Code, § 153.515) (Ord. D-1418, § 2324, passed 11-22-1982, effective 1-21-1983)

§ 153.481 PENAL AND CORRECTIONAL INSTITUTIONS AND DETENTION FACILITIES.

- (A) Zoning district in which permitted: M-1, M-2, and M-3, after special approval by the City Planning Commission;
- (B) Minimum lot area: four acres;
- (C) Special minimum yard space and lot width requirements: all structures to be a minimum of 75 feet from adjoining property line;
- (D) Location requirements: not permitted within 300 feet of the nearest adjoining residence; and
- (E) Special screening requirements: security fencing to meet all requirements of the Michigan Department of Corrections and/or appropriate federal agencies. Landscape screening to be provided that will provide a continuous separation between the facility and adjoining property. Said screening to be approved by the City Planning Commission.

(Prior Code, § 153.516) (Ord. D-1912, passed 12-31-2001, effective 1-10-2002)

§ 153.482 PINBALL PARLORS, POOL HALLS.

The following regulations shall apply to pinball parlors and pool halls:

- (A) Zoning district in which permitted: B-2;
- (B) Minimum lot area: none specified;
- (C) Special minimum yard space and lot width requirements: none specified;
- (D) Special screening requirements: none specified; and
- (E) Other requirements: not permitted within 500 feet of any church or school site boundary.

(Prior Code, § 153.517) (Ord. D-1418, § 2325, passed 11-22-1982, effective 1-21-1983)

§ 153.483 PICKLE PROCESSING.

The following regulations shall apply to pickle processing:

- (A) Zoning district in which permitted: M-1, M-2, and M-3;
- (B) Minimum lot area: none specified;
- (C) Special minimum yard space and lot width requirements: none specified;
- (D) Special screening requirements: none specified; and
- (E) Other requirements: special consideration of potential odor and pollution nuisances.

(Prior Code, § 153.518) (Ord. D-1418, § 2326, passed 11-22-1982, effective 1-21-1983)

§ 153.484 PLANNED DEVELOPMENT PROJECTS.

The following regulations shall apply to planned unit development projects:

- (A) Zoning district in which permitted: all districts;
- (B) Minimum lot area: two acres;
- (C) Special minimum yard space and lot width requirements: none specified;
- (D) Special screening requirements: see §§ 153.400 through 153.406; and
- (E) Other requirements: none specified.

(Prior Code, § 153.519) (Ord. D-1418, § 2327, passed 11-22-1982, effective 1-21-1983)

§ 153.485 PLANNED MOBILE HOME PARK DEVELOPMENT.

(A) The following regulations applying to planned mobile home park developments are intended to permit flexibility in land area designs within the general pattern of existing land use and population density.

(B) A planned mobile home park development shall be approved by the City Planning Commission pursuant to requirements of § 153.227 in an R-3 District subject to the following conditions.

(1) There shall be compliance with the Mobile Home Commission Act, Public Act 96 of 1987, being M.C.L. §§ 125.2301 et seq. and general rules related thereto as adopted by the State Mobile Home Commission.

(2) A mobile home park shall be constructed and maintained on a lot or a parcel which can provide principal entrances and exits to a trunkline or major thoroughfare as designated on the "Saginaw Comprehensive Plan Coordinated System of Trafficways", or access via a local street through a business or industrial district connecting to a trunkline or major thoroughfare.

(3) Walkways shall be provided from each mobile home site to all service buildings, and must be constructed of either asphalt or concrete. Paved sidewalks shall also be installed on both sides of all internal roads (unless deemed by the City Planning Commission that a sidewalk on only one side of a road is necessary, or that none are needed along a particular road). Walkways and sidewalks where required shall not be less than three feet in width.

(4) (a) Each mobile home unit space shall be provided with a permanent foundation as required under R 125.1101(1)(y) of the Michigan Administrative Code, as defined in R 125.1101(1)(y) of said Code, upon which the mobile home shall be located. Where required to ensure stability of the foundation and mobile home, a soil analysis to test soil stability shall be performed pursuant to R 125.1905(2)(b) of said Code.

(b) Prior to occupancy, each mobile home shall be anchored by an anchoring system meeting the standards and specifications of R 125.1605 and R 125.1607, inclusive of said Code.

(5) Street and yard lights: streets and yard lights, sufficient in number and intensity to permit the safe movement of vehicular traffic and pedestrians at night, shall be provided and shall be effectively related to buildings, trees, walks, steps, and ramps, but shall be so located and shaded as to direct the light away from adjacent properties. All lighting provided shall comply with illumination standards R 125.1929 of the Michigan Administrative Code.

(Prior Code, § 153.520) (Ord. D-1418, § 2333, passed 11-22-1982, effective 1-21-1983)

§ 153.486 PRIVATE PARKS, COUNTRY CLUBS, GOLF COURSES, AND GOLF DRIVING RANGES.

The following regulations shall apply to private parks, country clubs, golf courses, and golf driving ranges:

(A) Zoning district in which permitted: R-1, R-1A, R-2;

(B) Minimum lot area: five acres;

(C) Special minimum yard space and lot width requirements: all structures to be minimum of 100 feet from any residential lot line;

(D) Special screening requirements: none specified; and

(E) Other requirements: none specified.

(Prior Code, § 153.521) (Ord. D-1418, § 2328, passed 11-22-1982, effective 1-21-1983)

§ 153.487 PUBLIC UTILITY BUILDINGS, TELEPHONE EXCHANGE BUILDINGS, ELECTRIC TRANSFORMER STATIONS AND SUBSTATIONS, GAS REGULATOR STATIONS, MUNICIPAL PUMPING STATIONS.

The following regulations shall apply to public utility buildings, telephone exchange buildings, electric transformer stations and substations, gas regulator stations, and municipal pumping stations:

(A) Zoning district in which permitted: all districts;

(B) Minimum lot area: none specified;

(C) Special minimum yard space and lot width requirements: none specified;

(D) Special screening requirements: none specified; and

(E) Other requirements: in R Districts proposed installation must be shown to be reasonably necessary to the orderly development of the surrounding residential area. In the case of electric overhead supply systems, it shall be shown that location and alignment being requested is the arrangement most compatible with the residential areas involved, necessary to the regional power network, and that it is extremely unreasonable to locate such facility entirely in business or industrial districts. Nothing in this division (E) shall authorize overhead supply systems in conduit districts.

(Prior Code, § 153.522) (Ord. D-1418, § 2329, passed 11-22-1982, effective 1-21-1983)

§ 153.488 RADIO AND TELEVISION TOWERS, FREESTANDING.

The following regulations shall apply to radio and televisions towers, freestanding:

- (A) Zoning district in which permitted: B-2 and B-3;
- (B) Minimum lot area: 10,000 square feet;
- (C) Special minimum yard space and lot width requirements: none specified;
- (D) Special screening requirements: none specified; and
- (E) Other requirements: none specified.

(Prior Code, § 153.523) (Ord. D-1418, § 2330, passed 11-22-1982, effective 1-21-1983)

§ 153.489 RECREATION VEHICLE STORAGE YARDS.

The following regulations shall apply to recreation vehicle storage yards:

- (A) Zoning district in which permitted: B-2, M-2, and M-3;
- (B) Minimum lot area: one acre;
- (C) Special minimum yard space and lot width requirements: none specified;
- (D) Special screening requirements: none specified; and
- (E) Other requirements: storage area to be enclosed by a cyclone fence at least five feet in height. Additional height may be permitted for barbed wire cradling.

(Prior Code, § 153.524) (Ord. D-1418, § 2331, passed 11-22-1982, effective 1-21-1983)

§ 153.490 TELECOMMUNICATIONS FACILITIES.

The following regulations shall apply to telecommunications facilities:

- (A) (1) Zoning district in which permitted: M-1, M-2, M-3; and
 - (2) After special approval: B-2, B-3.
- (B) Minimum lot area: see table, § 153.440;
- (C) Special setback requirements:
 - (1) Front: equal to the height of the tower;
 - (2) Side: 120% of height to the nearest building or structure;
 - (3) Rear: 120% of height to the nearest building or structure; and
 - (4) Antennas attached to the roof or supporting structure on a roof top: provide a one to one (1:1) setback ratio. (Example: ten-foot antenna and supporting structure requires a ten-foot setback from the roof edge.)
- (D) Special screening and appearance requirements:
 - (1) Towers shall be enclosed by decay-resistant security fencing not less than six feet in height and shall be equipped with an appropriate anti-climbing device or other similar protective device designed to prevent tower access;
 - (2) Landscaping shall be used to effectively screen the view of the telecommunications facility from adjacent public ways, public property, and residential property. A landscape plan shall be submitted and approved by the City Planning Commission;
 - (3) Telecommunications facilities shall either maintain a galvanized steel finish or subject to any applicable standards of the FAA or other federal or state agency, be painted a neutral color or painted and/or textured to match the existing structure so as to reduce the visual obtrusiveness; and
 - (4) No illumination is permitted on telecommunications facilities unless required by the FCC, FAA, or any other state or federal agency of competent jurisdiction or unless necessary for air traffic safety.
- (E) Other requirements:
 - (1) Towers shall not be located any closer than 1,500 feet from an existing tower, except more than one tower may be located on a lot provided all setback requirements are met for each tower;
 - (2) Any equipment shelter or cabinet shall be shielded from public view or made compatible with the architecture of the surrounding structures or placed underground. The shelter or cabinet must be regularly maintained;
 - (3) Towers shall not be located where they will negatively affect historic or scenic view. Towers shall not be in direct view of any city park;

(4) No advertising may be placed on telecommunications facilities. However, an antenna may be placed on an existing billboard or advertising sign as long as the other requirements of this section are met; and

(5) Any drives and/or approaches to such facilities shall be paved with asphalt or concrete.

(Prior Code, § 153.525) (Ord. D-1880, passed 11-20-2000, effective 11-30-2000)

§ 153.491 TEMPORARY BUILDINGS FOR USE INCIDENTAL TO CONSTRUCTION WORK.

The following regulations shall apply to temporary buildings for use incidental to construction work:

- (A) Zoning district in which permitted: all districts;
- (B) Minimum lot area: none specified;
- (C) Special minimum yard space and lot width requirements: none specified;
- (D) Special screening requirements: none specified; and
- (E) Other requirements: allowed for a period not to exceed one year.

(Prior Code, § 153.526) (Ord. D-1418, § 2332, passed 11-22-1982, effective 1-21-1983)

FLOODPLAIN DISTRICT

§ 153.505 STATEMENT OF PURPOSE.

It is the purpose of the Floodplain District to protect the natural resources of the city, and to promote the public health, safety, and general welfare; by application of special regulations for the use of land which may be subject to periodic inundation at predictable intervals, while permitting reasonable economic use and considering the physical limitations of such land. A further purpose is to help protect the public health, public safety, and general welfare, and reduce the financial burdens imposed upon the community which may result from improper use of land. All lands included in the Floodplain District shall be subject to the terms imposed herein in addition to the terms imposed by any other zoning district in which said lands may be located.

(Prior Code, § 153.540) (Ord. D-1418, § 2401, passed 11-22-1982, effective 1-21-1983)

§ 153.506 ADVISORY AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this subchapter is considered reasonable for regulatory purposes, and for promotion of the public health, safety, and welfare, and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by human-made or natural causes, such as ice jams and bridge openings restricted by debris. Approval of the use of land or premises under this subchapter shall not be considered approval, guarantee, or warranty of safety or suitability. This subchapter does not imply that areas outside the Floodplain Districts or land uses permitted within such districts will be free from flooding or flood damages. This subchapter shall not create liability on the part of the city or any officer or employee thereof for any flood damages that result from reliance on this subchapter or any administrative decision lawfully made thereunder.

(Prior Code, § 153.541) (Ord. D-1418, § 2402, passed 11-22-1982, effective 1-21-1983)

§ 153.507 FLOODPLAIN DISTRICT AREAS (OVERLAY).

The Floodplain District shall be considered to overlay existing zoning districts and shall constitute additional terms over and above those imposed by the underlying zoning districts. The Floodplain District within the jurisdiction of this subchapter is hereby divided into two areas: Floodway Areas and Floodway Fringe Areas. The location and boundaries of the Floodway and Floodway Fringe Areas shall coincide with those locations and boundaries of Floodways and Floodway Fringe Areas as shown on the Flood Boundary and Floodway Map and by the Flood Insurance Study, as published by the Federal Emergency Management Agency, effective date October 16, 1997.

(Prior Code, § 153.542) (Ord. D-1418, § 2403, passed 11-22-1982, effective 1-21-1983; Ord. D-1439, passed 10-17-1983, effective 10-27-1983; Ord. D-1812, passed 11-24-1997, effective 12-4-1997)

§ 153.508 PRECEDENCE OF FEDERAL EMERGENCY MANAGEMENT AGENCY DATA.

Available flood hazard data from federal, state, or other sources shall be reasonably utilized in meeting standards of this subchapter. Data furnished by the Federal Emergency Management Agency shall take precedence over data from other sources.

(Prior Code, § 153.543) (Ord. D-1418, § 2403.1, passed 11-22-1982, effective 1-21-1983; Ord. D-1439, passed 10-17-1983, effective 10-27-1983)

§ 153.509 GENERAL PROVISIONS OF BOTH THE FLOODWAY AND FLOODWAY FRINGE AREAS.

The following restrictions constitute those general provisions which shall govern development, construction, improvement, and relocation within the Floodway and Floodway Fringe Area of the Floodplain District.

(A) All persons proposing development within the Floodway and Floodway Fringe Areas shall obtain approved permits from those government agencies having jurisdiction over floodplain development. No building permit or certificate of occupancy shall be issued until all such aforementioned permits have been obtained and have been reviewed by the Chief Inspector.

(B) (1) Developers of new, substantially improved, or relocated structures within the Floodway and Floodway Fringe Areas shall submit to the Chief Inspector a written document indicating:

- (a) The elevation of the lowest habitable floor in the structure including basement;
- (b) The elevation to which a structure has been floodproofed, if floodproofing methods have been employed; and
- (c) Whether or not the structure contains a basement.

(2) Details of specifications proposed and as-built drawings shall be kept on record and available for public inspection and for use in determining flood insurance risk premium rates.

(C) Persons wishing to develop in areas designated as "A" Zones on the Flood Insurance Rate Map (that "A" having no number affixed to the designation) shall provide intermediate regional floodplain elevations with on-site reference marks set by a registered civil engineer, architect, or land surveyor. Such elevations shall be subject to review by the Department of Engineering.

(D) When floodproofing measures are employed, a registered engineer or architect shall certify that methods used produce a watertight condition and are adequate to withstand the flood depths, pressures, velocities, impact, and uplift forces and any other factors associated with the intermediate regional floodplain elevation.

(E) All new construction and substantial improvements made to existing structures, including mobile homes, shall be firmly anchored to prevent flotation and lateral movement, and shall be constructed with flood-resistant materials and methods.

(F) If new and replaced utility, water, and sanitary facilities must be located below elevation of the intermediate regional floodplain, they shall be constructed so as to be watertight, to resist hydrostatic and hydrodynamic loads, and to be resistant to the effects of buoyancy. All measures to floodproof utility and sanitary facilities are subject to the approval of the Department of Engineering.

(G) On-site waste disposal systems such as septic tanks and leach fields shall be located to avoid impairment by flood waters associated with the intermediate regional flood level.

(H) The application or discharge of persistent toxic compounds whose direct or indirect effects through residuals have a half-life greater than six months, or landfill or any decomposable material, onto or within those areas defined as Floodway or Floodway Fringe Areas is strictly forbidden.

(I) Service facilities such as electrical and heating equipment shall be constructed at or above the intermediate regional flood protection elevation for the particular area or shall be floodproofed.

(J) Fill or other materials shall be protected against erosion by rip-rap, vegetative cover, or bulkheading.

(K) Should any watercourse relocation or alteration be proposed, notification of said change in the watercourse shall be sent by the developer to all adjacent communities, to the State Department of Natural Resources, and to the U.S. Department of Housing and Urban Development. With the altered or relocated portion of any watercourse, the carrying capacity shall be maintained.

(L) Nothing in this subchapter shall be construed to prevent any permanent structures being constructed on piles meeting the requirements of the city's Building Code.

(M) All subdivision proposals and proposals for new development shall be designed and located to be consistent with the need to minimize flood damage. In addition, all subdivision proposals shall have public utilities and facilities such as sewer, gas, electric, and water systems located and constructed to minimize flood damage.

(N) Base flood elevation data shall be provided for subdivision proposals and other proposed developments which contain at least 50 lots or five acres, whichever is less.

(Prior Code, § 153.544) (Ord. D-1418, § 2404, passed 11-22-1982, effective 1-21-1983)

§ 153.510 PERMITTED USES BY RIGHT IN THE FLOODWAY AREA OF THE FLOODPLAIN DISTRICT.

The following uses having a low flood damage potential and presenting no, or minimal, obstruction to flood flows shall be permitted within the Floodway District to the extent that they are not prohibited by any other ordinance and provided they do not require structures, fill, or storage of materials or equipment. No use shall in any manner affect the capacity of the channels or floodways of any tributary to the main stream, drainage ditch, or any other drainage facility or system. Approval from the State Department of Natural Resources is needed for any construction activity taking place in the Floodway and Floodway Fringe Areas of the Floodplain District:

(A) Recreation uses: parks, playgrounds, playfields, bridle paths, nature trails, natural wildlife preserves, outdoor tennis courts, archery ranges, boat launching ramps, target ranges, trap and skeet ranges, game farms, fish hatcheries, and similar uses; land owned by the developer of multiple housing or of a planned residential development in the Floodway Area of the

Floodplain District may be used to provide the necessary open space required under the provisions of this subchapter;

- (B) Golf courses and driving ranges;
- (C) Non-structural agricultural uses: general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, and wild crop farming;
- (D) Non-structural uses incidental to single-family dwellings: lawns, gardens, and play areas;
- (E) Parking areas: provided said parking areas are unpaved and are incidental to those uses permitted in divisions (A) through (D) listed above; and
- (F) Uses not permitted: permitted uses in underlying zoning districts shall not be construed as being permitted uses in the Floodway Area of the Floodplain District unless those uses are indicated as being permitted in divisions (A) through (E) listed above.

(Prior Code, § 153.545) (Ord. D-1418, § 2405, passed 11-22-1982, effective 1-21-1983)

§ 153.511 USES PERMITTED BY SPECIAL APPROVAL IN THE FLOODWAY AREA OF THE FLOODPLAIN DISTRICT.

Provided such uses shall not, in the opinion of the City Planning Commission, be adverse to the purpose of this section or damaging to the public health, safety, or welfare or impose a financial burden upon the community or shall in any manner affect the capacity of the channels or floodways of the main stream or tributaries thereto, drainage ditch, or any other drainage facility or system, the following uses may be permitted by issuance of a special approval in accordance with § 153.562 and any other requirements stipulated herein:

- (A) Railroads, streets, bridges, utility transmission lines, and pipelines;
- (B) Marinas, boat rentals, docks, piers, and wharves;
- (C) Extraction of sand, gravel, and other materials;
- (D) Structures accessory to recreational uses such as shelter houses, out buildings, or wildlife sanctuaries;
- (E) Parking areas, paved; and
- (F) Other uses similar in nature to uses described above which are consistent with the provisions of this section.

(Prior Code, § 153.546) (Ord. D-1418, § 2406, passed 11-22-1982, effective 1-21-1983)

§ 153.512 REQUIREMENTS FOR SPECIAL APPROVAL FOR USES IN THE FLOODWAY AREA OF THE FLOODPLAIN DISTRICT.

In addition to the requirements of §153.562, the applicant for a special approval in the Floodway Area of the Floodplain District shall submit the following:

- (A) A letter of approval from the State Department of Natural Resources;
- (B) A location map including existing topographic data at two-foot interval contours at a scale of one inch representing 50 feet (one inch = 50 feet) for parcels ten acres and under, and at a scale of one inch representing 100 feet (one inch = 100 feet) for parcels over ten acres;
- (C) A map showing proposed grading and drainage plans including the location of all public drainage easements, the limits, extent, and elevations of the proposed fill and/or excavation;
- (D) A statement from the County Drain Commissioner indicating that he or she has reviewed and approved the proposal;
- (E) A statement from the County Health Department indicating that it has reviewed and approved the proposal;
- (F) A statement from the Department of Engineering concerning feasibility of the proposal and its approval; and
- (G) Any other information requested by the City Planning Commission.

(Prior Code, § 153.547) (Ord. D-1418, § 2407, passed 11-22-1982, effective 1-21-1983)

§ 153.513 STANDARDS FOR SPECIAL APPROVAL IN THE FLOODWAY.

The City Planning Commission shall review the particular circumstances and facts of each proposed use in terms of the following standards as well as those in §§ 153.440 and 153.562(F).

- (A) Structures shall not be designed for human habitation and shall have a low flood damage potential.
- (B) Structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of floodwaters and, whenever possible, shall be constructed with the longitudinal axis parallel to the direction of floodflow.
- (C) No special approval shall be granted for the development of new structures, the substantial improvement or relocation of old structures, or development of any kind within the Floodway Area, when such development, construction,

improvement, or relocation would cause any increase in flood level associated with the intermediate regional flood.

(D) All new nonresidential structures and nonresidential structures requiring substantial improvements shall have the lowest floor (including basement) elevated to or above the level of the intermediate regional floodplain or shall be floodproofed to one foot above the level of the intermediate regional floodplain.

(Prior Code, § 153.548) (Ord. D-1418, § 2408, passed 11-22-1982, effective 1-21-1983)

§ 153.514 PERMITTED USES BY RIGHT IN THE FLOODWAY FRINGE AREA OF THE FLOODPLAIN DISTRICT.

The following uses having a low flood damage potential and presenting no, or minimal, obstruction to floodflows shall be permitted within the Floodway Fringe District to the extent that they are not prohibited by any other ordinance and provided they do not require structures, fill, or storage of materials or equipment. Approval from the State Department of Natural Resources is required prior to development activity taking place in the Floodway Fringe:

(A) Recreation uses: parks, playgrounds, playfields, bridle paths, nature trails, natural wildlife preserves, outdoor tennis courts, archery ranges, boat launching ramps, target ranges, trap and skeet ranges, game farms, fish hatcheries, and similar uses. Land owned by the developer of multiple housing or of a planned residential development in the Floodway Fringe Area of the Floodplain District may be used to provide the necessary open space required under the provisions of this subchapter, provided the open space requirements of the specific section of this subchapter are met;

(B) Golf courses and driving ranges;

(C) Non-structural agricultural uses: general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, and wild crop farming;

(D) Non-structural uses incidental to single-family dwellings: lawns, gardens, play areas, and parking areas;

(E) Permitted uses in underlying zoning districts, including residential areas, provided that the petitioner submits to the Chief Inspector drawings signed by a registered civil engineer or architect that indicate that the elevation of the lowest floor, including basement floor, of the structure will be higher than the regulatory flood elevation; and

(F) Accessory structures to permitted uses in underlying zoning districts, provided that they are not utilized for human habitation; they are designed to have low flood damage potential; they are constructed and placed on the building site so as to offer the minimum resistance to the flow of flood waters; they are firmly anchored to prevent flotation; and service facilities shall be elevated or floodproofed. Where accessory structures have a current replacement cost equal to more than 20% of the principal structure, they must also satisfy the minimum elevation or floodproofing requirements of the principal structure.

(Prior Code, § 153.549) (Ord. D-1418, § 2409, passed 11-22-1982, effective 1-21-1983; Ord. D-1439, passed 10-17-1983, effective 10-27-1983)

§ 153.515 USES PERMITTED BY SPECIAL APPROVAL IN THE FLOODWAY FRINGE AREA OF THE FLOODPLAIN DISTRICT.

Provided such uses shall not, in the opinion of the City Planning Commission, be adverse to the purpose of this section or damaging to the public health, safety, or welfare, or impose a financial burden upon the community, the following uses may be permitted by issuance of special approval in accordance with other requirements stipulated in § 153.562:

(A) Railroads, streets, bridges, utility transmission lines, and pipelines;

(B) Marinas, boat rentals, docks, piers, wharves;

(C) Extraction of sand, gravel, and other materials;

(D) Accessory structures for recreational uses such as shelter houses, out buildings, or wildlife sanctuaries;

(E) Those uses which are permissible with a special approval in those zoning districts which underlie the Floodplain District;

(F) Dumping or backfilling with any material in any manner. In the case where Floodway Fringe Areas have no groundwater recharge or impoundment potential, filling may occur through compensating excavation and shaping of the Floodway Fringe in such a way as to maintain or improve the flow or natural impoundment capacity of the Floodway Fringe; and

(G) Other uses similar in nature to uses described above.

(Prior Code, § 153.550) (Ord. D-1418, § 2410, passed 11-22-1982, effective 1-21-1983)

§ 153.516 REQUIREMENTS FOR SPECIAL APPROVAL FOR USES IN THE FLOODWAY FRINGE AREA OF THE FLOODPLAIN DISTRICT.

In addition to the requirements of §153.562, the applicant for a special approval in the Floodway Fringe Area of the Floodplain District shall submit that information listed as necessary in § 153.562.

(Prior Code, § 153.551) (Ord. D-1418, § 2411, passed 11-22-1982, effective 1-21-1983)

§ 153.517 STANDARDS FOR SPECIAL APPROVAL WITHIN THE FLOODWAY FRINGE.

The City Planning Commission shall review the particular circumstances and facts of each proposed use in terms of the following standards as well as those in §§ 153.440 and 153.562(F):

(A) All new residential structures and residential structures requiring substantial improvement shall have the lowest floor (including basement) elevated to or above the level of the intermediate regional floodplain; and

(B) All new nonresidential structures and nonresidential structures requiring substantial improvements shall have the lowest floor (including basement) elevated to or above the level of the intermediate regional floodplain or shall be floodproofed to one foot above the level of the intermediate regional floodplain.

(Prior Code, § 153.552) (Ord. D-1418, § 2412, passed 11-22-1982, effective 1-21-1983)

§ 153.518 MOBILE HOMES AND MOBILE HOME PARKS AND SUBDIVISIONS LOCATED IN FLOODPLAIN AREAS.

When a mobile home, mobile home park, or mobile home subdivision is to be developed or substantially redeveloped or reconstructed and is located either totally or partially within the Floodway and/or Floodway Fringe Areas of the Floodplain District, the following regulations shall apply in addition to those applicable in other sections of this subchapter.

(A) No mobile homes shall be placed in the Floodway Area of the Floodplain District except within mobile home parks or mobile home subdivisions which were existing prior to the effective date of this section.

(B) Mobile homes placed within the Floodway and Floodway Fringe Areas shall be anchored to resist flotation, collapse, or lateral movement in the following manner.

(1) Over-the-top ties to ground anchors shall be provided at each of the four corners of the mobile home with two additional ties per side at intermediate locations, however, mobile homes of less than 50 feet long shall be required to have only one additional tie per side.

(2) Frame ties shall be provided at each corner of the home with five additional ties per side at intermediate points along the mobile home; however, mobile homes of less than 50 feet long shall be required to have only four additional ties per side.

(3) All equipment used to tie down the mobile home shall be capable of carrying a force of 4,800 pounds.

(4) Any additions to the mobile homes located within the floodway shall be anchored in a similar manner.

(C) No new mobile home parks or mobile home subdivisions, or expansions to existing mobile home parks and mobile home subdivisions, shall take place in the floodplain areas.

(D) Any mobile home which is to be located, reconstructed, or repaired on an individual lot not associated with a mobile home park or mobile home subdivision and which is located either totally or in part in the Floodway Fringe Area shall meet those requirements for elevation, drainage, and piling design set forth herein.

(E) All mobile home parks and mobile home subdivisions located within the Floodway Area shall develop an evacuation plan indicating alternate vehicular access and escape routes and shall submit copies of said plan to the civil defense agencies for the county and to any other disaster relief agency deemed appropriate.

(Prior Code, § 153.553) (Ord. D-1418, § 2413, passed 11-22-1982, effective 1-21-1983)

§ 153.519 STANDARDS FOR VARIANCE BY THE BOARD OF APPEALS ON ZONING FROM THE STRICT INTERPRETATION OF THE REGULATIONS SET FORTH IN THIS SUBCHAPTER.

(A) No variance shall be granted for the development of new structures, the substantial improvement, or relocation of old structures, or development of any kind within the Floodway Area when such development, construction, improvement, or relocation would cause any increase in flood levels associated with the intermediate regional flood.

(B) The following four criteria shall be met in addition to those stipulated in §153.586(B) before a variance shall be granted:

(1) A sufficient cause for granting the variance must be shown;

(2) A determination that failure to grant the variance would result in exceptional hardship to the applicant;

(3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with this subchapter; and

(4) A determination that the variance is the minimum necessary to afford relief.

(C) (1) Upon application for a variance for construction below the elevation of the intermediate regional flood, the city shall notify the applicant for variance in writing that:

(a) Issuance of a variance to construct a structure below the elevation of the intermediate regional flood will result in increased premium rates for flood insurance commensurate with the increased risk resulting from the reduced lowest flood elevation; and

(b) Such construction below the elevation of the intermediate regional flood increases risk to life and property.

(2) Record of such notification shall be maintained along with records of all variance actions dealing with floodplain development.

(Prior Code, § 153.554) (Ord. D-1418, § 2414, passed 11-22-1982, effective 1-21-1983)

§ 153.520 CONFLICT BETWEEN THIS SUBCHAPTER AND THE REMAINDER OF THIS CHAPTER.

In the event of conflict between those regulations stipulated in this subchapter and the remainder of this chapter, those regulations found in this subchapter shall take precedence.

(Prior Code, § 153.555) (Ord. D-1418, § 2415, passed 11-22-1982, effective 1-21-1983)

§ 153.521 RELATIONSHIP OF THIS SUBCHAPTER TO STATE AND FEDERAL LAWS.

Nothing in this subchapter shall be deemed to exempt a property owner from the requirements of any state or federal statute or regulation applicable to the proposed activity; nor shall any permit or approval issued to an owner from a state or federal agency be deemed to exempt the developer from the requirements of this chapter.

(Prior Code, § 153.556) (Ord. D-1418, § 2416, passed 11-22-1982, effective 1-21-1983)

HISTORIC DISTRICTS

§ 153.535 STATEMENT OF PURPOSE.

The purpose of this subchapter is to:

(A) Safeguard the heritage of the city by preserving districts in the city which reflect elements of its cultural, social, economic, political, archaeological, engineering, or architectural history;

(B) Stabilize and improve the property values in such districts;

(C) Foster civic beauty;

(D) Strengthen the local economy; and

(E) Promote the use of historic districts for the education, pleasure, and welfare of the citizens of the city.

(Prior Code, § 153.570) (Ord. D-1418, § 2501, passed 11-22-1982, effective 1-21-1983; Ord. O-144, passed 4-15-2013, effective 4-25-2013)

§ 153.536 BOUNDARIES OF DISTRICTS AND LOCATION OF HISTORIC RESOURCES/LANDMARKS.

(A) The city's historic districts shall be those areas shown and bounded as such on the City Zoning Map.

(B) Establishment of new districts or amendment of existing district boundaries shall be done in accordance with procedures in §§ 153.541 and 153.561.

(Prior Code, § 153.571) (Ord. D-1418, § 2502, passed 11-22-1982, effective 1-21-1983)

§ 153.537 REGULATION OF STRUCTURES.

(A) No work shall be performed upon a resource located within a historic district as depicted on the City Zoning Map, nor shall the exterior appearance of any resource be altered unless such action complies with the requirements set forth in this subchapter.

(B) The regulatory authority of the Historic District Commission extends only to the exterior features of a structure and does not apply to interior alterations so long as such alterations do not affect the exterior.

(C) Compliance with this subchapter shall not relieve the applicant from complying with all applicable provisions of this chapter and of any other ordinance, rule, or statute.

(Prior Code, § 153.572) (Ord. D-1418, § 2503, passed 11-22-1982, effective 1-21-1983; Ord. D-1679, passed 11-9-1992, effective 11-19-1992; Ord. O-10, passed 8-11-2003, effective 8-21-2003)

§ 153.538 HISTORIC DISTRICT COMMISSION.

(A) *Creation of Historic District Commission.* In order to execute the purposes declared in this subchapter, there is hereby created a commission to be called the Saginaw Historic District Commission.

(B) *Membership of Commission.* The Historic District Commission shall consist of seven to nine members whose residence is located in the city. Members shall be appointed by the City Council for terms of office of three years, except that the initial appointments of some of the members shall be for less than three years so that the initial appointments are staggered and that subsequent appointments do not recur at the same time. Subsequent members shall be appointed for terms of three years as terms expire. Members of the Historic District Commission may be re-appointed after their terms expire. The terms of office of the members shall begin as of the effective date of Ord. D-1914 (March 7, 2002).

(C) *Membership eligibility.*

(1) A majority of the members shall have a clear and demonstrated interest in or knowledge of historic preservation.

(2) All members must have their principal place of residence within the city; removal from the city causes the member's seat to become vacant. One or more duly organized historic preservation organizations within the city shall be requested to submit a list of citizens' names as nominees for any vacancy; at least two members of the Historic District Commission shall be appointed from these nominations. At least one member of the Historic District Commission shall be a graduate of an accredited school of architecture who has two years of architectural experience or who is an architect registered in the state, if such person resides in the city and is available for appointment.

(3) A vacancy occurring in the membership of the Historic District Commission for any cause shall be filled within 60 calendar days by a person appointed by the City Council for the unexpired or new term.

(4) The members of the Historic District Commission shall serve without compensation.

(D) *Duties and powers of the Historic District Commission.*

(1) The Historic District Commission shall have the authority to review all work affecting the exterior appearance of a resource in a historic district and shall not consider interior arrangements, nor shall it disapprove applications except in regard to considerations as set forth in § 153.539.

(2) If an application is for work that will adversely affect the exterior of a resource the Commission considers valuable to local unit, state, or nation, and the Commission determines that the alteration or loss of that resource will adversely affect the public purpose of the local unit, state, or nation, the Commission shall attempt to establish with the owner of the resource an economically feasible plan for preservation of the resource.

(3) Work within a historic district shall be permitted through the issuance of a notice to proceed if any of the following conditions prevail and if the proposed work can be demonstrated by finding of the Commission to be necessary to substantially improve or correct any of the following conditions:

(a) The resource constitutes a hazard to the safety of the public or to the structure's occupants;

(b) The resource is a deterrent to a major improvement program that will be of substantial benefit to the community and the applicant proposing the work has obtained all necessary planning and zoning approvals, financing, and environmental clearances;

(c) Retaining the resource will cause undue financial hardship to the owner when a governmental action, act of God, or other events beyond the owners control created the hardship, and all feasible alternatives to eliminate the financial hardship, which may include offering the resource for sale at its fair market value or moving the resource to a vacant site within the historic district have been attempted and exhausted by the owner; and

(d) Retaining the resource is not in the interest of the majority of the community.

(4) The Historic District Commission shall have the following powers and duties in regard to the identification of historic resources:

(a) To establish basic standards for the selection of sites, buildings, structures, and districts to be placed on the list of potential historic districts;

(b) To compile and maintain a current list of potential landmarks and districts, such list to include a description setting forth the general characteristics and location thereof, and the reasons for its inclusion in the list;

(c) To identify specific historical resources/landmarks and districts of historical or cultural value to be preserved and protected under this subchapter after a public hearing of local area occupants and property owners; and

(d) To recommend to City Council such historic resources/landmarks and historic districts and the locations and boundaries thereof.

(E) *Rules of the Historic District Commission.*

(1) The Historic District Commission shall elect from its membership a Chairperson and Vice Chairperson whose terms of office shall be fixed by the Commission. The Chairperson shall preside over the Commission and shall have the right to vote. The Vice Chairperson shall, in the case of the absence or disability of the Chairperson, perform the duties of the Chairperson.

(2) The Associate Planner, or his or her designee, shall be Secretary. The Secretary shall keep a record of all resolutions, proceedings, and actions of the Historic District Commission and report periodically to the City Council.

(3) The number of members of the Historic District Commission necessary for the transaction of business shall depend upon the overall number of members. If the Historic District Commission has seven members, a quorum will consist of four members; if the Historic District Commission has eight or nine members, a quorum will consist of five members. The Historic District Commission shall adopt rules for the transaction of its business which shall provide for the time and place of holding regular meetings. They shall provide for the calling of special meetings by the Chairperson or by at least two members of the Historic District Commission. All meetings of the Historic District Commission shall be open to the public and any person or his or her duly constituted representative shall be entitled to appear and be heard on any matter before it reaches its decision.

(4) The Historic District Commission shall keep a record, which shall be open to public view, of its resolutions, proceedings, and actions. The concurring affirmative vote of a majority of members shall constitute approval of plans before it for review or for the adoption of any resolution, motion, or other action of the Historic District Commission.

(5) The Historic District Commission shall promulgate regulations, guidelines, and standards to enable the Commission and applicants to evaluate proposals. The Historic District Commission can declare certain plan elements described in an application involving minor classes of work and allow for issuance of a certificate of appropriateness by staff. In such case, any applicant aggrieved by the decision of the staff shall be entitled to have the application reviewed by the Historic District Commission at its next meeting.

(6) The Historic District Commission shall submit an annual report to the Council of the general activities of the Historic District Commission for the preceding year and shall submit such special reports as requested by the City Council.

(Prior Code, § 153.573) (Ord. D-1418, § 2504, passed 11-22-1982, effective 1-21-1983; Ord. D-1679, passed 11-9-1992, effective 11-19-1992; Ord. D-1852, passed 1-24-2000, effective 2-3-2000; Ord. D-1914, passed 2-25-2002, effective 3-7-2002; Ord. O-10, passed 8-11-2003, effective 8-21-2003; Ord. O-144, passed 4-15-2013, effective 4-25-2013; Ord. O-242, passed 12-20-2021, effective 12-30-2021)

§ 153.539 PROCEDURE FOR THE REVIEW OF PLANS.

(A) Application for a building permit for work on any resource in an historic district shall be made to the Chief Inspector (or his or her designee). It shall be the responsibility of the Chief Inspector to determine whether the property is in an established historic district and if the resource is a historic resource. The Chief Inspector shall immediately refer a complete application and all required supporting materials to the Historic District Commission.

(B) In reviewing the application and supporting materials, the Historic District Commission must give the applicant an opportunity to present his or her application at a regularly scheduled meeting of the Historic District Commission.

(C) The Historic District Commission shall meet at least once each month in which there are pending applications, said meeting to be at a regularly scheduled day of each month as determined by the Historic District Commission. The business of the Historic District Commission shall be conducted at a public meeting held in compliance with the Open Meetings Act, Public Act 267 of 1976, being M.C.L. §§ 15.261 et seq. Public notice of the time, date, and place of the meeting shall be given in accordance with the Open Meetings Act. A meeting agenda shall be part of the notice and shall include a listing of each permit application to be reviewed or considered by the Historic District Commission.

(D) The Historic District Commission shall approve or disapprove such plans and if approved shall issue a certificate of appropriateness which is to be signed by the Chairperson, attached to the application for a building permit, and immediately transmitted to the Chief Inspector. The Chairperson shall stamp all prints submitted to the Historic District Commission signifying its approval. The Historic District Commission shall not issue a certificate of appropriateness unless the applicant has certified in the application that the property where work will be undertaken has, or will have before the proposed project completion date, a fire alarm system, or a smoke alarm complying with the requirements of the Stille-DeRossett-Hale Single State Construction Code Act, Public Act 230 of 1972, being M.C.L. §§ 125.1501 et seq.

(E) If the Historic District Commission disapproves of such plans, it shall state its reasons for doing so and shall transmit a record of such action and reasons therefor in writing to the Chief Inspector and to the applicant. The Historic District Commission may advise what it thinks is proper if it disapproves of the plans submitted. The applicant, if he or she so desires, may make modifications to his or her plans and shall have the right to resubmit his or her application at any time after so doing.

(F) The failure of the Historic District Commission to approve or disapprove of such plans within 60 days from the date the complete application is referred to the Historic District Commission, unless otherwise mutually agreed upon by the applicant and Historic District Commission, shall be deemed to constitute approval and the Chief Inspector shall proceed to process the application without regard to a certificate of appropriateness.

(G) After the certificate of appropriateness has been issued and the building permit granted to the applicant, the Chief Inspector shall, from time to time, inspect the construction, alteration, or repair approved by such certificate and shall take such action as is necessary to force compliance with the approved plans.

(H) The Historic District Commission shall have all the powers, duties, and authority as conferred upon it by the Local Historic Districts Act, Public Act 169 of 1970, being M.C.L. §§ 399.201 et seq., as amended. It shall be the duty of the Historic District Commission to review all applications for work affecting the exterior appearance of a resource in an historic district before a permit for such work can be granted. In reviewing the application, the Historic District Commission shall give consideration to:

(1) The historical or architectural value and significance of the structure and its relationship to the historic value of the surrounding area;

(2) The relationship of the exterior architectural features of such resource to the rest of the resources and to the surrounding area;

(3) The general compatibility of the exterior design, arrangement, texture, and materials proposed to be used; and

(4) To any other factor, including aesthetic, which it deems pertinent.

(Prior Code, § 153.574) (Ord. D-1418, § 2505, passed 11-22-1982, effective 1-21-1983; Ord. D-1679, passed 11-9-1992, effective 11-19-1992; Ord. O-10, passed 8-11-2003, effective 8-21-2003; Ord. O-144, passed 4-15-2013, effective 4-25-2013)

§ 153.540 APPEALS.

An applicant aggrieved by a decision of the Historic District Commission concerning a permit application may file an appeal with the State Historic Preservation Review Board of the State Historical Commission. The appeal shall be filed within 60 days after the decision is furnished to the applicant. A permit applicant aggrieved by the decision of the State Historic Preservation Review Board may appeal the decision to the Circuit Court.

(Prior Code, § 153.575) (Ord. D-1418, § 2506, passed 11-22-1982, effective 1-21-1983; Ord. D-1679, passed 11-9-1992, effective 11-19-1992; Ord. O-10, passed 8-11-2003, effective 8-21-2003)

§ 153.541 ESTABLISHING NEW DISTRICTS AND IDENTIFYING HISTORIC RESOURCES, MODIFYING OR ELIMINATING EXISTING DISTRICTS.

(A) *Establishment of new districts and identifying historic resources.* Establishment of new historic districts and historic resources, including proposed districts previously considered and rejected, modifying boundaries of an existing historic district, or eliminating an existing historic district shall be by ordinance. To conduct these activities, the City Council shall appoint a historic district study committee to consider only specific proposed districts and then be dissolved, retain the initial study committee, or establish a standing committee to conduct the activities of a study committee on a continuing basis. The committee shall contain a majority of the persons who have clearly demonstrated interest in or knowledge of historic preservation and shall contain representation from one or more duly organized local historic preservation organizations. The committee shall do the following:

(1) Conduct a photographic inventory of resources within each proposed historic district following procedures established by the center;

(2) Conduct basic research of each proposed historic district and the historic resource located within that district;

(3) Determine the total number of historic and nonhistoric resources within a proposed historic district and the percentage of historic resources of that total. In evaluating the significance of the historic resources, the committee shall be guided by the selection criteria for evaluation issued by the United States Secretary of the Interior for inclusion of resources in the National Register of Historic Places, as set forth in 36 C.F.R. Part 60, and additional criteria in division (F) below;

(4) Prepare a preliminary historic district study committee report that addresses at a minimum all of the following:

(a) The charge of the committee;

(b) The composition of the committee;

(c) The historic district or districts studied;

(d) The boundaries for each proposed historic district in writing and on maps;

(e) The history of each proposed historic district; and

(f) The significance of each district as a whole, as well as a sufficient number of its individual resources to fully represent the variety of resources found within the district, relative to the evaluation criteria.

(5) Transmit copies of the preliminary report for review and recommendations to the Planning Commission, to the Michigan Historical Center, to the Michigan Historical Commission, and to the State Historic Preservation Review Board; and

(6) Make copies of the preliminary report available to the public in compliance with the Freedom of Information Act, Public Act 442 of 1976, being M.C.L. §§ 15.231 et seq.

(B) *Notice of public hearing.* Not less than 60 days after transmittal of the preliminary report, the committee shall hold a public hearing in compliance with the Open Meetings Act, Public Act 267 of 1976, being M.C.L. §§ 15.261 et seq. Public notice of the time, date, and place of the hearing shall be given in the manner required by the Open Meetings Act, Public Act 267 of 1976, being M.C.L. §§ 15.261 et seq.

(C) *Written notice.* Written notice shall be mailed by first-class not less than 14 calendar days before the hearing to the owners of properties within the proposed historic district, as listed on the tax rolls of the local unit.

(D) *Actions.* After the date of the public hearing, the committee and the City Council shall have not more than one year, unless authorized by the City Council, to take the following actions.

(1) The committee shall prepare and submit a final report with its recommendations and the recommendations, if any of the Planning Commission to the City Council. If the recommendation is to establish a historic district or districts, the final report shall include a draft of a proposed ordinance or ordinances.

(2) After receiving a final report that recommends the establishment of a historic or historic districts, the City Council, at its discretion, may introduce and pass or reject an ordinance or ordinances. If City Council passes an ordinance or ordinances establishing one or more historic districts, the city shall file a copy of that ordinance or those ordinances,

including the legal description of the property or properties located within the historic district or districts, with the Register of Deeds. The City Council shall not pass an ordinance establishing a contiguous historic district less than 60 days after a majority of the property owners within the proposed district, as listed on the tax rolls of the local unit, have approved the establishment of the historic district pursuant to a written petition.

(E) *Writing available to the public.* A writing prepared, owned, used, in the possession of, or retained by the Historic District Study Committee in the performance of an official function shall be made available to the public in compliance with the Freedom of Information Act, Public Act 442 of 1976, being M.C.L. §§ 15.231 et seq.

(F) *Historic district criteria.* A historic district shall not be established unless the resources in the proposed district are at least 30 years old and meet at least one of the following criteria:

(1) *Historic.*

(a) Has significant character, interest, or value as part of the development, heritage, or cultural characteristics of the city, state or nation; or is associated with the life of a person significant in the past;

(b) Is the site of a historic event with a significant effect upon society; or

(c) Exemplifies the cultural, political, economic, social, or historic heritage of the community.

(2) *Architecturally worthy.*

(a) Portrays the environment in an era of history characterized by a distinctive architectural style; or

(b) Embodies those distinguishing characteristics of an architectural or engineering type;

(c) Is the work of a designer whose individual work has significantly influenced the development of the community;

(d) Is the work of a designer of such prominence that such work gains its value from the designer's reputation;

(e) Contains elements of design, detail, materials, or craftsmanship which represent a significant innovation;

(f) Contains any architectural type, detail, or other element in danger of becoming extinct; or

(g) Owing to its unique location or physical characteristics, represents an established and familiar visual feature of a neighborhood or the city.

(Prior Code, § 153.576) (Ord. D-1418, § 2507, passed 11-22-1982, effective 1-21-1983; Ord. D-1679, passed 11-9-1992, effective 11-19-1992; Ord. O-10, passed 8-11-2003, effective 8-21-2003; Ord. O-144, passed 4-15-2013, effective 4-25-2013; Ord. O-242, passed 12-20-2021, effective 12-30-2021)

§ 153.542 ACCEPTANCE OF GIFT, GRANT, OR BEQUEST.

(A) The city may accept gifts, grants, or bequests from the state or federal government for historic restoration purposes or historic purposes; it may accept public or private gifts, grants, or bequests for said purposes, provided, however that such gifts, grants, or bequests are not prohibited by the Charter of the city; and are not used for the purposes of paying any fees or expenses arising out of any litigation; further, the City Council may appoint the aforementioned Historic District Commission to administer on behalf of the city said gifts, grants, or bequests for the purposes herein provided.

(B) The Finance Director shall be custodian of funds of the Historic District Commission and authorized expenditures shall be certified to the Finance Director by the Secretary or other officer designated by said Historic District Commission. The Historic District Commission shall annually report to the City Council any money it shall receive or expend.

(Prior Code, § 153.577) (Ord. D-1418, § 2508, passed 11-22-1982, effective 1-21-1983; Ord. D-1542, passed 2-9-1987, effective 2-19-1987)

§ 153.543 ACTION OF THE COMMISSION REGARDING HISTORIC RESOURCES THREATENED WITH DEMOLITION BY NEGLIGENCE.

Upon a finding by the Commission that a historic resource within a historic district or proposed historic district is threatened with demolition by neglect, the Commission may do either of the following:

(A) Require the owner of the resource to repair all conditions contributing to demolition by neglect; or

(B) If the owner does not make repairs within a reasonable time, the Commission or its agents may enter the property and make such repairs as are necessary to prevent demolition by neglect. The costs of the work shall be charged to the owner, and may be levied by the local unit as a special assessment against the property. The Commission or its agents may enter the property for purposes of this section upon obtaining an order from the Circuit Court.

(Prior Code, § 153.578) (Ord. D-1418, § 2509, passed 11-22-1982, effective 1-21-1983; Ord. D-1679, passed 11-9-1992, effective 11-19-1992; Ord. O-10, passed 8-11-2003, effective 8-21-2003)

§ 153.544 WORK DONE ON A RESOURCE WITHOUT A PERMIT.

(A) When work has been done upon a resource without a permit, and the Commission finds that the work does not qualify for a certificate of appropriateness, the Commission may require an owner to restore the resource to the condition the

resource was in before the inappropriate work or to modify the work so that it qualifies for a certificate of appropriateness.

(B) If the owner does not comply with the restoration or modification requirement within a reasonable time, the Commission may seek an order from the Circuit Court to require the owner to restore the resource to its former condition or to modify the work so that it qualifies for a certificate of appropriateness in accordance with the court's order.

(C) The costs of the work shall be charged to the owner, and may be levied by the city as a special assessment against the property.

(D) When acting pursuant to an order from the Circuit Court, the Commission or its agents may enter a property for purposes of this section.

(Prior Code, § 153.579) (Ord. D-1418, § 2510, passed 11-22-1982, effective 1-21-1983; Ord. D-1679, passed 11-9-1992, effective 11-19-1992)

ADMINISTRATION AND ENFORCEMENT

§ 153.555 ADMINISTRATIVE AND ENFORCEMENT AUTHORITY.

The provisions of this subchapter shall be administered by the Chief Inspector and his or her deputies.

(Prior Code, § 153.590) (Ord. D-1418, § 2601, passed 11-22-1982, effective 1-21-1983)

§ 153.556 DUTIES OF CHIEF INSPECTOR; BUILDING PERMIT APPLICATIONS.

(A) The Chief Inspector shall have the power to grant building, land use, and occupancy permits, and to make inspections of buildings or premises necessary to carry out his or her duties in the enforcement of this chapter. It shall be unlawful for the Chief Inspector to approve any plans or issue a building permit for any excavation or construction until he or she has inspected such plans in detail and found them in conformity with this chapter. To this end, the Chief Inspector shall require that every application for a building permit for excavation, construction, moving or alteration, or change in type of use or the type of occupancy be accompanied by written statements and plans or plats drawn to scale, in duplicate, and showing the following in sufficient detail to enable the Chief Inspector to ascertain whether the proposed work or use is in conformance with this chapter:

- (1) The actual shape, location, and dimensions of the premises to which the certificate of occupancy is to apply;
- (2) The lines of all lots or parcels under separate ownership contained within the subject premises;
- (3) The width and alignment of all abutting streets, alleys, easements of access, and public open spaces;
- (4) The shape, size, height, and location of all buildings or other structures to be erected, altered, or moved, and of any buildings or other structures already on the lot;
- (5) The existing and intended use of the lot and of all such structures upon it, including, in the residential areas, the number of dwelling units the building is intended to accommodate; and
- (6) Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this chapter are being observed.

(B) If the proposed excavation, construction, moving or alteration, or use of land, as set forth in the application are in conformity with the provisions of this chapter, the Chief Inspector shall issue a permit. If any application for such permit is not approved, the Chief Inspector shall state in writing on the application the cause for such disapproval. Issuance of a permit shall in no case be construed as waiving any provisions of this chapter. If any plans filed with the Chief Inspector are rejected because they do not comply with the standards as to type and style herein established, an appeal from the ruling may be filed with the Board of Appeals on Zoning, which Board shall have the power to hear and determine such appeal and give relief in accordance with the provisions of this chapter.

(C) The Chief Inspector is under no circumstance permitted to grant exceptions to the actual meaning of any clause, order, or regulation contained in this chapter to any person making application to excavate, construct, move, alter, or use either buildings, structures, or land within the city.

(D) The Chief Inspector is under no circumstance permitted to make changes to this chapter nor to vary the terms of this chapter in carrying out his or her duties as Chief Inspector.

(E) The Chief Inspector shall make a record of all nonconforming uses, for which a certificate of occupancy has been applied for, which are existing at the effective date of the chapter for the purpose of carrying out the provisions of § 153.111.

(Prior Code, § 153.591) (Ord. D-1418, § 2602, passed 11-22-1982, effective 1-21-1983) Penalty, see § 153.999

§ 153.557 PERMITS.

(A) *Permits required.* It is unlawful for any person to commence excavation for or construction of any building or structure, or moving of an existing building without first obtaining a permit from the Chief Inspector. No permit shall be issued for the construction, alteration, or remodeling of any building or structure until an application has been submitted in accordance with the provisions of this subchapter showing that the construction proposed is in compliance with the provisions of this chapter and with any building regulations. A permit shall be issued after the receipt of the application if it is

found that the proposed construction, alteration, or remodeling of any building or structure is in accordance with the provisions of this chapter.

(1) No plumbing, electrical, drainage, or other permit shall be issued until the Chief Inspector has determined that the plans and designated use indicate that the structure and premises, if constructed as planned and proposed, will conform to the provisions of this chapter.

(2) **ALTERATION** or **REPAIR** of an existing building or structure includes any changes in structural members, stairways, basic construction; type, kind or class of occupancy; light or ventilation; means of egress and ingress; or any other changes not involving any of the aforesaid provisions.

(B) *Permits for new use of land.* A permit shall be obtained for the new use of land, whether presently vacant or a change in land use is proposed.

(C) *Permits for new use of buildings or structures.* An occupancy permit shall also be obtained for any change in use of an existing building or structure to a different class or type. (See also § 153.108 regarding change of use of a nonconforming use.)

(D) *Notification for final inspection.* The recipient of any permit for the construction, erection, alteration, repair or moving of any building, structure or part thereof shall notify the Chief Inspector immediately upon completion of the work authorized by such permit for a final inspection.

(Prior Code, § 153.592) (Ord. D-1418, § 2603, passed 11-22-1982, effective 1-21-1983) Penalty, see § 153.999

§ 153.558 CERTIFICATES OF OCCUPANCY.

It is unlawful to use or permit the use of any land, building, or structure for which a building permit is required, and to use or permit to be used any building or structure altered, extended, erected, repaired, or moved, until the Chief Inspector has issued a certificate of occupancy stating that the provisions of this chapter have been complied with.

(A) *Certificates for existing buildings.* Certificates of occupancy shall be issued for existing buildings, structures, or parts thereof, or existing uses of land if, after inspection, it is found that such buildings, structures, or parts thereof or such use of land are in conformity with the provisions of this chapter.

(B) *Temporary certificates.* Temporary certificates of occupancy may be issued for a part of a building or structure prior to the occupation of the entire building or structure, provided that such temporary certificate of occupancy shall not remain in force more than six months, nor more than five days after the building or structure is fully completed and ready for occupancy and provided, further, that such portions of the building or structure are in conformity with the provisions of this chapter.

(C) *Records of certificates.* A record of all certificates of occupancy shall be kept in the office of the Chief Inspector, and copies of such certificates of occupancy shall be furnished upon request to a person or persons having a proprietary or tenancy interest in the property involved.

(D) *Certificates for accessory building to dwellings.* Accessory buildings or structures to dwellings shall not require a separate certificate of occupancy, but rather may be included in the certificate of occupancy for the principal dwelling, building, or structure on the same lot when such accessory buildings or structures are completed at the same time as the principal use.

(E) *Application for certificates.* Certificates of occupancy shall be applied for in writing to the Chief Inspector on forms provided by the Chief Inspector, and shall be issued after the receipt of such application if it is found that the building or structure or part thereof or the use of land is in accordance with the provisions of this chapter. If such certificate is refused for cause, the applicant shall be notified of such refusal and the cause thereof.

(F) *Certificates for nonconforming buildings and uses.* Reference is made to §§ 153.108 and 153.111.

(G) *Effect.* A certificate of occupancy shall be deemed to authorize and is required for both initial and continued occupancy and use of the building, structure, or land to which it applies, and shall continue in effect as long as such building, structure, or use is in full conformity with the terms of this chapter and other applicable regulations. On the serving of notice of a violation of this chapter, as provided in § 153.999, the certificate of occupancy for such use, building or structure shall become null and void, and a new certificate of occupancy shall be required for any further use of such building, structure or land.

(Prior Code, § 153.593) (Ord. D-1418, § 2604, passed 11-22-1982, effective 1-21-1983) Penalty, see § 153.999

§ 153.559 FEES.

(A) Fees as established by City Council for inspections and the issuance of permits or certificates or copies thereof required or issued under the provisions of this chapter shall be collected by the issuing office or agency and transmitted to the Finance Director in advance of the issuance of such permits or certificates. All fees shall be deposited in the General Fund of the city.

(B) Such fees shall cover the cost of inspection and supervision resulting from the enforcement of this chapter, and shall be established by Council and posted in the Office of the City Clerk.

(C) Fees for divisions (B)(1) and (B)(2) above shall not be cumulative and only the highest fee shall be charged, unless multiple reviews or hearings are required or requested.

(Prior Code, § 153.594) (Ord. D-1418, § 2605, passed 11-22-1982, effective 1-21-1983)

§ 153.560 CITY PLANNING COMMISSION POWERS AND DUTIES.

(A) The City Planning Commission as established by the Charter of the city in accordance with the Michigan Planning Enabling Act, Public Act 33 of 2008, being M.C.L. §§ 125.3801 et seq., is designated as the Commission specified in M.C.L. § 125.3811, and shall perform the duties of said Commission as provided in the statute in connection with amendments to this chapter, and shall exercise such other powers and duties as specified in this chapter.

(B) The Commission shall hear and decide appeals or requests including, but not limited to, the following:

- (1) Permitted uses requiring special approval;
- (2) Nonconforming use substitutions;
- (3) Site plan review; and
- (4) Rezoning petitions.

(Prior Code, § 153.595) (Ord. D-1418, § 2606, passed 11-22-1982, effective 1-21-1983; Ord. D-1821, passed 7-13-1998, effective 7-27-1998)

§ 153.561 AMENDMENTS; PUBLIC HEARING; NOTICE; REPORT OF CITY PLANNING COMMISSION; VOTE REQUIRED.

(A) The City Council may, upon recommendation from the City Planning Commission, amend, supplement, or change the regulations or the district boundaries of this chapter as established herein, pursuant to the authority and procedure set forth in the Michigan Planning Enabling Act, Public Act 33 of 2008, being M.C.L. §§ 125.3801 et seq., as amended.

(B) Any applicant desiring to have any change made in this chapter shall, with his or her petition for such change, deposit a fee as established by City Council with the City Clerk at the time that the petition is filed to cover the publication and other miscellaneous costs for processing said petition.

(C) At least one public hearing shall be held by the City Planning Commission before an amendment becomes effective. Not less than 15 days' notice of the time and place of the public hearing shall first be published in an official paper or a paper of general circulation in the city and not less than 15 days' notice of the time and place of the public hearing shall first be given by mail to each public utility company and to each railroad company owning or operating any public utility or railroad within the districts or zones affected that registers its name and mailing address with the City Clerk for the purpose of receiving the notice. An affidavit of mailing shall be maintained. A hearing shall be granted a person interested at the time and place specified on the notice.

(D) The City Planning Commission shall make its final report to the City Council. A summary of the comments submitted at the public hearing shall be transmitted with the report of the Commission to the City Council. The City Council may hold additional public hearings if it considers it necessary.

(E) The City Council shall not determine the boundaries of districts nor impose regulations until after the final report of the City Planning Commission, nor shall the ordinance or maps be amended after they are adopted in the first instance until the proposed amendment has been submitted to the City Planning Commission and it has held at least one hearing and made a report thereon. In either case, the City Council may adopt the ordinance and maps, with or without amendments, after receipt of the City Planning Commission's report, or refer the ordinance and maps again to the Commission for a further report.

(F) After the ordinance and maps have in the first instance been approved by the City Council, amendments or supplements thereto may be made as provided in this section, except that if an individual property or several adjacent properties are proposed for rezoning, notice of the proposed rezoning and hearing shall be given to the owners of the property in question at least 15 days before the hearing.

(G) Upon presentation of a protest petition meeting the requirements of this division (G), an amendment to this chapter which is the object of the petition shall be passed only by a two-thirds vote of the City Council, unless a larger vote, but not to exceed a three-quarters vote, is required by ordinance or Charter. The protest petition shall be presented to the City Council before final legislative action on the amendment, and shall be signed by one of the following:

- (1) The owners of at least 20% of the area of land included in the proposed change;
- (2) The owners of at least 20% of the area of land included within an area extending outward 100 feet from any point on the boundary of the land included in the proposed change; and
- (3) For purposes of this division (G), publicly-owned land shall be excluded in calculating the 20% land area requirement.

(H) Following adoption of an amendment to this chapter by the City Council, one notice of adoption shall be published in a newspaper of general circulation in the city within 15 days after adoption. The notice shall include:

(1) Either a summary of the regulatory effect of the amendment including the geographic area affected, or the text of the amendment;

(2) The effective date of the amendment; and

(3) The place and time where a copy of the amendment may be purchased or inspected.

(Prior Code, § 153.596) (Ord. D-1418, § 2607, passed 11-22-1982, effective 1-21-1983)

§ 153.562 POWERS OF THE CITY PLANNING COMMISSION CONCERNING SPECIAL APPROVALS.

The City Planning Commission, as herein created, shall have the following specific powers and duties concerning special approvals.

(A) *Purpose.* In hearing and deciding upon special approvals, the City Planning Commission shall base its actions on the theory that the development and execution of a comprehensive zoning ordinance is founded upon the division of the city into districts within which districts the use of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are variations in the nature of 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 the particular use at the particular location. Such special uses fall into two categories:

(1) Uses either municipally operated or operated by publicly regulated utilities or uses traditionally affected with a public interest; and

(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.

(B) *Authorization.* The special approval of specific land uses and activities, as required under §§153.182, 153.197, 153.212, 153.227, 153.247, 153.267, 153.282, 153.317, 153.332, 153.347, and 153.367 may be authorized by the City Planning Commission pursuant to the requirements of this section.

(C) *Application.* An application for special approval for a land use shall be filed and processed in the manner prescribed for application for site plan review in § 153.083 and shall be in such form and accompanied by such information as shall be established from time to time by the City Planning Commission. Any application for special approval shall be filed simultaneously with an application for site plan review for the subject use.

(D) *Notice of request for special approval.*

(1) Notice of a request for special approval of a land use shall be in the form of one notice published in a newspaper of general circulation in the city, plus a notice sent by mail or by personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet, except that the notice shall be given not less than five and not more than 15 days before the application will be considered.

(2) If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.

(3) The notice shall:

(a) Describe the nature of the special land use request;

(b) Indicate the property which is the subject of the special land use request;

(c) State when and where the special land use request will be considered;

(d) Indicate when and where written comments will be received concerning the request; and

(e) Indicate that a public hearing on the special land use request may be requested by a property owner or the occupant of a structure located within 300 feet of the boundary of the property being considered for a special use.

(E) *Hearing.* At the initiative of the City Planning Commission, or upon the request of the applicant for special approval of a land use, or a property owner or the occupant of a structure located within 300 feet of the boundary of the property being considered for a special land use, a public hearing with notification as required for a notice of a request for special land use approval, as provided in division (D) above, shall be held before a decision on the special approval request is made. If the applicant or the City Planning Commission requests a public hearing, only notification of the public hearing need be made. A decision on a special approval request which is based on discretionary grounds shall not be made unless notification of the request for special approval, or notification of a public hearing on a special approval request, is given as required by this section.

(F) *Standards.* No special approval shall be granted by the City Planning Commission unless the special use:

- (1) Will reasonably promote the use of land in a socially and economically desirable manner for those persons who will use the proposed land use or activity; for those landowners and residents who are adjacent; and for the city as a whole;
- (2) Is necessary for the public convenience at that location;
- (3) Is compatible with adjacent uses of land;
- (4) Is so designed, located, and proposed to be operated that the public health, safety, and welfare will be protected;
- (5) Can be adequately served by public services and facilities without diminishing or adversely affecting public services and facilities to existing land uses in the area;
- (6) Will not cause unreasonable injury to the value of other property in the neighborhood in which it is to be located;
- (7) Will reasonably protect the natural environment and help conserve natural resources and energy;
- (8) Is within the provisions of uses requiring special approval as set forth in the various zoning districts herein, is in harmony with the purposes and conforms to the applicable regulations of the zoning district in which it is to be located, and meets applicable site design standards for use in §§ 153.455 through 153.491; and
- (9) Is related to the valid exercise of the city's police power and purposes which are affected by the proposed use or activity.

(G) *Approval.* The City Planning Commission may deny, approve, or approve with conditions, requests for special approval of a land use. The decision on a special approval shall be incorporated in a statement of conclusions relative to the specific land use under consideration. The decision shall specify the basis for the decision, and any conditions imposed.

(H) *Record.* The conditions imposed with respect to the special approval of a land use or activity shall be recorded in the record of the special approval action and shall remain unchanged except upon the mutual consent of the City Planning Commission and the landowner. The City Planning Commission shall maintain a record of changes granted in conditions.

(Prior Code, § 153.597) (Ord. D-1418, § 2608, passed 11-22-1982, effective 1-21-1983)

§ 153.563 PERFORMANCE GUARANTEE.

Where in this chapter there is delegated to the City Council, Board of Appeals on Zoning, or the City Planning Commission the function of establishing certain physical site improvements as a contingency to securing a zoning amendment, special approval, or variance, the City Council, Board of Appeals on Zoning, or the City Planning Commission may, to ensure strict compliance with any regulation contained or required as a condition of the issuance of a permit or certificate of occupancy, require the permittee to furnish a cash deposit, certified check, irrevocable bank letter of credit, or surety bond to be deposited with the Department of Public Works for those items relating to actions of the City Planning Commission or Board of Appeals on Zoning, and with the City Clerk for those items relating to actions of the City Council, in an amount determined by the Department of Engineering to be reasonably necessary to insure compliance hereunder; provided, however, that in fixing the amount of such cash deposit, certified check, irrevocable bank letter of credit, or surety bond, the City Council, Board of Appeals on Zoning, or the City Planning Commission shall take into account the size and scope of the proposed improvement project, current prevailing cost of rehabilitating the premises upon default of the operator, estimated expenses to compel the operator to comply by court decree, and such other factors and conditions as might be relevant in determining the sum reasonable in the light of all facts and circumstances surrounding each application. The performance guarantee shall be deposited at the time of the issuance of the permit authorizing the activity or project. The city may not require the deposit of the performance guarantee before the date on which the city is prepared to issue the permit. The city shall establish procedures under which a rebate of any cash deposits in reasonable proportion to the ratio of work completed on the required improvements will be made as work progresses. This section shall not be applicable to improvements for which a cash deposit, certified check, irrevocable bank letter of credit, or surety bond has been deposited pursuant to the Land Division Act, Public Act 288 of 1967, being M.C.L. §§ 560.101 et seq.

(Prior Code, § 153.598) (Ord. D-1418, § 2609, passed 11-22-1982, effective 1-21-1983)

BOARD OF APPEALS ON ZONING

§ 153.575 ESTABLISHMENT.

There is established a Board of Appeals on Zoning which shall perform its duties and exercise its powers as provided in Public Act 110 of 2006, being M.C.L. § 125.3603, in such a way that the objectives of this chapter shall be observed, public safety secured, and substantial justice done.

(Prior Code, § 153.610) (Ord. D-1418, § 2701, passed 11-22-1982, effective 1-21-1983)

§ 153.576 MEMBERSHIP.

(A) The Board of Appeals on Zoning is created for the city in accordance with the provisions of the Michigan Zoning Enabling Act, Public Act 110 of 2006, being M.C.L. §§ 125.3101 et seq.

(B) The Board of Appeals on Zoning shall continue to so function and shall consist of five members.

(C) When the terms of the individual members of the Board expire, no more than two terms expiring in any one year, the City Council shall appoint a successor for a three-year term from the date of expiration of said original member's term.

(D) All members shall be electors of the city. One regular or alternate member of the Board of Appeals on Zoning may be a member of City Council; such member shall not serve as Chair. No employee or contractor of the city may serve simultaneously as a member of the Board of Appeals on Zoning.

(E) One member shall be appointed from the membership of the City Planning Commission.

(F) After the initial appointment, each member shall hold office for a period of three years, except for the City Planning Commission member, whose term shall be limited to the time he or she serves on the City Planning Commission. Successors shall be appointed not more than one month after the term of the preceding member has expired.

(G) Members may be removed by the City Council for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. Any vacancy in the Board shall be filled by the City Council for the remainder of the unexpired term.

(H) The City Council may appoint not more than two alternate members to the Board, said alternate members to have the same term as regular members of the Board and to be subject to the same qualifications and other provisions contained herein applicable to regular members of the Board.

(I) The Chair of the Board, or the Vice Chair in the absence of the Chair, may call upon either or both of the alternate members on a rotating basis to sit as regular members of the Board in the absence of one or two regular members; or where a regular member has abstained for reasons of a conflict of interest.

(J) Once appointed to hear a case, an alternate member shall serve in the case until a final decision has been made and shall have the same voting rights as a regular member of the Board.

(Prior Code, § 153.611) (Ord. D-1418, § 2702, passed 11-22-1982, effective 1-21-1983; Ord. D-1545, passed 6-1-1987, effective 6-11-1987; Ord. O-241, passed 12-20-2021, effective 12-30-2021)

§ 153.577 OFFICERS.

The President, the Vice President, and the Secretary of the Board of Appeals on Zoning shall be elected annually by the members of the Board at the first meeting held in each calendar year.

(Prior Code, § 153.612) (Ord. D-1418, § 2703, passed 11-22-1982, effective 1-21-1983)

§ 153.578 MEETINGS; RECORD KEEPING; SUBPOENA POWER; FREEDOM OF INFORMATION.

(A) All meetings of the Board of Appeals on Zoning shall be held at the call of the President or by the Vice President in the absence of the President or upon the written request of any two members of the Board.

(B) The Board of Appeals on Zoning shall keep minutes of its proceedings, and shall keep records of its findings, proceedings at hearings, and other official actions; and which shall be a public record.

(C) The Board of Appeals on Zoning may request the production of books, papers, files, and other evidence pertinent to the matters before it.

(D) The business which the Board of Appeals on Zoning may perform shall be conducted at a public meeting of the Board held in compliance with the Open Meetings Act, Public Act 267 of 1976, being M.C.L. §§ 15.261 et seq. Public notice of the time, date, and the place of meeting shall be given in the manner required by the Open Meetings Act, Public Act 267 of 1976, being M.C.L. §§ 15.261 et seq., as amended.

(E) A document prepared, owned, used, in the possession of, or retained by the Board of Appeals on Zoning in the performance of an official function shall be made available to the public in compliance with the Freedom of Information Act, Public Act 442 of 1976, being M.C.L. §§ 15.231 et seq.

(Prior Code, § 153.613) (Ord. D-1418, § 2704, passed 11-22-1982, effective 1-21-1983)

§ 153.579 APPEALS, PROCEDURE, HEARING.

(A) An appeal may be taken to the Board of Appeals on Zoning by any person, firm, or corporation, or by any officer, department, board, or bureau affected by a decision of the Chief Inspector concerning this chapter. Such appeals shall be taken within 60 days from the decision by filing with the Chief Inspector and with the Board a notice of appeal specifying the grounds thereof. The Chief Inspector shall forthwith transmit to the Board all of the papers constituting the record upon which the action appealed from was taken.

(B) An appeal shall stay all proceedings in furtherance of the action appealed from unless the Chief Inspector certifies to the Board, after the notice of appeal has been filed with him or her, that by reason of facts stated in the certificate, a stay would, in his or her opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed.

(C) The Board of Appeals on Zoning shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the parties and shall render a decision on the appeal without unreasonable delay. Any person may appear and testify at the hearing either in person or by duly authorized agent or attorney.

(Prior Code, § 153.614) (Ord. D-1418, § 2705, passed 11-22-1982, effective 1-21-1983)

§ 153.580 NOTICE OF HEARING.

The Board of Appeals on Zoning, in conducting any public hearing, shall fix a reasonable time for the hearing of the appeal and shall give due notice to the parties concerned, including all owners of record of property and occupants of single- and two-family dwellings thereof if not the owner of record, within 300 feet of the premises in question. Such notices shall be delivered personally or by mail addressed to the respective owners and tenants at the address given in the city's last assessment roll. The Board shall decide the appeal within a reasonable period of time.

(Prior Code, § 153.615) (Ord. D-1418, § 2706, passed 11-22-1982, effective 1-21-1983)

§ 153.581 APPEALS; FEES.

Fees for hearings before the Board of Appeals on Zoning shall be as established by City Council. Such fees shall be paid to the Finance Director for credit to the General Fund of the city at the time notice of the appeal is filed.

(Prior Code, § 153.616) (Ord. D-1418, § 2707, passed 11-22-1982, effective 1-21-1983)

§ 153.582 POWERS AND DUTIES GENERALLY.

(A) The Board of Appeals on Zoning as created in this subchapter is a body of limited powers. The Board shall have the specific powers and duties as set forth in §§ 153.583 through 153.589.

(B) The Board shall hear appeals and requests including, but not limited to, the following:

- (1) Variances from the strict application of the provisions of this chapter;
- (2) Requests for special exceptions; and
- (3) Interpretations of zoning district boundaries and interpretations of the text of this chapter.

(Prior Code, § 153.617) (Ord. D-1418, § 2708, passed 11-22-1982, effective 1-21-1983; Ord. D-1821, passed 7-13-1998, effective 7-27-1998)

§ 153.583 ADMINISTRATIVE REVIEW.

The Board of Appeals on Zoning has the power to hear and decide appeals when it is alleged by the appellant that there is an error of law in any order, requirement, permit, decision, determination, or refusal made by the Chief Inspector or any other administrative official in carrying out or enforcing any provision of this chapter.

(Prior Code, § 153.618) (Ord. D-1418, § 2709, passed 11-22-1982, effective 1-21-1983)

§ 153.584 SPECIAL EXCEPTIONS.

The Board of Appeals on Zoning has the power to hear and decide, in accordance with the provisions of this chapter, requests for special exceptions as follows.

(A) *Public utilities.* The Board may permit the erection and use of a building, or an addition to an existing building, of a public service corporation to be used for public utility purposes in any permitted district to a greater height or of a larger area than the district requirements established in this chapter, and permit the location in any use district of a public utility building, structure, or use; provided, the Board finds such use, height, area, building, or structure reasonably necessary for the public convenience and service, and provided further that such building, structure, or use is designed, erected, and landscaped to conform harmoniously with the general architecture and plan of such a district.

(B) *Off-street parking and loading requirements.* The Board may permit the modification of the off-street automobile parking or loading space requirements specified in §§ 153.125 through 153.132 where, in the particular instance, such modifications will not be inconsistent with the purpose and intent of such requirements.

(C) *Construction below elevation of intermediate regional flood level in floodway area.* The Board may grant construction of new structures, improvement or relocation of existing structures, and other development in a floodway area below the elevation of the intermediate regional flood level subject to criteria set forth in § 153.519.

(D) *Off-street parking development regulations.* The Board may permit a variation, modification or exception in the required regulations specified in §§ 153.128 through 153.130, if after investigation by the Board it is found that such variation, modification, or exception is necessary because of peculiar existing conditions, that such variation, modification, or exception will not be inconsistent with the purpose and spirit of this chapter, and that there has been a favorable decision by the City Planning Commission regarding the permitting of such "Off-Street Parking A" land use on residential property pursuant to the requirements of § 153.128.

(E) *Temporary building and uses.* The Board may permit temporary buildings and uses for periods not to exceed six months, provided that such buildings and uses in no way exert a detrimental effect upon the uses of land normally permitted in the zoning district, and that such temporary buildings and uses contribute materially to the general welfare of the city, particularly in time of emergency, under conditions peculiar to the time and place involved. Such period may be extended not more than for an additional period of six months.

(F) *Nonconforming uses.* The Board may permit the expansion of a building or structure used in connection with a nonconforming use subject to requirements established in § 153.102(A).

(G) *Fences in business districts.* The Board may permit fences exceeding six feet in height and fences with barbed wire

when the barbed wire is at least six feet above grade in business districts, when there are unique and exceptional circumstances.

(H) *Electric fences.* The Board may permit electric fences (a fence carrying electric current or charge of electricity) in industrial districts upon such terms and conditions as the Board may require in cases where there are unique or exceptional circumstances and in instances where, in the Board's opinion, such business use by its nature has a high degree of vandalism and theft. The Board shall be guided by the following criteria when permitting such electric fence:

- (1) The electric fence shall not exceed 12 feet in height;
- (2) The electric charge shall not exceed 12 volts;
- (3) The property shall be protected from unauthorized touch by a perimeter fence (open or closed construction), not less than six feet high and not closer than two feet to the electric fence;
- (4) Liability insurance acceptable to the City Attorney shall be provided; and
- (5) Warning signs approved by the Board on all sides of the property where entrance to the fenced area could be accomplished.

(Prior Code, § 153.619) (Ord. D-1418, § 2710, passed 11-22-1982, effective 1-21-1983; Ord. D-1621, passed 10-1-1990, effective 10-11-1990; Ord. D-1844, passed 9-27-1999, effective 10-7-1999)

§ 153.585 INTERPRETATION OF ZONING DISTRICT BOUNDARIES.

Interpret the provisions of this chapter in such a way as to carry out the intent and purpose of the plan, as shown upon the Zoning Map fixing the use districts accompanying and made part of this chapter, where street layout actually on the ground varies from the street layout as shown on the map. In cases of any question as to locations of any boundary line between zoning districts, the Board of Appeals on Zoning shall interpret the Zoning Map.

(Prior Code, § 153.620) (Ord. D-1418, § 2711, passed 11-22-1982, effective 1-21-1983)

§ 153.586 VARIANCES.

(A) The Board of Appeals on Zoning has the power to authorize, upon an appeal, a variance from the strict application of any provision of this chapter where by reason of exceptional irregularity, narrowness, shallowness, shape or area of a specific piece of property, or by reason of exceptional topographic conditions or other extraordinary or exceptional conditions of such property, the strict application of the provisions of this chapter would result in peculiar or exceptional practical difficulties to or unnecessary undue hardship upon the owner of such property.

(B) In hearing and deciding appeals for variances, the Board of Appeals on Zoning shall adhere to the following criteria in determining whether practical difficulties and/or unnecessary hardships exist:

- (1) If the property owner complies with the provisions of this chapter he or she can secure no reasonable return from or make no reasonable use of his or her property;
- (2) The hardship results from the application of this chapter to his or her property, rather than from some other factor;
- (3) The hardship of which he or she complains is suffered merely by his or her property directly, and not by others;
- (4) The hardship is not the result of his or her own actions; and
- (5) The hardship is peculiar to the property of the applicant.

(C) Specific variances which the Board of Appeals on Zoning may grant, subject to conformance with the criteria delineated in division (B) above include the following:

(1) *Height, yard spaces, and area requirements.* The Board may permit such modification of the height, yard space, and area requirements as may be necessary to secure appropriate improvement of a lot which is of such shape or so located with relation to surrounding development of physical characteristics that it cannot otherwise be appropriately improved without such modification; and

(2) *Additions to buildings.* The Board may permit modification of zoning requirements for additions or enlargements to existing buildings provided that all requirements for the particular use in the zoning district where such use is first permitted cannot be met without extreme physical hardship owing to the shape of the lot, adjacent land uses, or topography.

(Prior Code, § 153.621) (Ord. D-1418, § 2712, passed 11-22-1982, effective 1-21-1983)

§ 153.587 VOTE REQUIRED TO REVERSE DECISIONS; LIMITATION OF POWER.

(A) The concurring vote of three members of the Board of Appeals on Zoning shall be necessary to reverse any order, requirement, decision, or determination of the Chief Inspector in favor of the applicant on any matter upon which it is authorized by this chapter to render a decision.

(B) The power or authority to alter or change the zoning regulations or the Zoning Map is reserved to the City Council in the manner provided by law.

(Prior Code, § 153.622) (Ord. D-1418, § 2713, passed 11-22-1982, effective 1-21-1983; Ord. O-241, passed 12-20-2021, effective 12-30-2021)

§ 153.588 STANDARD FOR JUDGING APPEALS AND VARIANCES.

In consideration of all appeals and all proposed variations of this chapter, the Board of Appeals on Zoning shall, before making any variations from the chapter in a specific case, first determine that the proposed variation involves exceptional circumstances not found in other areas of the same zoning district, will be in harmony with the general purposes and intent of this chapter, will not impair the public health, safety, comfort, or welfare of the inhabitants of the city, and meets the following general standards:

(A) The proposed use will be of such location, size, and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood;

(B) The proposed use will be of a nature that will make vehicular and pedestrian traffic not more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off-street parking, and provisions for pedestrian traffic, with particular attention to minimizing child-vehicle contacts in residential districts;

(C) The location, size, intensity, site layout, and periods of operation of any such proposed use will be designed to eliminate possible nuisance emanating therefrom which might be noxious to the occupants of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke, or lights; and

(D) The location and height of buildings or structures and the location, nature, and height of walls and fences will be such that the proposed use will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.

(Prior Code, § 153.623) (Ord. D-1418, § 2714, passed 11-22-1982, effective 1-21-1983)

§ 153.589 CONDITIONS OF APPEALS AND VARIANCES.

(A) The Board of Appeals on Zoning, in acting favorably on any appeal in connection with a request for a variance or special exception may attach any conditions to its approval which it finds necessary to accomplish the reasonable application of the standards set forth in § 153.588. In addition, the Board shall have the authority to require performance bonds to insure compliance with any requirements deemed necessary for approving any variance of special exception. (See § 153.563.) Following establishment of any land use pursuant to a variance or special exception, any change and/or modification, as well as the original provisions of the building and site plan which have not been modified shall be maintained as a condition of the establishment of any use to which they are appurtenant and applicable. The Board may also deny any appeal but only in accordance with said standards.

(B) In exercising the above powers of this chapter, the Board of Appeals on Zoning may reverse or affirm wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the Chief Inspector from whom the appeal is taken.

(Prior Code, § 153.624) (Ord. D-1418, § 2715, passed 11-22-1982, effective 1-21-1983)

§ 153.590 PERIOD OF VALIDITY.

No order of the Board of Appeals on Zoning permitting the erection or alteration of a building or character of an open air land use shall be valid for a period longer than six months unless such use is established within such period; provided, however, that where such use permitted is dependent upon the erection or alteration of a building, such order shall continue in force and effect if a building permit for the erection or alteration is obtained within such period, and such erection or alteration is started and proceeds to completion in accordance with such permit.

(Prior Code, § 153.625) (Ord. D-1418, § 2716, passed 11-22-1982, effective 1-21-1983)

§ 153.591 CIRCUIT COURT APPEAL.

(A) The decision of the Board of Appeals on Zoning shall be final. However, a person having an interest affected by this chapter may appeal to the Circuit Court. Upon appeal, the court shall review the record and decision of the Board of Appeals on Zoning to ensure that the decision:

- (1) Complies with the Constitution and laws of the state;
- (2) Is based upon proper procedure;
- (3) Is supported by competent material and substantial evidence on the record; and
- (4) Represents the reasonable exercise of discretion granted by law to the Board of Appeals on Zoning.

(B) If the court finds the record of the Board of Appeals on Zoning inadequate to make the review required by this section, or that there is additional evidence which is material and with good reason was not presented to the Board of Appeals on Zoning, the court shall order further proceedings before the Board on conditions which the court considers proper. The Board of Appeals on Zoning may modify its findings and decision as a result of the new proceedings, or may

affirm its original decision. The supplementary record and decisions shall be filed with the court.

(C) As a result of the review required by this section, the court may affirm, reverse, or modify the decision of the Board of Appeals on Zoning.

(Prior Code, § 153.626) (Ord. D-1418, § 2717, passed 11-22-1982, effective 1-21-1983)

MARIHUANA ESTABLISHMENTS

§ 153.601 TITLE.

This section shall be known as the Marihuana Establishments Zoning Ordinance.

(Ord. O-223, passed 9-14-2020, effective 9-24-2020)

§ 153.602 PURPOSE.

Marihuana businesses have demonstrated a strong demand for storefront spaces and other business locations. It has been observed that without separation distances, this particular use will concentrate in clusters. In order to limit the intensity and density of this use, and to recognize that separation distances are desired from sensitive uses (e.g., schools, churches, parks, substance use disorder programs, etc.), special regulation of marihuana establishments has been deemed necessary. It is the intent of these provisions to ensure that quality of life is not impaired, neighborhood character is preserved, commercial retail viability and variety is enhanced and encouraged, and the stability of industrial areas is maintained.

(Ord. O-223, passed 9-14-2020, effective 9-24-2020)

§ 153.603 APPLICABILITY.

Any land use that requires a license from the Michigan Department of Licensing and Regulatory Affairs (LARA) in the administration of the Michigan Regulation and Taxation of Marihuana Act, being Initiated Law 1 of 2018, M.C.L. §§ 333.27951 et seq., as amended, or its corresponding administrative rules, shall require review and approval as specified within this Code. Provisions of this section do not apply to the medical use of marihuana in compliance with the Michigan Medical Marihuana Act (MMMA), being Initiated Law 1 of 2018, M.C.L. § 333.26424, as amended.

(Ord. O-223, passed 9-14-2020, effective 9-24-2020)

§ 153.604 DEFINITIONS.

(A) For purposes of this subchapter, the following words, terms, and phrases shall be defined as follows:

ACT. The Michigan Regulation and Taxation of Marihuana Act, being Initiated Law 1 of 2018, M.C.L. §§ 333.27951 et seq., as amended, and its corresponding emergency and/or administrative rules.

CHIEF INSPECTOR. The Chief Inspector of the City of Saginaw or their designee.

EXCESS GROWER. A person licensed to hold five Class C grower licenses and licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments.

GROWER. A person licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments.

MARIHUANA ESTABLISHMENT or ESTABLISHMENT. A grower, safety compliance facility, processor, retailer, secure transporter, or excess grower licensed by the state in accordance with the Act. Though contemplated by the Act, as used herein, marihuana establishment does not include microbusinesses, designated consumption establishments, marihuana event organizers, or temporary marihuana events.

PERSON. An individual, corporation, limited liability company, partnership of any type, trust, or other legal entity.

PROCESSOR. A person licensed to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments.

RETAILER. A person licensed to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are 21 years of age or older.

SECURE TRANSPORTER. A person licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments.

SAFETY COMPLIANCE FACILITY. A person licensed to test marihuana, including certification for potency and the presence of contaminants.

(B) All other terms and phrases used herein shall be defined consistent with the Act.

(Ord. O-223, passed 9-14-2020, effective 9-24-2020)

§ 153.605 APPROVAL PROCEDURES FOR MARIHUANA ESTABLISHMENTS.

(A) Development of marihuana establishments shall be approved by either the Planning Commission or the Chief Inspector as set forth below. The type of marihuana establishments allowed within the city, and the zoning classification where such marihuana establishments are allowed to be located within the city, shall be as set forth as follows.

License	Description	Criteria	Review Procedure	Zoning Classification Allowed In
License	Description	Criteria	Review Procedure	Zoning Classification Allowed In
Grower — Any Class excluding Excess Growers	New or Major Expansion Class change and/or license stacking for same use	More than 25% increase in square footage Less than or equal to 25% increase in square footage	Planning Commission Review and Approval Chief Inspector Review and Approval	M-1—Light Industrial M-2—General Industrial M-3—Heavy Industrial
Excess Growers	New or Any Expansion	—	Planning Commission Review and Approval	M-1—Light Industrial M-2—General Industrial M-3—Heavy Industrial
Processor	New Major Expansion Minor Expansion	— More than 25% increase in square footage Less than or equal to 25% increase in square footage	Planning Commission Review and Approval Planning Commission Review and Approval Chief Inspector Review and Approval	M-1—Light Industrial M-2—General Industrial M-3—Heavy Industrial
Retailer	New or Any Expansion	—	Planning Commission Review and Approval	M-1—Light Industrial M-2—General Industrial M-3—Heavy Industrial B1—Local Business District B- 1A—Interchange Business District B-2—General Business District
Secure Transporter	New or Any Expansion	—	Planning Commission Review and Approval	M-1—Light Industrial M-2—General Industrial M-3—Heavy Industrial
Safety Compliance Facility	New or Major Expansion Minor Expansion	More than 25% increase in square footage Less than or equal to 25% increase in square footage	Planning Commission Review and Approval Chief Inspector Review and Approval	M-1—Light Industrial M-2—General Industrial M-3—Heavy Industrial
Microbusinesses, designated consumption establishments, marihuana event organizers, and temporary marihuana events are prohibited in the city.				

(B) The Planning Commission and Chief Inspector are prohibited from waiving any portion of this section.

(C) The Chief Inspector may submit any application subject to Chief Inspector review and approval to the Planning Commission for its review and approval.

(D) Planning Commission review shall be conducted in accordance with §153.562 and subject to applicable site design standards in §§ 153.318 through 153.319, §§ 153.349 through 153.350, §§ 153.369 through 153.370, §§ 153.388 through 153.389, and § 153.440, as applicable. Chief Inspector review shall confirm the requested expansion of the use of the property conforms to the building and zoning requirements of this Code.

(Ord. O-223, passed 9-14-2020, effective 9-24-2020)

§ 153.606 AUTHORIZED MARIHUANA ESTABLISHMENTS.

(A) A marihuana establishment is not eligible for a state license until the Planning Commission or the Chief Inspector, where the Chief Inspector is authorized to grant administrative approval through Chief Inspector review and approval, grants approval of the land use in accordance with this Code and upon issuance of a municipal license as provided in Ch. 118.

(B) The location and co-location of authorized marihuana establishments shall be determined as follows:

(1) *Separation distances.* The distances described in this division shall be computed by measuring a straight line from the nearest property line of land used for the purposes stated in this division (i.e., the sensitive use) to the nearest building line of the physical structure of the marihuana establishment. The following minimum-distancing regulations shall apply to all marihuana establishments. Marihuana establishments shall not be located within:

(a) 1,000 feet of a public or private K-12 school;

(b) 250 feet of a publicly owned park or playground;

(c) 100 feet of a church or other place of worship;

(d) 500 feet of a hospital;

(e) 250 feet of a halfway house or other transitional housing operated or licensed by the state or federal government; and

(g) 500 feet of another marihuana establishment location.

(C) *Separation distance variance.* The required separation distances between a proposed marihuana establishment location and the sensitive uses delineated in division (B), are subject to review pursuant to § 153.519 and §§ 153.586 through 153.591 and cannot be waived except as allowed as follows:

(1) Evidence that all eligible sensitive uses within 1,000 feet of the proposed marihuana establishment location have been notified by the applicant of the intent to seek a waiver from the separation distance requirements has been provided to the Board of Appeals on Zoning with the application.

(2) Consent by the owner of the sensitive use that is signed and notarized shall be provided with the application to the Board of Appeals on Zoning; and

(3) The Board of Appeals on Zoning finds that the operation of the marihuana establishment within the requested minimum-distancing separation does not have any particularly detrimental effects on the sensitive use at issue.

(D) *Pre-existing establishments.* A marihuana establishment shall not be in violation of the spacing requirements in this section in the event a school or other sensitive use was located less than the minimum spacing distance from the establishment at any time after a city license and a state license to operate the establishment were issued.

(E) *Co-location and stacked licenses.* There may be only one state operating license per parcel, except co-location and stacked grower licenses are permitted in certain circumstances:

(1) A marihuana establishment with a stacked grower license counts as a single grower for the purposes of marihuana establishment separation distance requirements.

(2) Co-location on the same parcel for growers, processors, and retailers is allowed if each license is for a separate use (other than stacked grower licenses), subject to all applicable state laws, rules, and regulations concerning co-location, including but not limited to, state requirements for the separation of establishments.

(F) *Application requirements.* Each application shall be accompanied by a detailed site plan, in accordance with § 153.083, and any information necessary to describe the proposed use or change of use. Each request shall be considered a new application, including those for class change, stacking, expansion, transfers or other modifications that require Chief Inspector or Planning Commission review and approval. All items must be satisfactorily completed for an application to be considered eligible for review. The following shall be submitted as part of an application:

(1) A signed statement by the applicant indicating the proposed marihuana establishment type, including if the proposed marihuana establishment type involves stacked licenses or co-location and the number of licenses to be maintained at that property.

(2) A notarized statement by the property owner that acknowledges use of the property for a marihuana establishment

and agreement to indemnify, defend and hold harmless the city, its officers, elected and appointed officials, employees, and insurers, against all liability, claims or demands arising out of, or in connection to, the operation of a marijuana establishment on the property.

(3) Written consent of the applicant for the city to inspect the marijuana establishment at any time during normal business hours to ensure compliance with this Code.

(4) A copy of official paperwork issued by the state indicating that the applicant has successfully completed the prequalification step of the application for a state license, as well as copies of all documents submitted to the state in connection with the initial license application, subsequent renewal applications, or investigations conducted by the state.

(5) Existing and proposed building elevations, including building materials, window calculations, descriptions of glass to be used, and other pertinent information that describes building construction or structural alterations, in accordance with § 153.083.

(6) Existing and proposed site changes.

(7) A sign plan for the exterior of the building and any interior signs that will be visible to the general public from the public right-of-way in accordance with §§ 153.145 through 153.169.

(8) All lighting fixtures visible to the public shall be identified.

(9) A map, drawn to scale, depicting all sensitive uses as delineated in division (B) above, within 1,000 feet of the proposed marijuana establishment location.

(10) A proposed security plan as required by the Act. Such plan shall be forwarded, reviewed, and approved by the Chief of Police, or their designee, prior to any public hearing required to be held on the application.

(11) A proposed marijuana establishment plan as required by the Act.

(12) A proposed marijuana product destruction and waste management plan as required by the Act.

(G) *Operations.* Marijuana establishments must be operated in compliance with the Act and all other applicable state laws, administrative rules, conditions of the marijuana establishment's state operating license, and this Code. In addition, such establishments shall comply with the following regulations, to the extent such regulations do not conflict with the Act:

(1) The exterior appearance of a marijuana establishment must comply with the provisions of this Code and the Act.

(2) Except as allowed by the Act, no marijuana or equipment used in the growing, production, sale, processing, or transport of marijuana can be placed or stored outside of an enclosed building.

(3) Site and building lighting shall comply with the Act.

(4) A video surveillance system will be maintained in accordance with the Act.

(5) Drive-through establishments and mobile establishments are prohibited.

(6) A marijuana establishment will not be designed in such a manner that its operation is likely to create a public nuisance.

(7) Neither marijuana nor marijuana-infused products may be directly visible from the exterior of the marijuana establishment.

(8) Security measures shall comply with the applicable provisions of the Act.

(9) Retailers may not be open to customers between the hours of 9:00 p.m. and 9:00 a.m.

(10) Marijuana establishments shall comply with the barrier-free design requirements of the Michigan Building Code.

(11) The separation of plant resin by butane extraction or another method that utilizes a substance with a flashpoint below 100 degrees Fahrenheit shall only be allowed in the M-1, M-2, and M-3 Industrial Zone Districts.

(12) Ventilation, by-product and waste disposal, and water management (supply and disposal) for the marijuana establishment will not produce contamination of air, water, or soil; or reduce the expected life of the building due to heat and mold; or create other hazards that may negatively impact the structure, surrounding properties, and/or public health.

(13) Odors must be controlled and eliminated by the following methods:

(a) The building must be equipped with an activated air scrubbing and carbon filtration system that eliminates all odors at the property line. Fan(s) must be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.

(b) Air scrubbing and filtration systems must be maintained in working order and must be in use at all times. Filters must be changed per manufacturers' recommendation to ensure optimal performance.

(c) Negative air pressure must be maintained inside the building.

(d) Doors and windows must remain closed, except for the minimum time length needed to allow people to ingress or egress the building.

(e) The Chief Inspector may grant an exception for an alternative odor control system if a mechanical engineer licensed in the State of Michigan submits a report that sufficiently demonstrates the alternative system will be equal to or better than the air scrubbing and carbon filtration system otherwise required or such alternative will otherwise comply with the Act.

(Ord. O-223, passed 9-14-2020, effective 9-24-2020)

§ 153.607 CONSUMPTION; VIOLATIONS.

(A) No consumption, use, or inhalation of a marihuana product shall take place on or within the premises of any marihuana establishment. It shall be a violation of this subchapter to engage in such behavior, or for a person to knowingly allow such behavior to occur. All of the following will give rise to the rebuttable presumption that a person allowed the consumption of marihuana on or within the premises:

- (1) The person had control over the premises or the portion of the premises where the marihuana was consumed;
- (2) The person knew or reasonably should have known that the marihuana was consumed; and
- (3) The person failed to take corrective action, such as requiring the individual consuming marihuana to cease such activity on the premises or removing such individual from the premises.

(B) Failure to comply with the requirements of this subchapter shall be considered a violation and may jeopardize the applicant's approval under this subchapter and/or license issued under Ch. 118.

(1) If at any time a licensed marihuana establishment violates this subchapter, the City Manager may request that the state revoke or refrain from renewing the marihuana establishment's state operating license.

(2) Any approval granted for a marihuana establishment under this subchapter will be revoked or suspended automatically for either of the following reasons:

- (a) Revocation or suspension of the licensee's authorization to operate by the state.
- (b) A finding by the state that a rule or regulation has been violated by the licensee.

(3) After a revocation of an approval under this subchapter, a new application shall be required for a marihuana establishment to commence operation at the same location.

(C) A marihuana establishment license may be revoked in accordance with §118.11.

(Ord. O-223, passed 9-14-2020, effective 9-24-2020)

§ 153.608 MARIHUANA-RELATED PENALTIES.

A person who violates any provision of this subchapter is responsible for a Class E municipal civil infraction, subject to payment of a civil fine as set forth in Ch. 37, plus costs and other sanctions, for each infraction. Repeat offenses shall be subject to increased fines as provided by Ch. 37. Each violation and each day of failure to comply with any provision of the subchapter shall constitute a separate violation.

(Ord. O-223, passed 9-14-2020, effective 9-24-2020)

§ 153.609 RIGHTS.

(A) *Rights.* The operation of a licensed marihuana establishment is a revocable privilege and not a right, in conformance with applicable state law. Nothing in this subchapter is to be construed to grant a property right for an individual or business entity to engage in the use, distribution, cultivation, production, possession, transportation or sale of marihuana as a commercial enterprise. Any individual or business entity which purports to have engaged in such activities either prior to or after the enactment of this subchapter without obtaining the required authorization is deemed to be an illegally established use and is not entitled to legal nonconforming status. Nothing in this subchapter may be held or construed to grant a vested right, license, permit, or privilege to continued operations within the city.

(B) Nothing in this subchapter shall be construed in such a manner as to conflict with the Act or other applicable state law or rules.

(C) Nothing in this subchapter, or in any companion regulatory or licensing provision adopted in any other provision of this Code of Ordinances, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for the growing, sale, consumption, use, distribution, or possession of marihuana not in strict compliance with the Act or this Code. Also, since federal law is not affected by the Act or this Code, nothing in this subchapter, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution under federal law.

(D) This subchapter shall only take effect if the city's business licensing ordinance is simultaneously amended as needed to license for the activities contemplated herein. If amendments to the business licensing ordinance are not adopted by the City Council, marihuana establishments shall be deemed prohibited from developing within the city.

(Ord. O-223, passed 9-14-2020, effective 9-24-2020)

§ 153.999 PENALTY.

(A) *General provisions.* A person who violates any provision of this chapter, known as the Saginaw Zoning Code, is responsible for a Class C municipal civil infraction, subject to payment of a civil fine as set forth in Ch. 37, plus costs and other sanctions, for each infraction. Repeat offenses under this chapter shall be subject to increased fines as provided by Ch. 37. All definitions, procedures, and provisions set forth in Ch. 37 shall govern municipal civil infractions under the provisions of this chapter.

(B) *Authorized city official.* The Chief Inspector and/or his or her designee is hereby designated as the authorized city official, as defined by Ch. 37, to issue municipal civil infraction citations or municipal civil infraction violation notices as provided by this chapter and Ch. 37.

(Prior Code, § 153.999) (Ord. D-1418, § 2802, passed 11-22-1982, effective 1-21-1983; Ord. D-1766, passed 9-30-1996, effective 11-11-1996)

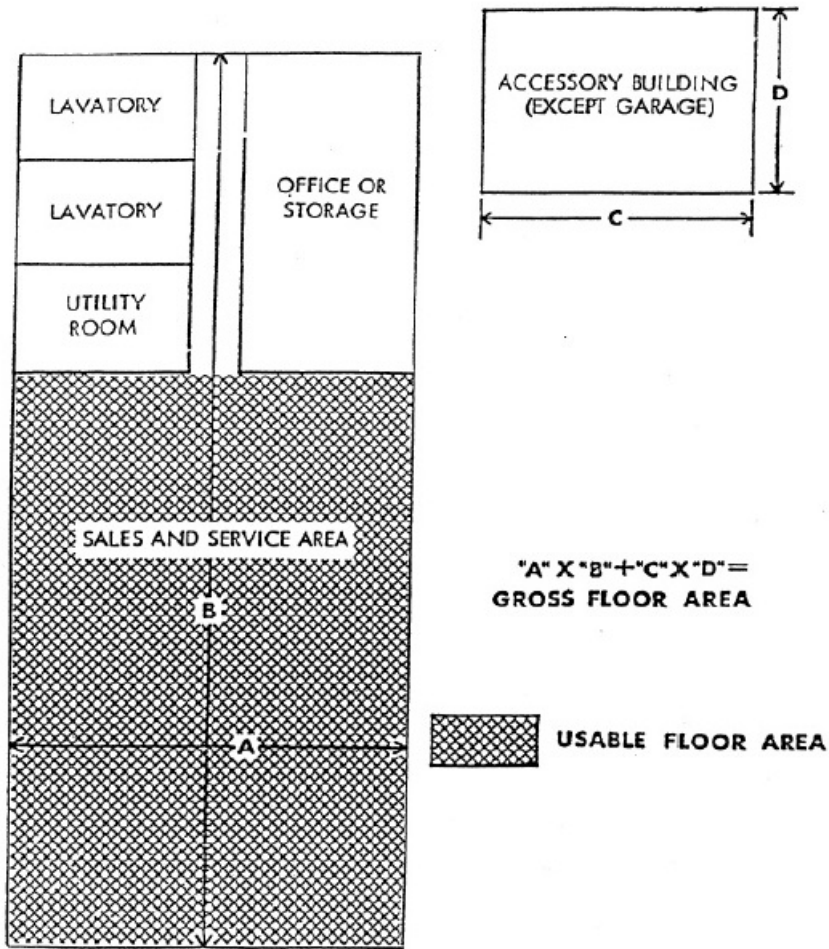
APPENDIX A: ILLUSTRATIONS

Section

1. Floor area terminology
2. Floor area ratio (FAR)
3. Building height requirements
4. Corner, interior, and double frontage lots
5. Nonconforming use
6. Yard requirements
7. Basement and story illustration
8. Basic structural terms
9. Lot terms
10. Fences
11. Required side yards for selected corner lots widths
12. Off-street parking diagram
13. Parking islands

To view Appendix A Sections 1 - 13 in PDF, click [HERE](#)

§ 1. FLOOR AREA TERMINOLOGY.

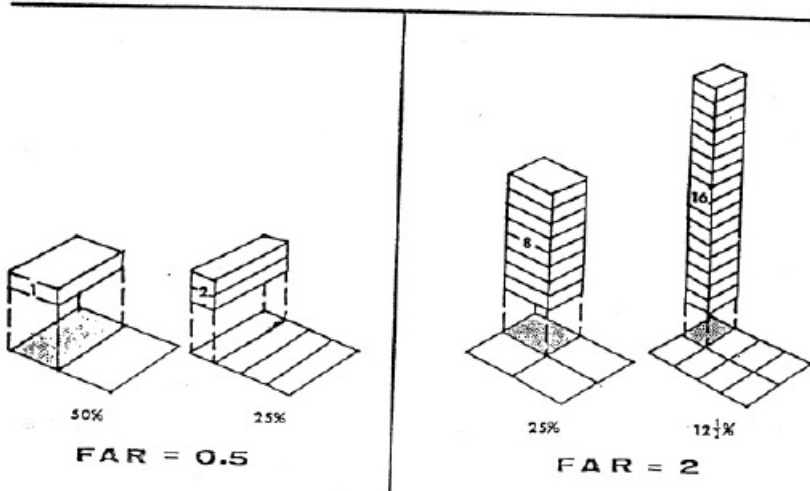
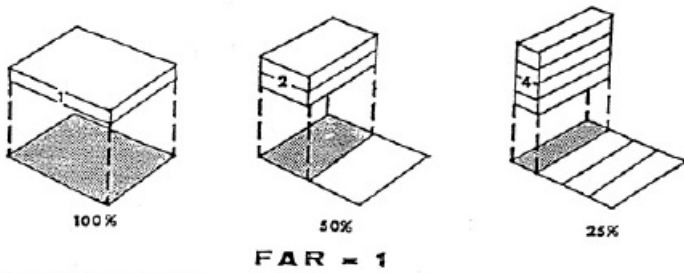


(Prior Code, Ch. 153, App. § 1) (Ord. D-1418, passed 11-22-1982, effective 1-21-1983)

§ 2. FLOOR AREA RATIO (FAR).

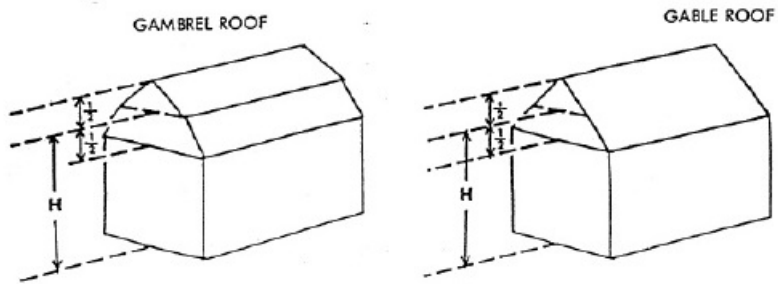
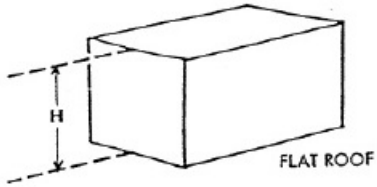
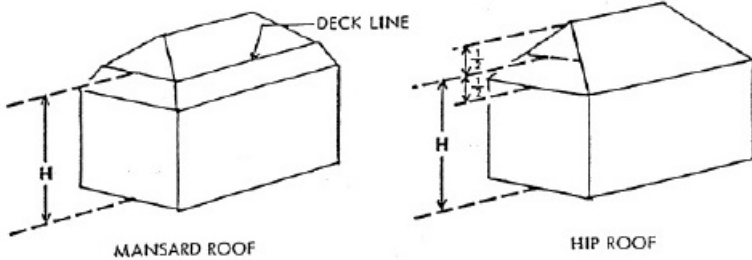
FORMULA

$$\frac{\text{GROSS FLOOR AREA}}{\text{LOT AREA}} = \text{FAR}$$



(Prior Code, Ch. 153, App. § 2) (Ord. D-1418, passed 11-22-1982, effective 1-21-1983)

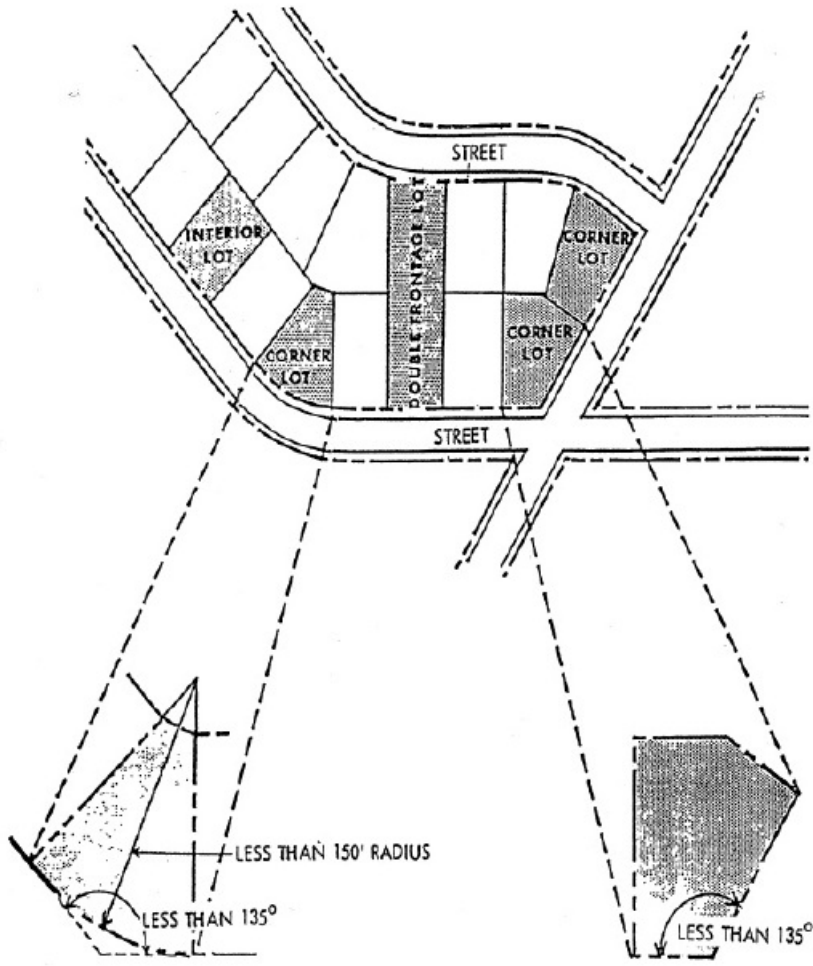
§ 3. BUILDING HEIGHT REQUIREMENTS.



H = HEIGHT OF BUILDING

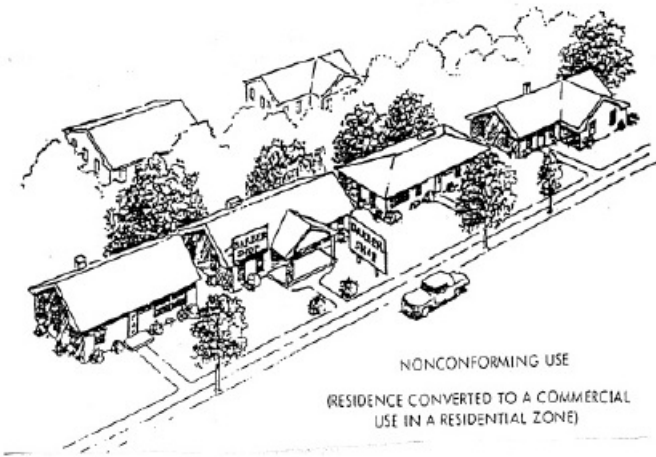
(Prior Code, Ch. 153, App. § 3) (Ord. D-1418, passed 11-22-1982, effective 1-21-1983)

§ 4. CORNER, INTERIOR, AND DOUBLE FRONTAGE LOTS.



(Prior Code, Ch. 153, App. § 4) (Ord. D-1418, passed 11-22-1982, effective 1-21-1983)

§ 5. NONCONFORMING USE.



(Prior Code, Ch. 153, App. § 5) (Ord. D-1418, passed 11-22-1982, effective 1-21-1983)

§ 6. YARD REQUIREMENTS.

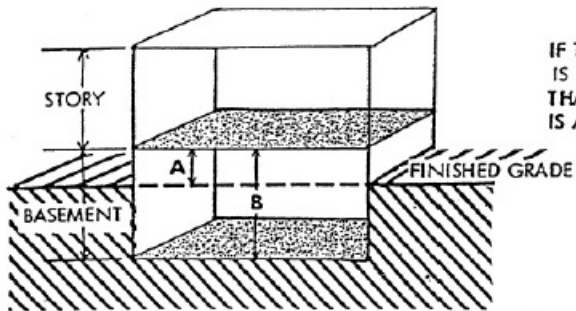


LEGEND

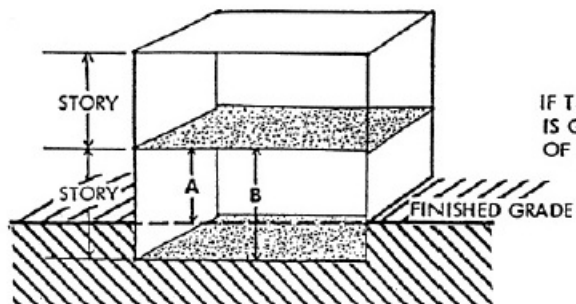
- | | |
|---|--|
| A — DEFICIENT FRONT YARD | D — MINIMUM FRONT YARD REQUIRED ALSO BUILDING SETBACK LINE |
| B — FRONT YARD IN EXCESS OF MINIMUM FRONT YARD REQUIRED | E — MINIMUM REAR YARD REQUIRED |
| C — MINIMUM SIDE YARD REQUIRED | F — MINIMUM YARD REQUIRED ON SIDE STREET FOR CORNER LOTS ($\frac{3}{4} D$) |
| - - - - - REQUIRED SETBACK | |

(Prior Code, Ch. 153, App. § 6) (Ord. D-1418, passed 11-22-1982, effective 1-21-1983)

§ 7. BASEMENT AND STORY ILLUSTRATION.



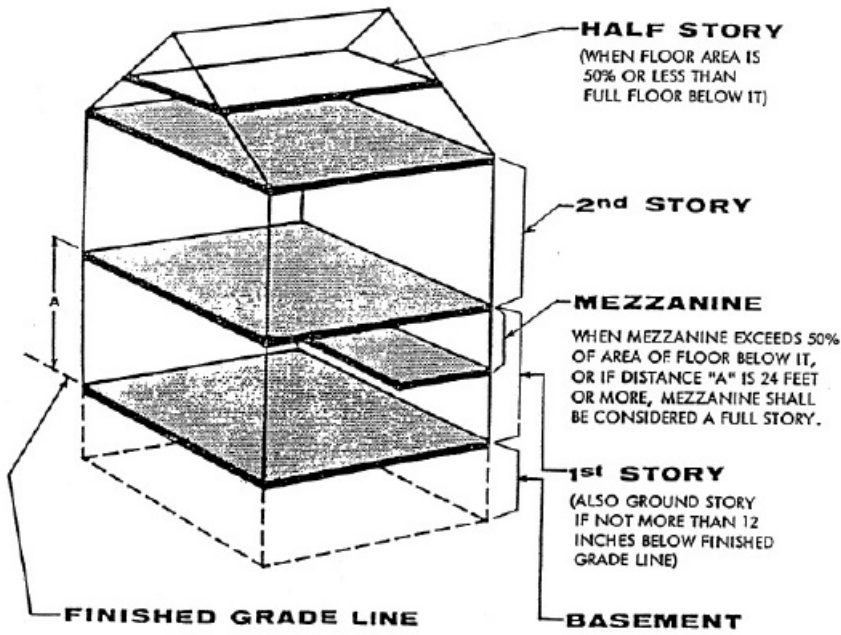
IF THE AVERAGE OF "A" IS EQUAL TO OR LESS THAN $\frac{1}{2}$ OF "B", THIS IS A BASEMENT.



IF THE AVERAGE OF "A" IS GREATER THAN $\frac{1}{2}$ OF "B", THIS IS A STORY.

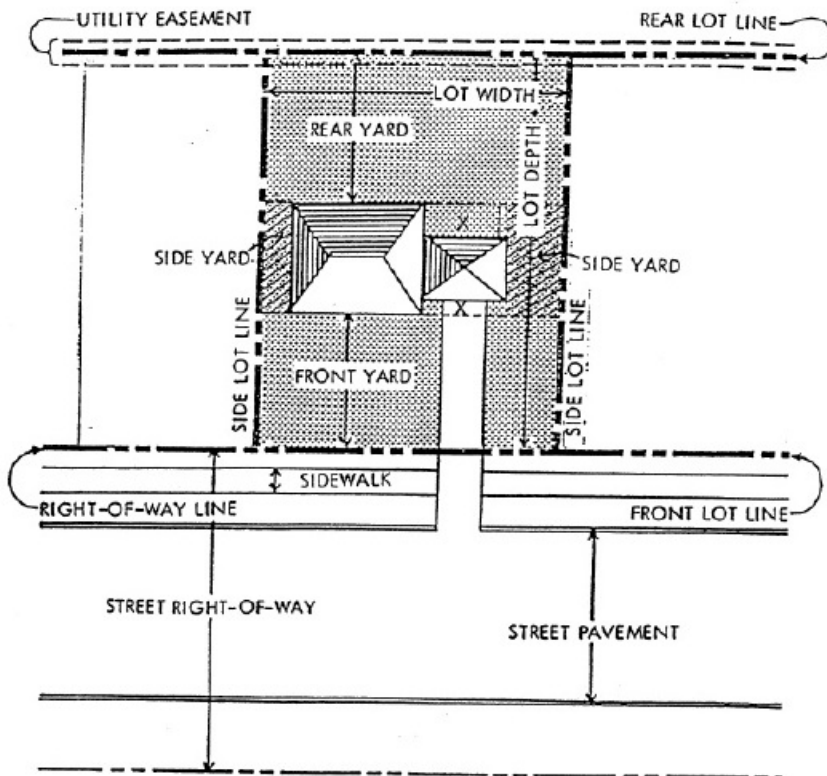
(Prior Code, Ch. 153, App. § 7) (Ord. D-1418, passed 11-22-1982, effective 1-21-1983)

§ 8. BASIC STRUCTURAL TERMS.



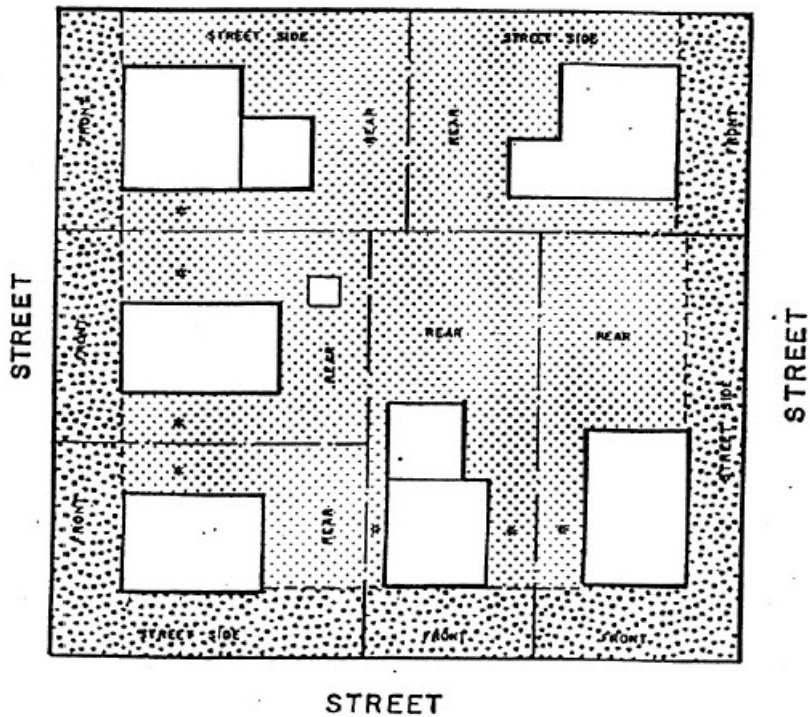
(Prior Code, Ch. 153, App. § 8) (Ord. D-1418, passed 11-22-1982, effective 1-21-1983)

§ 9. LOT TERMS.



(Prior Code, Ch. 153, App. § 9) (Ord. D-1418, passed 11-22-1982, effective 1-21-1983)

§ 10. FENCES.



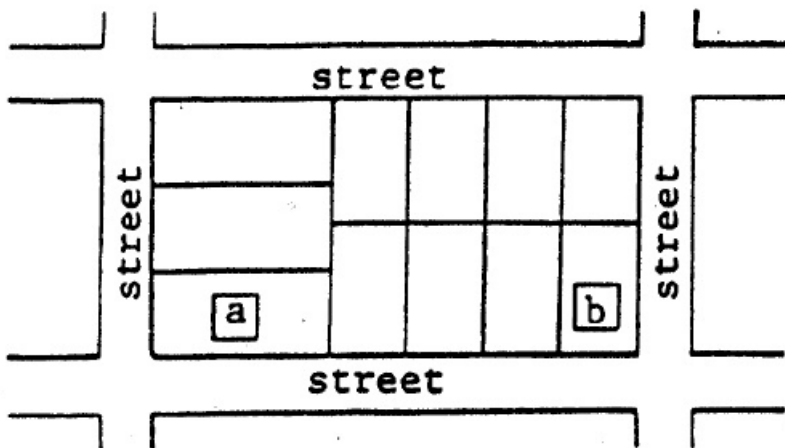
MAXIMUM HEIGHT 4'
 Open Construction (see also requirements for clear vision areas on corner lots and driveways.)

MAXIMUM HEIGHT 6'
 Open or Closed Construction.

* FENCES LESS THAN 5 FEET FROM A WINDOW OR DOOR (EXCEPT BASEMENT WINDOW) OF AN ABUTTING DWELLING MUST BE 4 FEET TALL IF OF CLOSED CONSTRUCTION.

(Prior Code, Ch. 153, App. § 10) (Ord. D-1418, passed 11-22-1982, effective 1-21-1983)

§ 11. REQUIRED SIDE YARDS FOR SELECTED CORNER LOTS WIDTHS.



(Prior Code, Ch. 153, App. § 11) (Ord. D-1418, passed 11-22-1982, effective 1-21-1983)

§ 12. OFF-STREET PARKING DIAGRAM.

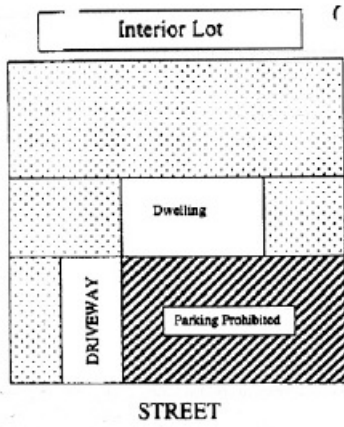


FIGURE 6.1

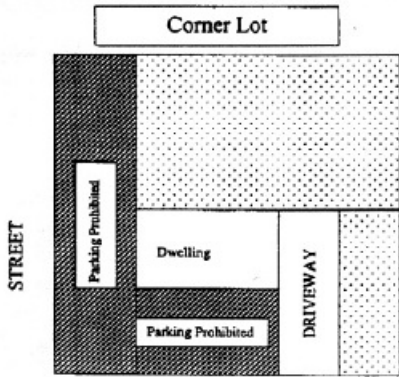
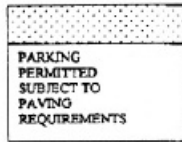
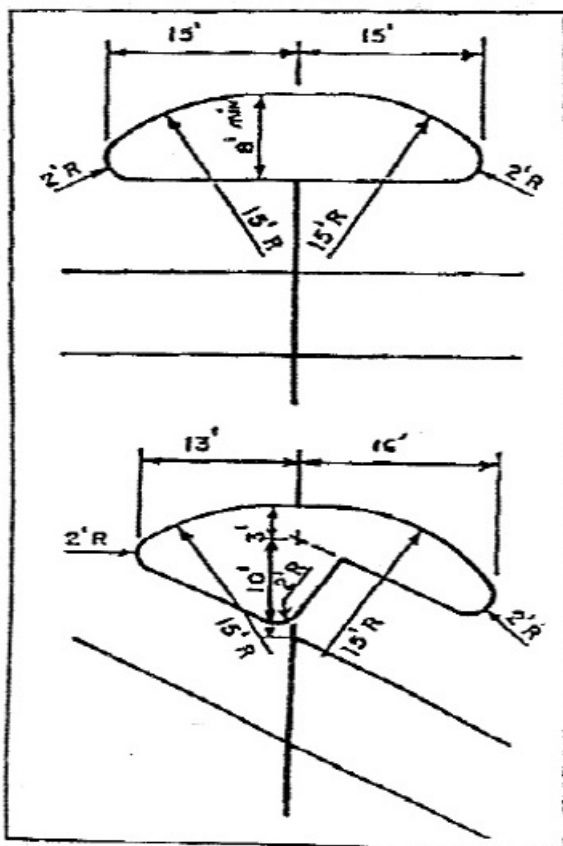


FIGURE 6.2

(Prior Code, Ch. 153, App. § 12) (Ord. D-1887, passed 2-19-2001, effective 3-1-2001)

§ 13. PARKING ISLANDS.

SECTION 601 (S) Parking Islands



(Prior Code, Ch. 153, App. § 13) (Ord. D-1887, passed 2-19-2001, effective 3-1-2001)