

APPENDIX B ZONING¹

ARTICLE 1. TITLE, PURPOSE, CONSTRUCTION, RULES APPLYING TO TEXT AND ENABLING AUTHORITY

Section 1.1. Title.

This Ordinance shall be known and cited as the Zoning Ordinance of the City of St. Clair, Michigan.

Section 1.2. Purpose.

The zoning districts and regulations specified for each district established by this chapter have been constructed in accordance with a general plan for the physical development of the City and its surrounding land area. This plan, called the Community Comprehensive Plan for the City, provides thoroughly considered objectives for the sound and orderly development of the City.

It is the purpose of this chapter to regulate and restrict the use of land and structures; to meet the needs of the City's residents for food, fiber, energy, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land; to insure that uses of the land shall be situated in appropriate locations and relationships; to limit the inappropriate overcrowding of land and congestion of population and transportation systems and other public facilities; to facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility needs; and to promote public health, safety, and welfare, and for those purposes may divide the City into districts of the number, shape, and area considered best suited to carry out this section. For each of those districts, regulations shall be imposed designating the uses for which buildings or structures shall or shall not be erected or altered, and designating the trades, industries, and other land uses or activities that shall be permitted or excluded or subjected to special regulations.

Section 1.3. Construction.

This Ordinance shall be liberally construed in such manner as to best effectuate its purpose. In interpreting and applying the provisions of this Ordinance, the requirements shall be held to be minimum for the promotion of the public health, safety, convenience, comfort, prosperity and general welfare. Where any condition imposed by any provision of this Ordinance upon the use of any lot, building, or structure is either more restrictive or less restrictive than any comparable condition imposed by any other provision of this Ordinance, or by the provision of

¹Editor's note(s)—Printed herein are the zoning regulations of the city adopted in October 1991 and subsequently revised in April 1993, November 1996, on May 21, 1999, in January 2000, April 2001 and November 2001. The ordinance has been printed as adopted, except that obviously misspelled words and typographical errors have been corrected without notation. Words added for clarification have been added in brackets. Amendments are indicated by a history note immediately following the amended section.

an ordinance adopted under any other law, the provision which is more restrictive or which imposes a higher standard or requirement shall govern.

Section 1.4. Rules applying to text.

The following rules shall apply to the text and language of this Ordinance:

- 1.4.1. The particular shall control the general.
- 1.4.2. In case of any difference of meaning or implication between the text of this Ordinance and any caption, the text shall control.
- 1.4.3. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- 1.4.4. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural shall include the singular, unless the context clearly indicates the contrary.
- 1.4.5. The word "building" includes the word "structure."
- 1.4.6. The word "building" or "structure" includes any part thereof.
- 1.4.7. The word "person" includes a corporation as well as an individual.
- 1.4.8. The word "used" or "occupied", as applied to any land or building, shall be construed to include the words "intended, arranged, or designed to be used or occupied."
- 1.4.9. Any word or term not defined herein shall be used with a meaning of common or standard utilization.

Section 1.5. Validity and severability clause.

If any Court of competent jurisdiction shall declare any part of this Ordinance to be invalid, such ruling shall not affect any other provisions of this Ordinance not specifically included in said ruling.

If any court of competent jurisdiction shall declare invalid the application of any provision of this Ordinance to a particular land, parcel, lot, district, use, building, or structure, such ruling shall not affect the application of said provision to any other parcel, lot, district, use, building, or structure not specifically included in said ruling.

Section 1.6. Enabling authority.

This Ordinance is adopted pursuant to Act 207 of 1921, as amended, of the State of Michigan.

ARTICLE 2. DEFINITIONS

Section 2.1. Purpose.

For the purpose of this Ordinance, certain words and terms are herewith defined. Words used in the present tense include the future tense; words in the singular number include the plural number, and words in the plural number include the singular number; the word "building" includes the word "structure"; the word "shall" is always mandatory and not merely directory; any words not defined below shall be considered as to convey their normally accepted meaning.

Accessory Buildings. A supplementary building or structure on the same lot or parcel of land as the main building or buildings or part of the main building occupied by or devoted exclusively to any accessory use.

Accessory Use. For purposes of this Ordinance, an accessory use is stated in terms of general criteria. Under such criteria, accessory uses must meet the following tests:

- A. Must be related to the principal use;
- B. Must be subordinate and normally incidental to the principal use;
- C. Must be located on the same lot as the principal use and must be in the same ownership;
- D. Must not alter the character of the area or be detrimental thereto;
- E. Such use serves the comfort, convenience, and needs of the occupants therein.

Adult Businesses. Shall include but not be limited to the following businesses: Adult book store, adult motion picture theater, massage parlor, sauna, nude modeling studio, premises for nude entertainment or similar type of business.

Agriculture. The use of land for tilling of the soil, the raising of tree and field crops, or animal husbandry as a source of income.

Alley. A public thoroughfare which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

Altered. Any change in the location or use of a building, or any change in the supporting members of a building such as bearing walls, columns, beams, joists, girders, and similar components, or any substantial change in the roof or exterior walls, or any change in the type of occupancy. Also includes the words "reconstructed" and "alteration."

Appeal. An entreaty or demand for a hearing and/or review of facts and/or actions.

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

Area, Net Site. The total area within the property lines of a project excluding external streets.

Area, Building. The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces, and steps.

Assisted Living Community. Designed for seniors needing assistance with daily living activities (bathing, eating, dressing, toilet, transfer in/out of bed, etc.), but do not require continuous skilled nursing care. Beds can be offered in a separate wing, separate floor, or separate building and have state licensure requirements for the delivery of assisted living services.

Automobile Repair. General repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame, or fender straightening and repair, overall painting, and vehicle rustproofing.

Automobile Service Station. A building or structure designed or used for the retail sale of fuel (stored only in underground tanks), lubricants, air, water and other operating commodities for motor vehicles, aircraft or boats, and including the customary space and facilities for the installation of such commodities on or in such vehicles, and including space for facilities for the storage, minor repair, or servicing, but not including bumping, painting, refinishing, major repair and overhauling, steam cleaning, rustproofing, where the primary use of the premises is such, or high-speed washing thereof.

Automobile Wash Establishment. A building, or portion thereof, the primary purpose of which is that of washing vehicles.

Awning. Any covered projection attached to the face of a building which is supported entirely by the building and projects beyond the building wall.

Basement. A basement shall be counted as a story if over fifty (50) percent of its height, or five feet is above the level from which the height of the building is measured, or if it is used for business purposes

Bed & Breakfast. A use in which transient guests are provided a sleeping room and or board in return for payment.

Bedroom. A bedroom is a dwelling room used for or intended to be used solely for sleeping purposes, by human beings.

Block. 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 and railroad right-of-way, unsubdivided acreage, lake, river or live stream; or between any of the foregoing and any other barrier to the continuity of development.

Boardinghouse. A building other than a hotel, where for compensation and by prearrangement for definite periods, meals, or lodgings and meals are provided for three (3) or more persons, but not exceeding twenty (20) persons.

Building. Any structure other than a boundary wall or fence and includes the word "structure."

Buildable Area. The buildable area of a lot is the space remaining after the minimum setback and open space requirements of this Ordinance have been complied with.

Building, Bulk. The volume of a structure in cubic feet as determined by the dimensions taken from the outer surfaces of the exterior of the structure.

Building Envelope. Shall mean the principal structure intended for a building site, together with any attached accessory structures, e.g., in a residential development, the building envelope would refer to the house and any attached garage.

Building Height. The building height is the vertical distance measured from the established grade reference level to the highest point of the roof surface if a flat roof; to the deck of mansard roofs; and to the mean height level between eaves and ridge of gable, hip, and gambrel roofs. Where the building may be situated on sloping terrain, this height may be measured from the average ground level of the grade at the building wall.

Building Setback Line. The line formed by the outer surface of a structure or enclosure wall at or with the finish grade or surface of the ground; pertaining to and defining those minimum (building) setback lines which are established, in general, parallel to the front street or right-of-way, and within which setback area no part of a building shall project or be located, except as otherwise provided for by this Ordinance.

Building Site. Shall mean the condominium unit, including the building envelope and the contiguous limited common area or element under and surrounding the building envelope, and shall be the counter-part of "lot" as used in connection with a project developed under the Subdivision Control Act, Act 288 of the Public Acts of 1967, as amended.

Building, Main or Principal. A building in which is conducted the principal use of the lot on which it is situated.

Canopy. Any covered structure attached to a building which projects beyond the building wall and is carried by a frame partially supported by the ground or sidewalk below it.

Child Care Facilities.

- A. **Family Day Care Home:** A private home in which one (1) but less than seven (7) minor children are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

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- B. *Group Day Care Home*: A private home in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.
- C. *Child Care Center or Day Care Center*: A facility, other than a private residence, receiving one (1) or more preschool or school age children for care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. Child care center or day care center includes a facility which provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. Child care center or day care center does not include a Sunday School, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are in attendance for not greater than three (3) hours per day for an indefinite period, or not greater than eight (8) hours per day for a period of not to exceed four (4) weeks, during a twelve (12) month period, or a facility operated by a religious organization where children are cared for not greater than three (3) hours, while persons responsible for the children are attending religious services.

Condominium Act. Refers to Michigan Act 59 of 1978, as amended.

Condominium—Front Yard Setback. Shall be at least the required distance between the front line of the building site and the condominium dwelling.

Condominium—General Commons Area. Shall mean the common elements of a site condominium development other than the limited common elements.

Condominium—Limited Common Elements. Shall mean a portion of the site condominium common elements reserved in the master deed for the exclusive use of less than all the co-owners.

Condominium—Rear Yard Setback. Shall be at least the required distance between the rear line of the building site and the condominium dwelling.

Condominium—Side Yard Setback. Shall be at least the required distance between the side line of the building site and the condominium dwelling.

Coverage. That percentage of the plot or lot area covered by the building area.

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 the motor vehicle (e.g., restaurants, cleaners, banks, theaters).

Drive-Through. A business establishment whose method of operation involves the delivery of a product or service directly to a customer inside a motor vehicle, typically through a window or other appurtenance to a building for use or consumption off-premises.

Dwelling. A building designed or used exclusively as the living quarters for one or more families having their own cooking facilities but not including automobile chassis, tents, or portable buildings, or mobile homes outside of a mobile home park.

Dwelling, Multiple. A building used for and designed as a residence for three (3) 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 mobile homes.

Dwelling, One-Family. A detached building designed for or occupied exclusively by one (1) family. Also known as a single-family dwelling.

Dwelling, Two-Family. A detached building designed for or occupied exclusively by two families living independently of each other. Also known as a duplex dwelling.

Dwelling Unit. A dwelling unit is any building or portion thereof having cooking facilities, which is occupied wholly as the home, residence or sleeping place of one (1) family, either permanently or transiently, but in no case shall a travel trailer, motor home, mobile home, trailer coach, automobile chassis, tent or other portable building be considered a dwelling in single-, multiple-, or two-family residential areas. 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 Ordinance and shall comply with the provisions thereof relative to dwellings.

Efficiency Unit. An efficiency unit is a dwelling unit consisting of one (1) room, exclusive of bathroom, kitchen, hallway, closets, or dining alcove directly off the principal room providing not less than three hundred and fifty (350) square feet of gross floor area.

Enforcing Officer. The City Superintendent of the City or his duly authorized representative, nominated by the City Superintendent and appointed by the City Council.

Essential Services. The phrase "essential services" means the erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, police call boxes, towers, poles, and other similar equipment or accessories reasonably in connection therewith (not including buildings) for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or general welfare, but not including buildings other than such buildings as are primarily enclosures or shelters of the above essential service equipment. An essential service shall not include cellular telephone facilities including cellular telephone transmitting towers or commercial broadcast televisions and radio facilities.

Facing, or Surface. The surface of the sign upon, against, or through which the message is displayed or illustrated on the sign.

Family. One or more persons living together in one dwelling unit and interrelated by bonds of marriage, blood, or legal adoption (additionally may include up to a total of three persons not so related who are either domestic servants or gratuitous guests), comprising a single housekeeping unit (sharing one kitchen facility for normal meal preparation; sink, oven, refrigerator); as distinguished from a group occupying a hotel, motel, boarding house, club, fraternity or sorority house, or tourist home. Every additional person or group of two or more persons not related or included in the family as herein defined, shall be considered a separate family for the purpose of this Ordinance.

Farm. Any parcel of land containing at least ten (10) acres which is used for gain in the raising of agricultural products, livestock, poultry and dairy products. It includes necessary farm structures within the prescribed limits, and the storage of equipment used. It excludes the raising of furbearing animals, riding academies, livery or boarding stables, and dog kennels.

Filling. The depositing or dumping of any matter onto, or into, the ground, except common household gardening.

Floor Area, Gross (GFA). 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 center line of walls separating two buildings. The "floor area" of a building shall include the basement floor area when more than one-half (½) or five feet of the basement height is above the established curb level or finished lot grade, whichever is higher. Any space devoted to off-street parking or loading shall not be included in "floor area." Areas of dwelling basements, unfinished attics, utility rooms, breezeways, porches (enclosed or unenclosed) or attached garages are not included.

Floor Area, Usable (UFA). The measurement of usable floor area shall be that portion of floor area (measured from the interior face of the exterior walls) used for or intended to be used for services to the public as customers,

patrons, clients, or patients; including areas occupied by fixtures or equipment used for display or sale of goods or merchandise, but not including equipment rooms, or sanitary facilities. In the case of a half-story area, the usable floor area shall be considered to be only that portion having a clear height above it of four (4) feet or more.

Garage, Private. An accessory building intended or designed to be used for the storage of noncommercial motor vehicles.

Grade, Finished. The completed surfaces of lawns, walks, and roads brought to grade as shown on official plans or designs relating thereto.

Greenbelt. A strip of land of definite width and location reserved for planting of shrubs, trees, or both, to serve as an obscuring screen or buffer in carrying out the requirements of this Ordinance.

Home Occupation. Any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof.

Hospital. An institution providing health services, primarily for in-patients and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, out-patient departments, training facilities, central service facilities, and staff offices.

Hotel. A building containing rooms for sleeping purposes for more than twenty (20) transients and where only a general kitchen and dining room are provided.

Incombustible Material. Any material that will not ignite and burn when subjected to fire or as additionally defined by the National Fire Prevention Association (NFPA).

Junkyard. Any land or building used for abandonment, storage, keeping, collecting, or baling of paper, rags, scrap metals, other scrap or discarded materials, or for abandonment, demolition, dismantling, storage or salvaging of automobiles or other vehicles not in running condition, machinery, or parts thereof.

Kennel. Any lot or premises on which four (4) or more dogs are kept or boarded temporarily or permanently, for the purpose of breeding, for sale, or otherwise. It shall also include any lot or premises on which other furbearing household or domestic pets or like number or more are bred or sold.

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 and/or unloading merchandise or materials.

Lot. A lot is a place or parcel of land occupied or intended to be occupied by a building, structure or use, or by other activity permitted thereon and including the yards and open spaces required under this Ordinance. A lot need not be a lot of existing record or otherwise specifically so designated on any public record.

Lot—Condominium. A lot is a parcel of land separated from other parcels of land by description on a recorded plat or by metes and bounds description. This would include a condominium unit site in a site condominium subdivision; having frontage upon a public or private street and having sufficient size to comply with the requirements of this Ordinance for; minimum area, setbacks, coverage, and open space.

Lot Area, Net. The total horizontal area within the lot lines of a lot.

Lot Area, Gross. The net lot area, plus one-half (½) of the area of that right-of-way directly adjacent to and abutting any side of the lot.

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

Lot Depth. The mean horizontal distance from the front street line to the rear lot line; or in the case of a waterfront lot, from the river frontage line to the street frontage line; or in the case of an acreage lot, from the front right-of-way line to the rear lot line.

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 zoning compliance permit. If there are existing structures in the same block fronting one or both of the streets, the required front yard setback shall be observed on those streets where structures presently front.

Lot, Interior. An interior lot is a lot other than a corner lot with only one lot line fronting on a street.

Lot, Width. The horizontal distance between the side lot lines, as measured between the two points where the front yard setback or building setback line intersects the side lot lines.

Lot Lines. Any line dividing one lot from another or from right-of-way, and thus constitutes the property lines bounding a lot.

Lot Line, Front. In the case of an interior lot, abutting upon one public or private street, the front lot line shall mean 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 zoning compliance permit (see Double Frontage Lot, and Waterfront Lot).

Lot Line, Rear. Ordinarily, that lot line which is opposite and most distant from the front lot line of the lot. In the case of an irregular or triangular shaped lot, a line ten (10) feet in length entirely within the lot parallel to and at the maximum distance from the front lot line of the lot shall be considered to be the rear lot line for the purpose of determining depth of rear yard. In cases where none of these definitions are applicable, the Planning Commission shall designate the rear lot line (see "Double Frontage Lot" and "Waterfront Lot").

Lot Line, Side. Any lot line not a front lot line or a rear lot line. A side 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 side lot line.

Lot Line, Street or Alley. A lot line separating the lot from the right-of-way of a street or an alley, respectively.

Lot of Record. A lot of record is a lot, the dimensions of which are shown on a map recorded in the Office of the Register of Deeds for St. Clair County, or a lot or parcel described by metes and bounds, the accuracy of which is attested to by a Professional Engineer or Registered Surveyor, so designated by the State of Michigan, and said description so recorded or on file with the County.

Lot, Waterfront. A lot which abuts, adjoins, or is contiguous to a private or public body of water or live stream.

Lot, Zoning. A single tract of land, located within a single block which, at the time of applying for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control and which tract satisfies the applicable requirements of this Ordinance in every respect. A zoning lot may, therefore, not coincide with a lot of record, but may include one or more lots of record.

Marina. A boat basin with facilities for berthing and securing all types of recreational water craft, as well as providing adequate supplies, provisions, and services and fueling facilities.

Marquee. A permanent canopy usually of metal and glass, brightly lighted and displaying the title of an attraction which projects over an entrance to a building (as a theater or hotel).

Master Deed. Means the condominium document recording the condominium project as approved by the City to which exhibits are attached. It also includes the approved bylaws for the project and the approved condominium subdivision plan for the project.

Memory Care Center. Designed for residents with significant cognitive impairment as a result of having Alzheimer's disease or related dementia. The State of Michigan licenses this type of facility.

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.

Mobile Home Condominium Project. Means a condominium project containing mobile homes which are intended to be located upon separate sites and are individual condominium units.

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 continuous non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with a 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.

Motel. A motel is a business comprising a dwelling unit or a group of dwelling units so arranged as to furnish overnight lodging accommodations for transient guests, open to the traveling public for compensation.

Non-Conforming Building. A non-conforming building is a building or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto, and that does not conform to the height, bulk, area or yard regulations of the zoning district in which it is located.

Non-Conforming Use. A non-conforming use is a use which lawfully occupied a building or land at the effective date of this Ordinance, or amendments thereto, and which does not conform to the provisions of the Ordinance in the zoning district in which it is located.

Occupied. The word "occupied" includes arranged, designed, built, altered, converted to, rented or leased, or intended to be inhabited; not necessarily for dwelling purposes.

Off-Street Parking Lot. A facility providing vehicular parking spaces along with adequate drives and aisles. Adequate maneuvering space shall be provided which allows unrestricted ingress and egress plus on-site parking space for at least (2) vehicles.

Open Air Business Uses. Open air business uses as used herein shall be deemed to include any of the following businesses when said business is not conducted from a wholly enclosed building. May include but shall not be limited to any of the following businesses:

- A. Trailer, motor vehicle, boats or home equipment sale or rental services.
- B. Outdoor display and sale of garages storage buildings, swimming pools, and similar uses.
- C. Outdoor retail sale of fruits, vegetables, food items, topsoil, humus, fertilizer, trellis, lawn furniture, playground equipment, and other home garden supplies and equipment.

Open Storage. All outdoor storage of building materials, sand, gravel, stone, lumber, equipment, and other supplies.

Poolroom. Any place open to the public for playing pool or billiards, with two or more pool or billiard tables operated as a business establishment.

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 roof 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 Utility. Any person, firm, corporation, municipal department, board or commission duly authorized to furnish and furnishing, and under Federal, State or municipal regulations, to the public; electricity, gas, steam,

communications, telegraph, transportation, or water. A public utility shall not however include cellular phone operations or commercial broadcast television and radio facilities.

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

Rooming House. A building where lodging only is provided for compensation.

Senior Apartments. Market-rate unit in age-restricted communities where at least 80% of the residents are age 55 or older. Although optional meal plans may be offered at these senior apartments, the base monthly fee does not include meals in a common dining facility.

Senior Independent Living Community. Designed for seniors who pay for some services (e.g., meals, housekeeping, and transportation) as part of a monthly fee or rental rate, and who require little or no assistance with Activities of Daily Living. Independent living units do not need to be licensed for health care, although residents may receive home health care services provided to them by either an outside agency or by a licensed affiliate of the property management. The community must contain a common dining facility that provides at least one daily meal as part of the monthly fee.

Setback. The minimum horizontal required distance measured from the front, side, or rear lot line. The required setback area is that area encompassed by the respective lot lines and setback lines.

Sign. Every sign, billboard, ground sign, wall sign, roof sign, illuminated sign, projecting sign, temporary sign, marquee, awning and canopy which includes any announcement, declaration, demonstration, display, illustration, or insignia used to advertise or promote the interests of any person when the same is placed out-of-doors in view of the general public.

Sign, Ground. Any sign supported by uprights or braces placed in or anchored to the ground and not attached to any building.

Sign, Illuminated. Any sign which has characters, letters, figures, designs, or outlines illuminated by an electric light or luminous tubes as a part of the sign proper.

Sign, Portable. A temporary freestanding sign not permanently anchored or secured to either a building or the ground.

Sign, Projecting. Any sign which is attached to a building or other structure and extends beyond the line of the building or structure or beyond the surface of that portion of the building or structure to which it is attached.

Sign, Roof. Any sign erected, constructed, and maintained wholly upon or over the roof of any building with the principal support on the roof structure.

Sign, Temporary. A sign or other advertising device constructed of light, temporary materials with or without a structural frame, intended to be used for a limited time for display, demonstration, or announcement.

Sign, Wall. All flat signs of solid face construction which are placed against a building or other structure and attached to the exterior front, rear, or side wall of any building or other structure.

Site Condominium Plan. Shall mean the site, survey and utility plans; floor plans, and sections, as appropriated, showing the existing and proposed structures and improvements including the location thereof on the land. The condominium subdivision plan shall show the size, location, area, vertical boundaries and volume for each unit comprised of enclosed air space. A number shall be assigned to each condominium unit. The condominium subdivision plan shall include the nature, location, and approximate size of common elements.

Site Condominium Project. Shall mean a condominium project proposed to be developed under Act 59 of the Public Acts of 1978, as amended.

Skilled Nursing Center. Facility licensed by the State of Michigan to provide 24-hour medical care not included as a Memory Care Center.

Special Use. A use that, owing to some special characteristics attendant to its operation or installation is permitted in a district subject to approval by the Planning Commission (see Section 3.5).

Story. That portion of a building, other than a mezzanine, included between the surface of any floor and the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

Story, Mezzanine. A mezzanine floor may be used in this definition of a full story when it covers more than fifty (50) percent 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 is twenty-four (24) feet or more.

Story, Basement. For the purposes of this Ordinance, a basement shall be counted as a story if over fifty (50) percent of its height or five feet, is above the level from which the height of the building is measured, or if it is used for business purposes.

Story, 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 ($\frac{1}{2}$) the floor area of said full story, provided the area contains at least two hundred (200) square feet with a clean height of at least seven feet six inches (7 ft. 6 inches).

Street. A public thoroughfare which affords the principal means of access to abutting property.

Street Grade. That officially established grade of the street upon which a lot fronts at the midpoint of the frontage of the lot thereon. If there is no officially established grade, the existing grade of the street at such midpoint shall be taken as the street grade.

Street Line. The legal line of demarcation between a street and the abutting land.

Structure. Anything constructed or erected, excluding driveways, the use of which requires more or less permanent location on the ground. When the structure is divided into separate parts by an unpierced wall, each part shall be deemed a separate structure.

Structural Alterations. Any change in the supporting members of a building such as bearing walls, columns, beams or girders, or any substantial changes in the roof and exterior walls.

Swimming Pool. Any structure intended for swimming or recreational bathing that contains water over twenty-four (24) inches deep; including in-ground, above ground and on-ground swimming pools, hot tubs and spas.

Temporary Building and Use. A building or use permitted by the Building Inspector to exist during periods of construction of the main building or use or for special events, said period not to exceed six (6) months.

Tourist Home. A dwelling in which overnight accommodations are offered to transients for compensation.

Trailer Court, Campground. Any parcel or tract of land upon which two (2) or more travel trailers, truck campers, tents or other similar portable units are placed, regardless of whether a charge is made thereof. The term also includes any building, structure, enclosure, driveway, equipment, or facility used or designed and intended for use incident to temporary living purposes in connection with the recreational pursuits or mode of travel of the general public.

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

Use, Change of. A modification or deviation from the original purpose, occupancy, utilization or classification of a building, structure or parcel or tract of land. The term is inclusive of:

- A. A discernible increase in the intensity of use which by ordinance imposes more restrictive parking requirements or other more restrictive characteristics of use, or

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- B. An alternation by change of use in a building heretofore existing to a new use group, as defined in the City's building code, which imposes other special provisions of law governing building construction, equipment or means of egress.

Use, Legal Non-Conforming. Existing use of land and structures, as of the effective date of this Ordinance, which does not conform to the uses specified as permitted in a District.

Use, Illegal Non-Conforming. Existing use of land and structures, created after the effective date of this Ordinance, and which does not conform to the uses specified as permitted in a District.

Use of Record. A permitted or special use of land or building arrangement which complies with the terms or conditions of the current ordinance or previous ordinance.

Yard, Required, Side/Rear/Front. 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 upward, except as otherwise provided herein. This regulation shall not exclude eaves when an eight (8) foot height clearance is provided above the adjacent ground level.

Yard, Side. Required side yard is an open space extending from the front yard to the rear yard and of a uniform width (setback) measured horizontally at right angles to the side lot line; and unoccupied from the ground upward except as herein otherwise specified.

Yard, Rear. Required rear yard is an open space extending the full width of a lot and of a uniform depth (setback) measured horizontally at right angles to the rear lot line and unoccupied from the ground upward as herein otherwise specified.

Yard, Front. Required front yard is an open space extending the full width of a lot and of a uniform depth (setback) measured horizontally at right angles to the front lot line and unoccupied from the ground upward except as hereinafter specified.

Yard, Side/Rear/Front. General term applied to the space on a lot or parcel, which lot or parcel contains 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.

Zoning Administrator. A City official charged with enforcing the provisions of the Zoning Ordinance. Within the context of this Zoning Ordinance, Zoning Administrator shall also be known as the code enforcement officer. (Ord. No. 2016-09, § 1, 5-2-16; Ord. No. 2018-02, § 1, 4-2-18)

ARTICLE 3. ADMINISTRATION AND ENFORCEMENT

Section 3.1. Enforcement.

The provisions of this Ordinance shall be administered and enforced by the zoning administrator and any of his aides or assigns responsible for enforcing the provisions of this Ordinance.

Section 3.2. Duties of zoning administrator.

The zoning administrator shall have the power to grant zoning compliance and occupancy permits, to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance. It shall be unlawful for the zoning administrator to approve any plans or issue a zoning compliance permit or a building permit for any excavation or construction until he has inspected such plans in detail and found them in conformity with this Ordinance. To this end, the zoning administrator shall require that every application for zoning

compliance 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 zoning administrator to ascertain whether the proposed work or use is in conformance with this Ordinance.

- A. The actual shape, location, and dimensions of the lot.
 - B. The shape, size, 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.
 - C. 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.
 - D. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance are being observed.
- 3.2.1. 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 Ordinance, the zoning administrator shall issue a zoning compliance permit. If any application for such permit is not approved, the zoning administrator 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 Ordinance. No alteration of approved plans are allowed without the written consent of the zoning administrator.
- 3.2.2. The zoning administrator is under no circumstance permitted to grant exceptions to the actual meaning of any clause, order or regulation, contained in this Ordinance to any person making application to excavate, construct, move, alter, or use either buildings, structures or land within the City.
- 3.2.3. The zoning administrator is under no circumstance permitted to make changes to this Ordinance nor to vary the terms of this Ordinance in carrying out his duties as zoning administrator.
- 3.2.4. The zoning administrator shall record all non-conforming uses existing at the effective date of this Ordinance within six (6) months after the adoption of this Ordinance for the purpose of carrying out the provisions of Article 5.
- 3.2.5. The Zoning Administrator is hereby designated as the authorized city official to issue municipal civil infraction citations (directing alleged violators to appear in court) or municipal civil infraction violation notices (directing alleged violators to appear at the City of St. Clair Municipal Ordinance Violations Bureau) as provided in the St. Clair City Code of Ordinances.

Section 3.3. Permits.

The following shall apply in the issuance of any permit:

- 3.3.1. *Permits Required.* It shall be 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 zoning compliance permit and building permit from the zoning administrator. 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 Ordinance, showing that the construction proposed is in compliance with the provisions of this Ordinance and with the building code.

No plumbing, electrical, drainage, or other permit shall be issued until the zoning administrator 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 Ordinance.

"Alteration" or "repair" of an existing building or structure shall include 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 affecting or regulated by the building code or this Ordinance, except for minor repairs or changes not involving any of the aforesaid provisions. (See definition of term "altered" in previous article.)

3.3.2. *Permits Not Required.* No permit is required for any of the following, provided that all provisions of this Ordinance are complied with:

A. An accessory structure of less than one hundred dollars (\$100.00) in value.

3.3.3. *Permits for New Use of Land.* A building permit shall also be obtained for the new use of land, whether presently vacant or a change in land use is proposed.

3.3.4. *Permits for New Use of Building or Structures.* A building permit shall also be obtained for any change in use of an existing building or structure to a different class or type.

3.3.5. *Basis of Denial for Permit Application.* No permit applicant shall have outstanding, ongoing, or uncorrected violations of any city code; or, owe a debt to the city, including, but not limited to, outstanding tax liability or unpaid utility bills. An applicant's permit shall be denied until those outstanding issues are resolved.

(Ord. No. 2015-03, § 1, 8-3-15)

Section 3.4. Certificates of occupancy.

It shall be 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 hereafter altered, extended, erected, repaired, or moved, until the zoning administrator shall have issued a certificate of occupancy stating that the provisions of this Ordinance have been complied with.

- A. *Certificate Validity.* The certificate of occupancy as required for new construction of, or renovations to existing buildings and structures, in the building code, shall also constitute certificates of occupancy as required by this Ordinance.
- B. *Certificates for Existing Building.* Certificates of occupancy shall be issued for existing buildings, structures, or parts thereof, or existing uses of land if after inspection it is found that such buildings, structures, or parts thereof, or such use of land, are in conformity with the provisions of this Ordinance.
- C. *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 (6) months, nor more than five (5) 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 Ordinance.
- D. *Records of Certificates.* A record of all certificates of occupancy shall be kept in the office of the zoning administrator, and copies of such certificates of occupancy shall be furnished upon request to a person or persons having a propriety or tenancy interest in the property involved.
- E. *Certificates for Accessory Buildings 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.

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- F. *Application for Certificates.* Certificates of occupancy shall be applied for in writing to the zoning administrator on forms provided by the zoning administrator, and shall be issued within ten (10) days 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 Ordinance. If such certificate is refused for cause, the applicant therefor shall be notified of such refusal and the cause thereof within the aforesaid ten-day period.
 - G. *Certificates for Non-Conforming Buildings and Uses.* Reference is made to Article 5, Section 5.09.

Section 3.5. Special approval uses.

- 3.5.1. *Application Requirement.* Applications for special use approval authorized in the Ordinance shall be submitted to the zoning administrator in compliance with the requirements of the Ordinance regulating Site Plans and the following requirements.
- 3.5.2. *Notice.* When the Zoning Administrator receives an application for a special approval use, notice shall be provided as specified in Section 3.11 of this Zoning Ordinance.
- 3.5.3. *Public Hearing.* A public hearing with public notification shall be held by the Planning Commission.
- 3.5.4. *Planning Commission Action.* Upon receipt of a site plan, the Planning Commission shall review the plan at a regularly scheduled meeting and recommend approval, approval with conditions, denial or shall table the site plan with stipulations as to any information that will be required to be provided from the applicant prior to a decision or recommendation being made at a subsequent meeting. The Planning Commission shall make a written statement of findings and conclusions relative to the special approval use which specifies the basis for the decision and any conditions imposed.
- 3.5.5. *Basis of Determination.* The Planning Commission shall review the proposed special approval use in terms of the standards stated within this Ordinance and shall establish that such use and the proposed location:
 - A. Will be harmonious and in accordance with the general objectives or any specific objectives of the Master Plan of Land Use.
 - B. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the area.
 - C. Will not be hazardous or disturbing to existing or future nearby uses.
 - D. Will be an improvement in relation to property in the immediate vicinity and to the community as a whole.
 - E. Will be served adequately by essential public services and facilities or that the persons responsible for the establishment of the proposed use will provide adequately any such service or facility.
 - F. Will not create excessive additional public costs and will not be detrimental to the economic welfare of the community.
 - G. Will be consistent with the intent and purpose of this Ordinance.
- 3.5.6. *City Council Approval.* The City Council shall review the recommendation of the Planning Commission at a regularly scheduled meeting of the City Council. The Council may impose such additional conditions and safeguards as recommended by the Planning Commission and/or other conditions deemed necessary for the general health, safety and welfare of the City of St Clair, for the protection of individual property rights and for insuring that the general spirit and purpose of the Ordinance and the District in which the special approval use is proposed, will be observed.

3.5.7. *Effect of Approval.* Any approval given by the City Council shall remain in effect in as specified in section 9.1.6 of the ordinance regulating Site Plan approvals.

(Ord. No. 2007-02, § 1, 4-16-07)

Section 3.6. Amendments.

The City Council may, from time to time, amend this Ordinance by changing or supplementing the district map, the districts on said map or the boundaries of such districts, district regulations or other provisions of this Ordinance. An amendment may be initiated by the City Council, by an interested person(s) or their agent(s), or by the Planning Commission, and when requested by an interested party shall be accompanied by a fee in an amount established by resolution of the City Council.

3.6.1. *Public Hearing and Notice.* Before any amendment shall become effective, one public hearing shall be held thereon by the Planning Commission with notice as provided in Section 3.11 of this Zoning Ordinance. The City Council shall require a report from the City Planning Commission on any proposed amendment before taking final action hereon. The Commission shall thereupon submit its final report which shall include a summary of comments submitted at the public hearing. The City Council may hold additional public hearings if it considers it necessary.

3.6.2. *Procedures for Rezoning.* When the Zoning Administrator receives an application for a rezoning, a public hearing and notice shall take place as specified in Section 3.11 of this Zoning Ordinance.

3.6.3. *Vote, After Protest.* Upon presentation of a protest petition meeting, the requirements of this subsection, an amendment to the zoning ordinance which is the object of the petition shall be passed only by a two-thirds ($\frac{2}{3}$) vote of the City Council. The protest petition shall be presented to the City Council before final council action on the amendment, and shall meet signatory requirements of the following subparagraphs (a) or (b):

- A. The owners of at least twenty (20) percent of the area of land included in the proposed change.
- B. The owners of at least twenty (20) percent of the area of land included within an area extending outward one hundred (100) feet from any point on the boundary of the land in the proposed change.

For the purposes of the subsection, publicly-owned land shall be excluded in calculating the twenty (20) percent land area requirement.

3.6.4. *Publication of Amendment.* Following adoption of a zoning ordinance amendment by the City Council, one notice of adoption shall be published in a newspaper of general circulation in the City within fifteen (15) days after adoption. The notice shall include the following information: Either a summary of the regulatory effect of the amendment including the geographic area affected, or the text of the amendment; the effective date of the amendment; the place and time where a copy of the Ordinance may be purchased or inspected. The filing and publication requirements in this section shall supersede charter provisions relating to the filing and publication of City ordinances.

(Ord. No. 2007-02, § 1, 4-16-07)

Section 3.7. Enforcement.

3.7.1. *Violations:* Any firm, corporation or person who violates any provision of this zoning ordinance is responsible for a municipal civil infraction as defined in St. Clair City Code of Ordinances, subject to payment of a civil fine of not less than an amount adopted by resolution of the City Council, plus costs and other sanctions, for each infraction. Each day on which any violation of this Code or any ordinance continues constitutes a separate

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offense and shall be subject to penalties or sanctions as a separate offense. Repeat offenses under this ordinance shall also be subject to increased fines as provided in the St. Clair City Code of Ordinances.

3.7.2. *Public Nuisance, Per Se*: Any building or structure which is erected, altered, or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this Ordinance and in violation of any of the provisions thereof is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

3.7.3. *Rights and Remedies*: The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

3.7.4. *General Responsibility*: The City Council or its duly authorized representative is hereby charged with the duty of enforcing the Ordinance and said Council is hereby empowered to commence and pursue any and all necessary and appropriate actions and/or proceedings in the Circuit Court of St. Clair County, Michigan, or any other court having jurisdiction, to restrain and/or prevent any non-compliance with or violation of any of the provisions of this Ordinance, and to correct, remedy and/or abate such non-compliance or violation. And it is further provided that any person aggrieved or adversely affected by such a non-compliance or violation may institute suit and/or join the City Council in such a suit to abate the same.

Section 3.8. Performance guarantees.

As used in this section, "improvements" means those features and actions associated with a project which are considered necessary by the City to protect natural resources or the health, safety, and welfare of the residents of the City and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening and drainage. "Improvements" does not include the entire project.

3.8.1. To insure compliance with the City of St. Clair Zoning Ordinance and any condition imposed thereunder, a cash deposit, certified check, or surety bond equal to a percentage as determined by the City Council of the site improvement costs may be required to insure faithful completion of the improvements.

3.8.2. The performance guarantee shall be deposited with the City Treasurer at the time of the issuance of the permit authorizing the project. The City shall rebate to the applicant, as the work progresses, amounts of such deposit equal to the ratio of work satisfactorily completed to the entire project. Such rebates shall be based on the report and recommendation of the Code Enforcement Officer.

Section 3.9. Fees.

The City Council shall, by resolution, determine and set the fees to be charged for all permits, certificates and copies thereof, fees for appeals to the Board of Appeals, fees for application to the Planning Commission for special approval uses or site plan review, fees for rezoning applications, and fees for all other applications and services provided for in this Ordinance.

Section 3.10. Records.

A complete record and copy of each application for each certificate or permit, and each permit or certificate issued pursuant to the provisions of this Ordinance, shall be filed with the City Clerk and be a part of the City records.

Section 3.11. Public notification.

All applications for development approval requiring a public hearing shall comply with the Michigan Zoning Enabling Act, PA 110 of 2006, and the other provisions of this Section with regard to public notification.

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- A. *Responsibility:* When the provisions of this ordinance or the Michigan Zoning Enabling Act require that notice be published, the Zoning Administrator shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in the City of St. Clair and mailed or delivered as provided in this Section.
- B. *Content:* All mail, personal and newspaper notices for public hearings shall:
1. Describe the nature of the request: Identify whether the request is for a rezoning, text amendment, special approval use, planned unit development, variance, appeal, ordinance interpretation or other purpose.
 2. Location: Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as a tax parcel identification number, identifying the nearest cross street, or including a map showing the location of the property. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for rezoning, or when the request is for an ordinance interpretation not involving a specific property.
 3. When and where the request will be considered: Indicate the date, time and place of the public hearing(s).
 4. Written comments: Include a statement describing when and where written comments will be received concerning the request. Include a statement that the public may appear at the public hearing in person or by counsel.
 5. Handicap Access: Include information concerning how handicap access will be accommodated if the meeting facility is not handicap accessible.
- C. *Personal and Mailed Notice:*
1. General: When the provisions of this Ordinance or state law require that personal or mailed notice be provided, notice shall be provided to:
 - a. The owners of property for which approval is being considered, and the applicant, if different than the owner(s) of the property.
 - b. Except for rezoning requests involving eleven (11) or more adjacent properties or an ordinance interpretation request that does not involve a specific property; to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property subject to the request, regardless of whether the property or occupant is located within the boundaries of the City of St. Clair. 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 (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice maybe given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.
 - c. All neighborhood organizations, public utility companies, railroads and other persons which have requested to receive notice pursuant to Section 3.11E, Registration to Receive Notice by Mail.
 2. Notice by mail/affidavit: Notice shall be deemed mailed by its deposit in the United States mail, first class, properly addressed, postage paid. The Zoning Administrator shall prepare a list of

property owners and registrants to whom notice was mailed, as well as of anyone to whom personal notice was delivered.

- D. *Timing of Notice:* Unless otherwise provided in the Michigan Zoning Enabling Act, PA 110 of 2006, or this Ordinance where applicable, notice of a public hearing shall be provided on an application for a rezoning, text amendment, special approval use, planned unit development, variance, appeal, or ordinance interpretation: not less than fifteen (15) days before the date the application will be considered for approval.
- E. *Registration to Receive Notice by Mail:*
1. General: Any neighborhood organization, public utility company, railroad or any other person may register with the Zoning Administrator to receive written notice of all applications for development approval pursuant to Section 3.11C, Personal and Mailed Notice, or written notice of all applications for development approval within the zoning district in which they are located. The Zoning Administrator shall be responsible for providing this notification. Fees may be assessed for the provision of this notice, as established by the legislative body.
 2. Requirements: The requesting party must provide the Zoning Administrator information on an official form to ensure notification can be made. All registered persons must re-register biannually to continue to receive notification pursuant to this Section.

(Ord. No. 2007-02, § 1, 4-16-07)

ARTICLE 4. ZONING DISTRICT REGULATIONS

Section 4.1. District designations.

For the purpose of this Ordinance, the City of St. Clair is hereby divided into the following districts:

R-1	Single-Family Residential (low density)
R-1A	Single-Family Residential (medium density)
R-2	Two-Family Residential
R-3	Multiple-Family Residential
MHP	Mobile Home Park
PUD	Planned Unit Development
MD	Mixed Use
OS	Office Service
C-1	Local Commercial
C-2	General Commercial
M-1	Light Industrial
M-2	Heavy Industrial
PRPF	Parks, Recreation and Public Facilities

Section 4.2. Zoning district map.

4.2.1. *Identified.* The zoning districts as provided in Section 4.1 are bounded and defined as shown on the map entitled "Zoning District Map of the City of St. Clair." The Zoning District Map, along with all notations, references, and other explanatory information, shall accompany and be made a part of this Ordinance.

4.2.2. *Authority.* Regardless of the existence of purported copies of the Zoning District Map which may be published, a true and current copy of the Zoning District Map available for public inspection shall be located in and maintained by the office of the Clerk. The Clerk's copy shall be the final authority as to the current zoning status of any land, parcel, lot, district, use, building, or structure in the City.

4.2.3. *Interpretation of District Boundaries.* Where uncertainty exists with respect to the boundaries of any of the districts indicated on the Zoning District Map, the following rules shall apply:

- A. A boundary indicated as approximately following the centerline of a highway, alley, or easement shall be construed as following such centerline.
- B. A boundary indicated approximately following a recorded lot line or the line bounding a parcel shall be construed as following such line.
- C. A boundary indicated as approximately following a municipal boundary line of a city, village, or township shall be construed as following such line.
- D. A boundary indicated as following a railroad line shall be construed as being located midway in the right-of-way.

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- E. A boundary indicated as following a shoreline shall be construed as following such shoreline, and in the event of change in the shoreline shall be construed as following the shoreline existing at the time the interpretation is made.
 - F. The boundary indicated as following the centerline of a stream or river, canal, lake or other body of water shall be construed as following such centerline.
 - G. A boundary indicated as parallel to, or an extension of, features in paragraphs (A) through (F) preceding shall be so construed.
 - H. A distance not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
 - I. Where a physical or cultural feature existing on the ground is at variance with that shown on the Official Zoning Map or any other circumstances not covered by (A) through (H) preceding, the Board of Appeals shall interpret the location of the zoning district boundary.
 - J. Where a district boundary line divides a lot which is in single ownership at the time of adoption of this Ordinance, the Board of Appeals may permit an extension of the regulations for either portion of the lot to the nearest lot line, but not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot.

Section 4.3. Application of district regulations.

The regulations herein established within each zoning district shall be the minimum regulations for promoting and protecting the public health, safety, and general welfare and shall be uniform for each class of land, buildings, structure, or uses throughout each district. Wherever the requirements of this Ordinance are at variance with the requirements of any other adopted rules or regulations, ordinances, deed restrictions, or covenants, the most restrictive or those imposing the higher standards shall govern. Except as hereinafter provided, district regulations shall be applied in the following manner:

- 4.3.1. No building shall hereafter be erected, altered, or moved, nor shall any building or premises hereafter be used for any purpose other than is permitted in the district in which said building or premises is located, except by appeal as herein described by this Ordinance.
 - A. *Permitted Uses.* Uses shall be permitted by right only if specifically listed as principal permitted uses in the various zoning districts or are similar to such listed uses. All other uses are prohibited.
 - B. *Accessory Uses and Buildings.* Accessory uses are permitted only if such uses are clearly incidental to the permitted principal uses.
 - C. *Special Approval Uses.* Special approval uses are permitted as listed or if similar to the listed special uses.
- 4.3.2. No building shall hereafter be erected or altered except by appeal as herein described by this Ordinance, to:
 - A. Exceed the height limit specified for the district in which such building is located.
 - B. Occupy a greater percentage of lot area than is specified for the district in which such building is located.
 - C. Intrude upon the required front, rear, or side yards, as specified for the district in which such building is located.
 - D. Accommodate or house a greater number of families than is specified for the district in which such building is located.

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- E. Provide less living space per dwelling unit than is specified for the district in which such building is located.
- 4.3.3. No lot area shall be so reduced or diminished that yards and other open spaces shall be smaller than specified, nor shall the density of population be increased in any manner except in conformity with the area regulations, nor shall the area of any lot be reduced below the minimum requirements herein established for the district in which such lot is located.
- 4.3.4. No part of a yard or other open space required for any building for the purposes of compliance with the provisions of this Ordinance shall be included as a part of a yard or other open space similarly required for another building.
- 4.3.5. Every building erected, altered, or moved shall be located on a lot of record as defined herein, and except in the case of approved multiple dwelling, commercial, and industrial developments, there shall be no more than (1) principal building and its permitted accessory structures located on each lot in any district.
- 4.3.6. Whenever any street, alley or other public way shall have been vacated by official governmental action and when the lands within the boundaries thereof attach to and become a part of lands adjoining such street, alley, or public right-of-way shall automatically and without further governmental action thenceforth acquire and be subjected to the same zoning regulations as are applicable to lands to which same shall attach, and the same shall be used for the same use as is permitted under this Ordinance for such adjoining lands.

Section 4.4. Intent of districts.

The intent and purpose of each district is set forth as follows:

- 4.4.1. *Single-Family Residential District, R-1 and R-1A.* The intent here is to provide districts in which the main use is single-family residential, plus its normal accessory and compatible supportive uses. A reasonable range of lot sizes is envisioned which will provide a choice of desirable and economically feasible development opportunities for all members of the general public. Certain other private and public uses are permitted but subject to conditions which will insure their compatibility with the main use and character of these districts.
- 4.4.2. *Two-Family Residential District, R-2.* The intent here is to provide a district in which the main uses include both single-family and two-family residential development, plus normal accessory and compatible supportive uses.
- 4.4.3. *Multiple-Family Residential, R-3.* The R-3 multiple-family residential district is designated to provide sites for multiple-family dwelling structures and related uses which will generally serve as zones of transition between non-residential districts and lower density single-family districts. Also, the R-3 district is further provided to serve the limited needs for the apartment type of unit in an otherwise low density single-family community. Due to its buffering characteristic between residential and non-residential uses, the R-3 district is intended to provide a residential area which is low rise in character, yet providing greater density by allowing increased building coverage in the most intense single-family residential district.
- 4.4.4. *Mobile Home Park District, MHP.* The intent here is to provide districts of such size and location as will encourage good mobile home residential development, adjacent to essential community services, and otherwise protecting the health, safety and welfare of mobile home residents. In addition to the requirements of this Ordinance, all mobile home parks shall comply with the Mobile Home Commission Act (PA 419 of 1976) and the current Mobile Home Code adopted by the Michigan Mobile Home Commission.

4.4.5. *Planned Unit Development District, PUD.* See Article 8.

4.4.6. *Mixed Use, MD.* It is the intent of the MD district to preserve residential uses, while at the same time, allowing a mixture of business uses which will improve property values and the local economy. The MD district is designed to permit certain business and residential uses as a matter of right, while allowing certain public service uses that are compatible with surrounding neighborhoods to be considered as special approval uses.

4.4.7. *Office Service, OS.* The intent here is to provide for research, service, and office uses in a planned development. When located in this district, such uses are to be developed in a manner which will complement neighboring land uses and the community, while at the same time providing for the necessary non-manufacturing uses such as corporate office, service, and research facilities.

4.4.8. *Local Commercial, C-1.* The intent here is to provide a district for commercial, office, and business uses which are located in the central part of the City and neighborhood areas. When located in this district, such uses are prevented from encroaching into other districts where they would be deemed incompatible. The proper development of the uses permitted in this district under special approval are subject to conditions which are designed to promote homogenous and desirable patterns of usage.

4.4.9. *General Commercial, C-2.* The intent here is to provide a district in which the community's overall commercial and business facilities can be centralized to most efficiently and effectively serve the general community and adjacent areas. Other uses are permitted which are generally compatible with the character and requirements of these commercial and business uses. These regulations are designed to reduce possible conflicts with adjacent land uses and to provide conditions which encourage proper development within the district.

4.4.10. *Light Industrial, M-1.* The intent here is to provide the resources and services available and essential to good industrial development, while also guarding against the encroachment of these uses into districts where they would be considered incompatible.

4.4.11. *Heavy Industrial, M-2.* The intent here is to provide a district whose location will permit heavy manufacturing types of use to best utilize essential public and private facilities and utilities.

4.4.12. *Parks, Recreation and Public Facilities, PRPF.* The district is designed to reserve needed and desirable lands for governmental and other public uses.

Section 4.5. Schedule of use regulations.

4.5.1. R-1 and R-1A—Single-Family Residential Districts.

Permitted Uses:

1. Single-family detached dwellings.
2. Publicly-owned parks and recreation facilities.
3. Agriculture, including general farming, truck gardening, fruit orchards, and the customary farm buildings, except slaughterhouses subject to the provisions of 5.30.
4. Accessory uses subject to the provisions of Section 5.2.
5. Home occupations subject to the provisions of Section 5.25.
6. Leased rooms by a resident family to non-transient roomers when the total number of roomers does not exceed two (2) in any one (1) dwelling.
7. Adult foster care homes for six (6) or fewer residents.

Special Uses:

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1. Churches subject to the following provisions:
 - a. A minimum lot area of one (1) acre and lot width of one hundred fifty (150) feet shall be required.
 - b. For every foot of height by which the building, exclusive of a spire, exceeds the maximum height limitations of the district, an additional foot of front, side, and rear yard setbacks shall be provided.
 - c. The lot shall be located on a major thoroughfare, minor thoroughfare, or collector street.
 2. Public and private educational institutions.
 3. Municipal buildings, facilities, and utility buildings.
 4. Private non-commercial recreation.
 5. Hospitals, subject to the following:
 - a. A minimum lot size of ten (10) acres shall be required.
 - b. The lot shall be located on either a major or minor thoroughfare.
 - c. Minimum setbacks for any building shall be one hundred (100) feet from any property line.
 - d. Connection to a municipal sewer system or approved sewage treatment system shall be provided.
 6. Golf courses and country clubs occupying a minimum site of fifty (50) acres.
 7. Family and group day care homes, provided the following conditions are met:
 - a. *Licensing.* In accordance with applicable state laws, all child day care homes shall be registered with or licensed by the State of Michigan, and shall comply with the standards outlined for such facilities.
 - b. *Outdoor play area.* There shall be sufficient outdoor play area to meet state regulations in the rear yard area of the day care home premises.
 - c. *Pick-up and drop-off.* Adequate areas shall be provided for employee and resident parking, and pick-up and drop-off of in a manner that allows maneuvers without affecting traffic flow on the public street.
 - d. *Separation Requirements.* New family or group day care homes shall be located a minimum of one thousand five hundred (1,500) feet from another family or group day care home, as measured between the nearest points on the property lines of the lots in question. The planning commission may permit a smaller separation between such facilities upon determining that such action will not result in an excessive concentration of such facilities in a single neighborhood, or the city overall.
 8. Funeral homes.

4.5.2.R-2—*Two-Family Residential District.*

Permitted Uses:

1. All permitted uses in the R-1 and R-1A Districts.
2. Two-family dwellings.
3. Accessory uses subject to the provisions of Section 5.2.
4. Home occupation subject to the provisions of Section 5.25.

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5. Adult foster care homes for six (6) or fewer residents.

Special Uses:

1. All special uses permitted in the R-1 and R-1A Districts.
2. Rooming houses.
3. Boarding houses.
4. Public and private educational institutions.
5. Convalescent and retirement homes subject to the following provisions:
 - a. A minimum lot area equal to two thousand (2,000) square feet per bed, but in no case less than five (5) acres.
 - b. The lot shall be located on either a major or minor thoroughfare.
 - c. Minimum setbacks for any building shall be one hundred (100) feet from any property line.
 - d. Connection to a municipal sewer system.
6. Child care centers, day care centers, group day care home.
7. Bed & Breakfast uses subject to the provisions of Section of 5.26.

4.5.3. R-3—*Multiple-Family Residential.*

Permitted Uses:

1. Two-family dwellings.
2. Multiple dwellings of three (3) units or more.
3. Accessory uses subject to the provisions of Section 5.2.
4. Adult foster care homes for six (6) or fewer residents.
5. All single family structures existing on or prior to the effective date of this Ordinance.
6. Senior Apartments.
7. Senior Independent Living Community.
8. Assisted Living Community.

Special Uses:

1. All special uses permitted in the R-1 and R-2 Districts.
2. Skilled Nursing Center and Memory Care Center subject to the following provisions:
 - a. A minimum lot area equal to two thousand (2,000) square feet per bed, but in no case less than three (3) acres.
 - b. The lot shall be located on either a major or minor thoroughfare.
 - c. Minimum setbacks from any property line:
 - Front Yard: 25 feet
 - Side Yard: 20 feet
 - Side Yard (total of two): 50 feet
 - Rear Yard: 20 feet

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- d. Connection to a municipal sewer system.
 3. Public and private educational institutions.
 4. Child care centers, day care centers, group day care home.
 5. Bed & Breakfast uses subject to the provisions of Section 5.26.

4.5.4. *MHP—Mobile Home Park.*

Permitted Uses:

1. Mobile home parks subject to the provisions of Section 4.44.
2. Public parks and recreational facilities.
3. Accessory uses subject to the provisions of Section 5.2.

Special Uses: [Reserved.]

4.5.5. *PUD—Planned Unit Development District.*

Permitted Uses: See Article VIII.

Special Uses: [Reserved.]

4.5.6. *MD-1—Mixed Use.*

Permitted Uses:

1. All permitted uses in R-1 and R-1A districts.
2. Two-family dwellings.
3. Public parks and playgrounds.

Special Uses:

1. Any use charged with the principal function of technical training.
2. Office buildings for such occupations as executive, administrative, clerical, accounting, engineering, architecture, drafting, medical offices, and sales functions.
3. Data processing and computer centers including sales, service and maintenance of electronic data processing equipment.

4.5.7. *MD-2—Mixed Uses.*

Permitted Uses:

1. All permitted uses in R-1 and R-1A.
2. Two-family dwellings.
3. Public parks and playgrounds.

Special Uses:

1. Retail businesses which supply commodities such as groceries, meats, dairy products, baked goods, drugs, gifts and notions, or hardware.
2. Personal service establishments such as repair shops for watches, small appliances, shoes, televisions, beauty and barber shops.
3. Laundry and dry cleaning pickup stations.

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4. Professional office of doctors, dentists, lawyers, architects, engineers, and other similar professions.
 5. Financial and business service establishments, banks, credit unions, insurance offices.
 6. Post offices and other similar governmental offices serving nearby residential areas.
 7. Bed and Breakfast uses subject to the provisions of Section 5.26.
 8. Marinas.

4.5.8. *OS—Office Service.*

Permitted Uses:

1. Any use charged with the principal function of technical training.
2. Office buildings for such occupations as executive, administrative, clerical, accounting, engineering, architecture, drafting, medical offices, and sales functions.
3. Data processing and computer centers, including sales, service and maintenance of electronic data processing equipment.
4. Warehousing accessory to the above uses.

Special Uses:

1. Any use charged with the principal function of basic research, design, and pilot or experimental product development.

4.5.9. *C-1—Local Commercial District.*

Permitted Uses:

1. Retail businesses which supply commodities such as groceries, meats, dairy products, baked goods, drugs, gifts and notions, or hardware.
2. Personal service establishments such as repair shops for watches, small appliances, shoes, and televisions, beauty and barber shops.
3. Laundry and dry cleaning pickup stations.
4. Professional office of doctors, dentists, lawyers, architects, engineers, and other similar professions.
5. Financial and business service establishments, banks, credit unions, insurance offices.
6. Post offices and other similar governmental offices serving nearby residential areas.
7. Passenger terminals, theaters (except drive-in).
8. Restaurants, taverns & night clubs (except drive-in)
9. Business or trade schools, dancing or music studios.
10. Utility installations essential to serve this district.
11. No more than (2) amusement devices which are incidental to the main use of a building.
12. Hotels & Motels.

Special Uses:

1. Planned shopping centers subject to the following provisions:
 - a. A minimum lot size of one (1) acre and lot width of one hundred and fifty (150) feet.
 - b. Minimum setbacks for any building shall be twenty-five (25) feet from any property line.

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- c. Building composition which can be characterized as an architectural unit.
 2. Allow more than two (2) amusement devices which are incidental to the main use of restaurant, tavern, or nightclub.
 3. Vehicle wash establishment subject to the following provisions:
 - a. A minimum lot width of one hundred fifty (150) feet shall be required.
 - b. All washing activities must be carried on from within a building.
 - c. Vacuum islands shall be placed a minimum of fifty (50) feet from adjacent property boundaries.
 - d. Overnight parking or storage of vehicles is prohibited.
 4. Neighborhood micro-storage, provided the following conditions are met:
 - a. Storage is contained in a climate-controlled building. Exterior storage of products, material, vehicles, boats, equipment and similar items is prohibited.
 - b. Property shall be located on a major or minor thoroughfare as designated by the Master Plan.
 - c. Access shall be from a major or minor thoroughfare as designated by the Master Plan.
 - d. Minimum lot area shall be 5,400 square feet.
 - e. A six (6) foot tall screen using a fence, landscaping, berm, combination of or other appropriate method shall be constructed around the perimeter of the development, as approved by the Planning Commission.
 - f. Areas intended for vehicle travel shall be paved with asphalt or concrete.
 - g. Site development shall be compatible with surrounding area.

4.5.10. *C-2—General Commercial.*

Permitted Uses:

1. All uses permitted in the C-1 district.
2. Private clubs and lodges provided sales and services are to members and guests only.
3. Supermarkets.
4. Public or private business schools or colleges.
5. Health and fitness clubs.
6. Theaters.
7. Eating and drinking establishments.
8. Funeral homes.
9. New and used car sales and showroom.
10. Hotels and motels with a minimum lot size of one (1) acre and lot width of two hundred (200) feet.
11. Assembly and dance halls.
12. Bus passenger stations.
13. Bowling Alleys.
14. Mini-storage, provided the following conditions are met:

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- a. Minimum lot area shall be two (2) acres located on either a major or minor thoroughfare designated by the Master Plan.
 - b. Minimum lot width shall be two hundred (200) feet.
 - c. Six (6) foot screening, fence, berm or other appropriate method of screening shall be constructed around the perimeter of the development, as approved by the Planning Commission.
 - d. Minimum distance between buildings shall be twenty-five (25) feet.
 - e. A front yard setback of no less than fifty (50) feet shall be maintained in landscaped open space. Side yard setbacks shall be no less than twenty-five (25) feet and rear yard setbacks shall be no less than forty (40) feet.
 - f. All areas intended for vehicle travel shall be paved with asphalt or concrete.
 - g. Site development shall be compatible with surrounding area.
15. Hospitals, subject to the following:
- a. A minimum lot size of ten (10) acres shall be required.
 - b. The lot shall be located on either a major or minor thoroughfare.
 - c. Minimum setbacks for any building shall be one hundred (100) feet from any property line.
 - d. Connection to a municipal sewer system or approved sewage treatment system shall be provided.

Special Uses:

1. All special uses permitted in the C-1 district.
2. Open air businesses when developed in conjunction with a permitted use and subject to the following provisions:
 - a. The Planning Commission may require that outdoor sales areas be screened.
 - b. Outdoor material display areas shall meet all applicable setback requirements.
3. Plant nurseries subject to the following provisions:
 - a. Outdoor display areas shall meet all applicable setback requirements.
 - b. The storage of any soil, fertilizer, or any other material shall be contained to prevent any adverse affect on neighboring properties.
 - c. A building of not less than five hundred (500) square feet shall be constructed in conjunction with the plan nursery.
4. Vehicle wash establishment subject to the following provisions:
 - a. A minimum lot width of one hundred fifty (150) feet shall be required.
 - b. All washing activities must be carried on from within a building.
 - c. Vacuum islands shall be placed a minimum of fifty (50) feet from adjacent property boundaries.
 - d. Overnight parking or storage of vehicles is prohibited.
5. Indoor skating rinks, outdoor recreations uses, and similar commercial recreational facilities.
6. Veterinary offices including animal hospitals and clinics.
7. Drive-in restaurants.

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8. Drive-in theaters.
 9. Lumber yards.
 10. Recreational vehicle storage yards.
 11. Public and commercial storage garages.
 12. Automobile repair, gasoline service stations, paint and body shops, subject to the following provisions:
 - a. No building shall be located nearer than forty (40) feet from any road right-of-way and from any property line abutting residentially-used property.
 - b. No more than one (1) curb opening shall be permitted for every fifty (50) feet of frontage along any street. Curb openings shall not exceed thirty (30) feet in width measured at the property line and shall be a minimum of thirty (30) feet apart. No curb opening shall be located nearer than twenty-five (25) feet from an intersection or adjacent residential property line.
 - c. All repair and maintenance activities are to be conducted entirely with an enclosed building.
 - d. All gasoline pumps shall be located a minimum of fifteen (15) feet from any property line.
 - e. The sale of new or used vehicles from the premises is prohibited.
 - f. Minimum lot area shall be fifteen thousand (15,000) square feet for gasoline service and repair facilities or ten thousand (10,000) square feet for gasoline service. The storage of disabled or wrecked vehicles for a period exceeding ten (10) days is prohibited e facilities only.
 13. Marinas and boat yards.
 14. Poolrooms.
 - a. They shall not be located within 500 feet in any direction from the boundaries of any public, private or parochial school building or church building.
 - b. They shall not be located within 500 feet of each other.
 15. Adult Business.
 - a. They shall no be located within 500 feet in any direction from the boundaries of any public, private or parochial school building or church building or residential use or zoning district within the city limits.
 - b. They shall not be located within 500 feet or each other.
 16. New and Used Car Sales and Showrooms.
 - a. A parking lot for the display of vehicles may be permitted to extend to the property line facing a street abutting a non-residential use.
 - b. A parking lot for the display of vehicles facing a street abutting a residential use must provide a minimum five (5) foot greenbelt setback with landscaping not required to exceed eighteen (18) inches in height.
 - c. No outside storage of materials, parts or damaged/dilapidated vehicles shall be permitted on the premises.

4.5.11. *M-1—Light Industrial.*

Permitted Uses:

1. Wholesale establishments, warehouses, cartage businesses, and truck or rail terminals.

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2. Tool, die and machine shops.
 3. Manufacturing or processing of wood, concrete, cinder block, and brick.
 4. Manufacturing of automotive parts, metal fabricating, assembly, and other manufacturing processes.
 5. Production, processing and packaging of such products as candy and baked goods.
 6. Recreational vehicle storage yards.
 7. Contractor equipment and other material storage yards.
 8. Municipal equipment and material storage yards.
 9. Manufacturing or processing of plastic, fabric, and synthetic products.
 10. Farms.
 11. Kennels and animal shelters.
 12. Veterinary clinics.
 13. Hospitals and urgent care centers.
 14. Workshops and studios.
 15. Government offices and facilities.
 16. Vehicle service centers.
 17. Greenhouses, nurseries and farmer's market.
 18. Commercial recreation - indoor and outdoor.
 19. Commercial catering business.
 20. Uses permitted within the St. Clair Industrial Park Land Use Regulations and Site Development Standards pursuant to all regulations governing site and building construction and use. Conflicts between Section 4.5.11(20) and the zoning ordinance are superseded by Section 4.5.11(20).

Special Uses:

1. Municipal waste or water treatment facilities.
2. Production, processing, and packaging of such products as cosmetics, toiletries and pharmaceuticals.
3. Any use charged with the principal function of basic research, design, and pilot or experimental product development.
4. Cellular telephone and commercial broadcast radio and television towers and equipment subject to Sec. 5.20.
5. Professional and medical offices.
6. Motor vehicle repair business.
7. Child care or day care center.
8. Crematoriums, provided that the property is located a minimum 500 feet from a residentially used or zoned property.

4.5.12. *M-2—Heavy Industrial.*

Permitted Uses:

1. All permitted uses in the M-1 District.

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2. Production, manufacturing, processing, and packaging of such products as cereals, salt, petroleum products, soft drinks, and distillation of grains and fruits.
 3. Drop forges, heavy stamping, and oil refineries.
 4. Lumber and planing mills.
 5. Municipal waste or water treatment facilities.
 6. Central dry cleaning plants.
 7. Production, processing and packaging of such products as cosmetics, toiletries, and pharmaceuticals.
 8. Farms.
 9. Kennels and animal shelters.
 10. Veterinary clinics.
 11. Hospitals and urgent care centers.
 12. Workshops and studios.
 13. Government offices and facilities.
 14. Vehicle service centers.
 15. Greenhouses, nurseries and farmer's market.
 16. Commercial recreation - indoor and outdoor.
 17. Commercial catering business.

Special Uses:

1. Salvage and used materials yards subject to the following provisions:
 - a. Minimum lot size shall be five (5) acres.
 - b. The front yard setback for the material storage area shall be one hundred fifty (150) feet.
 - c. All material storage areas shall be enclosed by an obscuring fence between eight (8) and twelve (12) feet in height.
 - d. All buildings shall be set back a minimum of fifty (50) feet from all property lines.
 - e. Material shall not be stored in manner exceeding the height of the obscuring fence.
2. Tanneries, slaughter houses, stock yards, or soap factories.
3. Cellular telephone and commercial broadcast radio and television towers and equipment subject to Sec. 5.20.
4. Professional and medical offices.
5. Motor vehicle repair business.
6. Child care or day care center.
7. Crematoriums, provided that the property is located a minimum 500 feet from a residentially used or zoned property.

4.5.13. *PRPF—Parks, Recreation and Public Facilities.*

Permitted Uses:

1. Publicly owned building, structures or uses.
2. Public education facilities.
3. Parks.
4. Accessory building incidental to the establishment or conduct of uses permitted.
5. Public and semipublic utilities.
6. Parking lots or structures.
7. Concessions catering to public facilities.
8. Cemetery.

Special Uses:

1. Cellular telephone and commercial broadcast radios and telephone towers and equipment subject to Sec. 5.20.

CITY OF ST. CLAIR ZONING ORDINANCE
Schedule of District Regulations

		Minimum Lot Size Per Unit		Minimum Floor Space Per Unit	Building Width	Maximum Building Height	Minimum Yard Setback Required					Ma Lot
		Area	Width				Front Yard	Side Yard	Each	Rear Yard	Cov Bu	
	ZONING DISTRICT	Area	Width Bldg. Site	Square Feet First Floor	Minimum	Stories or Feet	Front Yard	Least One	Total Two	Each	Rear Yard	Cov Bu
R-1	Single-Family	10,000	75'	1200	20'	2½ or 35'	40'	5' a.	15'	—	30'	30
R-1A	Single-Family	7,500	60'	900	20'	2½ or 35'	25'	5' a.	15'	—	25'	30
R-2	Two-Family	c.	60'	700	20'	2½ or 35'	20'	5'	15'	—	25'	35
R-3	Multiple-Family	c.	—	b.	20'	2½ or 35'	25'	10'	20'	—	25'	40
MHP	Mobile Home Park	—	—	—	—	—	—	—	—	—	—	—
PUD	Planned Unit Development	—	—	—	—	—	—	—	—	—	—	—
MD	Mixed Use	7,500	50'	500	20'	2½ or 35'	25'	5'	15'	—	25'	40
OS	Office Service	5,000	50'	—	—	2½ or 35'	30'	5'	15'	—	20'	40
C-1	Local Commercial	—	—	—	—	2½ or 35'	—	—	—	—	—	—
C-2	General Commercial	10,000	80'	—	—	2½ or 35'	35'	5'	10'	—	30'	40
M-1	Light Industrial	12,000	100'	—	—	2½ or 35'	35'	10'	20'	—	35'	40

M-2	Heavy Industrial	20,000	100'	—	—	2½ or 35'	40'	20'	40'	—	50'	40'
PRPF	Parks, Recreation & Public Facilities	—	—	—	—	—	25'	10'	20'	—	10'	—

- a. The side yard abutting upon a street shall not be less than ten (10) feet, when there is a common rear yard. In the case of a rear yard abutting a side yard of an adjacent lot, the side yard abutting a street shall not be less than twenty-five (25) feet.
- b. Where multiple dwellings, including row and terrace dwellings, apartments, and efficiency units are permitted in an R-3 District, the required floor space per unit shall be as follows:

One-bedroom unit 600

Two-bedroom unit 800

Three-bedroom unit 1,000

plus eighty (80) square feet for each bedroom over three bedrooms in dwelling unit.

- c. No two-family or multiple-family dwellings shall be permitted on a lot or parcel of land unless they comply with the lot requirements per unit as listed below:

One Bedroom Unit 3,400 sq. ft.

Two Bedroom Unit 3,800 sq. ft.

Three Bedroom Unit 4,200 sq. ft.

Each Additional Bedroom 400 sq. ft.

(includes a den, library or similar extra room)

In the case of a single-family dwelling in an R-2 or R-3 District, the minimum lot area requirement per unit shall be 7,500 sq. ft.

- d. The minimum distance between any two (2) buildings on the same parcel of lot shall not be less than twenty (20) feet.

(Ord. No. 2006-02, §§ 1—3, 3-6-06; Ord. No. 2010-02, § 1, 4-19-10; Ord. No. 2018-03, § 1, 4-2-18; Ord. No. 2021-02, § 1, 4-5-21; Ord. No. 2021-03, § 1, 6-7-21; Ord. No. 2021-05, § 1, 7-6-21)

Section 4.6. Adaptive reuse.

4.6.1. *Definition.* The development of a new use for a building originally designed for a special or specific purpose that has become obsolete. Adaptive reuse is the redevelopment of a building, including its expansion, into uses that might not otherwise be permitted in a zoning district. Such uses include residential, retail, office, eating and drinking establishments, services and recreation uses.

4.6.2. *Statement of Intent.* There are many buildings throughout the City but due to their size and/or location and/or functional limitations, might no longer be suited for their intended purpose. This section provides flexibility in maintaining the viability of these City resources and maintains the zoning rationale by requiring an application to meet Special Approval Use Standards of Section 4.6.4.

4.6.3 *Special Approval Uses Allowed.* A building originally designed and constructed for another purpose may be adaptively reused in the following ways:

1. Any use permitted or special use allowed in the R-3, MD-1, MD-2, OS and C-1 zoning districts except for planned shopping centers and vehicle wash establishments.
2. Design standards applied to a use within the zoning ordinance shall be met unless waived or modified by city council after review and recommendation by the planning commission.
3. Any use similar to a use listed above, as determined by the planning commission and city council.

4.6.4. *Regulations and Conditions.* The adaptive reuse of a building allowed by Section 4.6.3 must be undertaken in accordance with the following standards and conditions:

1. Prior to application for adaptive reuse of a building or special land use approval under Section 4.6.5.1, proposed exterior modifications of buildings located in a Historic District must obtain a permit from the Historic District Commission for all exterior modifications as set forth in Code Section 14-312.
2. A use not listed in Section 4.6.3 is prohibited. Demolition resulting in a change of building area does not qualify as Adaptive Reuse.
3. Condominium bylaws and master deeds and/or building leases shall provide a general description of the types of uses proposed to occupy retail, service or office spaces within the building and the procedures to be followed to accommodate changes in the nature of businesses to occupy such spaces. The Planning Commission may consider and rely upon such documents, or if unavailable at the time of application, written descriptions of the proposed content of such documents, in reaching a finding that proposed retail, office, eating and drinking establishments, service or recreation uses will be generally compatible with residential uses in the building.
4. Parking requirements shall comply with City Code Section 14-26 and shall be located within the boundary of the subject property. The Planning Commission shall use the requirements of Article 7 of this Zoning Ordinance as a guide to parking requirements but may exercise its discretion on a case-by-case basis in applying them in order to achieve the thoroughly considered objectives of the Zoning Ordinance.
5. Dwelling units shall meet the following criteria:
 - A. Dwelling units with one-, two-, and three-bedrooms shall meet the required floor space for the same bedroom types as listed in Section 4.5, Schedule of Use Regulations.
 - B. Efficiency units shall have a minimum floor area of 400 square feet.
 - C. Skilled nursing and memory care centers shall be regulated according to Section 4.5.3.
6. Dwellings in the building shall be accessed by a secure entrance dedicated for the exclusive use of building residents and guests.
7. The Planning Commission shall use the requirements of Sections 5.5, 5.6, 5.7, and 5.9 of this Zoning Ordinance as a guide to landscaping and buffering requirements but may exercise its discretion on a case-by-case basis in applying them in order to achieve the thoroughly considered objectives of the Zoning Ordinance. The Planning Commission has the authority to require additional landscaping, screening and buffering to eliminate negative impacts on nearby properties.
8. Expansion criteria shall be approved on a case-by-case basis at the time of Site Plan review.
9. Signage shall comply with the requirements of Article 6 of this Zoning Ordinance.
10. The Planning Commission and City Council has the authority to require traffic, environmental, and other reports that aid in a decision.

4.6.5 *Application and Review Procedure.* The following application and review procedure will be followed:

1. *Application Requirement.* Applications for adaptive reuse authorized by this Section shall be submitted to the zoning administrator in compliance with the requirements of the Ordinance regulating Site Plans in Sections 9.1.3 and 9.1.4.
2. *Phased Approvals Require Master Plan.* An applicant may propose a phased approach in its application for adaptive reuse; however, such application shall include a master plan indicating how phasing will accomplish completion of the project.
3. *Public Notice.* When the Zoning Administrator receives an application for a special approval use, public notice shall be provided as specified in Section 3.11 of this Zoning Ordinance.
4. *Public Hearing.* A public hearing with public notification shall be held by the Planning Commission.
5. *Planning Commission Action.* Upon receipt of a site plan, the Planning Commission shall review it at a regularly scheduled meeting and either recommend approval; approval with conditions; denial; or shall table the site plan with stipulations as to further information required from the applicant prior to a decision being made at a subsequent meeting. The Planning Commission shall make a written statement of findings and conclusions relative to the special approval use that specifies the basis for the decision and any conditions imposed.
6. *Basis of Determination for Adaptive Reuse.* The Planning Commission shall review and evaluate the proposed adaptive reuse consistent with the provisions of the Ordinance regulating Site Plans in Sections 9.1.2 and 9.1.5.
7. *Basis of Determination for Special Land Use.* The Planning Commission shall review the proposed special approval using the standards adopted within this article and shall establish that such use and the proposed location:
 - A. Will be harmonious and in accordance with the general objectives or any specific objectives of the Master Plan of Land Use.
 - B. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the area.
 - C. Will not be hazardous or disturbing to existing or future nearby uses.
 - D. Will be an improvement in relation to property in the immediate vicinity and to the community as a whole.
 - E. Will be served adequately by essential public services and facilities or that the persons responsible for the establishment of the proposed use will provide adequately any such service or facility.
 - F. Will not create excessive additional public costs and will not be detrimental to the economic welfare of the community.
 - G. Will be consistent with the intent and purpose of this article.
8. *City Council Approval.* The City Council shall review the recommendation of the Planning Commission at a regularly scheduled meeting of the City Council. The City Council may impose such additional conditions and safeguards as recommended by the Planning Commission and/or other conditions deemed necessary for the general health, safety, and welfare of the City of St Clair, for the protection of individual property rights and for ensuring that the general spirit and purpose of the Ordinance and the District in which the special approval use is proposed, will be observed.

9. *Effect of Approval.* Any approval given by the City Council shall remain in effect in as specified in section 9.1.6 of the ordinance regulating Site Plan approvals.

(Ord. No. 2019-04, § 1, 8-19-19; Ord. No. 2021-04 , § 1, 6-7-21)

ARTICLE 5. GENERAL PROVISIONS

Section 5.1. Purpose.

In addition to the preceding district regulations relating to special use permits, the provisions of this chapter shall be subject to the modifications, additions, exceptions, or limitations as provided by the supplementary regulations specified in this article.

Section 5.2. Accessory buildings and uses.

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

5.2.1. *Limitations.* By definition an accessory building is clearly incidental to the principle building housing the main use; therefore a Building Permit shall not be issued for an accessory building prior to the issuance of a building permit for the main or principal building, and no rough framing of any accessory building shall begin until the rough framing of the principal building has been completed. Accessory buildings can be constructed prior to the construction of the main structure where site plan review and approval has been obtained from the Planning Commission. For the purposes of this ordinance, gazebos, trellises, play structures and other similar structures, not exceeding 120 square feet, shall not be considered accessory structures.

A building permit may be issued for an accessory structure only when it is found to be in compliance with all requirements of this ordinance including the following:

- A. The proposed structure is in compliance with all the requirements found in the Schedule of Accessory Structures.
- B. The proposed use is commonly accepted as accessory to the use of the district in which it is located. Accessory structures located in the residential districts shall be used only for storage of items or equipment considered customary or domestic by the Zoning Administrator.
- C. It shall not be constructed as a habitable space with kitchen or toilet facilities, nor shall it be occupied.
- D. Exterior access to a second story or loft area shall not be permitted.
- E. All accessory structures over 120 sq. ft. will be required to provide a minimum 24" rat-wall. A minimum 4" thick concrete slab floor will also be required where gas or oil or machinery is stored.
- F. Acceptable material for accessory/storage structures are concrete, masonry, wood, and metals. Tents, plastic, membrane or other temporary structures are not acceptable.

5.2.2. *Attached Structures.* Where the accessory building is structurally attached to a main building, it must conform to all the regulations of this Ordinance applicable to the main buildings. It may be connected to the principal building by a roofed porch, breeze way, or similar structure.

5.2.3. *Size.* An accessory building shall not exceed the limitations found in the Schedule of Accessory Structures:

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- A. In no instance shall the accessory building exceed the floor area of the main building.

5.2.4. *Location.* Accessory buildings shall be located only as listed below and in the Schedule of Accessory Structures Chart

- A. All attached accessory buildings shall meet the front and side yard setback requirements of the main building. On a corner lot in any residential district, no accessory building shall be located nearer to the side street lot line than the minimum required side yard setback of the principal building on said lot.
- B. All detached accessory buildings shall meet the front and side yard setback requirements listed for accessory structures in the Schedule of Accessory Structures Chart. Where detached accessory buildings are located completely to the rear of the principal building, the side yard abutting a street shall not be less than ten (10) feet when there is a common rear yard. In the case of a rear yard abutting a side yard of an adjacent lot, the side yard abutting a street shall not be less than twenty-five feet.
- C. An accessory building shall not be located closer than five (5') feet to any separate building or structure.
- D. In the case of lots with double street frontage, accessory buildings shall observe front yard setback requirements on both street frontages whenever there is a principal building fronting on said streets in the same block or adjacent blocks.
- E. Carports or garages which may be located at the rear of row townhouse or terrace dwellings and apartment buildings, after review and approval by the Planning Commission providing adequate light and air is assured to the dwelling units.
- F. In no instance shall an accessory building be located within a dedicated easement or right of way.

(Ord. No. 2009-01, § 1, 5-18-09)

Section 5.3. Temporary dwellings.

No structure shall be used for dwelling purposes that is not considered a standard dwelling structure as defined in this chapter and in the building code of the City. No garage or other accessory building, trailer, cabin, basement, partial structure, or other temporary structure, whether of a fixed or portable construction, shall be erected or moved onto a lot and used for any dwelling purposes for any length of time unless authorized by the issuance by the Board of Appeals of a temporary permit as provided in this chapter.

Section 5.4. Essential services.

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

Section 5.5. Walls and screens.

5.5.1. Within a Residential District:

- A. When permitted, all exposed horizontal and vertical structural members of a fence shall be located facing the inside of the property they are intended to fence.
- B. Within the limits of the front yard space, ornamental fencing or screening shall be permitted provided it does not exceed four (4) feet in height.

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- C. Within the limits of a side or rear yard, a fence, wall or screen shall not exceed six (6) feet in height.
- 5.5.2. In a commercial, industrial, or research office district, no fence, wall, or other screening structure shall exceed twelve (12) feet in height.
- 5.5.3. Barbed wire, spikes, nails, or any other sharp point or instrument of any kind on top or on the sides of any fence, electric current, or charge in said fences is prohibited. Barbed wire cradles may be placed on top of fences enclosing public utility buildings or wherever deemed necessary in the interests of public safety.

Section 5.6. Buffers between conflicting land uses.

- 5.6.1. Upon any improvement, including a structural or use expansion, of property within a zoning classification of OS, C-1, C-2, M-1, M-2, or any non-residential special use, an obscuring wall shall be constructed to create a visual screen along all adjoining boundaries of property zoned or used for single-family, two-family or multiple-family residential. This same requirement shall apply to property zoned R-3 along all adjoining boundaries of property zoned or used for single-family residential.
- 5.6.2. A required screening wall shall be six (6) feet in height as measured on the side of the proposed wall having the higher grade, and shall be constructed on both sides with: face brick; poured-in-place face brick; pre-cast brick face panels having simulated face brick; or stone. In lieu of a required screening wall, the developers may request from the Planning Commission the construction of a landscape buffer in accordance with the standards of this section and 5.6.3 or a combination screen wall and landscaping in accordance with this section and 5.6.4.
- 5.6.3. Landscape Buffer: The landscape buffer shall be constructed as follows:
- A. A strip of land a minimum of fifteen (15) feet in width located between the residential use and the conflicting land uses(s).
 - B. One (1) tree for each thirty (30) feet lineal, or fraction thereof, located between the residential use and adjacent conflicting land use(s), located so as not to create a vehicular sight-distance obstruction.
 - C. Between conflicting land uses, a hedge or other plant material barrier, wall, berm, or any combination of these landscape elements shall be planted to form a continuous screen at least six (6) feet in height at all points. If a non-living barrier is used, livingplant material will be required on both sides of the screen. The screen shall be located so as not to create a vehicular sight-distance obstruction and shall be a minimum of twenty (20) feet from driveway intersections.
 - D. Grass ground cover, gravel, or wood chips shall be established and maintained on all portions of the required landscape strip not occupied by any other landscape material.
 - E. The landscape buffer shall be planted in such a manner as to provide a minimum opacity (visual restriction) of 80 percent in summer and 60 percent in winter.
 - F. A minimum landscape strip of ten (10) feet shall be maintained between roads and interior parking areas or driving lanes.
- 5.6.4. Wall and Landscape Combination: A wall and landscape combination may be constructed in lieu of a solid screen wall or landscape buffer provided the following standards are met.
- A. The screen wall height shall be six (6) feet. Landscape material may achieve a greater height.
 - B. A complete obscuring effect is achieved through design and installation.
 - C. This application is considered a special land use, must be approved by the Planning Commission and is subject to a public hearing.

(Ord. No. 2010-02, § 1, 4-19-10)

Section 5.7. Landscape site plans.

A landscape plan shall be required for sites containing more than twenty (20) parking spaces. The landscape plan shall be reviewed and approved by the Planning Commission prior to issuance of a building permit. The plan shall include, but not necessarily be limited to, the following items:

- 5.7.1. Location, spacing, size and root type (bare root (BR); balled and burlapped (BB); or container plant materials; and descriptions for each plant type proposed for use within the required landscape area.
- 5.7.2. Minimum scale - 1" = 60'
- 5.7.3. Significant construction details to resolve specific site conditions, such as tree wells to preserve existing trees or culverts to maintain natural drainage patterns.
- 5.7.4. North arrow.

(Ord. No. 2016-07, § 1, 5-2-16)

Section 5.8. Maintenance.

The owner of property shall maintain landscaping in a healthy condition, free from refuse and debris. All unhealthy and dead material shall be replaced within one year or the next appropriate planting period. All landscaped areas shall be provided with a readily available and acceptable water supply.

Section 5.9. Landscape design standards.

5.9.1. *Quality*: Plant material and grasses shall be of generally acceptable varieties and species, free of insects and diseases, hardy to St. Clair County, conform to the current minimum standard of the American Association of Nurserymen, and shall have proof of any required governmental regulations and/or inspections.

5.9.2. *Major Plant Types*: The following lists represent plant and landscape materials approved for usage subject to compliance with applicable size and spacing requirements.

- A. Evergreen Trees (minimum 5 ft. in height): Juniper, Douglas-Fir, Hemlock, Fir, Spruce, Pine.
- B. Narrow Evergreens (minimum 3 ft. in height): Column Hinoki Cypress, Pyramidal Red-Cedar, Pyramidal White Pine, Douglas Arbor-Vitae, Blue Columnar Chinese Juniper, Swiss Stone Pine, Irish Yew, Columnar Giant Arbor-Vitae.
- C. Tree-like Shrubs (minimum 4 ft. in height): Flowering Crab, Mountain Ash, Hornbeam, Russian Olive, Redbud, Hawthorn, Dogwood, Rose of Sharon, Magnolia
- D. Large Deciduous Shrubs (minimum 6 ft. in height): Honeysuckle, Forsythia, Cottoneaster, Privet, Viburnum, Lilac, Hazelnut, Buckthorn, Mock-Orange, Ninebark, Euonymus, Sumac
- E. Large Deciduous Trees (minimum 8 ft. in height): Oak, Birch, Sweet-Gum, Linden, Hard Maple, Planetree (Sycamore), Beech, Hop Hornbeam, Hackberry, Ginkgo, Honeylocust, Ash

5.9.3. Parking Areas:

- A. Each separate landscaped area within a parking lot shall be adequately planted and maintained and shall be located in such a manner as to promote the following:
 - 1. Divide and break up the expanse of pavement.
 - 2. Parking areas.

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3. Designate vehicular circulation.
 4. Separate parking lots from adjoining uses.
- B. The minimum landscaped space surrounding parking areas shall be fifty (50) square feet per parking space. Right-of-way areas and retention ponds shall not be included within the required landscape area. For parking lots containing over fifty (50) spaces, there shall be one (1) tree for every ten (10) parking spaces in all areas submitted for site plan review.
 - C. A minimum of three (3) feet shall be established from the backside of the curb or planting edge to the center of the trunk of the proposed tree or shrub. Narrow strips of landscaping incorporated within parking lots should contain sufficient landscaping and landscape buffering to soften large expanses of paved or gravel surfaces.

5.9.4. *Landscape Design Standards. Underground Irrigation.* Areas of a site not hard-surfaced shall be irrigated by an automatic system at a frequency to maintain tree, shrub, and plant health.

(Ord. No. 2018-04, § 1, 4-2-18)

Section 5.10. Intersection visibility.

No fence, wall, hedge, screen, sign, or other structure or planting shall be higher than three (3) feet, measured above the center line of either street or pavement, on any corner lot in any residential or business district requiring front and side yards within the triangular area formed by the intersecting street right-of-way lines and a straight line joining the two (2) street lines at points which are thirty (30) feet distant from the point of intersection, measured along the street right-of-way line. Trees may be planted in this triangular area, provided that the lowest foliage is twelve (12) feet or higher from the ground.

Section 5.11. Street access.

Any one lot of record created before the effective date of this chapter without any frontage on a street shall not be occupied without access to a street provided by an easement or other right-of-way no less than twenty (20) feet wide. No more than one lot may be served by each such access route.

Section 5.12. Unsafe buildings.

Nothing in this chapter shall prevent compliance with an order by the Code Enforcement Officer to correct, improve, or strengthen or restore to a safe condition any building or any part of a building declared to be unsafe.

Section 5.13. One lot, one building.

In all R-1, R-1A and R-2 residential districts, only one (1) principal building shall be placed on a single lot of record.

Section 5.14. Grading plan.

The following regulations are adopted with the intent of insuring site drainage problems are mitigated through proper planning and review of current and proposed elevations for all new single and two family dwellings prior to issuance of building permits and certificates of occupancy.

- 5.14.1. Prior to issuance of any Building Permits the Zoning Administrator shall obtain, at no expense to the City, a grading plan to be reviewed by the City Engineer for all new single and two family dwellings

to be constructed on a lot abutting a currently developed lot. A filing fee established by the City Council shall be paid by the applicant at the time of application.

- 5.14.2. The site plan submitted shall contain, at a minimum, the following information: existing and proposed elevations for the lot and proposed structures (elevations to be based on National Flood Insurance Program if within an indicated flood area), including basement; existing elevations for the abutting street; existing elevations for the abutting lots on all sides and the elevation of the structures on the abutting lots; any additional information necessary to determine the adequacy of proposed drainage plans and systems.
- 5.14.3. Site plan shall be compiled by a licensed surveyor or professional engineer.
- 5.14.4. Prior to issuance of a certificate of occupancy the applicant shall have the building location and elevation verified by the surveyor or engineer responsible for the original site plan and notify the Zoning Administrator in writing of this verification.
- 5.14.5. If potential drainage problems or variations in proposed and final elevations, beyond four-tenths of a foot on structure grade and two-tenths of a foot on yard grade, are found during this review, the building permit applicant will be held responsible for making necessary improvements prior to the issuing of a certificate of occupancy.

Section 5.15. Buildings to be moved.

No permit shall be granted for the moving of buildings or structures from without or within the limits of the City to be placed on property within said limits unless the Code Enforcement Officer shall have made an inspection of the building to be moved and has found that it is structurally safe, will not adversely affect the character of existing buildings in the neighborhood of the new location and will fully comply with the Building Code and other codes regulating the health, safety, and general welfare. A performance bond as established by the City Council of sufficient amount to insure cost of completing building for occupancy within a period of not less than six (6) months from date of permit shall be furnished before permit is issued.

- 5.15.1. Any building moved within a district and placed upon a foundation or any building moved into a district from without shall be considered a new building and be subject to all the limitations and requirements herein set forth relating to uses, construction, permits, and certificates.

Section 5.16. Dwellings in non-residential districts.

No residential dwelling shall be erected in a non-residential zoning district. However, the sleeping quarters of a watchman or caretaker may be permitted by the Planning Commission as a special approval use.

Section 5.17. Side yard reduction.

For residential lots adjoining an alley in the same subdivision, the least width of a required side yard may be measured to the center line of that alley, provided that no building shall be erected any closer than three (3) feet to the nearer alley right-of-way line.

Section 5.18. Rear yard reduction.

When a lot of record in any residential district has a depth of less than one hundred fifteen (115) feet prior to the effective date of this chapter, the rear yard of the lot may be reduced one-quarter ($\frac{1}{4}$) of the distance the lot depth is less than one hundred fifteen (115) feet, provided that no rear yard shall be less than twenty (20) feet in depth. Measurements of the depth of the rear yard of a lot in a residential district may be made in the center line of an alley upon which the lot abuts for its full width, provided the alley is in the same subdivision.

Section 5.19. Yard encroachments permitted.

5.19.1. Paved terraces and patios shall be permitted to encroach upon the required yard area provided:

- A. The paved area is unroofed and without walls, parapets, or other forms of solid, continuous enclosure that so link the paved area to the principal building that an enclosed area is formed, appearing functionally a part of the principal building;
- B. The highest finished elevation of the paved area is not over three (3) feet above the average surroundings finished ground grade;
- C. No portion of the paved area is closer than four (4) feet from any lot line.

The paved areas may have an open railing or fence not over three (3) feet high, and may have non-continuous windbreak or visual screen fences or walls not over six (6) feet high and not enclosing more than one-half of the perimeter of the paved area.

5.19.2. Unenclosed porches, roofed or unroofed, may project into a required yard area a distance not to exceed eight (8) feet, provided:

- A. The porch is unenclosed, no higher than one story, and is erected on piers;
- B. The porch shall not be closer than four (4) feet at any point to any lot line;
- C. That no building shall have more than one (1) porch in any one yard.

5.19.3. Enclosed porches, either one-story, two-story, or an unenclosed porch having solid foundations and capable of being enclosed, shall be considered an integral part of the building and shall, therefore, be subject to all yard and area dimensional requirements established for principal buildings.

5.19.4. Special structural elements such as cornices, sills, belt-courses, chimneys, gutters, eaves, pilasters, and similar structural features, may project into any yard area up to a maximum of two and one-half (2½) feet.

5.19.5. Bays, including attached eaves, cornices, and gutters may project into any required yard area up to a maximum of three (3) feet, provided that the sum of such projections on any wall does not exceed one-third (⅓) the length of the wall.

5.19.6. Fire escapes, outside stairways, and balconies, if of open construction, may project into any one required yard up to a maximum of four and one-half (4½) feet.

Section 5.20. Supplementary height regulations.

5.20.1 The following structural appurtenances shall be permitted to exceed the height limitation for authorized uses in any district as allowed by this ordinance.

- A. Those purely ornamental in purpose such as church, spire, belfry, domes, cupolas, ornamental towers, flag poles, and monuments.
- B. Those necessary to mechanical or structural functions such as chimneys, smoke stacks, water tanks, elevator and stairway penthouses, ventilators, bulkheads, aerials, and antennae, electronic devices, heating and cooling units and fire towers.
- C. Those necessary for proper building design such as cornices and parapet walls which shall not exceed the height limitation by more than five (5) feet and shall have no window openings.
- D. Commercial Broadcast Radio, Television and Cellular Telephone Towers subject to the following regulations:

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1. *Setback.* The tower shall be setback from all property lines and adjacent rights-of-way not less than one and a half (1.5) times the total height of each tower as measured from the ground level.
 2. *Fencing.* An open weave wire fence at least six (6) feet in height shall be constructed and set away from the base of the tower at least ten (10) feet in all directions.
 3. *Structural Integrity and Inspection.* The City Superintendent or his designee may require periodic inspections of towers to ensure structural integrity. Such inspection may be required as follows:
 - a. Monopole towers at least once every ten (10) years.
 - b. Self-support at least once every five (5) years.
 - c. Guide towers - not allowed.

Inspections shall be conducted by a certified testing agency or by an engineer or architect licensed by the State of Michigan. The results of such inspections shall be provided to the city and based upon results of such inspection, the city may require repair or removal of the tower.

4. *Equipment Facilities and Accessory Uses.* These facilities may not include offices, long term vehicle storage, or outdoor storage or broadcast studios except for emergency purposes, or other uses that are not needed to send or receive transmissions.
 5. *Lighting and Security.* When lighting is required and permitted by the Federal Aviation Administration or other Federal or State authorities, it shall be oriented so as not to project onto surrounding residential property. Prior to site plan review and approval, the applicant shall provide documentation that the proposed communication tower has been reviewed and is not determined to be a hazard to the FFA.
 6. *Abandonment.* Any such tower standing unused for six months or more may be required to be removed at the expense of the owner.
 7. *Soil Testing.* Soil borings shall be conducted by a registered professional engineer, who shall provide written evidence that soil conditions will provide sufficient stability for erection of the tower or antenna.
 8. *Co Locations.* Applicants shall design sites and towers to accommodate future co-locations for at least a minimum of four (4) platforms (and the antennas (thereon) and associated accessory buildings, and shall make the tower available for use by public service agencies, provided that public service agency equipment mounted on the tower does not adversely affect any existing equipment and mounting public service agency equipment is technologically possible.
 9. *Equipment Facilities and Accessory Uses/Landscaping/Fencing.* For wireless facilities subject to special use applications, a site plan shall also include a detailed landscape plan. The purpose of landscaping is to provide screening and aesthetic enhancement for the structure base, accessory buildings and enclosure. In all cases, fencing of a minimum of six (6) feet in height shall be required for protection of the support structure and security from children and other persons who may otherwise access facilities.
- 5.20.2. The foregoing permitted exceptions may be authorized only when the following conditions are satisfied:
- A. No portion of any building or structure permitted as an exception to a height limitation shall be used for human occupancy or commercial purposes.
 - B. Any structure permitted as an exception to a height limitation shall be erected no higher than such height as may be necessary to accomplish the purpose for which it is intended to serve.
 - C. Structures permitted as exceptions to height limitations shall not occupy more than twenty (20) percent of the gross roof area of any building upon which they may be located.

Section 5.21. Unsafe buildings.

Nothing within this Ordinance shall be construed to prevent compliance with an order by the appropriate authority to correct, improve, strengthen, or restore to a safe or healthy condition, any part of a building or premises declared unsafe or unhealthy.

Section 5.22. Structural damage.

Any structure or building which may be in whole or in part destroyed by fire, windstorm, or other such cause, if rebuilt, shall be rebuilt in accordance with this Ordinance and other pertinent codes and ordinances or shall be restored to a safe and healthy condition with all debris removed from the site within ninety (90) days from the occurrence of such damage.

Section 5.23. Trash.

Trash containers in all zoning districts other than single-family shall be screened on four (4) sides with an opaque fence or wall at least as high as the trash container and shall be constructed of material which is compatible with the architectural materials used in the site development. Gates which provide access to the container for maintenance shall be made of an opaque material also compatible with the architectural materials used in the site development. The location of the dumpster or other trash container unless specific exception is provided by the Planning Commission, shall be fifteen (15) feet from any off-site building or lot line. The container shall not constitute a hazard and shall not be within the required yard setbacks of that zoning district. The Commission may further require internal storage and/or the use of trash compactors where, in the determination of the Commission, the public health, safety, and welfare is served.

Section 5.24. Single family dwellings and certain mobile homes.

No single-family dwelling, mobile home, modular housing, or prefabricated housing located outside a mobile home park or mobile home subdivision shall be permitted unless said dwelling unit conforms to the following standards:

- 5.24.1. *Square Footage.* Each such dwelling unit shall comply with the minimum square footage requirements of this ordinance for the zone in which it is located.
- 5.24.2. *Dimensions.* Each such dwelling unit shall have a minimum width across any front, side, or rear elevation of twenty (20) ft. and shall comply in all respects with the Michigan State Construction Code Commission, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed by the Michigan State Construction Code Commission, then and in that event such federal or state standard or regulation shall apply.
- 5.24.3. *Foundation.* Each such dwelling unit shall be firmly attached to a permanent foundation constructed on the site in accordance with the Michigan State Construction Code Commission 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 code for single-family dwellings. In the event that the dwelling is a mobile home, the mobile home shall be securely anchored to the foundation in order to prevent displacement during windstorms.

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- 5.24.4. *Undercarriage.* In the event that such dwelling unit shall be a mobile home as defined herein, each such mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage, or chassis.
- 5.24.5. *Sewage Disposal or Water Supply.* Each such dwelling unit shall be connected to a public sewer and water supply or to such private facilities approved by the local health department.
- 5.24.6. *Storage Area.* Each such dwelling unit shall contain a storage capability area either in a basement located under the dwelling, in an attic area, or in a separate or attached structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to 10 percent of the square footage of the dwelling or 100 sq. ft., whichever shall be less.
- 5.24.7. *Architecture.* In the event that such dwelling unit shall be a mobile home as defined herein, each such mobile home shall be aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof overhang of not less than six inches on all sides, or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling; has not less than two (2) exterior doors with the second one being in either the rear or side of the dwelling; and contains steps connected to said exterior door areas or to porches connected to said door areas where a difference in elevation requires the same.
- 5.24.8. *Compatibility Determination.* The compatibility of design and appearance shall be determined in the first instance by the City Zoning Administrator. Any determination of compatibility shall be based upon the character, design, and appearance of one or more residential dwellings located outside of mobile home parks and within 2,000 ft. of the subject dwelling. At least 20 percent of the homes within the neighboring area shall be used for compatibility determination. Where said area is not so developed, the character, design, and appearance of one or more residential dwellings located outside of mobile home parks throughout the City shall be examined. 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.
- 5.24.9. *Additions.* Each such dwelling unit shall contain no addition or room or other area which is 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.
- 5.24.10. *Code Compliance.* Each such dwelling unit shall comply with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus, and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
- 5.24.11. *Building Permit.* All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable Michigan State Construction Code provisions and requirements.
- 5.24.12. *Exceptions.* 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 this Ordinance and pertaining to such parks. Mobile homes which do not conform to the standards of this section shall not be used for dwelling purposes within the City unless located within a mobile home park or a mobile home subdivision district for such uses, or unless used as a temporary residence as otherwise provided in this Ordinance.

Section 5.25. Home occupations.

Home occupations which are clearly incidental to the principal residential use are permitted in any residential district. Typical home occupations include hairdressing, accounting, home truck gardening, real estate and insurance sales, appliance and motor repair, and professional offices. Home occupations shall be permitted for the sale of services while the on-premise sale of products shall not be permitted. The following conditions for home occupations shall be met.

- 5.25.1. The occupation shall utilize no more than twenty-five (25) percent of the total gross floor area of any one (1) story of the residential structure so used.
- 5.25.2. The home occupation shall involve no employees other than members of the immediate family residing on the premises.
- 5.25.3. All home occupation activities shall be conducted indoors, except gardening.
- 5.25.4. No structural alterations or additions which will alter the residential character of the structure shall be permitted to accommodate a home occupation.
- 5.25.5. Only customary domestic or household equipment, or equipment judged by the Zoning Administrator not to be injurious or a nuisance to the surrounding neighborhood shall be permitted.
- 5.25.6. There shall be no external evidence of such occupations except a small announcement sign as specified by Article VI of this Ordinance.
- 5.25.7. No commodity or product shall be sold on the premises in connection with a home occupation. The provision shall not apply to arts and crafts produced entirely within the home.
- 5.25.8. No home occupation shall be permitted which is injurious to the general character of the residential district and which creates a congested or otherwise hazardous traffic or parking condition.
- 5.25.9. All home occupations shall be licensed in accordance with Chapter 11, Article 2 of the St. Clair City Code.

Section 5.26. Bed & breakfast accommodations.

Bed and breakfast facilities are allowed in selected residential zoning districts, provided the following conditions are met:

- 5.26.1. Any such use shall be reviewed by the Planning Commission as a special approval use (Section 3.4). The Planning Commission shall find that at least the following conditions are met before approving the use:
 - A. Not more than twenty-five (25) percent of the total floor area of the dwelling unit shall be used for bed and breakfast sleeping rooms.
 - B. There shall be no separate cooking facilities used for bed and breakfast stay.
 - C. No sign larger than two (2) square feet identifying the bed and breakfast shall be permitted.
 - D. One (1) parking space shall be provided off-street in the interior side yard or rear yard area for each occupant room.
 - E. Such off-street parking shall meet the design and layout requirements of Article VIII.
 - F. No transient occupant shall reside on premises for more than fourteen (14) consecutive days and not more than thirty (30) days in any one year.

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- G. All such facilities shall comply with all applicable local, county, and state building, occupant living area, plumbing, electrical, mechanical, fire, and health codes.

Section 5.27. Swimming pools.

All swimming pools erected in the City shall comply with the following requirements:

- 5.27.1. *Application.* The application for a building permit to erect a swimming pool shall include the name of the owner, the manner of supervision of pool, a plot plan and location of adjacent buildings, fencing, gates, public utilities, specifications, and plans to scale of pool walls, slope, bottom, walkway, and diving boards, type and rating of auxiliary equipment, piping and valve layout, and any other detailed information affecting construction and safety features deemed necessary by the building inspector.
- 5.27.2. *Pool Location.* Minimum side yard setback shall comply with the provisions of the district. Furthermore, the pool fence must not be built within the required front yard or required corner lot side yard. Rear yard setback shall not be less than six (6) feet between the pool outside wall and the rear property line, or less than the established easement width at the rear property line, or less than six (6) feet between pool wall and any building on the lot.
- 5.27.3. *Fence.* For the protection of the general public, all swimming pools shall be completely enclosed by a fence of a type described in Section 5.5 not less than four (4) feet in height at least six (6) feet from the outside wall of the pool, except in the following cases:
 - A. If the rear yard is completely fenced in accordance with Section 5.5 of the Zoning Ordinance a fence six (6) feet from the pool will not be required; and
 - B. If a pool is so constructed that the platform around the pool is at least four (4) feet above ground and has an enclosure around the platform, no additional fencing will be required.
- 5.27.4. *Openings.* All openings in any pool fences or yard fences around a pool shall be equipped with a self-closing, self-latching gate which shall be securely locked with a tamper proof lock when the pool is not in use.

Section 5.28. Waterfront lots.

All waterfront lots within the City shall comply with the following regulations:

- 5.28.1. In all single family and two family residential zoning districts, a minimum yard setback shall also be established along the river, for all lots that have frontage on either the Pine River or the St. Clair River. The minimum yard setback shall be established by rendering a straight line between the adjacent dwellings from the two corners that are nearest the river and closest to the proposed construction. If either adjacent lot is unimproved, then the dwelling on the next improved lot having river frontage shall be used. In the event that the proposed dwelling does not exceed one story, and the average elevation of the top of the foundation of either of the adjacent dwellings is more than ten (10) feet above the elevation of the top of the foundation of the proposed construction, then the dwelling on the next improved river frontage lot whose elevation is less than ten (10) feet, as measured above, shall be used.
- 5.28.2. Chain link fence not exceeding four (4) feet in height shall be permitted in the required yard abutting the river in accordance with other provisions of this Zoning Ordinance. Decks, unenclosed porches, balconies and patios shall be permitted to project in the required yard abutting the river after review and approval of such projects by the Planning Commission. Approval shall be granted to such

improvements which do not unreasonably impair the access of adjacent dwellings to light and air, or to a view of the river.

Section 5.29. Condominium development standards.

All condominiums or site condominiums shall comply with the following regulations:

- 5.29.1. *Condominium Site Plan Review.* A site plan must be submitted to the Planning Commission showing all buildings, parking areas, recreation areas, limited common elements, general common elements, and landscaping on a scale sufficient to permit study of all elements of the plan. The site plan shall be in compliance with Article 9 of this Ordinance and shall include:
- A. The name, address and telephone number of:
 - 1. All persons, firms or corporations with an ownership interest in the land on which the condominium project will be located together with a description of the nature of each entity's interest (for example, fee owner, optionee, or land contract vendee).
 - 2. All engineers, attorneys, architects or registered land surveyors associated with the project.
 - 3. The developer or proprietor of the condominium project.
 - B. The legal description of the land on which the condominium project will be developed together with tax identification numbers.
 - C. The acreage content of the land on which the condominium project will be developed (acreage to be dedicated as public right-of-way shall be noted).
 - D. The purpose of the project (for example, residential, commercial, industrial, etc.)
 - E. Approximate number of condominium units to be developed on the subject parcel.
 - F. Preliminary plans for a community water system.
 - G. Preliminary plans for a community sewer system.
 - H. A flood plain plan, when appropriate.
 - I. A site plan showing the location, area and dimensions of all building envelopes, building sites (limited commons area, and general commons areas), roads, driveways, landscaping, and recreational facilities.
 - J. A utility plan showing all sanitary sewer, water, and storm sewer lines and easements granted to the City for installation, repair and maintenance of all utilities.
 - K. Storm water management plan, including all lines, swales, drains, basins, and other facilities including appropriate documentation as well as existing and proposed topographic features.
 - L. All natural areas including trees and wetlands to be preserved or modified shall be indicated on the submitted site plan.
- 5.29.2. *Streets and Utilities.*
- A. All streets to be dedicated to the public shall be constructed to the specifications of the City of St. Clair.
 - B. Utilities, including sanitary sewers, shall be constructed in accordance with existing City and public utility requirements and to the specifications of the City of St. Clair. All utilities, except essential services, shall be placed underground.

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- 5.29.3. *Phased Development.* Condominium projects may be constructed in phases. However, any phased plan shall show the total proposed with phases clearly identified. Building permits for a phase thereof will not be issued until all streets and utilities have been constructed for that phase.
- 5.29.4. *Setbacks and Lot Areas.* All condominium or site condominium projects shall conform to the pertinent zoning district schedule of regulations except as otherwise noted. Setbacks and minimum lot areas for a single family detached site condominium shall be measured from the perimeter boundary of the building site property line.
- 5.29.5. *Conformance with Subdivision Regulations.* All condominium project plans shall conform to the design, layout and improvements standards and all other requirements as established by the City of St. Clair.
- 5.29.6. *Water and Waste Water.* The condominium project shall comply with and meet all federal, state and county standards for a fresh water system and waste water disposal.
- 5.29.7. *Expansion and Conversion.* Prior to expansion or conversion of a condominium project to additional land, any new phase must be approved by the Planning Commission.
- 5.29.8. *Master Deed.* The project developer shall furnish the Zoning Administrator with copies of the proposed consolidated Master Deed, bylaws, and proposed plans. The proposed plans shall be reviewed for compliance with the City Code of Ordinances. Fees for this review shall be established from time to time by the City Commission.
- 5.29.9. *As-Built Plan and Occupancy.* Submission of an as-built plan of a condominium unit is required prior to occupancy. The zoning administrator may allow occupancy of the project before all improvements required are installed provided that a bond is submitted to the City Clerk, sufficient in amount and type to provide for the installation of improvements before the expiration of the temporary occupancy permit without expense to the City. The amount of the bond shall be determined by the City Engineer.
- 5.29.10. *Final Bylaws, Consolidated Master Deed and Site Plan.* Upon approval of the development, a final copy of the bylaws and Consolidated Master Deed shall be furnished to the City. The final site plan shall be provided on a mylar sheet of at least 24 inches by 36 inches.
- 5.29.11. *Compliance with other Statutes and Ordinances.* All condominium projects shall comply with federal state and local laws, statutes and ordinances.
- 5.29.12. *Procedures.* The proprietor shall submit a site plan to the Planning Commission as required under Article 9 of the Ordinance. The Planning Commission will act on the site plan either approving or disapproving the plan. An approved Site Plan will regulate development of the property unless otherwise notified by the Planning Commission.

Section 5.30. Livestock or farm animals.

Raising of livestock or farm animals in the R-1 and R-1A districts shall conform at least to the following regulations:

- A. A parcel may be used, and a building or structure located thereon for the raising or keeping of livestock or farm animals whether for profit or pleasure upon a lot having an area not less than three (3) acres.
- B. Up to two (2) animals on the first three (3) acres are allowed and it is required to provide an additional one (1) acre for each animal thereafter.
- C. There shall be no limit in the number of livestock on a lot having ten (10) or more acres.

Section 5.31. Satellite antenna receivers.

Satellite antennae shall be located only in the side or rear yard of any lot or on the roof of a principal or accessory structure or on a pole next to such structure or attached to such structure. A roof or pole mounted antenna shall not exceed by more than ten (10) feet the height established for the zoning district in which located. No satellite antenna shall be located in a front yard nor shall it exceed a diameter of twelve (12) feet.

Section 5.32. Drains and drainage.

- 5.32.1. No person may alter, divert or block, or cause to be altered, diverted, or blocked, any drain, drainage course, ditch, watercourse, or body of water, whether natural or artificial, public or private, which causes or which is likely to cause an increase in the runoff of water onto adjacent properties, beyond that which would occur without the proposed action, without first obtaining a Zoning Compliance Permit from the Zoning Administrator.
- 5.32.2. All applications for permits under this section shall be accompanied by a written description of the proposed action, the reason for the proposed action, a plan drawn to scale showing the existing and proposed drainage patterns, and payment of the required inspection fee.
- 5.32.3. All plans submitted, except those in connection with single-family dwellings, two family dwellings, or farm buildings, shall be prepared by a licensed professional engineer or surveyor.
- 5.32.4. Prior to the issuance of a permit, the Zoning Administrator shall examine the application and plan, make a site inspection of the property involved and make a determination that the proposed action will not cause an increase in the runoff or flow of water onto adjacent properties beyond that which would occur without the proposed action.

Official Flood Hazard Boundary and Flood Insurance Rate maps as prepared by the Federal Insurance Administration, and other available and applicable sources of information regarding drainage patterns shall be utilized in making the determination. In cases where an engineered plan would not normally be required, the Zoning Administrator may nevertheless require a plan, prepared by a registered professional engineer to be submitted if the Zoning Administrator deems such information essential in making a determination.

- 5.32.5. Upon completion of the proposed action, the Zoning Administrator shall make an additional visit to the site and make a determination that the proposed action was completed in accordance with the terms of the permit and, if satisfactory, shall issue a Certificate of Completion.
- 5.32.6. In no case shall a Zoning Compliance Permit or Certificate of Completion be issued when, in the opinion of the Zoning Administrator, the proposed action is likely to cause, or the completed action causes, an increase in the runoff or flow of water onto adjacent properties beyond that which would occur without the proposed or completed action.
- 5.32.7. In cases involving official county drains, sole jurisdiction shall rest with the County Drain Commissioner.
- 5.32.8. In cases involving county road ditches, sole jurisdiction shall rest with the Board of County Road Commissioners.
- 5.32.9. Nothing contained herein shall be construed to prohibit or interfere with the installation or alteration of normal, proper, and generally accepted agricultural drainage methods and systems when part of a bona fide farm.
- 5.32.10. Fees for applications made pursuant to this Section shall be paid at the time of application for a permit. The amount of such fees shall be established by Resolution of the City Council of the City of St. Clair and shall cover the cost of the necessary review and inspections. In cases where it is necessary for a review to be

made by the City Engineer or other City officials or consultants, the applicant shall be required to pay the City such additional reasonable fees as are necessary to conduct and complete said reviews.

Section 5.33. Outdoor storage.

5.33.1. Site Plan Required.

- (a) A site plan shall be submitted to the Planning Commission for review and approval for any outdoor storage as part of a new development in a M-1 or M-2 zoning district or for any change of use or for site changes as required in Article 9, Section 9.1, of an existing M-1 or M-2 zoned industrial facility. No site plan shall be required for any facility lawfully existing as of the date of adoption of this Section 5.33, unless otherwise required by the Zoning Ordinance.
- (b) The site plan must include the following information:
 - 1. Location of proposed storage on the lot
 - 2. Type of materials to be stored
 - 3. Height of stored materials
 - 4. Screening method
- (c) If no storage area is to exist on a site, the statement "No Outdoor Storage is Permitted on This Site" shall be placed on the site plan and shall be a signed certified statement to that effect by the owner.

5.33.2. *Screening.* All storage areas shall be screened from adjoining parcels zoned residential. The minimum screening requirement will be six (6) feet in height, as outlined in Section 5.6 of the City of St. Clair Zoning Ordinance.

5.33.3. Setbacks and Lot Coverage.

- (a) All outdoor storage areas shall comply with existing setback requirements in the City's Zoning Ordinance (Article 4) and the applicable Building and Fire Codes.
- (b) The maximum percentage of lot coverage allowed for structures and storage combined shall be 40%. The amount of storage shall not exceed the square footage of the footprint of the building at grade.
- (c) No storage is allowed in any part of a front yard.

5.33.4. *Surface.* Open storage surfaces shall be constructed of a surface material appropriate to the material being stored and drained to meet city engineering requirements.

5.33.5. *Temporary Storage.* No temporary storage containers, or temporary storage of boats, trailers, recreational vehicles, cars or trucks shall be permitted unless accessory to the use of the facility.

(Ord. No. 2005-04, § 1, 11-7-05; Ord. No. 2006-01, § 1, 3-6-06)

Schedule of Accessory Structures

District	# of Units	Location	Rear/Side Yard Setback	Max. Height Stories/Feet	Max Size Not to Exceed		% of Allowed Rear Yard Coverage for Total of all Accessory Structures	Setback from Other Structures	Ad... Req... or Exc...
					Attached	Detached			

R-1	1 Attached, 1 Detached, 1 Shed or 120 s.f. or less	Side/rear	5/5	1½ story or 16 foot total height	65% of the ground floor area of the main structure	900 sq. ft. or 65% of the ground floor area of the main structure whichever is less	30% of the actual rear yard area for detached accessory structures	5' minimum	A
R-1A, R-2			3/3						B
MD			5/5						C
R-3			10/10						PC review
MHP	1 Detached Shed	rear	3/3	1 story/10	Not Permitted	120 SF			
PUD	PC review		Per District setback requirements	Per PC Review				20' minimum	
OS, C- 1, C-2, M-1, M-2									C
PRPF	Admin review		10/10	1½ story/14	Admin review				C

- A. When any such structure exceeds 25 feet in length, the structure shall be set back one (1) additional foot for every 2 feet it exceeds 25 feet in length from the property line adjacent to any side exceeding 25 feet in length.
- B. The height of the roof ridge of a detached accessory structure may exceed the height limitations listed when the roof pitch is built up to and including the roof pitch of the main structure. It may not however exceed the height or pitch of the roof ridge of the main building.
- C. Attached accessory structures may be permitted to exceed the height limitations listed to conform to the requirements for the main building and in no case may the height of the roof ridge of the accessory structure exceed the height of the roof ridge of the main building.

Section 5.34. Solar panels in a residential zoning district.

Solar panels will be considered accessory uses and shall comply with section 5.2 Accessory buildings and uses and the Schedule of Accessory Structures, in addition to the following standards:

- 5.34.1. Solar panels affixed to a wall or roof shall be mounted parallel to the surface of subject wall or roof. Such panels shall not project greater than 12 inches from the roof or wall surface.
- 5.34.2. A freestanding solar panel is considered a special approval use and must meet the review requirements of section 3.5 of the zoning ordinance. The following additional standards shall be met:
 - A. Prohibited from locating in a side or front yard.
 - B. Area of all free-standing solar panels and accessory buildings and structures shall not exceed the maximum area permitted by the Schedule of Accessory Structures.
 - C. Area of a solar panel is considered the area of the conducting surface.

Section 5.35. Outdoor display and sales.

Outdoor display and sales of merchandise are permitted in the C-2 General Commercial and P, R & PF, Parks, Recreation and Public Facilities, zoning districts; and for legal and non-conforming uses in a residential zoning district subject to the following provisions:

- 5.35.1. Seasonal or permanent outdoor display and sales use shall meet the requirements of this section:
- A. Display and sales area is prohibited in required setback areas.
 - B. A minimum of 50 feet shall be maintained between a display area and a residentially zoned and used property.
 - C. A minimum of five (5) feet of separation shall be maintained from access drives, walks and parking areas.
 - D. Screening meeting the requirement of this ordinance shall be maintained from residentially zoned and used property.
 - E. Off-street parking meeting the requirements of the Zoning Ordinance shall be met.
 - F. Surface pavement and drainage is required and shall meet the engineering standards of the City.
 - G. Storage and sale of bulk unpacked material, equipment and tools are prohibited.
 - H. Tents are permitted provided the height and bulk requirements of the Zoning Ordinance are met.
 - I. The use of outdoor broadcasting, music and similar audio techniques is prohibited.
 - J. The hours of operation shall be limited to 8 am to 9 pm.
 - K. City Council approves the use of all city property.
 - L. The City of St. Clair shall be held harmless from all liability matters relating to the use of City property.
 - M. All applicable federal, state, county and city codes and ordinances are met.
- 5.35.2. Temporary display and sales of merchandise are permitted in the C-1, C-2, P, R & PF and Downtown Redevelopment Districts; on church or civic property; and, for legal non-conforming uses in a residential zoning district. The building official or city superintendent shall find that the following conditions are met prior to issuing approval. Standards for approval shall conform to Section 5.35.1 except for the following modifications:
- A. Display and sales may be permitted in a required front, rear and side setback provided a minimum five (5) feet of separation is maintained from a public or private walk.
 - B. Required screening from residentially zoned or used property may be provided by tent walls. Such walls shall be securely anchored to the grade during duration of the use.
 - C. Temporary display and sales shall be confined to two occasions per year. Each occasion shall not exceed three (3) days.
 - D. The Building Official or City Superintendent may approve an extension of the time restrictions for temporary display and sales in a C-2 or DRD zoning district. The following information shall be required:

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- a. A written description of the requested time extension and activity.
 - b. A sketch plan describing setbacks, tent or canopy floor area and height and other essential dimensions.
 - c. Other support material considered necessary by the Building Official or City Superintendent.

(Ord. No. 2011-02, § 1, 2-21-11)

Editor's note(s)—Section 1 of Ord. No. 2011-02, adopted Feb. 21, 2011, amended the Code by adding provisions designated as App. A, § 5.34. Inasmuch as there were already provisions so designated, the provisions have been redesignated as App. A, § 5.35, at the discretion of the editor.

Section 5.36. Ponds.

Any soil excavation for the purpose of constructing a pond shall be permitted in any district subject to the following standards upon issuance of a zoning permit:

- 5.36.1. The term "pond" as used in this section is defined as any soil excavation, digging, or grading resulting in substantial accumulation or ponding of surface water or pumped water. Ponds of 100 sq. ft. or more will require a zoning permit. Limit one pond per property regardless of size of parcel.
- 5.36.2. No pond is to be located closer than 6 feet to any adjoining or abutting property line or septic field, nor in the front yard excepting a St. Clair river property.
- 5.36.3. The pond shall not have a steeper slope than one (1) to three (3) on all sides for the first six feet from the bank. Ponds shall not exceed 6' in total depth and shall not encompass more than 15% of the rear yard surface area. Ponds of 100 sq. ft. or less with a depth of 2' or less will not require a zoning permit.
- 5.36.4. Ponds deeper than 2' shall require a fence. Fence required for the protection of the general public. Ponds shall be completely enclosed by a type described in Section 5.5 not less than 4' in height at least 6' from the outside slope of the pond.
- 5.36.5. Construction of a pond shall not cause an increase in runoff or drainage to abutting properties beyond that which may have occurred prior to its construction. The zoning administrator shall require that any plan submitted for pond show an adequate method of preventing overflow or water onto adjacent properties. To accomplish this purpose, the zoning administrator may require a spillway leading to any approved drainage way or grassed berm along one or more sides of the pond or both.
- 5.36.6. There shall be a distance of not less than 10 ft. between the outside edge of the pond and any building.
- 5.36.7. Construction of a permitted pond shall be completed within 6 months of the date of issuance of a permit. Extensions may be granted for just cause shown. All areas disturbed during construction of the pond shall be seeded and maintained in good condition to prevent erosion.
- 5.36.8. Ponds are for fish or decorative use only, not for recreational swimming.
- 5.36.9. Appropriate lifesaving equipment such as ring buoys shall be placed near the pond and be easily seen and accessible for use during an emergency. Appropriate warning signs will be provided and maintained.

(Ord. No. 2016-06, § 1, 5-2-16)

Editor's note(s)—Section 1 of Ord. No. 2016-06, adopted May 2, 2016, amended the Code by adding provisions designated as App. A, § 5.34. Inasmuch as there were already provisions so designated, the provisions have been redesignated as App. A, § 5.36, at the discretion of the editor.

Section 5.37. Generator and air conditioning units.

- A. Permanent location. The generator must be permanently located on a concrete slab or prefabricated equivalent or as otherwise regulated by the City's Building, Electrical and Mechanical Codes.
- B. Enclosure; production of sounds; service doors; exhaust gases.
 - 1. The unit and muffler must be enclosed within a sound attenuated cabinet unless the unit itself is designed with sound attenuated elements. The enclosure service doors on the cabinet must be locked to prevent access by unauthorized persons.
 - 2. Sound produced at full load is to be less than 75 dBA at the property line.
 - 3. Sound produced at test and quiet load is to be less than 70 dBA at the property line. A test shall occur not more than one (1) time per week and between the hours of 9 a.m. and 6 p.m. Monday through Friday.
 - 4. Any and all exhaust gases must be in compliance with any applicable emission regulations.
- C. Design standards.
 - 1. Air conditioning unit(s) and generators shall be considered a permitted use when located in the rear yard and the preferred location. However, if no suitable rear yard location is available, the Building Department may permit the air conditioning unit(s) and/or generator(s) to be placed in the side yard, as rearward as practical applicable requirements, as follows, shall be met for any installation.
 - 2. If placed within the side yard, the following shall apply:
 - a. The unit(s) shall be located no closer than five (5) feet from a property line. The Building Department may grant an exception based on proof of a physical hindrance such as existing utility lines or exterior equipment.
 - b. The unit shall not be permitted to be placed directly across from a bedroom on the first floor of the neighboring residence.
- D. Air conditioning unit(s) and generator(s) shall be enclosed with a sound attenuating cabinet as approved by the Building Department.

(Ord. No. 2018-04, § 1, 4-2-18)

Section 5.38. Multiple-family design standards.

- A. Buildings shall generally relate in architectural design to surrounding buildings, improve the visual quality and support property values of the surrounding neighborhood.
 - 1. Provide brick or stone on exterior walls, minimally around the first-floor story.
 - 2. Use porches or other features, such as cornice lines, on buildings.
 - 3. Reflect architectural styles and details, design themes, building materials and colors consistent with surrounding buildings.
- B. Buildings shall avoid long, monotonous, uninterrupted walls or roof planes. Building wall and roofline offsets, including projections and recesses shall be used.

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- C. Uninterrupted building walls greater than 25 feet are prohibited.
 - D. Gable and hipped roofs shall provide overhanging eaves on all sides. Mansard roofs on a one-story building and flat roofs are prohibited.
 - E. Dormers, belvederes, masonry chimneys and other similar elements, are encouraged to add visual interest to the roofline.
 - F. Entrances to buildings shall be defined by architectural elements, such as lintels, pediments, columns, porches, overhangs, railings, balustrades, etc., where appropriate.
 - G. The Planning Commission has the authority to modify the requirements of this section provided the intent of this section is met.

(Ord. No. 2018-04, § 1, 4-2-18; Ord. No. 2018-08, § 1, 7-2-18)

ARTICLE 6. SIGNS

Section 6.1. General provisions.

6.1.1 *Purpose.* It is the purpose of this Chapter to create the legal framework for a comprehensive system of signage in the City, to facilitate the need for businesses to communicate with the citizens of the community and to provide for the balanced need of the protection of the community environment, property values, traffic and pedestrian safety. It is the intent of this Chapter to achieve this purpose through the following objectives:

- A. To protect the general public welfare by controlling the distractions, hazards, and obstructions caused by excessive signage.
- B. To prevent hazards due to collapse, fire, collision, decay, or abandonment of signage.
- C. To keep the number of signs at a reasonable amount that would be necessary to identify a business and its products and to ensure that the signs are within a reasonable scale in relation to the building to which they relate.
- D. To preserve the value of property by assuring the compatibility of signage with surrounding land uses by regulating the placement and sizes in a manner that will prevent the signs of adjacent businesses from being obscured or concealed.
- E. To prevent off-premise signs from conflicting with private, public, and commercial land uses.
- F. To protect the aesthetic quality of the City by ensuring that the signage will harmonize with the building upon which it is placed and with the adjacent land uses.

6.1.2 *Applicability/Scope.* No sign shall be erected, moved, altered, or maintained within the limits of the City of St. Clair which is not in compliance with all the requirements of this Chapter.

- A. Any sign which is not specifically permitted by this ordinance is prohibited.
- B. All signs permitted by this ordinance may only advertise goods, services, or uses that are displayed, sold, or are permitted uses allowed by the ordinance on the parcel or premises on which they are located.
- C. Any sign already established and previously permitted on the effective date of the Chapter, and which is rendered nonconforming by the provisions of this chapter, or subsequent amendments of this Chapter shall be subject to the regulations concerning nonconforming signs. (See Section 6.7)

6.1.3 *Enforcement.* The Building Official and/or his or her duly authorized representative is hereby authorized and designated as the person responsible for the enforcement of this article. The initial determination of any supposed violation of this ordinance shall be made for the Building Official with all appeals or interpretations made by the Zoning Board of Appeals. Upon presentation of proper credentials, the authorized representative, may, for the purposes of enforcing this article, enter at reasonable times, any structure, premises, or parcel, to perform any duty imposed upon them by the provisions of this Chapter.

(Ord. No. 2020-01 , § 2, 1-20-20)

Section 6.2. Definitions.

The following definitions will apply in the interpretation, administration, and enforcement of this Chapter:

Animation: A rapid display of a sequence of images or blinking lights in order to create an illusion of movement.

Area: The entire area within a rectangle, circle, triangle, or parallelogram enclosing the extreme limits of writing or pictorial representation emblem or any figure of similar character together with any frame or other material or other color forming an integral of the display or used to differentiate it from the background against which it is placed. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except where two (2) such faces are placed back-to-back, parallel to one another, and less than 24 inches apart, the area of the sign shall be the area of one face.

Abutting: Properties sharing common lot lines.

Adjacent: Nearby, lying near, neighboring.

Awning sign: A sign which is attached directly to, or painted, or otherwise inscribed upon, an awning. Awnings must be supported entirely from the exterior wall of a building. Awnings shall have non-combustible frames but may have combustible coverings. Awnings shall be either fixed, retractable, folding, or collapsible. An awning is any covered projection attached to the face of a building which is supported entirely by the building and projects beyond the building wall.

Banner sign: Any sign produced on cloth, paper, fabric, or on any other combustible material either with or without a supporting framework. See also definition of Light Pole Banner/Cross-street Banners and Wind Sail Signs/Wind Banners. Banner signs are addressed in Section 6.4.5 of this ordinance.

Billboard: Any display sign which contains a message unrelated to or not advertising a business transacted or goods sold or produced on the premises on which the sign is located.

Building Official: City Administrative Staff who are assigned the administration and enforcement of this Article of the Ordinance.

Canopy: Any covered structure attached to a building which projects beyond the building wall and is carried by a frame partially supported by the ground or sidewalk below it.

Changeable copy: Any non-electric sign designed or constructed so as the lettering or message contained thereon is capable of being changed by rearranging or installing new letters or messages without removing and replacing or resurfacing the face of such sign.

Clearance: The vertical distance from the lowest part of the face of the sign to the average ground level at the base of the sign.

Commercial: A premises used or occupied for transportation, retail sales, or service businesses; wholesale sales facilities; hotels, tourist homes or motels; or commercial recreation.

Construction sign: A sign erected at a construction site identifying the architects, engineers, contractors, or other parties responsible for a project, or identifying the intended purposes or uses of the building.

Curb line: The line at the back of the curb farthest from the street or roadway. In the absence of a curb, the average area of the alley or street where the gravel begins. In the case of a proposed curb, the curb line shall be established by the City Engineer.

Development sign: A temporary sign that advertises new housing development of five (5) or more housing units (including vacant lots) or commercial/industrial development over three (3) acres.

Directional sign: A sign identifying the exit(s) and entrance(s) of premises and containing only the name or logo of the premises or information directional thereto.

Educational sign: A sign identifying a public or private educational facility.

Electronic Message Sign/LED: A sign with a fixed or changing message composed of a series of lights or light-emitting diodes (LED) that may be changed through electronic means.

Grand opening: A grand opening is a publicized event at which a new establishment announces its official opening to the public.

Ground sign: A sign, the principal support of which is independent of any building.

Hanging sign: Any sign attached to a building which extends more than twelve (12) inches beyond any vertical surface of the building which supports it.

Indirectly illuminated sign: A sign illuminated with a light source so shielded as to illuminate only the surface of the sign.

Interior signage: Signage located on the interior of a structure that is visible from the exterior of the structure and may or may not exceed the allowable size permitted by ordinance.

Indirect Lighting Internally Illuminated: Means a source of illumination entirely within the sign which makes the sign visible at night by means of lighting the background upon which the free standing character is mounted. The character itself typically is opaque, and thus is silhouetted against the background. The source of illumination shall not be visible.

Internal Lighting: Means a source of illumination entirely within the sign which makes the contents of the sign visible at night by means of the light being transmitted through a translucent material but wherein the source of the illumination is not visible.

Light Pole Banner and Cross-Street Banner: Banners meeting the description and requirements found in Sections 6.5.8 and 6.5.9 of this ordinance independent of the definition of Banner Sign.

Main street building frontage: The location based upon street address.

Marquee sign: A sign which is attached directly to, or painted, or otherwise described upon, a marquee or an electronic message sign/animated sign. Marquees shall be permanently roofed structures attached to and supported by the building and projecting over public property.

Master sign plan: A site plan prepared by a licensed Architect or Engineer, including elevations, showing the size, height, and location of all signage proposed on a business center, structure, or series of abutting structures, that are utilizing a similar design/style to provide continuity of design.

Multi-tenant site: A structure, or series of adjacent structures, which, for the purposes of this ordinance, are collectively operated under common ownership or management and are located in a Commercial, Industrial, or Mixed Use Zoning District or the Downtown Redevelopment District.

Off-site signage: Signs which direct attention to a use, business, commodity, service, or activity not conducted, sold, or offered upon the premises where the sign is located.

Political sign: A sign relating to the election of a person or persons to public office or relating to a political party or relating to a matter to be voted upon at an election called by a public body.

Portable sign: A sign, which by its description or nature may be, or is intended to be, moved from one location to another.

Premises: Any unit of contiguous real property or buildings under common ownership.

Real estate sign: A sign advertising the sale, rental, or lease of the premises or part of the premises on which the sign is displayed.

Religious sign: A sign identifying the structure, House of Worship, activity, or use of structure or land of a religious organization recognized by the government as such and approved as a bona fide non-profit organization.

Roof sign: Any sign which is attached to a building and any part of which extends above the lowest point of the bottom line of any portion of the roof surface.

Sign: Any structure or part thereof, or device attached thereto or painted or represented thereon, or any material or thing, illuminated or otherwise, which displays or includes any numeral, letter, word, model, banner, emblem, insignia, device, code mark or other representation used as, or in the nature of, an announcement, advertisement, direction or designation, of any person, firm, organization, place, commodity, service, business, profession, or industry, which is located upon any land or in any building, in such manner as to attract attention from outside the premises. Placards not exceeding one (1) square foot in area bearing only property numbers, post box numbers or names of occupants of premises shall not be considered signs.

Shopping Center sign: A ground sign which allows for a multitenant site, with more than three units, in a C-2 or Downtown Redevelopment zoning to have more than one sign face at the front of the property. The sign would be allowed to have one sign on each side, or each unit in the center and would allow the Anchor Store, or largest store to occupy forty (40) percent of the allowed square footage. Also see definition of "Master sign plan" and Section 6.4.2.

Shopping center: A commercial site with more than three (3) units, in a C-2 or Downtown Redevelopment Zoning District with two hundred fifty (250) Lineal Feet of frontage on one road.

Subdivision or development entry sign: A sign which identifies the name of a residential development or the developer or the type or residential structures included in the development, and which is harmonious in appearance with that of the vicinity.

Temporary sign: Any sign that is freestanding or attached in any manner to the exterior of any building or land other than a window sign, which is not meant to be a sign of a permanent nature as allowed by the Schedule of Sign Regulations. Such signs may only be intended for special events, sales, and notices. They cannot have permanent footings and may only be constructed of light weight material such as cardboard, plastic, paper and may be of a banner, hanging, swinging, or flagpole type of construction. They may include A-frame and freestanding sidewalk signs but strings or flags or lights are not considered allowed temporary signs under this definition.

Vacant lot signage: Any sign located on a parcel which does not have a principal permitted use located and in use on the property.

Wall sign: A sign which is attached directly to, or painted, or otherwise inscribed upon a building wall.

Wind sail signs/wind banners: A freestanding or mounted sign that is supported by a flexible or semi-flexible or partial frame within which material constructed of vinyl, paper, or other wind-resistant and moveable materials is mounted. A wind sale is considered a temporary sign.

Window sign: Any sign which is applied, affixed, or attached to the interior or exterior within two feet and in line with any window as measured from the glass surface.

Section 6.3. Permits and general requirements.

No person shall erect, move, alter, or maintain any sign, not exempted by this ordinance, without first obtaining a permit to do so in compliance with the following:

6.3.1. *Permits.* See Section 6.5 and 8.32.2 for exempted signs that do not require permits.

A. *Application for Sign Permits.* Application for such permit shall be filed upon forms provided by the Building Official and shall contain or have attached the following information:

1. Name, address, and telephone number of the applicant, person, firm, or association, who will be erecting the sign.
2. Name, address, and written consent of the owner of the property or building on which the sign is to be erected.
3. Location of property or building on which the sign is to be erected.
4. Position of the sign in relation to nearby buildings, structures, and property lines.
5. Two drawings of the plans, specifications, method of construction and attachment to the building or placement in the ground.
6. Liability insurance certificate as required by Federal, State, or Local law or ordinances of the City of St. Clair.
7. Such other information as the Building Official may require to show full compliance with this and all other applicable Federal, State or Local law or ordinances of the City of St. Clair.
8. When required by the Building Code, the drawings, plans, and specifications required with the application shall bear the certificate or seal of a registered architect or engineer as a condition to the issuance of a permit, including a copy of the stress sheets and calculations, if deemed necessary, showing the structure as designed for dead load and wind pressure in accordance with regulations of the City of St. Clair.
9. An electrical permit must be issued to a licensed electrician prior to the installation of any sign requiring electrical service.

B. *Permit Fee.* Every applicant is required to pay a fee based on a schedule as adopted from time to time by resolution of the City Council. Administrative review fees only shall be required for ordinary repairs, maintenance, or change copy, provided the cost of such do not exceed fifty percent (50%) of the value of the sign.

6.3.2 *General standards.* The following shall apply to all signs erected or located within any district unless specifically exempted, or provided for, in this Chapter.

A. *Construction.* All signs are required to be constructed in compliance with the following:

1. *Size.* No sign shall exceed the allowable height or area listed in the Schedule of Sign Regulations.
2. *Location.* No sign shall be allowed in a location not specifically permitted by ordinance.
3. *Building Codes.* All construction shall be in full compliance with the building codes in effect at the time of the issuance of the permit including electrical, plumbing, or mechanical codes. This shall also include all regulations regarding the current standards for the type of materials used such as steel, masonry, wood, and plastics, as well as calculations for structural stability and resistance to natural pressures such as wind, snow, and soil bearing capabilities.

-
4. The allowable height of any sign shall be determined by measuring from the average grade of the area surrounding the sign. Signs may not be placed on berms or other elevated areas that would allow them to exceed the allowable height by such means.
- B. *Maintenance.* All signs, including all their supports, braces, guys and anchor, shall be kept in good maintenance and repair and kept in compliance with the plans and specifications approved for the issuance of the sign permit.
1. The owner of any sign which has not been properly maintained shall be sent written notification to commence repairs and/or maintenance within 30 days, with completion of repairs to be performed within a reasonable time.
 2. Failure to comply with the above requirements shall render the sign a nonconforming sign for the purposes of this ordinance and subject the owner to further action as dictated by the ordinance.
- C. *Restrictions.* No sign shall be allowed in the following locations:
1. *The Public Right-of-way.* No sign, unless placed and maintained by the City, County, or State, shall be allowed to project into, over, or across any public right-of-way, except by permission of the City Council or as specifically permitted by this ordinance. (Exception: See the Schedule of Sign Regulations. Hanging/Canopy Signs.)
 2. *Street or Alley Intersections.*

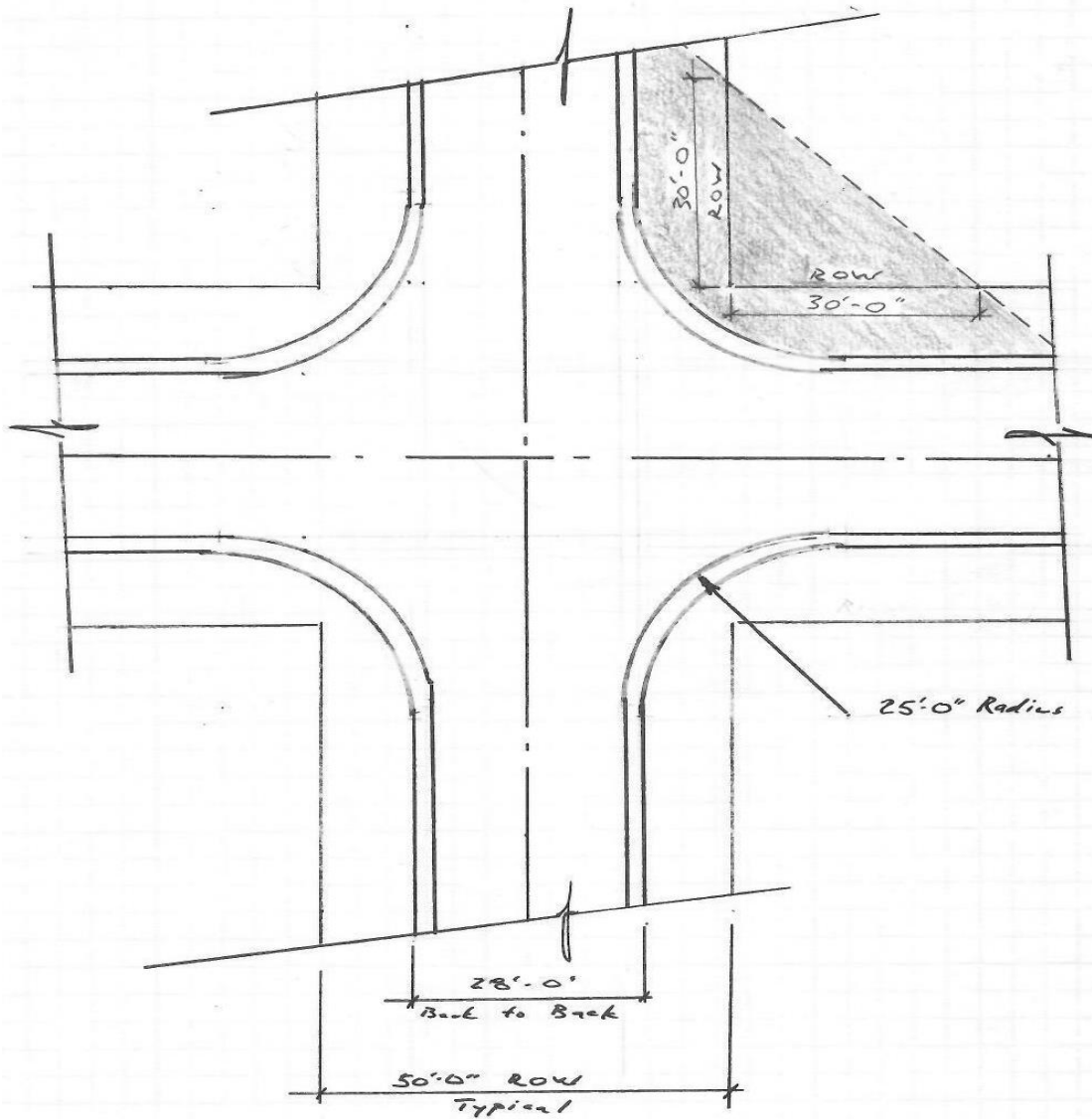


Figure 6.3.2.C.2

No sign permitted by this ordinance shall be allowed to exceed two and one-half (2-1/2) feet in height when placed in the following area of an intersection. This area shall be a triangular area formed by the intersecting street right-of-way lines and a straight line joining the two (2) street lines at points which are thirty (30) feet distant from the point of intersection, measured along the street right-of-way line. See also Section 5.10.

3. *Emergency Egress.* No sign shall be allowed so as to obstruct any door, means of egress, fire escape or placed in such a manner that it would prevent or obstruct firefighting or health, safety, and code related requirements.

6.3.3 *Illumination.* Signs shall be illuminated only as follows:

- A. *Type:* Signs shall be allowed to be illuminated by a steady, stationary light, shielded and directed solely at the sign, internally illuminated solid faced signage by interior light (with no visible exposed tubing), or neon lighting. No combination of the afore listed sources of illumination may be utilized for any one

sign. Internally illuminated, translucent canopies are specifically prohibited. The visible use of Light Emitting Diode (LED) lights including illuminators, LEED bars, LED lamps, alphanumeric, Red Green Blue (RGB), Bi-Color, Tri-Color and flashing LED's are specifically prohibited. See also Item G.

- B. Intensity: No portion of the sign shall have a luminance greater than the Schedule of Maximum Illumination when measured at a distance of four (4) feet perpendicular to any surface of the sign.

SCHEDULE OF MAXIMUM ILLUMINATION

District	Maximum Luminance
R-1—R-4, MHP, P, R&PF	Eight (8) foot candles
MD1,MD2	Ten (10) foot candles
OS, C-1, C-2, M-1, M-2	Fifteen (15) foot candles
MD1, MD2, OS, C-1, C-2, M-1, M-2	Eight (8) foot candles for sign locations directly adjacent to a residential zoning district.
PUD	As approved by City during site plan review
Riverside	Fifteen (15) foot candles
Clinton	Fifteen (15) foot candles
Gaslight	Fifteen (15) foot candles

- C. Interior Signage: For internally illuminated signs placed within a structure that exceed the size of the amount of window space signage and/or luminance allowed by the ordinance, it is required that the windows be provided with shading or glazing that restricts the illumination outside of the building to that which would otherwise be normal to the structure or the surrounding area without the signage. See also the definition of "Window sign".
- D. Hours of Operation: All internally illuminated, or neon signs located adjacent to a residential zoning district are required to be shut off between the hours of 10 PM or the closing time of normal business hours, whichever is later, and 7 AM or the opening of business hours, whichever is earlier.
- E. Internal illumination shall not be permitted for any sign which is located in a historic district or a State or Federal historically designated site.
- F. The external illumination directed at any signage shall be shielded at its source in a manner that will not shine light on adjacent properties or on or into abutting public streets and/or walkways.
- G. Flashing, rotating, moving or other light sources not specifically permitted by this ordinance, including motion-sequenced rope lighting and animated window shades, are prohibited. The visible use of Light Emitting Diode (LED) lights including illuminators, LEED bars, LED lamps, alphanumeric, Red Green Blue (RGB), Bi-Color, Tri-Color and flashing LED's are specifically prohibited.

(Ord. No. 2005-02, § 1, 3-21-05; Ord. No. 2010-02, § 1, 4-19-10; Ord. No. 2020-01 , § 2, 1-20-20)

Section 6.4. Sign Regulations.

6.4.1 *The Schedule of Sign Regulations.* The following schedule and accompanying notes shall apply to all signs erected or located within any district unless specifically excepted by, or provided for in this chapter. The area of each sign, height, location and setback allowed shall be according to the district listed.

THE SCHEDULE OF SIGN REGULATIONS*

* Regulations may be listed in this ordinance for the specific districts or signs under the appropriate section.
All signs are subject to corner visibility requirements and may not be located in the right-of-way.

Type of Sign	Ground Signs	Wall Signs	Awning &/or Canopy (see note b.)	Window Signs	Electronic Message/Animated Signs per 6.4.1 Note d	Freestanding/Projecting Signs	Temporary Signs per Section 6.4.7	Applicable Notes per Section 6.4.1
Districts and conditions								
<i>1. R-1, R-1A, and R-2: 1&2 Family Residential</i>							See Temporary Signage, Section 6.4.7	See 6.4.1 Notes b and e.
Maximum Number of Signs	One (1) Subdivision or Religious/Education Entrance Sign.	One (1) sign on model identifying office.	Signage not permitted on canopies	As noted under wall section for 1&2 Family Residential.	Not permitted	NA		
Maximum Area/Square Feet Allowed	32 SF	6 sq. ft. on first story wall or in window.	NA	See wall sign.	NA	NA		
Maximum Bonus Area	NA	NA	NA	NA	NA	NA		
Maximum Sign Height	6 feet	NA	NA	NA	NA	NA		
Setback	15 feet from back of curb	NA	NA	NA	NA	NA		
Special Conditions/Additional Permitted Signs	One (1) additional wall/projecting/hanging sign allowed on each abutting street frontage for religious/educational institutions. One (1) SF of sign allowed per two (2) LF of building frontage. Not to exceed 5% of the first story exterior building wall face or height.							
Additional Criteria	NA	NA	NA	NA	NA	NA		
<i>2. R-3: Multiple Family Residential</i>							See Temporary Signage, Section 6.4.7	See 6.4.1 Notes b and e.
Maximum Number of Signs	One (1) identification sign	One (1) allowed per structure.	Signage not permitted	Not permitted	Not permitted	NA		

	at main entrance/island.		on canopies.					
Maximum Area/Square Feet Allowed	32 SF	4 SF on first story wall	NA	NA	NA	NA		
Maximum Bonus Area	NA	NA	NA	NA	NA	NA		
Maximum Sign Height Above Grade	6 feet	NA	NA	NA	NA	NA		
Setback	15 feet from back of curb	NA	NA	NA	NA	NA		
Special Conditions/Additional Permitted Signs	One (1) additional wall/projecting/hanging sign allowed on each abutting street frontage for religious/educational institutions. One (1) SF of sign allowed per two (2) LF of building frontage. Not to exceed 5% of the first story exterior building wall face or height.							
Additional Criteria	NA	NA	NA	NA	NA	NA		
<i>3. C-1 Local Commercial, MD Mixed Use</i>							See Temporary Signage, Section 6.4.7 or as approved by City Council.	See 6.4.1 Notes a, b, c, d, and e.
Maximum Number of Signs	One (1) ground or wall sign allowed on main street frontage.	One (1) wall/hanging/canopy sign allowed on one abutting street frontage.	See Wall Signs.		See Section 6.4.1 note d.	NA		
Maximum Area/Square Feet Allowed	24 SF	One (1) SF of sign allowed per 2 LF of building frontage. Not to exceed 5% of the first story exterior building wall face or height.	See Wall Signs.	Not to exceed 25% of/on 1st story windows only. Maximum of 50% coverage any single window. See Figure 6.5.2.	See 6.4.1 Note d.	NA		
Maximum Bonus Area	NA	NA	NA	NA	NA	NA		

Maximum Sign Height Above Grade	6 feet	NA	NA	NA	NA	NA		
Setback	15 feet from back of curb	NA	NA	NA	NA	NA		
Special Conditions/Additional Permitted Signs		NA	NA	NA	NA	NA		
Additional Criteria	NA	NA	NA	NA	NA	NA		
<i>4. C-2: General Commercial</i>							See Temporary Signage, Section 6.4.7 or as approved by City Council.	See 6.4.1 Notes a, b, c, d, and e.
Maximum Number of Signs	One (1) ground or wall sign allowed on main street frontage.	One (1) wall/hanging/canopy sign allowed on one abutting street frontage.	See Wall Signs.		See Section 6.4.1 note d.	NA		
Maximum Area/Square Feet Allowed	32 SF	One (1) SF of sign allowed per one (1) LF of building frontage. Not to exceed 10% of the first story exterior building wall face (height) or 200 SF maximum.	See Wall Signs.	Not to exceed 25% of/on 1 st story windows only. Maximum of 50% coverage any single window. See Figure 6.5.2.	See 6.4.1 Note d.	NA		
Maximum Bonus Area	NA	NA	NA	NA	NA	NA		
Maximum Sign Height Above Grade	6 feet	NA	NA	NA	NA	NA		
Setback	25 feet from back of curb	NA	NA	NA	NA	NA		
Special Conditions/Additional Permitted Signs	NA	NA	NA	NA	NA	NA		

Additional Criteria	NA	NA	NA	NA	NA	NA		
<i>5. OS, M-1, and M-2: Office Service, Light Industrial, and Heavy Industrial</i>							See Temporary Signage, Section 6.4.7	See 6.4.1 Notes a, b, c, d, and e.
Maximum Number of Signs	One (1) ground or wall sign allowed on main street frontage.	One (1) wall/hanging/canopy sign allowed on one abutting street frontage.	See Wall Signs.	Not permitted.	See Section 6.4.1 note d.	NA		
Maximum Area/Square Feet Allowed	32 SF	One (1) SF of sign allowed per one (1) LF of building frontage. Not to exceed 10% of the first story exterior building wall face (height) or 200 SF maximum.	See Wall Signs.	NA	NA	NA		
Maximum Bonus Area	NA	NA	NA	NA	NA	NA		
Maximum Sign Height Above Grade	8 feet	NA	NA	NA	NA	NA		
Setback	25 feet from back of curb	NA	NA	NA	NA	NA		
Special Conditions/Additional Permitted Signs		NA	NA	NA	NA	NA		
Additional Criteria		NA	NA	NA	NA	NA		
<i>6. Multi-tenant. Commercial (C-1 and C-2), Industrial (Light and Heavy), and OS (Office Service)</i>	A Master Sign Plan (see 6.2-Definitions and 6.4.2), as outlined in this ordinance, is required for all multi-tenant sites with over 100 lineal feet of frontage on			As listed above for corresponding district.	See Section 6.4.1 note d.		Same as above for corresponding district. Otherwise, see Temporary Signage, Section 6.4.7.	See 6.4.1 Notes b, c, d, and e.

	any one individual road right of way.							
Maximum Number of Signs	One (1) main ground sign permitted with additional signs as determined necessary based on lot size and zoning.	As allowed in approved Master Sign Plan.	As allowed in approved Master Sign Plan.	As listed above for corresponding district.	NA	NA		
Maximum Area/Square Feet Allowed	As allowed in approved Master Sign Plan.	As allowed in approved Master Sign Plan.	As allowed in approved Master Sign Plan.	As listed above for corresponding district.	NA	NA		
Maximum Bonus Area	As allowed in approved Master Sign Plan.	NA	NA	NA	NA	NA		
Maximum Sign Height Above Grade	As allowed in the designated zoning district.	NA	NA	NA	NA	NA		
Setback	As allowed in the designated zoning district.	NA	NA	NA	NA	NA		
Special Conditions/Additional Permitted Signs	NA	NA	NA	NA	NA	NA		
Additional Criteria	NA	NA	NA	NA	NA	NA		
<i>7. PRPF: Parks, Recreation and Public Facilities</i>							See Temporary Signage, Section 6.4.7	See 6.4.1 Notes b, d, and e.
Maximum Number of Signs	One (1) ground or wall sign allowed on main street frontage.	One (1) additional wall or canopy sign allowed on each street frontage.	See Wall Signs.	Not permitted.	See Section 6.4.1 note d.	NA		
Maximum Area/Square Feet Allowed	32 SF total.	One (1) SF per two (2) LF of frontage. Not to exceed 16 SF each. Only on first story or canopy.	See Wall Signs.	NA	NA	NA		

Maximum Bonus Area	NA	NA	NA	NA	NA	NA		
Maximum Sign Height Above Grade	8 feet.	NA	NA	NA	NA	NA		
Setback	15 feet from back of curb.	NA	NA	NA	NA	NA		
Special Conditions/Additional Permitted Signs	NA	NA	NA	NA	NA	NA		
Additional Criteria	NA	NA	NA	NA	NA	NA		
<i>8. MHP: Mobile Home Park</i>							See Temporary Signage, Section 6.4.7	See 6.4.1 Note e.
Maximum Number of Signs	One (1) identification sign at main entrance/island.	One (1) sign on model identifying office.	Signage not permitted on canopies.	Not permitted.	Not permitted.	NA		
Maximum Area/Square Feet Allowed	32 SF total.	6 SF on first story wall or in window.	NA	NA	NA	NA		
Maximum Bonus Area	NA	NA	NA	NA	NA	NA		
Maximum Sign Height Above Grade	6 feet.	NA	NA	NA	NA	NA		
Setback	15 feet from back of curb.	NA	NA	NA	NA	NA		
Special Conditions/Additional Permitted Signs	NA	NA	NA	NA	NA	NA		
Additional Criteria	NA	NA	NA	NA	NA	NA		
<i>9. PUD: Planned Unit Development</i>	All signage must be presented with the request for the PUD at the Planning Commission review for the PUD.							See 6.4.1 Notes a, c, and e.
<i>10. Gas Station</i>	All signage must be presented with the request for Site Plan Approval as required by the Ordinance.							See 6.4.1 Notes b, d, and e.

<i>11. Riverside and Clinton Avenue Subdistricts</i>							See Temporary Signage, Section 6.4.7	See 6.4.1 Notes a, b, c, d, and e.
Maximum Number of Signs	NA	One (1) per public thoroughfare.	One (1) per awning or canopy.		See Section 6.4.1 note d.	One (1) per development.		
Maximum Area/Square Feet Allowed	NA	One and one-half (1.5) SF per one (1) LF of building frontage or 36 SF	One and one-half (1.5) SF per one (1) LF of building frontage or 36 .SF	Twenty-five percent (25%) of the ground floor window area Maximum of 50% coverage any single window. See Figure 6.5.2.	NA	One and one-half (1.5) SF per one (1) LF of building frontage or 32 SF per side		
Maximum Bonus Area	NA	Twelve (12) SF for the use of exterior illumination or through the use of a dark background with a minimum 60% opaqueness.	Twelve (12) SF for use of exterior illumination.	NA	NA	Twelve (12) SF for the use of exterior illumination or through the use of a dark background with a minimum 60% opaqueness.		
Maximum Sign Letter Height	NA	NA	Two (2) feet for a canopy.	NA	NA	No requirement		
Maximum Sign Height Above Grade	NA	Minimum Eight (8) feet. Maximum Fifteen (15) feet for a single-story building. Maximum One (1) foot below the second story-window sill line for a multi-story building.	Eight (8) feet	NA	NA	Minimum: No requirement for freestanding. Minimum: Eight (8) feet for wall-mounted. Maximum: Twelve (12) feet.		
Setback	NA	NA	NA	NA	NA	NA		

Special Conditions/Additional Permitted Signs	NA	A wall sign is permitted on abutting public streets. The wall sign on each additional street(s) shall not exceed 50% of the allowable area for the primary street sign.	Awning signs are permitted on abutting public streets. Awning signage on each additional street(s) shall not exceed 50% of the allowable area for the primary street sign.	NA	NA	For properties greater than 120 LF of primary street frontage, a pole-mounted projecting sign not exceeding eighteen (18) SF is permitted on the primary frontage in addition to a wall, awning or canopy sign.		
Additional Criteria	NA	Letter signs may be mounted to the canopy roof structure.	Awning valance lettering shall not exceed eight (8) inches in height. Shall be prohibited on any awning except those mounted on the ground level. Letter signs may be directly mounted to the canopy	NA	NA	Signs shall not project over a public right of way.	NA	NA

			roof structure.					
12. Gaslight Subdistricts							See Temporary Signage, Section 6.4.7	See 6.4.1 Notes a, b, c, d, and e.
Maximum Number of Signs	NA	One (1) per public thoroughfare.	One (1) per awning or canopy.		See Section 6.4.1 note d.	One (1) per development.		
Maximum Area/Square Feet Allowed	NA	One (1) SF per one (1) lineal foot of building frontage or twenty-four (24) SF.	One (1) SF per one (1) lineal foot of building frontage or twenty-four (24) SF.	Twenty-five percent (25%) of the ground floor window area Maximum of 50% coverage any single window. See Figure 6.5.2.	NA	One (1) SF per one (1) lineal foot of building frontage or twenty-four (24) SF.		
Maximum Bonus Area	NA	Eight (8) SF for the use of exterior illumination or through the use of a dark background with a minimum 60% opaqueness.	Eight (8) SF for use of exterior illumination.	NA	NA	Eight (8) SF for the use of exterior illumination or through the use of a dark background with a minimum 60% opaqueness.		
Maximum Sign Letter Height	NA	NA	Two (2) feet for a canopy.	NA	NA	NA		
Maximum Sign Height Above Grade	NA	Minimum Eight (8) feet. Maximum Fifteen (15) feet for a single-story building. Maximum One (1) foot below the second story-window sill line for a multi-story building.	Eight (8) feet	NA	NA	Minimum: No requirement for freestanding. Minimum: Eight (8) feet for wall-mounted. Maximum: Twelve (12) feet.		
Setback	NA	NA	NA	NA	NA	NA		

Special Conditions/Additional Permitted Signs	NA	A wall sign is permitted on abutting public streets. The wall sign on each additional street(s) shall not exceed 50% of the allowable area for the primary street sign.	Awning signs are permitted on abutting public streets. Awning signage on each additional street(s) shall not exceed 50% of the allowable area for the primary street sign.	NA	NA	For properties greater than 120 LF of primary street frontage, a pole-mounted projecting sign not exceeding twelve (12) SF is permitted on the primary frontage in addition to a wall, awning or canopy sign.		
Additional Criteria	NA	Letter signs may be mounted to the canopy roof structure.	Awning valance lettering shall not exceed eight (8) inches in height. Shall be prohibited on any awning except those mounted on the ground level. Letter signs may be directly mounted to the canopy	NA	NA	Signs shall not project over a public right of way.		

			roof structure.					
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- a. Increases in sign sizes, excluding window signs, are allowed in the OS, M-1, M-2, PRPF, C-1, C-2, Riverside, Clinton and Gaslight districts, and PUD according to the following schedule.

Distance of sign from current right-of-way.	50+ feet	100+ feet	200+ feet	300+ feet	400+ feet
Allowable increase in Sign Area due to distance from the right of way.	25% (× 1.25)	50% (× 1.5)	100% (× 2)	200% (× 3)	300% (× 4)

- b. Hanging, projecting, canopy or awning signs may be erected and utilized as wall signs in the R-1, R-1A, R-2, R-3, C-1, C-2, OS, M-1, M-2, PRPF, PUD, Gas Station, Riverside, Clinton and Gaslight districts and for multi-tenant buildings and gas stations provided compliance with the following conditions 1, 2, and 3:
1. Lighting restrictions on canopies as follows:
 - Under-lit translucent canopies or awnings are not permitted.
 - Lighting underneath non-translucent canopies or awnings may be permitted for pedestrian safety.
 - Lighting over the top of canopies or awnings may be permitted provided the style of lighting is in compliance with the architectural style approved for the district by the Planning Commission.
 2. They may project over the right-of-way or public walk-way provided they are seven (7) feet or more above the walking surface and do not project into or over a street or alley and do not extend over five (5) feet from the face of the building.
 3. The measurement of the signage for a canopy or hanging sign will be determined by the Building Official and will be based on the actual area encompassing the lettering and any design feature applied to the surface along with the lettering as opposed to the architecture or structure of the sign. [See also the definition of Area]
- c. All signs in Multi-tenant (C-1, C-2, M-1, M-2, OS, Riverside, Clinton, and Gaslight) and PUD districts are required to have material, illumination, type, and color that meet Planning Commission approval as listed in the ordinance under the requirements of the Master Sign Plan Section 6.4.2.
- d. Electronic message signs/animated signs may be allowed in C-1, C-2, OS, M-1, M-2, Multi-tenant, PRPF, Gas Station, Riverside, Clinton and Gaslight districts, provided they are made a part of the square footage allowed in the district permitted with additional size as allowed in Section 6.4.5.C of this

ordinance and provided the illumination and the type of display is reviewed and approved by the Planning Commission and found to be compatible with the general architectural character of the area. See also Section 6.4.5 and 6.5.7 of this ordinance.

- e. One additional sign is allowed in any district where there is additional road frontage. The sign may be allowed to be constructed at fifty percent (50%) of the original allowable area calculations for the main street building frontage, as listed for that zoning district. The height and location requirements remain the same.

6.4.2 *Master sign plan.* The purpose of this section of the ordinance is to ensure continuity of design for signage on a business center, structure, or series of structures that were originally designed and built with a similar continuity of design. Nothing in this section is meant to deprive or prohibit individuality or creativity, but it is intended to preserve the value of property by assuring the compatibility of signage with surrounding land uses and adjacent businesses.

- A. *Guidelines:* Where signs are required to meet the review of a Master Sign Plan, they shall comply with the following guidelines regarding material, style, and color:
 - 1. A site plan must be submitted to the Planning Commission containing all the general information required by the ordinance for Site Plan Review.
 - 2. All colors, material, and lighting shall be coordinated to provide a consistent theme throughout the site, similar in character and quality with the Architectural design and character of the structures located on the site.
 - 3. All proposed signage shall be prepared by a licensed architect or engineer.
 - 4. No signage may be permitted by the Planning Commission which is not specifically permitted, or is specifically prohibited, by this Ordinance.
- B. *Size Increase:* Allowances may be granted by the Planning Commission to allow for up to a twenty-five percent (25%) increase in the size of allowable signage where the following conditions are met:
 - 1. A specific Zoning, Historic, or Overlay District must be designated by the resolution of the Planning Commission and City Council. The District would have to demonstrate a certain architectural, aesthetic, or characteristic style which would be considered by the Planning Commission and City Council as promoting the general welfare of the City.
 - 2. An architectural study must be submitted for one of the above districts, by a licensed architect, specifying the area to be included in the District and the style that is to be demonstrated.
 - 3. All proposed signage submitted for the increase must be designed by a licensed architect in compliance with the specific unique style of the District and reviewed and approved by the Planning Commission.
 - 4. Any subsequent changes in signage may be approved by the Building Official provided they comply with all of the above requirements.

6.4.3 *Gas station signs.* In addition to the signs otherwise permitted by this chapter for the District in which it is located each premises used as a gasoline service station shall be permitted the following signs:

- A. *Gasoline pump signs:* May not exceed three (3) square feet per pump containing customary information regarding the brand and type of gasoline sold.
- B. *Price Signs:* Two (2) wall or double-faced, free-standing signs permanently affixed to the premises indicating the price and grade of gasoline sold, not exceeding sixteen (16) square feet in surface display area per face with a maximum height of not to exceed eight (8) feet. A price sign may include light-emitting diode (LED) signs subject to Section 6.4.5. A fuel price sign is permitted provided that the price is displayed as a single color on a dark background.
- C. *Display racks:* Up to three racks may be allowed for the orderly display of customary products such as oil, tires, and accessories, not exceeding six (6) feet in height or six (6) feet in length (including attached signs and printed product information) and set back twenty-five (25) feet from the nearest curb line.

6.4.4. *Fast Food Menu Boards.*

- A. Up to two fast food menu boards will be allowed for each drive up restaurant with a total allowed area of fifty (50) square feet.

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- B. Location of fast food menu boards is subject to Planning Commission approval of a submitted site plan indicating sign location and size.
 - C. Maximum illumination shall be as indicated in Section 6.3.3.
 - D. Maximum noise level shall be as indicated in Section 10.6.
 - E. See also Section 7.3.5.I.

6.4.5. *Banner signs.* Banner signs advertising a public or civic announcement are permitted. The Building Official shall approve the use, size, color, means of securing, message content, duration (unless stated specifically) and other applicable features of a banner sign.

6.4.6 *Electronic message signs/Animated signs.* Electronic message signs shall be permitted only within the OS, C-1, C-2, M-1, M-2, PRPF, Riverside, Clinton Avenue, and Gaslight zoning districts, as either a freestanding, wall-mounted, or window sign. See also Section 6.5.7.A, Public and civic announcement signs. Such signs shall be allowed subject to the sign regulations for each zoning district and subject to the following additional regulations:

- A. The Electronic display shall not be flashing or pulsing.
- B. The frequency of the message change shall be restricted to no more than once every eight (8) seconds.
- C. The maximum area of all electronic message signs/animated signs shall be considered a part of a wall or freestanding sign and shall not exceed fifty percent (50%) of the total permitted sign area. This may be considered additive to the allowed sign area for that district, subject to the review and approval of the Planning Commission.
- D. The maximum height of an electronic message sign/animated sign shall conform to the height regulations for signs allowed in each zoning district.
- E. The maximum illumination level must meet the standards of Section 6.3.3.
- F. Prior to the issuance of a sign permit, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory programmed not to exceed the above listed light levels, and that the intensity level is protected from end-user manipulation by password-protected software or other method satisfactory to the City of St. Clair.
- G. An electronic message sign/animated sign located adjacent to a residential zoning district shall be required to be shut off between the hours of 10 PM or the closing time of normal business hours, whichever is later, and 7 AM or the opening of business hours, whichever is earlier.

6.4.7 *Temporary, special event signage.* The following regulations shall apply to temporary, special event signage where it is permitted as set forth in this Article:

- A. Temporary, special event sign(s) shall be erected only after making application for and receiving a Zoning Permit from the Building and Zoning Department. The Building Official or designee shall determine the total number of temporary, special event signs allowed based upon the total street front footage of the parcel or store front footage in the case of a strip mall or multi-unit business. An interval of sixty (60) feet on-center is acceptable under this ordinance.
- B. An individual business, company, corporation, or property owner shall be entitled to employ temporary, special event signage within a non-residential zoned parcel for a period not to exceed 45 days per one (1) year period and in increments of time from three (3) to fifteen (15) consecutive days at a time.
- C. Any and all temporary, special event signs, when connected to an electrical service shall meet the requirements of the State of Michigan Electrical Code.
- D. Reserved.

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- E. Any and all temporary, special event signs shall be securely anchored so as to minimize danger of wind damage, theft, or vandalism as determined by the Building Official or designee. No temporary, special event sign shall be placed within the City right-of-way or where such sign shall create a vision obstruction.
 - F. All temporary, special event signs shall be removed by no later than two (2) calendar days after the date of expiration of the Zoning Permit.
 - G. The City, may by written order, demand the immediate removal of any temporary special event sign in violation of this or any other section of this Zoning Ordinance or amendments thereto.

(Ord. No. 2005-02, § 1, 3-21-05; Ord. No. 2010-02, § 1, 4-19-10; Ord. No. 2011-11, § 1, 10-3-11; Ord. No. 2020-01, § 2, 1-20-20)

Section 6.5. Exempted signs.

The following signs are exempted from the requirements of section 6.3.1 and do not require permits unless specifically stated otherwise:

6.5.1. General.

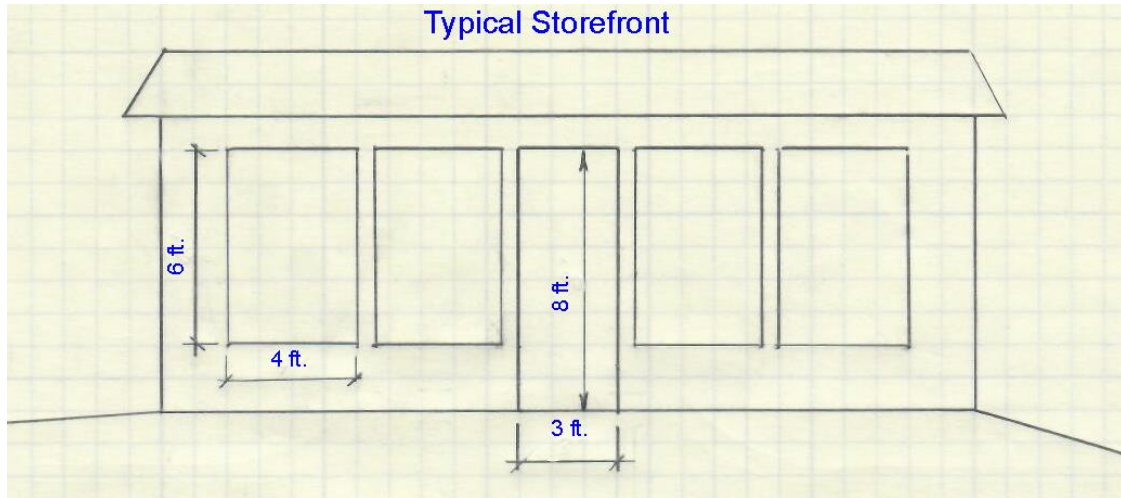
- A. Address numbers of all structures, as required by ordinance.
- B. One (1) sign, per structure, not exceeding two (2) square feet in area, designating only the name/profession of an occupant of the structure.
- C. Signs not exceeding two (2) square feet in area which contain only noncommercial messages including designation of rest rooms, or direction of door openings.
- D. Directly or indirectly illuminated signs such as clock faces or barber poles which do not contain illustrations or communicate a message.
- E. One plaque or sign designating a historic structure or district, building directory, or restaurant menu not exceeding six (6) square feet in area with a letter height not greater than two (2) inches painted on or attached to the building which contains information pertaining to building occupants only.
- F. Parking information signs containing only directional information, pedestrian, or vehicular warning or control material. Such signs shall have a surface display area of not more than four (4) square feet and shall not exceed three (3) feet in height to the top of the sign for ground mounted signs.
- G. Portable open signs as permitted by the Schedule of Sign Regulations. Fixed lighted and unlighted open signs, including LED or neon open signs are permitted up to maximum of four (4) square feet.
- H. Reserved parking space, reserved seating, or reserved display area.
- I. Neon or painted lettering on windows as permitted by the Schedule of Sign Regulations.
- J. Grand opening signs, one time only, for forty-five (45) days.

(Ord. No. 2005-02 § 1, 3-21-05)

6.5.2 Window signage. Window signage which does not exceed the type, number, size, height, location, length of time, or illumination restrictions as stated in the Schedule of Sign Regulations in this ordinance is allowed. The maximum amount of window signage on any single window or door is fifty percent (50%) of the total area of that single window or door of the business, including neon or painted lettering. The maximum amount of any combination of window and door signage allowed is that amount stated for that district in the Schedule of Sign Regulations in this ordinance. Electronic message and animated signs displayed within a window shall comply with

the maximum area, frequency of change, and illumination standards of this ordinance for such signs. See Figure 6.5.2 Window Signage - Sample Calculation. See also Sections 6.4.5 and 6.4.6.

Figure 6.5.2. Window Signage: Sample Calculation

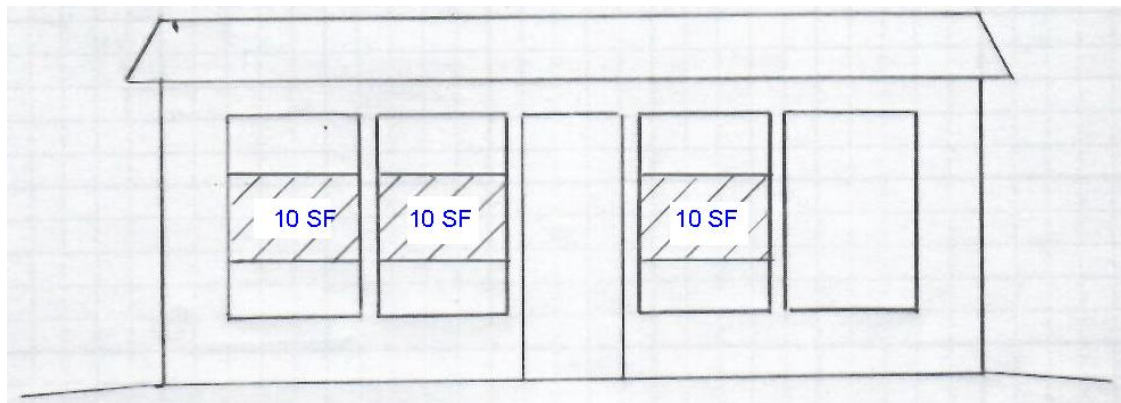


Given: 4 windows @ 4 ft. x 6 ft. = 96 SF
1 door @ 3 ft. x 8 ft. = 24 SF
TOTAL= 120 SF Total Window Area

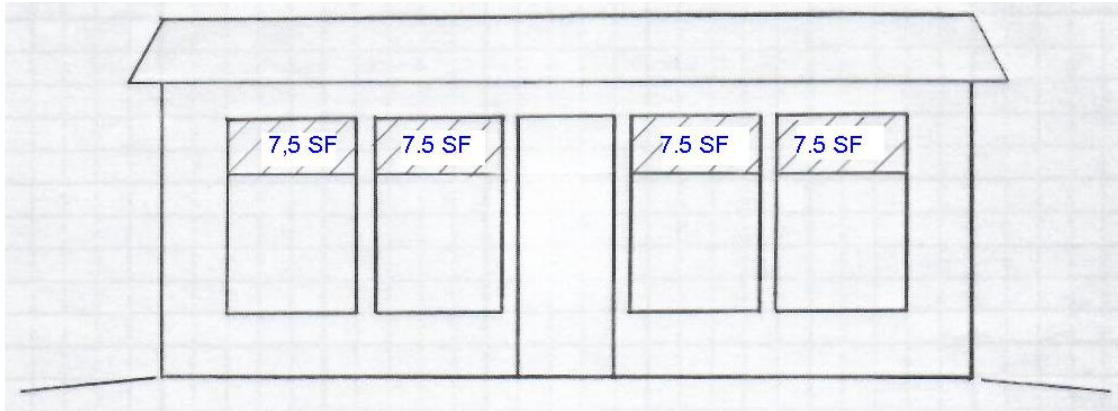
Per Sign Schedules 6.4.1 and 8.32.2 the total allowed coverage is 25% of the ground floor window area. Per Section 6.5.2 the maximum coverage on any single window is 50%.

In this example, the maximum area of signage is $25\% \times 120 \text{ SF} = 30 \text{ SF}$
Each window or door is 24 SF. The maximum coverage of any single door is $50\% \times 24 \text{ SF} = 12 \text{ SF}$

Figure 6.5.2 Window Signage: Acceptable Examples



Maximum allowed area of signage is 30 SF. 3 signs @ 10 SF each is OK.
Maximum allowed coverage is 12 SF per window. 10 SF is less than 12 SF. 10 SF is OK.
Position may be top, bottom, or midway.



Maximum allowed area of signage is 30 SF. 4 signs @ 7.5 SF each is OK.
Maximum allowed coverage is 12 SF per window. 7.5 SF is less than 12 SF. 7.5 SF is OK.
Position may be top, bottom, or midway.

6.5.3 Special Events.

- A. Municipal seasonal decorations and community events signs, provided the dates and locations have been reviewed by the City Council under the requirements of the ordinance regulating Special Events. Other similar seasonal decorations and also signs not exceeding two (2) square feet in area may be placed on private property provided such decorations do not become a nuisance or cause hardship to the abutting property owners.
- B. Civic and charitable event signs.
 1. Permission to display a sign or banner for civic or charitable events shall require Building Official and sign permit approval.
 2. Non-profit community groups may display temporary signs in a C-1 or C-2, Clinton, Riverside, and Gaslight district, or in any residentially zoned district upon written permission of the property owner. Temporary signs whose placement would encroach on a public right-of-way must be specially permitted by the Building Official, who must determine that the proposed encroachment would not pose a public safety hazard. All signs permitted under this section shall not be erected more than twenty-one (21) days prior to an event, and all must be removed within forty-eight (48) hours after the conclusion of the event. In the case of placement of special event signs in a C-1, C-2, Clinton, Riverside, and Gaslight districts, these signs do not count as part of the allowable business signs.
 3. Event signs shall be ground mounted, not exceed twelve (12) square feet in size and shall not exceed thirty-six (36) inches in height as measured from the ground.
- C. Banner Sign: Private Property - Temporary banner signs are permitted on private property provided the following criteria are met.
 1. A sign shall be displayed for a period not to exceed 45 days per one (1) year period and in increments of time from three (3) to twenty-one (21) consecutive days at a time.
 2. A sign shall be removed within 48 hours of the conclusion of the event. This two (2) day period is considered part of the allowed total days.

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3. A business, non-profit agency or leasing entity shall be permitted one sign.
 4. A sign shall not exceed twelve (12) square feet for one side or a total of twenty-four (24) square feet for all sides.
 5. Illumination is prohibited.
 6. A sign shall be registered with the City of St. Clair Building Department.

6.5.4 *Political/civic.*

- A. Political signs are allowed on private property with the permission of the owner. Political signs are not allowed within the right-of-way. Signs for the promotion of political elections may be erected at any time prior to a proposed election, however all signs must be removed within ten (10) days after the election for which they are erected. Failure to remove the signage as required may result in a fine by the Building Official.
- B. Signs maintained by a political subdivision of the State of Michigan.
- C. Signs, traffic signals, or warning devices erected or displayed by, or required or permitted to be displayed by, any public agency. Such signs shall not be counted against the number of signs or against the total sign area permitted on the premises.
- D. Signs existing on the effective date of the adoption of this Chapter which are maintained by a church, school, community center, or other public building.
- E. Memorial signs or tablets denoting the name or date of erection of a building when cut into any masonry surface or when constructed of bronze or other incombustible material.
- F. Flags bearing the official design of a unit of government, education institution, or civic league or organization, fraternal benefit societies, order, or association, or any organization operated for religious, charitable, scientific, literary, or educational purposes.

6.5.5 *Construction.*

- A. *Residential districts:* Signs shall not exceed six (6) square feet in surface display area per face and shall be set back at least fifteen (15) feet from the nearest curb.
- B. *Non-residential districts:* Signs in all other districts shall not exceed eighteen (18) square feet in display area and shall be set back at least fifteen (15) feet from the curb and in no case located in the right-of-way.
- C. *Display period:* Signs shall only be displayed during the period of actual construction and shall be removed upon completion of final inspection, or issuance of a certificate of occupancy whichever comes first. In no case shall construction signs be permitted in any district for more than one hundred eighty (180) days without the approval of the Building Official.

6.5.6 *Real estate signage.*

- A. *For sale signs:* One (1) wall or freestanding real estate sign per lot, provided that, such signs are removed ten (10) days after the sale, lease, or rental of the property upon which erected, subject to the following:
 1. *Residential areas:* Signs shall not exceed nine (9) square feet in surface display area per face and shall not exceed four and one-half (4-1/2) feet in height, and if freestanding, shall be set back at least fifteen (15) feet from the nearest curb and/or pavement or gravel street surface. The above setback requirement may be waived by the Building Official after determination that a sufficient area for display does not exist and that the sign may be safely placed at an alternate location.

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2. *Non-residential districts:* Signs shall not exceed sixteen (16) square feet in surface area per face, nor be erected higher than eight (8) feet in total height above the average grade. Freestanding signs shall be set back at least fifteen (15) feet from the nearest existing or future curb line, or in the absence of curbs, fifteen (15) feet from the nearest edge of pavement or gravel street.
- B. *Open house signs:* Directional signage not exceeding six (6) square feet or three (3) feet in height, may be permitted on the dates of the open house, provided the sign is located on private property, and that written permission has been obtained from the owner of the property on which the sign is placed. The sign must be set back at least fifteen (15) feet from the nearest curb and/or pavement or gravel surface. No such sign may be erected regarding any one property for more than three (3) consecutive days in a row.
 - C. *Garage sales:* Directional signage not exceeding six (6) square feet or three (3) feet in height, may be placed on private property with the owner's permission during any three (3) consecutive days provided that no such signage is displayed for more than a total of six (6) days in any one (1) calendar year from January to December.
 - D. *Development signs:* For developments over five (5) individual units or for industrial/commercial development over three (3) acres, one sign allowed at the front of the property with a maximum of sixty (60) square feet in area. A second sign of sixty (60) square feet in area is allowed if the property has two (2) street accesses.

6.5.7 *Public and civic announcement signs.*

- A. One (1) electronic message announcement sign meeting the requirements of Section 6.4.5 shall be permitted on any site which contains a church, school, or civic space regardless of the district in which it is located, provided said sign does not exceed twenty-four (24) square feet in area and a height of six (6) feet, and is set back a minimum of ten (10) feet from the right-of-way line.
- B. The maximum illumination level must meet the standards of Section 6.3.3.
- C. A sign permitted under this section shall meet the following design criteria.
 - a. A sign base rising a minimum of one (1) foot above the grade on which the sign is located shall be installed.
 - b. A minimum one (1) side support shall be installed.
 - c. A base and side supports shall be faced with material matching the type, texture, and color of the principal building.
- D. The requirements in Section 6.4.1 Note d, may also apply subject to the district the sign is located in.

6.5.8 *Light pole banners.*

- A. Promotional light pole banners are permitted upon zoning and sign permit approval of the Building Official.
- B. Only civic or charitable organizations or municipal banners are permitted within City rights-of-way.
- C. Light pole banners located wholly on private property may advertise business activity and/or business name.
- D. Light pole banners may be placed on private or public poles located wholly within C-1, C-2, PRPF Clinton, Riverside, and Gaslight districts.
- E. The applicant is responsible for the installation, maintenance, and removal of the banners.

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- F. For installation, banners must be attached to banner hardware, which must be attached to the light poles with proper banding materials. Municipal light poles cannot be penetrated, altered, or damaged by the installation, wear, or removal of banners or banner hardware.
 - G. An applicant is responsible for monitoring and maintaining the safety and attractiveness of banners. An applicant shall remove, replace, repair, or otherwise correct the problem within forty-eight (48) hours of public notice for non-public safety matters. As a courtesy, banners shall be removed by the applicant when they become damaged or faded. All banners which are not properly maintained shall be removed at the order of the Building Official.
 - H. An applicant shall act immediately to correct a public safety matter upon notification by the City. Failing to immediately correct such matter may result in the City of St. Clair correcting the matter at the applicant's expense.
 - I. Banners shall conform to the following dimensional standards.
 - 1. Banners shall be a maximum of thirty (30) inches in width and one hundred (100) inches in length and shall not exceed twenty (20) square feet in area.
 - 2. Banners shall be at least twelve (12) feet above grade.
 - 3. Banners shall not project more than three (3) feet from the pole that it is mounted on.
 - 4. Banners shall be constructed of lightweight, pliable, and durable fabric or similar material especially designed for outdoor display and use and shall be mounted at one or more edges.
 - 5. Banners shall be attached to light poles capable of withstanding wind loads generated by banner attachments. Civic, charitable, or municipal banners shall only be placed on City approved poles.
 - J. Flags shall not be considered banners.
 - K. All other promotional banners, pennants, streamers, or inflatable devices are strictly prohibited.

6.5.9 *Cross-street banners.*

- A. Street crossing banners shall be erected for a duration established by the written approval of the Building Official but shall not exceed sixty (60) days. This duration shall consider the schedule of the various events being promoted and coordinate their display to the greatest extent possible. A "Generic City Banner" may be displayed for any duration year-round to fill periods with no special event promotion banner.
- B. The applicant is responsible for the installation, maintenance, and removal of the banners.
- C. For installation, banners must be attached to banner hardware, which must be attached to the City approved poles with proper banding materials. Municipal light poles cannot be penetrated, altered, or damaged by the installation, wear, or removal of banners or banner hardware.
- D. Banners shall conform to the following dimensional standards.
 - 1. Banners overhanging a street shall be at least fifteen (15) feet above the immediate grade.
 - 2. Banners shall be constructed of lightweight, pliable, and durable fabric or similar material especially designed for outdoor display and use and shall be mounted at one or more edges.
 - 3. Banners shall be attached to light poles capable of withstanding wind and loads generated by banner attachments and shall only be placed on City approved poles.
- E. An applicant is responsible for monitoring and maintaining the safety and attractiveness of banners. An applicant shall remove, replace, repair, or otherwise correct the problem within forty-eight (48) hours

of public notice for non-public safety matters. All banners which are not properly maintained shall be removed at the order of the Building Official.

- F. An applicant shall act immediately to correct a public safety matter upon the notification of the City. Failing to immediately correct such matter may result in the City of St. Clair correcting the matter at the applicant's expense.

(Ord. No. 2005-02, § 1, 3-21-05; Ord. No. 2010-02, § 1, 4-19-10; Ord. No. 2011-06, § 1, 8-1-11; Ord. No. 2020-01, § 2, 1-20-20)

Section 6.6. Prohibited signs.

6.6.1. General.

- A. *Traffic:* Signs which resemble or are meant to be an imitation of an official traffic sign or signal, which may mislead or be confused with a traffic signal or which bear the words "stop," "go slow," "caution," "danger," "warning," or similar words used in traffic control.
- B. *Roof signs:* No sign shall be erected at or above the bottom roof line of a structure, except for the following. False mansard roof fronts, erected on a one (1) story structure not greater than three (3) feet above the adjacent flat roof surface of the structure any have signs at or below the height of the top of the roof line of the structure.
- C. *Banner signs:* Advertising a product, service, or entertainment venue that is not a public service or civic announcement unless otherwise specifically allowed within this ordinance.
- D. *Content:* Signs which contain or present material or a message that is considered obscene under the test articulated by the U.S. Supreme Court in Miller v California, its progeny, or any other state or federal law.

6.6.2. Specific.

- A. *Billboard/offsite signage:* Billboard/offsite signage which advertises goods, services, or uses not located on the site on which the sign is located.
- B. *Vacant lot signage:* With the exception of signs advertising the sale of the property or political signage as allowed by ordinance.
- C. *Internally illuminated canopies or awnings:* Which are translucent or permit the transfer of light.
- D. *Neon:* Except for "open" or "closed" signs with a maximum area of four (4) sq. ft.
- E. *LED illumination:* Except as specifically allowed for electronic message signs/animated signs, "open", "closed", and gas station signs.
- F. *Trailer or vehicle mounted sign.*
- G. *Lasers, searchlights and other high-intensity illumination.*
- H. *Advertising of a product or service on a flag or bunting.*
- I. *Pennants, streamers and similar types of advertising.*
- J. *Inflatable signs.*

(Ord. No. 2010-02, § 1, 4-19-10; Ord. No. 2020-01, § 2, 1-20-20)

Section 6.7. Nonconforming signs.

Any sign in existence on the effective date of this Chapter is rendered nonconforming by the provisions of the Chapter or subsequent amendments of the Chapter shall be subject to the following regulations:

6.7.1. *Nonconformity*: All of the following shall be considered nonconforming signs for the purpose of this ordinance.

- A. Signs that are not in compliance with any of the regulations listed in the Schedule of Sign Regulations for the district in which they are located.
- B. Signs which advertise a product or use, or is located on the site of a use, that has ceased, or is vacant for a period of six (6) months or more.
- C. Signs which have not been properly maintained and which the owner of has failed to commence repairs and/or maintenance within thirty (30) days after written notification, or where completion of repairs are not performed within a reasonable time.
- D. Signs which have been determined by the Building Official to be an immediate threat or hazard to the safety or welfare of the general public owner of the sign, or occupants of the site on which the sign is located.
- E. Signs which are damaged for any reason beyond fifty percent (50%) of the replacement value of the existing sign.
- F. Signs on which repairs for any reason would be estimated to exceed fifty percent (50%) of the replacement value of the existing sign.
- G. Signs which are structurally altered so as to change the shape or size of the sign.

6.7.2. *Regulations*. No nonconforming sign may be:

- A. Moved to a different location on the same or different site.
- B. Changed to another type of sign which is not in compliance with the requirements of this ordinance.
- C. Repaired for any reason where the costs of such repairs would be estimated to exceed fifty percent (50%) of the replacement value of the existing sign.
- D. Structurally altered so as to change the shape or size of the sign.

6.7.3. *Compliance*. Any lot, premises, or structure on which a nonconforming sign is located, shall not be allowed to increase signage, or provide additional signage without bringing the site into compliance with the requirements of this Chapter.

(Ord. No. 2020-01 , § 2, 1-20-20)

ARTICLE 7. OFF-STREET PARKING AND LOADING

Section 7.1. Parking requirements.

In all zoning districts, off-street parking facilities 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 after the effective date of this Ordinance, shall be provided as herein prescribed. Such space shall be maintained and shall not be encroached upon so long as said main building or structure remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this Ordinance.

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- 7.1.1. *Area for Parking Space.* For the purpose of this Section, parking lot area, shall be in accordance with Section 7.3.8.
- 7.1.2. *Fractional Requirements.* When units or measurements determining number of required parking spaces result in requirement of a fractional space, any fraction up to, and including one-half may be disregarded and fractions over one-half shall require one (1) parking space.
- 7.1.3. *Location of Parking for One- and Two-Family Dwellings.* 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, but shall not be considered a parking lot under the provisions of Section 7.3 of this Article.
- 7.1.4. *Location of Parking for Multiple-Family Residential.* The off-street parking facilities for multi-family dwellings shall be located on the same lot or plot of ground as the dwellings they are intended to serve, and shall consist of a parking lot as set forth in Section 7.3.
- 7.1.5. *Location of Parking for Other Land Uses.* The off-street parking facilities required for all other uses shall be located on the lot or within five hundred (500) feet of the permitted uses requiring such off-street parking, such distance to be measured along lines of public access to the property between the nearest point of the parking facility to the building to be served. At least 30 percent of the front setback area shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping, plant materials, or vehicle access drives.
- 7.1.6. *Seating Capacity of Seats.* As used in this Article for parking requirements, seats shall mean that each twenty-four (24) inches of seating facilities shall be counted as one (1) seat, except that where specifications and plans filed with the Code Enforcement Officer specify a certain seating capacity for a particular building, such specified seating capacity shall be used as the basis for required parking space.
- 7.1.7. *Similar Uses and Requirements.* In the case of a use not specifically mentioned, and is similar, the requirements of off-street parking facilities for the similar use shall apply.
- 7.1.8. *Floor Area.* For the purpose of this Article, the floor area used to determine the required number of parking spaces shall be as defined in Article 2.00, Definitions.
- 7.1.9. *Collective Provisions.* Nothing in this Section shall be construed to prevent collective provisions of off-street parking facilities for two or more buildings or uses, provided such facilities collectively shall not be less than the sum of the requirements for the various individual uses computed separately in accordance with Section 7.2 of this Article.
- 7.1.10. *Parking Duration.* Except when land is used as storage space in connection with the business of a repair, service garage, hotel or motel, a twenty-four (24) hour time limit for parking in non-residential off-street parking areas shall prevail, it being the purpose and intention of the foregoing that the requirement 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, and it shall be unlawful to permit, the storage or prolonged parking on any such parking area in any such district wrecked or junked cars, or for creating a junk yard or a nuisance in such areas.
- 7.1.11. *Restriction on 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 for vehicle storage, or use any portion of any 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.
- 7.1.12. *Commercial Use of Parking Space.* No commercial repair work or any servicing or selling of any kind shall be conducted on any parking area.

7.1.13. *Parking Space Requirements for Handicappers.* In those cases where barrier-free design parking areas are required under Act 1, Public Acts of 1966, as amended (MCL 125.1351 et seq.), such parking areas shall be provided in accordance with the following table and identified by signs as being reserved for physically handicapped persons. Signs shall be located approximately six (6) feet above grade. Each reserved parking area shall be not less than twelve (12) feet wide. Where a curb exists between the parking lot surface and the sidewalk surface, an inclined approach or a curb cut with a gradient of not more than one foot in twelve (12) feet and a width of not less than four (4) feet shall be provided for wheelchair access. Parking spaces for the physically handicapped shall be located as close as possible to walkways and entrances. Signs shall be provided when necessary, indicating the direction of travel to an accessible entrance. The parking area shall be paved with asphalt or concrete and have a maximum slope of five (5) percent.

Total Spaces in Lot	Required Number of Accessible Spaces
up to 25	One (1)
26 to 50	Two (2)
51 to 75	Three (3)
76 to 100	Four (4)
101 to 150	Five (5)
151 to 200	Six (6)
above 200	Six (6)

7.1.14. *Off-Street Parking in C-2 Commercial Districts.* For permitted uses and special uses allowed within C-2 District, off-street parking requirements shall not apply if all of the following conditions are met:

- A. The use is within 300 feet of a municipal parking lot.
- B. The use will not create unusual parking demands and will not disrupt the parking arrangements of residential neighborhoods, or existing commercial areas.
- C. The use is within the C-2 District and bounded by Third Street, Vine Street, Clinton and Riverside Streets.
- D. That where practical, any available land on the owner premise shall accommodate the required number of parking spaces for that business as specified by the Off-Street Parking Requirement Table (7.2.).

Section 7.2. 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 for a building permit and shall be irrevocably reserved for such use and/or shall comply with the initial part of this Section.

Use	Required No. of Parking Spaces	Per Each Unit of Measure as Follows
Section 7.2.1. Residential		
a. Single- or Two-Family Dwelling	2	per each dwelling unit
b. Multiple-Family Dwelling	2	per each dwelling, plus
	1	per each ten (10) dwelling units
c. Senior Apartments and Senior Independent Living Community	1.5	per unit

	d. Fraternities, Sororities, Rooming Houses	1	per each three (3) occupants
	e. Dormitories	1	per each four (4) occupants
	f. Assisted Living Community	0.5	per unit, plus
		1	per on-duty employee, plus
		1	per five (5) units
Section 7.2.2. Institutional			
	a. Churches	1	per each three (3) seats based on maximum seating capacity in the main place of assembly therein
	b. Private Clubs & Lodges	1	per each three (3) individual members allowed within the maximum occupancy load as established by local county, state, fire, health, or building codes
	c. Hospitals	1	per each four (4) beds, plus
		1	per staff doctor, plus
		1	per each four (4) employees
	d. Skilled Nursing and Memory-Care Centers	1	per each four (4) beds, plus 1 per each staff doctor, plus
		1	per each four (4) employees
	e. High Schools	1	per each teacher, plus
		1	per each ten (10) students, plus
		1	per each employee or administrator, plus requirements of the auditorium or assembly hall therein
	f. Elementary & Junior High Schools, Trade Schools	1	per each teacher, plus
		1	per each employee or administrator, plus requirements of the auditorium or assembly hall therein
	g. Child Care Center, Day Nurseries, or Nursery Schools	1	per each 400 sq. ft. of UFA, plus
		1	per each employee
	h. Stadiums & Sports Arena	1	per each four (4) seats or eight (8) feet of bench
	i. Assisted Living and Rehabilitation		
	1 to 6 beds	2	plus .5 spaces per each bed
	7 to 10 beds	2	plus .75 spaces per each bed
	11 to 20 beds	2	plus 1 space per each bed
Section 7.2.3. Commercial			
	a. Retail Stores, except as otherwise specified herein	1	per each 200 sq. ft. of GFA, plus
		1	per each three (3) employees
	b. Furniture, Appliances & Household Equipment, Repair Shops, Hardware Stores	1	per each 800 sq. ft. of UFA, plus
		1	per each two (2) employees and other similar uses
	c. Auto Salesrooms, Wholesale Stores, Machinery Sales, & other similar uses	1	per each 1000 sq. ft. of UFA, plus

	1	per each employee
d. Medical Clinic & Dental Clinic	3	per each staff or visiting doctor, plus
	1	per each employee
e. Business & Professional Offices	1	per each 300 sq. ft. of GFA
f. Motels, Hotels, Tourist Homes	1	per each guest bedroom, plus
	1	per each employee, plus amount required for accessory uses
g. Banks (other than drive-in), Post Offices	1	per each 200 sq. ft. of UFA, plus
	1	per each one (1) employee
h. Drive-in Banks	4	Stacking spaces per each teller window
i. Barber & Beauty Shops	3	per each operator/chair
	1.5	per each tanning bed
	1	per each nail technician/other staff
j. Bowling Alleys 6 Per bowling lane, plus amount required for accessory uses		
k. Drive-in Restaurants	1	per each 50 sq. ft. of GFA, plus
	1	per each two (2) employees
l. Fast Food Drive-in Restaurants	1	per each 125 sq. ft. of GFA, plus
	1	per each two (2) employees, with a minimum total of 25 parking spaces
m. Establishments (other than drive-in restaurants) in which is conducted the sale and consumption on the premises of food, beverages or refreshments	1	per each three (3) persons allowed within the maximum occupancy load as established by local, state, or county fire, health, or building codes, plus
	1	per each three (3) employees, or
	1	per each 100 sq. ft. of UFA, (whichever is greater)
n. Private Tennis, Swim or Golf Clubs, or other similar uses	1	per each two (2) member families or individuals, plus amount required for accessory uses
o. Golf Course, open to the general public	5	per each holes, plus
	1	per each employee, plus amount required for accessory uses
p. Filling Stations, Automobile Service Stations	2	per each service stall, plus
	1	per each employee, plus
	1	per each service vehicle, plus
	1	per each 200 sq. ft. GFA used by the public
q. Motor Vehicle Wash Establishments (self-serve)	4	per each wash stall
r. Motor Vehicle Wash Establishments (other than self-serve)	4	per each unit which represents the establishments maximum capacity as computed by dividing the linear dimensions of the mechanical wash/dry operation by 20 feet, plus
	1	per each employee

	s. Service Garages, Auto Repair Shops, Collision or Bump Shops, and other similar uses	1	per each 800 sq. ft. UFA, plus
		1	per each two (2) employees computed on the basis of the maximum number of employees on duty at any on time, plus
		2	per each stall or service area
	t. Open Air Business (not otherwise provided for herein)	1	per each 800 sq. ft. of lot area used for said business
	u. Personal Service Establishments (not otherwise provided for herein)	1	per each 300 sq. ft. of UFA, plus
		1	per each two (2) employees
	v. Theaters, Auditoriums, & Assembly Halls	2	per each five (5) seats based on the maximum seating capacity in the main place of assembly therein, plus
		1	per each two (2) employees
	w. Marinas	1	per each boat slip, plus
		1	per each employee
Section 7.2.4. Industrial			
	a. Industrial or Manufacturing Establishments, Research Establishments	1	per each 1½ employees computed on the basis of the greatest number of persons employed at any one time, day or night, or
		1	per each 2000 sq. ft. of UFA (whichever is greater)
	b. Warehouses and Storage Buildings	1	per each two (2) employees computed on the basis of the greatest number of persons employed at any one time, day or night, or
		1	per each 2000 sq. ft. of GFA (whichever is greater)

(Ord. No. 2009-01, § 1, 5-18-09; Ord. No. 2018-05, § 1, 4-2-18)

Section 7.3. Off-street parking lot construction and operation.

The construction of any parking lot shall be in accordance with the requirements of the provisions of this Ordinance and such construction shall be completed and approved by the Code Enforcement Officer and the City Engineer before actual use of the property as a parking lot and before a Certificate of Occupancy is issued. Plans for the development of any parking lot must be submitted to the Building Inspector, prepared at a scale of not less than fifty (50) feet equals one (1) inch and indicating existing and proposed grades, drainage, pipe sizes, parking of all dimensions, type of curbing, drive and aisle dimensions, lighting, adjacent main buildings, sidewalls, landscaping, surfacing and base materials to be used and the layout of the proposed parking lot. The plans are to be prepared in a presentable form by person(s) competent in such work and shall reflect conformance with the following provisions.

7.3.1. All such parking lots required for uses other than single- or two-family residential shall be hard-surfaced with a pavement consisting of asphalt or concrete, shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area, and shall be completely

constructed prior to a Certificate of Occupancy being issued. No surface water from such parking area shall be permitted to drain onto adjoining private property.

- 7.3.2. All illumination for or on all such parking lots shall be deflected away from adjacent residential areas and shall be installed in such a manner as to allow the reduction of the amount of light in other than normal parking hours each day, and shall provide average and initial illumination of 0.80 vertical foot-candles and 0.62 horizontal foot-candles in the area used for parking.
- 7.3.3. The depth of the front 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 shall be unlawful to use the space between such setback line and the street line for the parking of motor vehicles.
- 7.3.4. When a non-residential parking lot or parking area is situated on a parcel which adjoins a residentially-zoned district, the side and/or rear yard setback, adjacent to this residential district, shall be a minimum of thirty (30) feet from the proposed actual parking area. The first fifteen (15) feet of this required setback shall be developed as a greenbelt and shall extend to encompass the parking lot by extending beyond the actual parking area and its drives by at least thirty (30) feet or to the property line. The above greenbelt requirement may be replaced, upon Planning Commission approval, by an eight (8) foot wide strip of lawn containing a five (5) foot high solid-faced wall equivalent, located within three (3) feet of the respective property line and encompassing the parking lot as stipulated above.
- 7.3.5. Off-street parking lots adjacent to public rights-of-way and directly visible from residential, mixed-use and downtown redevelopment zoning districts shall be screened according to the following design standards:

A. Masonry piers spaced per the following schedule:

	Street Length			
	Less than 100'	100'—150'	151'—200'	Greater than 200'
Pier Spacing	20'	30'	40'	50'

- B. Ornamental metal, wood, vinyl or brick screen fence between the heights of 32 inches and 36 inches shall be installed between the piers. Such fence shall not obscure the off-street parking area. The Planning Commission may substitute an opaque landscape hedge as regulated in section C. for a fence.
- C. An opaque landscape shrub hedge between the height of 32 inches and 36 inches is installed and maintained along public right-of-way side of the fence line.
- D. A minimum five foot landscape strip is installed along the inside of the fence line.
- E. Ornamental trees spaced 20 feet on center are installed in the landscape strip.
- F. Planning Commission may modify these requirements provided the applicant demonstrates that required parking lot dimensions inhibit installation and proper maintenance.
- G. A corner visibility triangle meeting the requirements of this ordinance shall be maintained at corners and access drives. Walls and landscaping not exceeding 30 inches in height can be installed within the corner visibility triangle.
- I. Fast Food Menu Boards are allowed subject to Planning Commission approval of a submitted site plan indicating sign location and size. See also specific sign requirements in Section 6.4.4 Fast Food Menu Boards.

7.3.6. Adequate ingress and egress to the parking lot, by means of limited and clearly defined drives, shall be provided for all vehicles.

7.3.7. Wheel chocks shall be provided, so located as to prevent any vehicle from projecting over the lot or setback lines. This requirement may be waived by the City building official or Planning Commission where a five (5') foot landscape strip is located adjacent to the parking space.

7.3.8. Plans for the layout of off-street parking facilities shall be in accordance with the following minimum regulations and as listed in Table 7.3.8(a) and as illustrated in 7.3.8(b).

1. A minimum off-street parking space shall not be less than 18 feet in length as measured from a face of sidewalk, curb or wheel chock.
2. A pedestrian walk adjacent to off-street parking spaces shall not be less than six (6') feet in width and not reduced to less than four (4') feet of clear walking space with vehicle overhang.
3. A vehicle shall not overhang or cross public right-of-way or property.

7.3.9. Parking lots containing more than twenty (20) spaces shall be landscaped in accordance with Section 5.7 of this Ordinance.

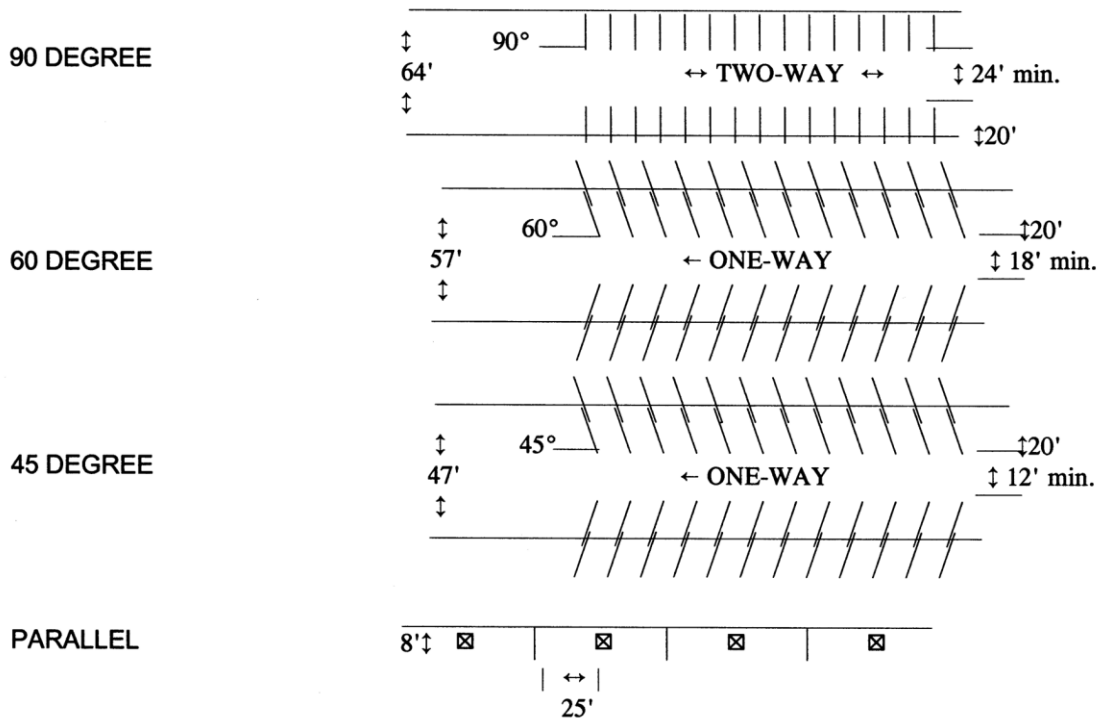
Table 7.3.8(a)

PARKING PATTERN	MINIMUM DRIVEWAY OR AISLE WIDTH	PARKING SPACE LENGTH ^(a)	PARKING SPACE WIDTH ^(b)	TOTAL WIDTH OF TWO TIERS OF SPACES & AISLES
0° (parallel)	10 feet	25 feet	8 feet	feet
30°	10 feet	20 feet	9 feet	feet
45°	12 feet	20 feet	9 feet	feet
60°	18 feet	20 feet	9 feet	feet
90°	24 feet	20 feet	9 feet	feet

a. as measured perpendicular to longitudinal angle of parking

b. as measured parallel to longitudinal angle of parking

Table 7.3.8(b)
Parking Layouts*



Parking Layouts

*Maneuvering lanes will be required to be increased when such lane is required for fire or safety vehicle access to building.

(Ord. No. 2010-02, § 1, 4-19-10; Ord. No. 2020-01 , § 2, 1-20-20)

Section 7.4. Commercial vehicles and equipment parking.

A person shall not park or permit to be parked, any commercial vehicle, trailer, or construction or agricultural equipment on any residentially zoned property in the city, or on any public street, for any purpose or length of time other than for expeditious loading and delivery or pick-up and unloading of materials, goods, or merchandise, or for the purpose of carrying on a principal use permitted on the property on which the vehicle is parked, or as permitted below:

- A. A commercially licensed vehicle, may be parked on residentially- zoned property if all of the following conditions are met:
 - 1. The vehicle is used as the principal means of transportation for a resident in the conduct of their employment or profession or is the resident's sole means of motor vehicle transportation.
 - 2. The vehicle is not a dump truck, stake truck, flatbed or tow truck semi-tractor or semi-tractor trailer with two or more rear axles, a mobile home, tractor, bulldozer, earth carrier, drag line vehicle, crane, excavator and any other equipment or machinery not customarily considered to be for the regular maintenance of a residential property.
- B. The owner, tenant, or lessee of a farm may openly store the machinery and equipment used on his farm; and it is further provided that equipment necessary for construction, legally parked in the right of way or parked overnight on a lot, parcel, or tract of land, during the construction work thereon, shall be excepted from this restriction.

Section 7.5. Off-street loading requirements.

On the same premises with every building or part thereof, erected, and occupied for manufacturing, storage, warehouse, goods display, department store, wholesale, market, hotel, hospital, laundry, dry cleaning or other uses similarly involving the receipt or distribution of vehicles, material or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services in order to avoid undue interference with street or parking areas.

7.5.1. Such loading and unloading space, unless completely and adequately provided for within a building, shall be an area ten (10) feet by fifty (50) feet, with fourteen (14) foot height clearance, and shall be provided according to the following schedule.

Gross Floor Area (sq. ft.)	Loading & Unloading Spaces Required
0—2,000	None.
2,000—20,000	One (1) space.
20,000—100,000	One (1) space plus one (1) space for each 20,000 sq. ft. in excess of 20,000 sq. ft.
100,000—500,000	Five (5) spaces plus one (1) space for each 40,000 sq. ft. in excess of 100,000 sq. ft.
Over 500,000	Fifteen (15) spaces plus one (1) space for each 80,000 sq. ft. in excess of 500,000 sq. ft.

7.5.2. Double Count. Off-street loading space areas shall not be construed as, or counted toward, the supplying of area required as off-street parking space area.

Section 7.6. Parking lot entrance drives.

All parking areas other than those for single-family and duplex units shall provide adequate access by means of maneuvering lanes so that backing directly onto a street is unnecessary. In addition, adequate radii or flare approaches shall be provided to permit ingress and egress of vehicles onto or from the site in a manner that does not endanger through traffic on the accessing street. Maximum driveway entrance width for single-family and duplex units shall be twenty (20) feet, as measured at the back of sidewalk or property line; maximum driveway opening at the street line or curb shall be twenty-four (24) feet on a flared opening. Only one (1) driveway opening per single and two-family residential site frontage will be permitted unless utilized for circle driveways. Maximum driveway entrance width for all other building or use type shall be thirty-five (35) feet for a two-way driveway.

Section 7.7. Recreational vehicles and/or equipment.

The following shall regulate the control of recreational vehicles within the City of St Clair.

7.7.1. *Intent.* It is the intent of this ordinance to provide for the reasonable use and storage of recreational vehicles, on residential property, which would normally be utilized by the owners of such residential property. It is the further intent of this ordinance to provide for the protection of the general public health, safety and welfare of the residents of the City of St Clair. It is also the intent of this ordinance to effectively prohibit the storage of recreational vehicles in the front yard and to preserve and protect the value of residentially utilized property in the City of St Clair from over crowding and congestion.

7.7.2. *Definitions.* The following words, terms, and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- A. *Recreational vehicle and/or equipment:* Any motor home, manufactured motorized home, motorbus, travel trailer, camp trailer, camper, truck camper bodies, folding tent trailer, all

designed to be used as a temporary dwelling for travel, recreational and vacation use, or periodical and occasional recreational and vacation use equipment such as a utility trailer, boat, boat trailer, float or raft, personal watercraft, snowmobiles, including transportation equipment and off-road vehicles, or other similar vehicles.

- B. *Landscape screening*: Landscaping which provides screening, at installation, of at least 50% of the view for the full height of the landscaping.
- C. *Trailer*: Every vehicle without motive power, designed for carrying property or persons and for being drawn by a motor vehicle.
- D. *Truck*: means every motor vehicle designed, used or maintained primarily for the transportation of property.
- E. *Tractor*: means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

7.7.3. *Parking of Recreational Vehicles*. The parking or storage of Recreational Vehicles and/or equipment on public streets, or on occupied or vacant property is prohibited with the following exceptions:

- A. The storage of Recreational Vehicles on waterfront lots shall be in compliance with all of the regulations listed in this ordinance and shall be further regulated by the following:
 - 1. A minimum yard setback prohibiting storage along the river shall be established by rendering a straight line between the adjacent dwellings from the two corners that are nearest the river and closet to the existing residence.
 - 2. Watercraft of any type, stored in structures located over waters which are regulated by the Army Corps of Engineers and Department of Environmental Quality or watercraft located on a hoist in/over/or adjacent to navigable waterways.
- B. When parking in front of the structure, for loading or unloading during any two 24 hour periods in any seven day week from Sunday to Saturday.
- C. Recreational Vehicles and/or equipment when stored within the confines of an enclosed garage or accessory structure when such structures are in compliance with all other requirements of the City codes and ordinances.
- D. The storage of not more than one Recreational Vehicle or equipment and one boat or personal watercraft is permitted, on residential property in residentially zoned districts or lots otherwise used for residential purposes, subject to the following:
 - 1. The equipment or vehicle must be owned or leased by and be licensed to or carry current registration by the occupant of the residence located on the property on which the equipment or vehicle is stored. The requirement of carrying current registration shall be deemed satisfied for equipment issued a six month registration pursuant to the current laws regulating six month registrations, where such six month registration is current or was current within the previous six months.
 - 2. The vehicle, trailer or equipment may be stored in the rear or side yard provided it complies with the following requirements:
 - a. The vehicle does not exceed 34 feet in length per the official designation of the length by the manufacturer as registered with the State or 14 feet in height.
 - 1. The length restriction will be waived for one specific vehicle that was regularly parked on the property, prior to the enactment of this

ordinance, if a request for a waiver is filled out and submitted to the City within 90 days of the enactment of the ordinance.

- b. It does not extend past the front of the nearest corner of the residence or attached garage on the side of the residence where the vehicle is stored and there is a minimum side yard setback provided to store the vehicle on for full length of the vehicle without the vehicle extending over the property line.
 - c. Where the side yard for the proposed storage abuts a street, the vehicle shall comply with the minimum side yard setback requirements and footnotes listed in the Schedule of District Regulations for the main structures for the district in which it is located.
 - d. It is provided with a hard surface storage pad consisting of gravel, asphalt or concrete and installed in such a manner as to prevent the growth of vegetation through the pad.
 - e. The grade of the pad must be installed in a manner that will not increase the amount of runoff onto adjacent properties, in compliance with all requirements of the zoning ordinance in regard to drains and drainage, after review and approval by the building inspector.
3. Not more than a total of 30% of the rear yard may be occupied by the total of all Recreational Vehicles or equipment and accessory structures.
4. In the case of a complex of multiple family dwellings of three or more units or mobile home parks, the City shall require a screened area, in addition to off-street parking spaces, to be provided on the site for the parking and storage of recreational vehicles and/or equipment. The area used for the parking of the vehicles shall be reviewed and approved by the Planning Commission and shall be submitted in the form of a drawing in sufficient detail demonstrating the following:
- a. Landscape screening must be provided at a minimum height of 4 feet in such a manner so as to designate the area and number of units that will be allowed to be stored on site.
 - b. A non-porous surface area, which will prevent the growth of vegetation through the surface, must be provided for the parking of recreational vehicles.
 - c. The grade of the area provided for parking must be such that it will not increase the amount of runoff onto adjacent properties, and must be in compliance with all requirements of the zoning ordinance in regard to drains and drainage, after review and approval by the building inspector.
5. A Recreational Vehicle and/or equipment may be stored within any portion of a dedicated easement provided it is in compliance with all other requirements of the ordinance and it is maintained so that it can be readily moved in case of an emergency.
- E. In addition to the one Recreational Vehicle or item of equipment allowed under section D above, the storage of one additional boat or personal watercraft is permitted only as follows:
- 1. When stored within the confines of an enclosed garage or accessory structure.
 - 2. Temporary driveway parking, in a front, side or rear yard setback, of a boat or personal watercraft not exceeding twenty-six (26) feet in length, on a trailer, with the total height of the combination not exceeding seven (7) feet in height and eight (8) feet six (6) inches in width, is permitted between the dates of April 15 through October 15, provided the vehicle

has current license and registration as required under State law. During the balance of the calendar year said additional boat may be stored on the property under the restrictions contained in section D above. Boats and recreation equipment shall not be parked closer than (10) feet to the curb of a street.

- F. Any area expressly permitted and zoned for commercial sales and/or storage of the applicable Motor Home, Recreational Vehicle and/or equipment.

7.7.4. Recreational Vehicles or equipment collecting water or attracting insects, vermin and other pests. Any watercraft or recreational vehicle and/or equipment which serves as a collection point for pools or ponds of water, a breeding ground for mosquitoes or other insects, or a refuge for rats, rodents, vermin or other pests, while stored on residential property is hereby declared to constitute a nuisance.

7.7.5. Recreational Vehicle, trailer or boat used as dwelling. The use or occupancy of any recreational vehicle and/or equipment as a dwelling or for lodging is prohibited with the following exception:

- A. One unit may be occupied provided it is posted with a valid zoning permit, which will be permitted for two periods, not exceeding two weeks each, in any one calendar year from January to December.
- B. The vehicle may only be located as required or allowed by other sections of this ordinance. Temporary storage of the vehicle in the front yard or waterfront yard is not permitted without a variance from the Zoning Board of Appeals.

7.7.6. Connection of Recreational Vehicle to utilities. The connection of a recreational vehicle or equipment to utilities such as electric, sewer and water lines, is prohibited with the following exception:

- A. A Recreational Vehicle or equipment may be temporarily connected to an electrical power outlet, when in compliance with the other requirements of this ordinance and where the connecting cord and internal wiring of the unit are in compliance with the provisions of all other applicable codes currently in effect.

7.7.7. Wrecked, damaged, inoperative, disassembled or disabled Recreational Vehicles and/or equipment.

Any wrecked, damaged, inoperative, disassembled or disabled recreational equipment and/or vehicle, stored or parked in zoning districts other than those zoned for commercial sales, or on vacant lots for a period in excess of 15 days is prohibited, with the following exceptions:

- A. When stored within the confines of an enclosed garage or accessory structure.
- B. When stored in any area expressly permitted and zoned for commercial repair and/or storage of the applicable recreational vehicle and/or equipment.

7.7.8. Recreational vehicles and/or equipment used for storage. The use of any recreational vehicle and/or equipment for the storage of materials, goods or equipment other than those items considered to be a part of the unit or essential to its immediate use in any zoning district is prohibited.

Section 7.8. Off-street parking in public rights-of-way.

7.8.1. The City Council may grant license agreements to property owners for the establishment of off-street parking in public rights-of-way immediately adjacent to property owned by an applicant as provided in this section.

7.8.2. Application for the establishment of off-street parking in public rights-of-way shall be made to the Planning Commission which shall review same in terms of the standards stated within this section and shall establish that such off-street parking:

-
- (a) Shall not cause any additional traffic safety problems in the area of the request. Volume and speed of traffic, effect on clear vision areas, pedestrian access routes to and from the proposed parking shall all be considered. The Chief of Police shall provide a written opinion addressing this or any other traffic safety concerns.
 - (b) Shall not cause any additional fire safety problems in the area of the request. Access for fire safety equipment shall be considered. The Fire Chief shall provide a written opinion addressing these or any other fire safety concerns.
 - (c) Shall help to alleviate an existing parking problem in the area of the request.

7.8.3. The application for off-street parking shall be reviewed by the City Engineer and City Planner who shall make written reports to the Planning Commission relative to the effect of such an improvement upon existing public utilities and future public usage of the right-of-way.

7.8.4. The Planning Commission shall hold a hearing and give notice of the proposed parking area to persons to whom real property within three hundred feet of the area in question is assessed, and to the occupants of single and two family dwellings within three hundred feet, the notice to be delivered personally or by mail. The Planning Commission shall make a written report of the hearing and their findings of fact, regarding the proposed parking area, to the City Council with a recommendation to approve or deny the request. Final determination shall be a discretionary decision of the City Council. The Council may condition approval of the request upon any additional terms or conditions as it may deem appropriate.

7.8.5. Should an application for off-street parking in a public right-of-way be approved by the City Council, the City Attorney shall prepare a written license agreement for execution by the property owners which agreement shall address:

- (a) Compliance with specifications established by the City Engineer.
- (b) Responsibility for maintenance.
- (c) Responsibility for restoration of the area if necessary construction by the City disturbs the area.
- (d) Reimbursement to the City for administrative and engineering costs.
- (e) Whether or not the licensee will have exclusive use of the right-of-way, or whether it will be open to the public.

Section 7.9. Vehicle sales prohibited.

The sale or exhibition for sale of vehicles on lots, other than those zoned and approved for commercial sale of vehicles, is prohibited with the following exceptions:

- A. No more than one motor vehicle, boat or other piece of recreational equipment may be sold or exhibited for sale at any given time by the occupant of a residence located on the property and in no case shall it be located in the right of way.
- B. The vehicle or equipment is required to be owned or leased by the occupant of the residence located on the property.
- C. The vehicle or equipment will be permitted to be displayed on any occupied residential land for three periods, not exceeding two weeks each, in any one calendar year from January to December.

ARTICLE 8. PLANNED UNIT DEVELOPMENT

Section 8.1. Purpose.

The provisions of this article provide enabling authority and standards for the submission, review, and approval of applications for planned unit developments. It is the intent of this article to authorize the use of planned unit development regulations for the purposes of: encouraging the use of land in accordance with its character and adaptability; conserving natural resources and energy; encouraging innovation in land use planning; providing enhanced housing, employment, shopping, traffic circulation and recreational opportunities for the people of the City; and bringing about a greater compatibility of design and use.

(Ord. No. 2020-01 , § 2, 1-20-20)

Section 8.2. PUD regulations.

8.2.1. Planned unit development treatment may be applied in any zoning district.

8.2.2. Any land use authorized in this Ordinance may be included in a planned unit development, subject to adequate public health, safety, and welfare protection mechanisms being designed into the development for the purpose of effectively dividing varied land uses which have been joined in and/or are adjacent to the development.

8.2.3. The applicant for a planned unit development must demonstrate all of the following as a condition to being entitled to planned unit development treatment:

- A. Grant of the planned unit development will result in one of the following:
 - 1. A recognizable and material benefit to the ultimate users of the project and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the planned unit development regulations; or
 - 2. Long-term protection and/or preservation of natural resources and natural features of a significant quantity and/or quality in need of protection or preservation on a local, state, and/or national basis; or
 - 3. A non-conforming use shall, to a material extent, be rendered more conforming, or less offensive, to the zoning district in which it is situated.
- B. The proposed type and density of use shall not result in an unreasonable increase in the need for or burden upon public services, facilities, and utilities in relation to the use or uses otherwise permitted by this Ordinance, and shall not place an unreasonable burden upon the subject and/or surrounding land and/or property owners and occupants and/or the natural environment.
- C. The proposed development shall be consistent with the public health, safety and welfare of the City.
- D. The proposed development shall not result in an unreasonable negative economic impact upon surrounding properties.
- E. The proposed development shall be under single ownership and/or control such that there is a single person having responsibility for completing the project in conformity with this Ordinance.

(Ord. No. 2020-01 , § 2, 1-20-20)

Section 8.3. Project design standards.

8.3.1. Residential uses shall be permitted with the following maximum density, based upon the zoning district in which the property is situated immediately prior to classification under this article.

-
- A. Eight (8) dwelling units per gross acre in R-1.
 - B. Ten (10) dwelling units per gross acre in R-1A.
 - C. Twelve (12) dwelling units per gross acre in R-2.
 - D. Fourteen (14) dwelling units per gross acre in R-3.
- 8.3.2. Non-residential uses shall be permitted as part of a common development with residential units to the extent the applicant demonstrates by expert analysis, and the Planning Commission finds, in its discretion, that the non-residential uses shall principally serve the persons residing in the residential units in the project, provided, the non-residential uses, including without limitation, parking and vehicular traffic ways, shall be separated and buffered from residential units in a manner consistent with good land and community planning principles.
- 8.3.3. For non-residential uses, minimum lot area requirements of the district in which a use is a permitted principal use shall apply, subject to the provisions of the immediately following paragraph. All ambiguities shall be resolved by the Planning Commission.
- 8.3.4. All regulations applicable to lot size, lot width, setback, parking and loading, general provisions, and to other requirements and facilities, shall be met in relation to each respective land use in the development based upon regulations of the zoning district in which the property is situated immediately prior to classification under this article. For all special uses, regulations applicable to the respective uses shall apply. The Planning Commission, in its discretion, shall resolve all ambiguities as to applicable regulations. Notwithstanding the immediately preceding provision of this paragraph, deviations with respect to such regulations may be granted as part of the overall approval of the planned unit development, provided there are features or elements deemed adequate by the Planning Commission designed into the project plan for the purpose of achieving the objectives of this article.
- 8.3.4.5. Signage specific to the use and operation of the planned unit development shall be presented to the extent possible as part of the overall approval of the planned unit development for the review and comment of the Planning Commission. Such signage shall be consistent with the requirements of the district the planned unit development is located in and in compliance with all requirements of Article 6 and Article 8B of this ordinance. Such signage that may be determined as required for operation after approval of the planned unit development may be presented to the building official for approval consistent with Article 6 and Article 8B of this ordinance. When the terms of Article 6 and Article 8B are not met the building official shall pass the approval to the Planning Commission. The Planning Commission shall have authority to grant reasonable variance to the requirements of Article 6 and Article 8B to the extent such variance is consistent with the operation of the approved planned unit development.
- 8.3.5. Additional density of up to 25 percent greater than specified in Section 8.3.1. for residential uses may be allowed in the discretion of the Planning Commission based upon a demonstration by the applicant of design excellence in the planned unit development resulting in a material benefit to all or a significant portion of ultimate residential uses of the project, including, without limitation, development of innovative design producing significant energy efficiency, pedestrian or vehicular safety, or long-term aesthetic beauty.
- 8.3.6. To the maximum extent feasible, the development shall be designed so as to preserve natural resources and natural features. In the interpretation of this provision, natural resources and natural features may be impaired or destroyed only if it is clearly in the public interest to do so. In determining whether action is in the public interest, the benefit which would reasonably be expected to accrue from the proposal shall be balanced against the reasonably foreseeable detriments of the activity, taking into consideration the local, state and national concern for the protection and preservation of the natural resources or features. To accomplish this balancing, the following criteria shall be applied: The availability of feasible and prudent alternative methods of accomplishing the development; the extent and permanence of the beneficial or

detrimental effects of the proposed activity; the size, quality and rarity of the natural resources or natural features which would be impaired or destroyed.

- 8.3.7. There shall be a perimeter setback and berming, as found to be necessary by the Planning Commission, for the purpose of buffering the development in relation to surrounding properties. If the planned unit development project includes non-residential uses adjacent to a district authorizing residential uses, and/or if the project is larger than one acre in area, such perimeter setback shall be established with a dimension from the property line of up to one hundred (100) feet in the discretion of the Planning Commission, taking into consideration the use or uses in and adjacent to the development. The setback distance need not be uniform at all points on the perimeter of the development.
- 8.3.8. Thoroughfare, drainage, and utility design shall meet or exceed the standards otherwise applicable in connection with each of the respective types of uses served.
- 8.3.9. Where feasible, there shall be underground installation of utilities, including electricity and telephone.
- 8.3.10. In all cases where separation can be accomplished without significantly reducing the kind and density of uses, the pedestrian circulation system, and its related walkways and safety paths, shall be separated from vehicular thoroughfares and ways.
- 8.3.11. Signage, lighting, landscaping, building materials for the exterior of all structures, and other features of the project, shall be designed and completed with the objective of achieving an integrated and controlled development, consistent with the character of the community, surrounding development or developments, and natural features of the area.
- 8.3.12. In all cases where non-residential uses adjoin off-site residentially zoned property, noise reduction and visual screening mechanisms such as earthen and/or landscape berms and/or decorative walls, shall be employed. The Planning Commission, in its discretion, shall review and approve the design and location of such mechanisms in regard to maximizing, to a reasonable extent, the achievement of the screening objectives.

(Ord. No. 2020-01 , § 2, 1-20-20)

Section 8.4. Procedure for review and approval.

- 8.4.1. The grant of a planned unit development application shall require a rezoning by way of an amendment of this Ordinance.
- 8.4.2. Prior to the submission of an application for planned unit development approval, the applicant may submit to the Planning Commission a preliminary site plan of the proposed planned unit development, as well as the following information: Total number of acres in the project; a statement of the number of residential units, if any, the number and type of non-residential units, and the number of acres to be occupied by each type of use; the known deviations from ordinance regulations to be sought, including signage deviations; the number of acres to be preserved as open or recreational space; and, all known natural resources and natural features to be preserved.
- 8.4.3. The Planning Commission shall review the preliminary site plan, and shall be entitled to make reasonable inquiries of and receive answers from the applicant. Following review, the Planning Commission shall provide the applicant with written comments, which shall be part of the official minutes of the Planning Commission.
- 8.4.4. Within six (6) months following receipt of the Planning Commission comments on the preliminary plan, the applicant shall submit to the Code Enforcement Officer, four (4) copies of a final plan conforming with Section 8.5. below. This plan shall constitute an application to amend this Ordinance, and shall be noticed for public hearing before the Planning Commission, and otherwise acted upon by the Planning Commission, and the City Commission, as and to the extent provided by law. With and in addition to the regular report

submitted by the Planning Commission in connection with a rezoning application, the Planning Commission shall, to the extent it deems appropriate, submit detailed recommendations relative to the planned unit development project, including, without limitation, recommendations with respect to matters on which the City Commission must exercise discretion.

(Ord. No. 2020-01 , § 2, 1-20-20)

Section 8.5. Applications.

Final plans shall include the following:

8.5.1. All requirements of Article 9 of this Ordinance.

8.5.2. A plan showing the type, location, and density of all uses.

8.5.3. All open spaces, including preserves, recreational areas, and the like, and each purpose proposed for such areas.

8.5.4. A separately delineated specification of all deviations from this ordinance, including signage deviations, which would otherwise be applicable to the uses and development proposed in the absence of this planned unit development article. This specification should include ordinance provisions from which deviation are sought, including signage deviations, and the reasons and mechanisms to be utilized for the protection of the public health, safety, and welfare in lieu of the regulations from which deviations are sought.

8.5.5. A detailed landscaping plan.

8.5.6. A specific schedule of the intended development and construction details, including phasing or timing, and the general improvements to constitute a part of the development, including, without limitation, lighting, signage, the mechanisms designed to reduce noise, utilities, and visual screening features.

8.5.7. A specification of the exterior building materials with respect to the structures proposed in the project.

8.5.8. Signatures of all parties having an interest in the property.

(Ord. No. 2020-01 , § 2, 1-20-20)

Section 8.6. Conditions.

8.6.1. Reasonable conditions may be required with the approval of a planned unit development, to the extent authorized by law, for the purpose of ensuring that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, protecting the natural environment and conserving natural resources and energy, ensuring compatibility with adjacent uses of land, and promoting the use of land in a socially and economically desirable manner. Conditions imposed shall be designed to protect natural resources and the public health, safety, and welfare of individuals in the project and those immediately adjacent, and the community as a whole, shall be reasonable related to the purposes affected by the planned unit development, and shall be necessary to meet the intent and purpose of this Ordinance, and be related to the objective of ensuring compliance with the standards of this Ordinance. All conditions imposed shall be made a part of the record of the approved planned unit development.

(Ord. No. 2020-01 , § 2, 1-20-20)

Section 8.7. Phasing and commencement of construction.

8.7.1. Phasing: Where a project is proposed for construction in phases, the planning and designing shall be such that, upon completion, each phase shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary components to ensure protection of natural resources and the health, safety, and welfare of the users of the planned unit development and the residents of the surrounding area. In addition, in developments which include residential and non-residential uses, phasing shall contemplate that at least 35 percent of all proposed residential units are completed concurrent with the first phase of any non-residential construction; completion of at least 75 percent of all proposed residential construction prior to the second phase of non-residential construction; and completion of 100 percent of all residential construction prior to the third phase of non-residential construction. For purposes of carrying out this provision, the percentages shall be approximations as determined in the discretion of the Planning Commission.

8.7.2. Commencement and Completion of Construction: Construction shall be commenced within one (1) year following final approval of a planned unit development, or within one (1) year of any other necessary governmental approval for commencement of the project, whichever is later, provided all other necessary approvals have been actively pursued. Each phase of the project shall be commenced within one (1) year of the schedule established for same in the application submitted. If construction is not commenced within such time, any approval of a site plan on the project shall expire and be null and void, provided, an extension for a specified period may be granted by the Planning Commission upon good cause shown if such request is made to the Commission prior to the expiration of the initial period. Moreover, in the event a site plan has expired, the City shall be authorized to rezone the property in any reasonable manner, and, if the property remains classified as PUD, a new application shall be required, and shall be reviewed in light of then existing and applicable law and ordinance provisions.

(Ord. No. 2020-01 , § 2, 1-20-20)

Section 8.8. Effect of approval.

If and when approved, the planned unit development amendment, with all conditions imposed, if any, shall constitute the land use authorization for the property, and all improvement and use shall be in conformity with such amendment.

(Ord. No. 2020-01 , § 2, 1-20-20)

Section 8.9. Fees.

The amount of such fees shall be established by ordinance of the Planning Commission.

(Ord. No. 2020-01 , § 2, 1-20-20)

ARTICLE 8B. DOWNTOWN REDEVELOPMENT DISTRICT

Section 8.20. Purpose.

The Downtown Redevelopment District is a zoning district intended to implement the recommendations of the Downtown Vision Plan. The Downtown Vision Plan is a master redevelopment plan that has been officially

adopted into the City of St. Clair Master Land Use Plan. The Plan was created through significant public input and support from business and property owners, residents, city officials and staff.

The intent of this Ordinance is to facilitate the implementation of the Downtown Vision Plan through visually and functionally strengthening the public right-of-way space; creating an orderly and cohesive visual image; fostering a business friendly redevelopment climate; and encouraging public use and social harmony. Regulations established within this Ordinance set clear provisions and controls on building form and site design and the submission review process. Broader limits on land usage allow flexibility in determining the proper mix of residence and business types.

The Downtown Redevelopment District is established to achieve the following goals:

- A. Provide for orderly and integrated planning to avoid fragmentary, short-term, or speculative investments.
- B. Promote development consistent with the plans and programs of the Downtown Development Authority enhancement efforts.
- C. Promote development consistent with design guidelines and principles set forth in the Downtown Vision Plan.
- D. Promote coordination of public and private efforts in the planning, financing, and development of infrastructure improvements.
- E. Reduce and prevent long-term vacancy.
- F. Reduce and prevent blight, decay and abandonment.
- G. Provide for safe interaction between vehicular and pedestrian movement systems.
- H. Protect the residential integrity of adjacent single-family neighborhoods.
- I. Promote the full economic potential of the Downtown.
- J. Establish clear and predictable standards for development.

The Downtown Redevelopment District is divided into three Subdistricts of Riverside, Gaslight and Clinton Avenue. Specific building and site design requirements are set forth for each Subdistrict in addition to general regulations for the entire district.

(Ord. No. 2009-05, § 1, 10-5-09)

Section 8.21. Applicability.

The requirements of the Downtown Redevelopment District are applicable to change in building footprint, change in building height, major facade and exterior building renovations, and change or alteration in site design. This ordinance does not intend to impede routine repair and maintenance of existing buildings.

Exception: A change in tenant occupancy not requiring building or site construction as described above will require adherence to awning/overhang and signage requirements within thirty (30) days of tenancy. Within any thirty-six (36) month period, any building not occupied for twenty-four (24) months, consecutive or non-consecutive, within this time period shall meet the design standards of the Downtown Redevelopment District (Refer to Section 8.34 for variance procedures).

(Ord. No. 2009-05, § 1, 10-5-09)

Section 8.22. Conflicting regulations.

Where a requirement or definition of the Downtown Redevelopment District imposes a greater restriction than is required by local ordinance, rules, regulations, or permits, the provisions of this section shall control, unless otherwise specified. Exception: Requirements of the City of St. Clair Building Code and St. Clair County, State of Michigan and federal agencies shall supersede the standards of the Downtown Redevelopment District.

(Ord. No. 2009-05, § 1, 10-5-09)

Section 8.23. Enabling authority.

The provisions of this article provide the enabling authority and standards for the submission, review and approval of applications for building and land use within the Downtown Redevelopment District.

(Ord. No. 2009-05, § 1, 10-5-09)

Section 8.24. How to use the Downtown Redevelopment District Ordinance.

Step 1. Is your property in the Downtown Redevelopment District?

1. Use the Zoning Map to determine if your property is within the Downtown Redevelopment District. If yes;
2. Locate the subdistrict the property is located in. Refer to the zoning map on page 6.

Step 2. Is your building use or land use permitted?

1. Review Section 8.27 Building Use Table to determine if your use(s) are permitted as right, permitted as a special land use; or prohibited. If permitted as right or as a special land use, proceed to Step 3.
2. If prohibited, resubmit application with a permitted or special land use or consult Section 8.34 Review Criteria for the variance procedure.

Step 3. Prepare submission using:

1. Section 8.28 Subdistrict Building Standards.
2. Section 8.29 Common Building Design Standards.
3. Section 8.30 General Provisions.
4. Section 8.31 Special Approval Use Provisions.
5. Section 8.32 Signs.

Step 4. Consult the definition sections located in Article 2, Section 6.2 and Section 8.34 to understand terminology.

Step 5. Follow the submission requirements and understand:

1. Section 8.32 Administration for procedures, roles and responsibilities of the reviewing bodies.
2. Section 8.33 Review Criteria.

(Ord. No. 2009-05, § 1, 10-5-09)

Section 8.25. Regulatory components.

This ordinance sets forth redevelopment standards for individual subdistricts, common building design features applicable throughout the district, site design standards, standards for special approval uses and signs.

Subdistrict Building Standards of Section 8.28 regulates build-to lines, building heights, and facade transparency.

Common Building Design Standards of Section 8.29 regulates ground floor height, facade design features and roof systems.

General Provisions of Section 8.30 regulates site features, off-street parking, circulation and special approval uses.

Special Approval Use Provisions of Section 8.31 establishes design criteria for specific building uses that promote compatibility in the downtown district.

Sign standards of Section 8.31 regulate the size, location and design of signage.

(Ord. No. 2009-05, § 1, 10-5-09)

Section 8.26. District and subdistrict boundaries.

The Downtown Redevelopment District is bounded by Vine Street on the north; St. Clair River on the east; Pine River and Pine Street on the south; Sixth Street to Witherell Street to the rear/side property line of properties abutting Third Street on the west. The Downtown District additionally includes the St. Clair Inn Planned Unit Development site on Riverside Drive north of Vine Street.

The Downtown Redevelopment District is divided into three subdistricts.

8.26.1. *Riverside Subdistrict* includes the area bounded by Vine Street, St. Clair River, Witherell Street/public access easement and the Gaslight District. This area also includes the St. Clair Inn Planned Unit Development area north of Vine Street. For the property between Jay and Vine Streets, the subdistrict extends 310 feet west of the west right-of-way line for Riverside Drive (M-29).

The design intent is to redevelop the downtown as a place with a defined street edge and pedestrian friendly sidewalk. Urban design scale transitions from the tallest permitted buildings along Riverside Avenue (M-29) to residential scale buildings west of Third Street. Public rights-of-way are designed as a network of linear parks rather than solely conveying vehicular traffic.

8.26.2. *Gaslight Subdistrict* includes the properties fronting or abutting Third Street between Vine Street and Witherell Street. The subdistrict segment fronting the east side of Third Street between Vine and Jay Streets has a depth of 120 feet.

8.26.3. *Clinton Avenue Subdistrict* includes properties adjacent to Clinton Avenue between Riverside Drive and Sixth Street plus: commercial property between Riverside Drive and the St. Clair River; south frontage of Witherell Street from Third to Sixth Streets; and, the north frontage of Pine Street from the Pine River to Sixth Street.

(Ord. No. 2009-05, § 1, 10-5-09)

Section 8.27. Schedule of building use.

The schedule of building use identifies specific uses by category, applicability and subdistrict. The following legend applies. Uses not listed are considered prohibited.

P	denotes a Permitted Use
S	denotes a Special Approval Use (Refer to Section 8.31 Special Approval Use Provisions and Section 8.34 Review Criteria)
-	denotes a Prohibited Use

Building	Riverside Drive	Gaslight East	Gaslight West	Clinton Avenue
<i>Non-Residential Uses</i>				
Banks, credit unions, insurance etc.	P	P	P	P
Bed & breakfast	-	-	P	P
Business or trade schools	P	-	P	-
Dance or music studios	P	P	P	-
Drive-through	-	-	-	S
Ferry and river transportation terminals	P	-	-	-
Health and fitness clubs	P	-	-	-
Hotels	P	P	P	P
Laundry and dry cleaning (personal service)	-	P	P	P
Market with a maximum gross floor area of 10,000 square feet	P	-	-	-
Mixed-Use Residential/Commercial/Office Building	P	P	P	P
Outdoor sales or display	S	S	S	S
Outdoor and sidewalk cafe/deck	S	S	S	S
Personal service such watch repair, beauty and barber shops, etc.	P	P	P	P
Planned shopping center	S	-	-	-
Planned Unit Development (St. Clair Inn Historic District)	P	-	-	-
Plant nurseries	S	-	-	-
Poolrooms	S	-	-	S
Private clubs and lodges	S	-	-	-
Professional and medical office	P	P	P	P
Restaurants, taverns and nightclubs (except drive-in)	P	P	-	P
Retail business—local	P	P	P	P
Theaters (except drive-in)	S	S	-	-
Theaters (integrated into a restaurant)	P	P	P	P
Veterinary offices	S	-	S	-
Vehicle refueling center				
<i>Public and Semi-Public Uses</i>				
Concessions catering to public facilities	P	-	-	P
Parks	S	S	S	P
Parking lot - public	P	-	-	P
Parking structure	S	S	-	S
Post office and similar government service	P	P	P	P
Municipal buildings and facilities	S	-	-	-
Utility installations essential to serve the Downtown District	S	S	S	S

<i>Existing Building</i>				
Micro brewer, small wine maker, and small distiller	P	-	-	P
<i>Building Requiring Modifications</i>				
Micro brewer, small wine maker, and small distiller	S	-	-	S
<i>Residential Uses</i>				
Multiple-family residential	-	P	P	P
Single-family residential	-	-	S	P
Home occupation	-	-	-	P
Accessory Buildings	-	-	-	P

(Ord. No. 2009-05, § 1, 10-5-09; Ord. No. 2011-05, § 1, 5-16-11; Ord. No. 2012-01, § 1, 3-5-12; Ord. No. 2016-04, § 1, 4-4-16; Ord. No. 2016-08, § 1, 5-2-16; Ord. No. 2019-03, § 1, 6-17-19)

Editor's note(s)—Section 1 of Ord. No. 2012-01, adopted March 5, 2012, referred to veterinary office as an "allowed land use" in the Gaslight District West. The city has advised the intent was to allow this use as a "special approval use."

Section 1 of Ord. No. 2019-03, adopted June 17, 2019, designates as a "permitted use" the rebuilding of multi-family residences and single-family residences within the subdistrict, provided that the property owner applies for a building permit within one year from the date of damage or destruction.

Section 8.28. Subdistrict building design standards.

The Downtown Redevelopment District is composed of three subdistricts. Each subdistrict has individual character and redevelopment purpose.

8.28.1. *Riverside Redevelopment Purpose:* The concept is to alter the physical complexion from a low-rise compilation of individual buildings to a vibrant higher-density district of mixed business, office and residential uses that promotes pedestrian and bicycle use. The objective is to create the economic and social hub for the City and surrounding region.

8.28.2. *Gaslight Redevelopment Purpose:* This subdistrict uses its building placement and volume to provide a moderate transition from the more intense Riverside Drive Subdistrict to the established residential neighborhoods to the west. East and west sides of Third Street are regulated differently.

8.28.3. *Clinton Avenue Redevelopment Purpose:* The design regulations of this Section intend to strengthen the identity of this corridor as a restaurant and entertainment destination. Regulations mitigate physical intrusion into adjacent residential neighborhoods as the district expands toward Witherell and Pine Streets.

8.28.4. *Schedule of Subdistrict Regulations.*

Standards	Riverside Drive	Gaslight East	Gaslight West	Clinton Avenue
Front	Min.: 0 feet Max.: 10 feet	Min.: 0 feet Max.: 10 feet	Min.: 0 feet Max.: 15 feet	Min.: 0 feet Max.: 15 feet
Side	0 feet	0 feet	Min.: 0 feet Max.: 10 feet	Min.: 0 feet Max.: 5 feet
Rear	No requirement.	No requirement.	No requirement. Min. Setback: 25 feet	No requirement. Min. Setback: 25 feet

Height	Min.: 2 stories Max.: 4 stories	Min.: 2 stories Max.: 3 stories	Min.: 2 stories Max.: 2 ½ stories	Min.: 2 stories Max.: 2 ½ stories
Facade Transparency	Ground Level: 50 to 70 percent	Ground Level: 50 to 70 percent	Ground Level: 25 to 70 percent	Ground Level: 50 to 70 percent
	Upper Levels: 25 to 70 percent	Upper Levels: 25 to 70 percent	Upper Levels: 15 to 70 percent	Upper Levels: 25 to 70 percent

Notes For 8.24.4. Schedule of Subdistrict Regulations.

- A. A roof in the Gaslight West subdistrict must have a minimum 4:12 pitch.
- B. The third and fourth stories must be setback from the ground level facade line along a right-of-way.
- C. A minimum internal ground floor height of ten (10) feet is required in the Riverside Drive and Clinton Avenue subdistricts.
- D. For corner lots, the Planning Commission has the authority to determine the percentage of transparency of the facade fronting the less prominent of the two (2) public streets.

(Ord. No. 2009-05, § 1, 10-5-09)

Section 8.29. Common building design standards.

The purpose of the District Design Standards is to support the creation of a visually coherent and organized destination. Many of these standards are placed to build in human scale and proportionality supporting the pedestrian environment encouraged in the Downtown Vision Plan. The standards set design parameters but are moderately general in scope to promote creativity. The use of decoration as a means to disguise a facade or building design not meeting the intent of this Ordinance is prohibited. Standards are grouped by building component: ground floor height, exterior wall, wall projection, roof, site and prohibited features.

8.29.1. *Ground Floor.* The ground floor of any building shall meet the following requirements:

- A. A finished floor for a non-residential or mixed-use building shall be flush with the exterior grade on any public sidewalk to meet barrier-free requirements.
- B. Residential buildings shall have a maximum finished floor height of four (4) feet above grade provided that barrier-free access is provided at another location.

8.29.2. *Exterior Wall.*

- A. Building facades shall be divided into modules of no greater than thirty-five (35) feet in width. A module shall be delineated through the use of vertical expression lines or off-setting the exterior wall.
- B. Facade shall have a clearly defined base separated from upper floors with a sign band, cornice, awning or similar three-dimensional horizontal expression line.
- C. A cornice shall delineate and visually cap building parapets and wall off-sets.
- D. Expression lines or cornices shall not be covered or obscured from view by awnings, overhangs or tacked-on roof extensions.
- E. Ground floor entries for public access shall be provided at intervals no greater than thirty-five (35) feet.
- F. Recessed entries are required for the primary entry door to businesses or mixed-use buildings.
- G. Exterior walls shall be finished with any of the following materials:

-
1. Brick (full dimension).
 2. Cementitious siding.
 3. Wood (insect and weather-resistant).
 4. Wrought iron (decorative elements).
 5. Porcelain coated metal panels on the ground level.
 6. Concrete masonry units—Decorative (shall not exceed ten (10) percent of any facade surface fronting a public street or pedestrian walk or path.)
 7. Exterior finished insulating system may be used as trim on an upper level facade and shall not exceed 25 percent of the wall surface.
 8. Planning commission has the authority to modify the requirements of Section 8.29.2 provided that exterior materials have greater durability than permitted materials and the intent of the Downtown Redevelopment Code is met.

8.29.3. *Window, Door and Opening.*

- A. The use of reflective or opaque glass shall be prohibited.
- B. Tinted windows may be used as a practical solution to screen the east or west facing windows. Window tinting shall be limited to a level acceptable to the Planning Commission. An accurate sample shall be submitted to the Planning Commission for evaluation prior to a decision.
- C. Windows, doors and openings shall be defined by awnings, overhangs, change in masonry pattern or material, reveals, architectural trim or similar design solution.
- D. Windows shall have a vertical alignment. Windows in a square or horizontal opening are permitted for ground floor retail storefronts provided frames, mullions or dividers are used to create a vertical appearance.
- E. Circular and semi-circular windows limited in number and confined to accent use are permitted based on Planning Commission approval.
- F. Window frame materials shall be constructed of any of the following materials:
 1. Wood;
 2. Aluminum;
 3. Copper;
 4. Steel;
 5. Vinyl clad wood;
 6. Fiberglass;
 7. Materials similar in durability, construction and finish as permitted by the Planning Commission.

8.29.4. *Awning and Canopy:* Awnings and canopies are subject to the following provisions:

- A. Depth shall not exceed five (5) feet unless permitted by the Planning Commission.
- B. A minimum of eight (8) feet shall be maintained between the finished grade and the lowest level of an awning or overhang including the valance.
- C. Shall not exceed the width of the individual window or door opening that is covered.

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- D. Awnings shall maintain a height to depth ratio not exceeding a height of one and 1.5 times the depth.
 - E. Awnings shall not be lit from the inside or underside.
 - F. Planning Commission has the authority to modify the requirements of Section 8.29.4 provided the intent of the Downtown Redevelopment Code is met.
- 8.29.5. *Front Porch/Stoop:* Front porches or stoops are required for residential structures.
- A. Enclosed porches prohibited.
 - B. Covered and uncovered stoops are permitted.
 - C. A minimum depth of six (6) feet shall be observed.
 - D. Porches and stoops are permitted to extend forward of the build-to line but not into the right-of-way. The Planning Commission shall have discretion on the distance.
 - E. Planning Commission has the authority to modify the requirements of Section 8.29.5 provided the intent of the Downtown Redevelopment Code is met.
- 8.29.6. *Balcony:* A balcony is permitted subject to the following provisions:
- A. Minimum depth of three (3) feet shall be observed.
 - B. Maximum depth of six (6) feet shall be observed.
 - C. Balconies may be covered but shall remain open.
 - D. A minimum of twelve (12) feet shall be maintained between the grade of the facade and the lowest part of a balcony.
 - E. Encroachment of balconies over public property must first obtain City Council approval.
 - F. Planning Commission has the authority to modify the requirements of Section 8.29.6 provided the intent of the Downtown Redevelopment Code is met and City Council approval for encroachment is granted.
- 8.29.7. *Arcade:* An arcade is permitted on Planning Commission approval and City Council approval for encroachment onto public property.
- 8.29.8. *Bay Window/Chimney:* A bay window or chimney is subject to the following provisions:
- A. Maximum projection of three (3) feet shall be provided.
 - B. The sum total of the widths of projecting windows and chimneys shall not exceed one third ($\frac{1}{3}$) of the total length of the building wall.
 - C. Transparent glass windows shall be provided on all sides of a bay window.
 - D. A minimum of twelve (12) feet shall be maintained between the grade of the facade and the lowest part of an upper story bay window.
 - E. A ground floor chimney shall be set on a foundation meeting the City Building Code.
 - F. Planning Commission has the authority to modify the requirements of Section 8.29.8 provided the intent of the Downtown Redevelopment Code is met.
- 8.29.9. *Roof, Gutter and Downspout.*
- A. A false or decorative roof applied to a building facade is prohibited.

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- B. A flat roof shall be capped with a parapet between two (2) feet and four (4) feet in height as measured from the finished roof grade.
 - C. Downspouts shall match gutters in material and finish.
 - D. Roof, gutter and downspout color shall match or complement the main building facade color.
 - E. Roof Finish Materials: A roof shall be finished with one of the following materials:
 - 1. Metal;
 - 2. Asphalt, slate or cedar shake shingles;
 - 3. Tile.
 - G. Gutter Finish Materials: Gutters shall be finished with one of the following materials:
 - 1. Copper;
 - 2. Galvanized Steel;
 - 3. Aluminum.
 - H. Planning Commission has the authority to modify the requirements of Section 8.29.9 provided the intent of the Downtown Redevelopment Code is met.
- 8.29.10. *Prohibited Building Design Components.*
- A. Historically inaccurate windows.
 - B. Undersized shutters.
 - C. Plastic shutters.
 - D. Reflective glass.
 - E. Awnings lit from the underside or inside.
 - F. Security covering on windows.
 - G. Overhead doors on public streets.
 - H. Screen doors in deteriorated or damaged condition.

(Ord. No. 2009-05, § 1, 10-5-09)

Section 8.30. General provisions.

General provisions of Section 8.30 uniformly apply throughout the Downtown Redevelopment District.

8.30.1. *Building Front and Rear:* The front or side of a building shall face the public street. Rear facing buildings, loading docks, overhead doors and service entries are prohibited on public streets, parks and paths.

8.30.2. *Exceptions From Build-To Lines.*

- A. Exceptions from build-to lines may be granted by the Planning Commission for civic buildings.
- B. Exceptions from build-to lines are permitted to accommodate the dimensional requirements for a clear vision zone at street intersections. The Planning Commission shall treat the clearance dimension as absolute and not a minimum.

8.30.3. *Intersection Visibility.*

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- A. Intersection visibility requirements of Section 5.10 of the Zoning Ordinance shall be followed.
 - B. Upper stories are exempt from this requirement provided that no ground support is in the intersection visibility zone.
- 8.30.4. *Off-Street Parking—Surface Lots.*
- A. Off-street parking is not permitted in a front yard.
 - B. The number of parking spaces shall be calculated using the following requirements:

Building Use		Off Street Parking Ratio
Non-Residential		3.5 spaces per 1,000 gross square feet of ground floor area
Mixed Use	Non-Residential	3.5 spaces per 1,000 gross square feet of ground floor area
	Residential	1.25 spaces per unit with 2 rooms or less 1.5 spaces per unit with 3 rooms or greater
Multiple-Family Residential		1.25 spaces per unit with 2 rooms or less 1.5 spaces per unit with 3 rooms or greater 1 space per 5 units for visitor parking
Single and Two-Family Residential		2 spaces per unit

- A. Parking ratios are exact and shall not be construed as minimum or maximum requirements.
- B. A parking space shall not be located within three feet of a right-of-way line or pedestrian walk/path.
- C. Minimum parking space dimensions as required within the Section 7.3 shall be adhered to.
- D. Shared parking solutions are encouraged. In determining such approval, parking need not be contiguous with the building or use served.
- E. Planning Commission has the authority to credit the number of required off-street parking spaces in lieu of a shared parking arrangement.

8.30.5. *Driveway Location.*

- A. New drives shall not be located directly adjacent to an existing driveway.
- B. New drives shall be aligned directly across the street or off-set by a minimum of 125 feet from an existing drive.
- C. New drives shall be located a minimum sixty (60) feet from an intersection.
- D. Areas not required for parking shall be landscaped.
- E. A change in material, texture or use of high-visibility markings shall be provided where pedestrian circulation crosses vehicular routes.
- F. Planning Commission has the authority to modify the requirements of Section 8.30.5 if the criteria set forth in Subsections A.—E. cannot be met because of existing conditions.

8.30.6. *Exterior Equipment:* Ground-mounted equipment, antenna and satellite dishes greater than eighteen (18) inches in diameter shall be located in rear or side yards and shall not face public streets and parks/squares.

8.30.7. *Walls, Fences and Hedges:* Walls, fences and hedges shall meet the following criteria:

- A. Segments of public rights-of-way not occupied by buildings shall be delineated by a wall, fence or hedge.
- B. Required screening elements shall be one hundred percent (100%) opaque.
- C. Permitted maximum and minimum heights include:
 - 1. Front Yard:

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- a. Maximum of forty-two (42) inches.
 - b. Minimum of thirty (30) inches.
 2. Side and Rear Yard:
 - a. Maximum of six (6) feet.
 - b. Minimum height of forty-two (42) inches.
 - D. Walls and fences shall be constructed of one or more of the following finish materials:
 1. Wood (insect and weather resistant);
 2. Brick;
 3. Decorative masonry units provided the wall finish matches the primary building finish;
 4. Wrought iron;
 5. Reinforced concrete;
 6. Fiberglass.
 - E. Planning Commission has the authority to modify wall, fence and hedge requirements with the exception of Section 8.30.7.B.
- 8.30.8. *Utility Placement:* New utilities shall be placed underground.
- 8.30.9. *Street Furniture:* The design, type and locating of street furniture shall be approved by the Planning Commission.
- 8.30.10. *Street Trees:* Street trees are required as part of a development application and shall be planted with a spacing of 35 feet. Trees shall be of a species permitted by the City of St. Clair Code of Ordinances. The Planning Commission has the authority to modify spacing requirements to accommodate entries, curb cuts, fire hydrants and street amenities.
- 8.30.11. *Yard Landscaping:* All yards shall include a lawn or plaza except where pedestrian paths and off-street parking areas are located.
- 8.30.12. *Landscape Material:* Landscape standards shall meet the following requirements:
- A. Trees shall be a minimum two-inch caliper.
 - B. Trees shall be of a species permitted by the city. Planning Commission shall prohibit any permitted tree species if a disease is known at the time of approval.
 - C. Trees, shrub and plant material shall comply with Federal, State, County and local laws requiring inspection for plant disease and insect control; shall meet the American Standards for nursery Stock; shall be nursery grown; and shall be compatible with the climate category set forth by the United States Department of Agriculture for this region. The Planning Commission may require applicant to provide documentation certifying that the requirements of this Section are met.
 - D. Automatic underground sprinkler systems shall be installed and maintained for all landscaped areas.
 - E. A mandatory performance bond in an amount set by Planning Commission may be required.
- 8.30.13. *Prohibited Site Components.*
- A. Outdoor storage;
 - B. Chain-link, barbed or security wire or wire mesh.

8.30.14. *Civic Sites:* Civic buildings shall not be subject to build-to or building frontage requirements. Design shall be subject to review and approval by the Planning Commission. Civic buildings include, but are not limited to, municipal buildings, churches, libraries, schools, recreation facilities and places of assembly.

8.30.15. *Accessory Structure:* Accessory structures shall meet the following requirements:

- A. No accessory structure or use shall be permitted in the Riverside Drive Subdistrict.
- B. An accessory structure shall not exceed one and one-half (1 ½) stories and sixteen (16) feet in height.
- C. The structure footprint does not exceed 500 square feet.
- D. Exterior material shall match the primary building(s) in type and color.
- E. Exterior doors opening to a vehicle or equipment garage, loading/storage area or workshop shall not face a public street. This requirement shall not apply to openings facing a public alley.
- F. Structures are located in a rear yard.

(Ord. No. 2009-05, § 1, 10-5-09)

Section 8.31. Special approval use provisions.

8.31.1. *Outdoor or Sidewalk Cafe:* An outdoor or sidewalk cafe shall meet the following requirements:

- A. Minimum of six (6) feet of unobstructed clear path within the right-of-way shall be maintained for pedestrian circulation.
- B. Umbrellas shall have a minimum clear height of seven (7) feet six (6) inches from grade to the tip of the rib.
- C. Operators/owners of sidewalk cafes shall:
 - 1. Obtain an encroachment permit for cafe's extending into a public right-of-way.
 - 2. Provide waste receptacles.
 - 3. Remove garbage and litter of the cafe; and all property within 100 feet within one hour of close of business.
 - 4. Continually clean tables of plates, cutlery, glasses and food products.
 - 5. Provide liability insurance naming the City of St. Clair as an additional insured as approved by City Council.
 - 6. Agree to identify, hold harmless and to defend, at the sole expense of the operator/owner, any action brought against the City based upon the issuing of a building or encroachment permit for this use. The operator/owner shall indemnify and reimburse the City for any judgment for damages, court costs and attorneys' fees that the City may be required to pay as a result of such action. The City, at its sole discretion, may participate in the defense of any such action, but such participation shall not relieve operator/owner of the obligations of this condition. Commencement of construction or operations under this permit shall be deemed to be acceptance by operator/owner of all conditions of this permit.
- D. The Planning Commission may set additional conditions to support the economic and social health of the District.

8.31.2. *Outdoor Sales and Display:* An outdoor sales and display area shall meet the following provisions:

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- A. The outdoor sales or display area shall be an extension of an abutting business.
 - B. The outdoor sales or display space shall locate directly adjacent to the indoor space of the business seeking application.
 - C. Maximum area shall not exceed the greater of 25 percent of the indoor ground floor area or 1,000 square feet.
 - D. The Planning Commission may waive these requirements upon demonstration by an applicant that the intent of the Downtown Redevelopment Code continues to be met.
- 8.31.3. *Structured Parking*: Off-street parking structures shall meet the following provisions:
- A. Incorporate attached or detached liner buildings along the right-of-way.
 - B. Detached liner buildings shall meet the location, volume and height restrictions of like uses set forth in the Downtown Redevelopment District.
 - C. Parking structure and the lighting, stairwell, elevator equipment and similar equipment shall exceed the height of the liner buildings.
 - D. Structured parking without liner buildings as permitted by the Planning Commission shall have the following design features:
 - 1. Landscaped greenbelt incorporating ground plants, perennial and annual flowers, shrubs and deciduous trees.
 - 2. Fenestrations shall have a vertical appearance. The appearance of horizontal bands is prohibited.
- 8.31.4. *Large Footprint Buildings*: Buildings with a footprint greater than 20,000 square feet shall meet the following requirements:
- A. One-story buildings shall have a minimum height of twenty four (24) feet. The height can be accomplished through the use of multiple-story liner buildings, taller ceiling heights and parapets
 - B. Facades fronting public streets or internal walks and paths shall be divided into maximum modules of thirty five (35) feet. Such modules shall be delineated by a vertical expression line or off set of the exterior wall.
 - C. Shall reinforce the pedestrian-oriented character through adhering to design standards set forth within and continuing a linked system of sidewalks and pedestrian paths.
 - D. Loading docks, service areas and trash disposal areas and equipment shall not face streets, parks, squares or significant pedestrian spaces.
- 8.31.5. *Theaters*: Theaters shall adhere to the following requirements:
- A. Circulation and parking shall not cause blockage of surrounding street system.
 - B. Provide a written description of the operational hours, types of movies and performances, valet service and outside customer waiting.
- 8.31.6. *Utility Installations*: Utility installations, including essential services, shall meet the following requirements:
- A. Demonstrate the need to locate a utility installation in the Downtown Redevelopment District. This demonstration shall include reasonable diligence in locating the subject installation outside of the District.
 - B. Opaquely screen buildings, equipment and security fencing from public and private view.
 - C. Prohibit outdoor storage.

- D. Unattended vehicles shall not be located on-site with the exception for maintenance.

8.31.7. *Hotels*: Hotels shall meet the following requirements:

- A. Provide a full-service restaurant.
- B. Locate the main guest entry on a primary street.
- C. Integrate room ventilation into the building design

8.31.8. *Planned Shopping Center*: A planned shopping center shall meet the requirements of a large footprint building.

8.31.9. *Veterinary Offices*: Veterinary offices shall meet the following requirements:

- A. Administer to common household animals only.
- B. Prohibit kenneling of animals.
- C. Prohibit outside exercise and storage areas.
- D. Not be considered a clinic or a hospital.

8.31.10. *Poolrooms*: A poolroom shall:

- A. Provide a written description of the operational hours, other services provided such as the serving of alcohol or food, and indicate whether the use is part of a larger entertainment facility or other venue.
- B. Not located within 500 feet of public, private or parochial school building or church building.

8.31.11. *Vehicle Refueling Station*: A vehicle refueling station shall:

- A. Retail gasoline or diesel fuel.
- B. Limited convenience store area to an accessory use not exceeding fifty (50) percent of the building area.
- C. Minimize the number of access drives.
- D. Locate access drives away from intersections.
- E. Design pump canopy(ies) to complement and match the primary building design.
- F. Prohibit repair, fluid changes, detailing and auto washing.
- G. Planning Commission may permit the retailing of bio-fuels, electricity and similar fuel sources for vehicles based on demonstrated need by an applicant.

(Ord. No. 2009-05, § 1, 10-5-09)

Section 8.32. Signs.

Standards for sign design and placement are set forth in the Schedule of Sign Regulations.

8.32.1. *Part I Schedule of Sign Regulations: Maximum Area Permitted*: A building may select one of the following signs unless permitted otherwise.

RIVERSIDE AND CLINTON AVENUE SUBDISTRICTS			
Standard	Wall	Awning or Canopy	Freestanding/ Projecting

Max. Number of Signs	One (1) per public thoroughfare.	One (1) per awning or canopy.	One (1) per development.
Maximum Area	One and one-half (1.5) sq. ft. per one (1) lineal foot of building frontage or thirty-six (36) sq. ft.	One and one-half (1.5) sq. ft. per one (1) lineal foot of building frontage or thirty-six (36) sq. ft.	One and one-half (1.5) sq. ft. per one (1) lineal foot of building frontage or thirty-two (32) sq. ft. per side.
Maximum Bonus Area	Twelve (12) sq. ft. for the use of exterior illumination or through the use of a dark background with a minimum sixty percent (60%) opaqueness.	Twelve (12) sq. ft. for use of exterior illumination.	Twelve (12) sq. ft. for the use of exterior illumination or through the use of a dark background with a minimum sixty percent (60%) opaqueness.
Maximum Sign Letter Height	Deleted by Ordinance change.	Two (2) feet for a canopy.	No requirement.
Height Above Grade	Min: Eight (8) feet. Max: Fifteen (15) feet for a single-story building. Max: One (1) foot below the second-story window sill line for a multi-story building.	Eight (8) feet.	Min: No requirement for freestanding. Min: Eight (8) feet for wall-mounted. Max: Twelve (12) feet.
Additional Permitted Signs	A wall sign is permitted on abutting public streets. The wall sign on each additional street(s) shall not exceed fifty percent (50%) of the allowable area for the primary street sign.	Awning signs are permitted on abutting public streets. Awning signage on each additional street(s) shall not exceed fifty percent (50%) of the allowable area for the primary street sign.	For properties greater than one hundred twenty (120) lineal feet of primary street frontage, a pole-mounted projecting sign not exceeding eighteen (18) sq. ft. is permitted on the primary frontage in addition to a wall, awning or canopy sign.
Additional Criteria	Letter signs may be directly mounted to the canopy roof structure.	Awning valance lettering shall not exceed eight (8) inches in height. Shall be prohibited on any awning except those mounted on the ground level. Letter signs may be directly	Signs shall not project over a public right-of-way.

		mounted to the canopy roof structure.	
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GASLIGHT SUBDISTRICTS			
Standard	Wall	Awning or Canopy	Freestanding Projecting
Max. Number of Signs	One (1) per public thoroughfare.	One (1) per awning or canopy.	One (1) per development.
Maximum Area	One (1) sq. ft. per one (1) lineal foot of building frontage or twenty-four (24) sq. ft.	One (1) sq. ft. per one (1) lineal foot of building frontage or twenty-four (24) sq. ft.	One (1) sq. ft. per one (1) lineal foot of building frontage or twenty-four (24) sq. ft. per side.
Maximum Bonus Area	Eight (8) sq. ft. for the use of exterior illumination or through the use of a dark background with a minimum sixty percent (60%) opaqueness.	Eight (8) sq. ft. for use of exterior illumination.	Eight (8) sq. ft. for the use of exterior illumination or through the use of a dark background with a minimum sixty percent (60%) opaqueness.
Maximum Sign Letter Height	Deleted by Ordinance change.	Two (2) feet.	No requirement.
Height Above Grade	Min: Eight (8) feet. Max: Fifteen (15) feet for a single-story building. Max: One (1) foot below the second-story window sill line for a multi-story building.	Eight (8) feet.	Min: No requirement for freestanding. Min: Eight (8) feet for wall-mounted. Max: Twelve (12) feet.
Additional Permitted Signs	A wall sign is permitted on abutting public streets. The wall sign on each additional street(s) shall not exceed fifty percent (50%) of the allowable area for the primary street sign.	Awning signs are permitted on abutting public streets. Awning signage on each additional street(s) shall not exceed fifty percent (50%) of the allowable area for the primary street sign.	For properties with greater than one hundred and twenty (120) lineal feet of primary street frontage, a pole-mounted projecting sign not exceeding twelve (12) sq. ft. is permitted on the primary frontage in addition to a wall, awning or canopy sign.
Additional Criteria	Letter signs may be directly	Awning valance lettering shall not exceed eight (8) inches in height.	Signs shall not project over a public right-of-way.

	mounted to the canopy roof structure.	<p>Shall be prohibited on any awning except those mounted on the ground level.</p> <p>Letter signs may be directly mounted to the canopy roof structure.</p>	
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8.32.2. *Part II Schedule of Regulations:* Signs meeting the following conditions are exempt from Section 6.3.1 and do not require permits unless specifically stated otherwise.

DOWNTOWN DEVELOPMENT DISTRICT			
Standard	Wall Mounted, Projected or Hanging	Window	Additional
Max. Number of Signs	One (1) per street frontage.		<p>Signs identified below are permitted signs provided the criteria in Section 8.32.3 are met.</p> <ol style="list-style-type: none"> 1) Rear or side entry sign. 2) Awning valance or window signage not exceeding four (4) sq. ft. 3) Banner Sign: Public Property. 4) Banner Sign: Private Property. 5) Access directional sign. 6) Business directories for multiple tenants. 7) "Open" signs. 8) Menu. 9) Temporary Sidewalk and Valet Signs. 10) Multiple-family residential development. 11) Flags and bunting promoting a national holiday or community event. 12) Fuel Price Signs. 13) Electronic Message Signs/Animated Signs. 14) Riverfront Signs.

Maximum Area	Six (6) sq. ft. per side.	Eight (8) sq. ft. or twenty-five percent (25%) of the ground floor window area. Maximum of 50% coverage any single window. See Figure 6.5.2.	
Maximum Bonus Area	Not permitted.		
Maximum Sign Height	Eighteen (18) inches	No requirement.	
Height Above Grade	Min: Seven (7) feet. Max: Twelve (12) feet for a single-story building. Max: One (1) foot below the second-story window sill line for a multiple-story building.	No requirement.	
Additional Permitted Signs	Zero (0).	Zero (0).	
Additional Criteria	A projecting sign shall not extend greater than five (5) feet from the wall surface. A hanging sign shall not extend beyond the outer limits of the supporting structure. A projecting or hanging sign shall be confined to the ground level. Interior illumination is prohibited.	Signage permitted on ground-level windows only. Window display shall remain visible from exterior.	

8.32.3. *Additional Signage Criteria.*

- A. Rear or side entry sign: Max. six (6) sq. ft.
- B. Awning valance not exceeding four (4) sq. ft. per valance is permitted in addition to the main signage for non-residential or mixed-use development. Lettering shall not exceed eight (8) inches in height.

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- C. A fuel price sign is permitted provided that:
 - a. Price is displayed as a single color on a dark background.
 - b. Message shall only reflect the fuel sales price.
 - c. Requirements of Sections 6.4.3(B) and 6.4.5 of the Zoning Ordinance are met.
 - D. An electronic message sign/animated sign is permitted in the Clinton Avenue, Riverside, and Gaslight districts provided that:
 - a. Such sign is wall mounted.
 - b. The maximum area of all electronic message signs/animated signs shall be considered a part of a wall or freestanding sign and shall not exceed fifty percent (50%) of the total permitted sign area. This may be considered additive to the allowed sign area for that district, subject to the review and approval of the Planning Commission.
 - c. Requirements of Section 6.4.5 Electronic Message Signs/Animated signs are met.
 - E. Signage facing the St. Clair River or Pine River is permitted provided that:
 - a. A property shall abut the St. Clair River or Pine River.
 - b. The total sign area for a property abutting the St. Clair River shall not exceed one hundred percent (100%) of the permitted sign area.
 - c. The total sign area for a property abutting the Pine River shall not exceed fifty percent (50%) of the permitted sign area.
 - d. Additional dimensional requirements for permitted signs shall be met.
 - e. Signage shall be positioned between a building and the riverfront.
 - F. Banner Sign: Public Property - Temporary banner signs are permitted within a public right-of-way or on public property. City Council has the authority to grant such permission and to establish criteria for location, size, time limits, content and other criteria deemed appropriate to protect public health, safety and welfare. If a governmental agency other than the City owns the property, written permission from that agency shall be required prior to City Council approval. See also 6.5.8 and 6.5.9.
 - G. Banner Sign: Private Property - Temporary banner signs are permitted on private property provided the following criteria are met.
 - 1. A sign shall be displayed for a period not to exceed 45 days per one (1) year period and in increments of time from three (3) to twenty-one (21) consecutive days at a time.
 - 2. A sign shall be removed within forty-eight (48) hours of the conclusion of the event.
 - 3. Advertising of a community event is exempted from time constraints. Signs shall not be erected more than twenty-one (21) days prior to an event and shall be removed within forty-eight (48) hours after the close of the event.
 - 4. A business, non-profit agency or leasing entity shall be permitted one sign.
 - 5. A sign shall not exceed twelve (12) square feet for one side or a total of twenty-four (24) square feet for all sides.
 - 6. Illumination is prohibited.
 - 7. A sign shall be registered with the City of St. Clair Building Department.

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- H. Access directional signs not exceeding four (4) sq. ft. in area and limited to three (3) feet in height to the top of the sign for ground mounted signs.
 - I. Business directories for multiple tenants not exceeding six (6) sq. ft. and wall mounted. Interior illumination is prohibited.
 - J. "Open" or "Closed" signs not exceeding four (4) sq. ft. in area. One (1) per business. The use of neon is permitted. Fixed lighted and unlighted open or closed signs, including LED or neon open signs are permitted up to maximum of four (4) sq. ft.
 - K. A menu not exceeding six (6) sq. ft. is permitted to be displayed adjacent to a restaurant main entrance.
 - L. Sidewalk and Valet Signs are permitted provided the following criteria are met:
 - 1. One (1) sign is permitted per business.
 - 2. The sign must be removed during hours that business is not open.
 - 3. A sign located in the public right-of-way shall not exceed four (4) feet in height and six (6) square feet in area for any one side.
 - 4. A sign on private property shall not exceed five (5) feet in height and eight (8) square feet in area for any one side.
 - 5. Illumination is prohibited.
 - 6. A sign shall not obstruct doorways, entries, sidewalks pedestrian paths and other non-motorized path systems.
 - 7. A minimum of four (4) feet of continuous clear space shall be maintained between the street curb area and a sidewalk or valet sign.
 - M. A multiple-family residential development is permitted to have one (1) identification monument sign. The sign shall be located at the main entry and shall not exceed thirty-two (32) sq. ft. in area per side.
 - N. Flags and bunting promoting a national holiday or community event are permitted.
- 8.32.4. *Planning Commission Interpretation:* The Planning Commission may interpret the intent of Section 8.32, Signs, in accordance with the following:
- A. The Building Official may send a sign application to the Planning Commission for interpretation as to size, style, illumination and design.
 - B. The Planning Commission may modify the requirements of this Section 8.32 based on functional hardship.
 - C. Marquee and electronic message signs/animated signs meeting the requirements of Section 6.4.5 may be approved by the Planning Commission.
 - D. Planning Commission may require written description, visual graphics, plans, elevations and other applicable support for an interpretation or modification.
- 8.32.5. *Multi-Tenant Buildings:* A master sign plan is required for developments accommodating multiple tenants. The plan shall meet the requirements of this Section. The master sign plan shall be applicable to current and future users of the building. The City shall enforce the master sign plan when processing a certificate of occupancy or site plan application. The Planning Commission can approve a new master sign plan upon application. Also see definition of "Master sign plan" and Section 6.4.2 Master Sign Plan.

8.32.6. *Additional Regulations:* The following Sections are applicable to the Downtown District sign schedules:

- 6.1 General provisions.
- 6.2 Definitions.
- 6.3 Permits and general requirements.
- 6.4.2 Master Sign Plan
- 6.4.5 Electronic message signs/animated signs
- 6.5 Exempted signs, except for banner and window signs.
- 6.6 Prohibited signs.
- 6.7 Nonconforming signs.
- Definitions of the Downtown Redevelopment District.

8.32.7. *Prohibited Signs:* Any sign not specifically permitted by this Ordinance shall be considered prohibited for the purposes of this Section. See also Section 6.6. for a complete listing of Prohibited Signs. The following signs are also prohibited:

- Neon, except for "open" or "closed" signs with a maximum area of four (4) sq ft.
- LED illumination. Except as specifically allowed for electronic message signs/animated signs, "open", "closed", and gas station signs.
- Trailer or vehicle mounted sign.
- Imitation traffic.
- Roof, except letter signs as permitted in the sign schedule.
- Lasers, searchlights and other high-intensity illumination.
- Advertising of a product or service on a flag or bunting.
- Pennants, streamers and similar types of advertising.

(Ord. No. 2009-05, § 1, 10-5-09; Ord. No. 2011-05, § 1, 5-16-11; Ord. No. 2018-06, § 1, 4-2-18; Ord. No. 2020-01, § 2, 1-20-20)

Section 8.33. Administration.

8.33.1. *Submission Requirements:* Submitted plans shall meet the requirements of Section 9.1.3 of the City of St. Clair Zoning Ordinance. The following additional items shall be submitted:

- A. Legal description.
- B. Site survey showing existing buildings, natural features and trees on site and buildings, driveways and rights-of-way within 100 feet.
- C. Building elevations illustrating all facades of principal and accessory structures.

8.33.2. *Review Process:* An application for site plan approval is subject to review and approval by the administration or by the Planning Commission. Criteria for enacting the review procedure is provided in Sections 8.33.3 through 8.33.5.

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- 8.33.3. *Administrative Review:* Site plan applications limited in extent and scope are administratively reviewed and decided upon by the City of St. Clair Building Official or designee. A site plan is required to meet the requirements of the Zoning Ordinance. Administrative review is applicable for:
- A. Additions not exceeding the lesser of twenty percent of existing building ground floor area or 2,000 sq. ft.
 - B. Normal maintenance such as window and door replacement and repair to exterior building materials, roof and gutters and non-structural bearing walls. Repairs shall not exceed fifty percent of the replacement value of the building in any consecutive 12-month period.
 - C. Change in occupancy provided the proposed use is similar in terms of traffic generation, waste removal and does not increase noxious detriments to the social, economic and physical well-being of surrounding development.
 - D. Permanent and temporary sign requests.
- 8.33.4. *Design Review Committee:* For site plans requiring Planning Commission review, a design or designee committee comprised of the Planning Commission Chair, City Superintendent and building department representative shall review building elevations and site design and advise the applicant prior to review by the full Planning Commission. This committee is advisory and will issue a findings report to the Planning Commission. The committee may designate alternate members and may use the services of applicable consultants in preparing a report. The report shall describe how the proposed project conforms to the standards of the Zoning Ordinance.
- 8.33.5. *Planning Commission:* Site plan applications exceeding administrative review responsibility shall be reviewed and decided upon by the Planning Commission. Planning Commission responsibility includes:
- A. Review recommendations of design review committee.
 - B. Review the site plan application and all submitted materials.
 - C. Approve, postpone, table or deny application.
 - D. Acts on appeals of administrative and design subcommittee decisions in regard to regulations for the design and use of buildings and land.
 - E. Incorporate statement of conclusions within a motion. Such statement shall describe how the proposed project conforms to the:
 - 1. Downtown Redevelopment District regulations.
 - 2. Applicable provisions of the City of St. Clair Zoning Ordinance.
 - 3. City of St. Clair Master Plan.
 - 4. All other codes and ordinances regulating the use of land.
 - E.[F.] Planning Commission has the authority to modify or waive the requirements of the Downtown Redevelopment Code where authorized. In no instance shall such authority permit development that conflicts with the Downtown Vision 2020 plan and the intent of the Downtown Redevelopment Code.
- 8.33.6. *City Council:* The City Council shall act as the Zoning Board of Appeals for site plan applications within the Downtown Redevelopment District. The City Council shall:
- A. Act on appeal from a decision of the Planning Commission or administration;
 - B. Act on appeal for building and land use;

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- C. Grant variances from the strict interpretation of the Downtown Redevelopment District. In doing so, City Council can impose reasonable conditions upon a decision to approve. Imposed conditions shall do all of the following:
 - D. Protect the health, safety and welfare, as well as the social and economic well-being of those that will use the land, use or activity under consideration; residents and landowners immediately adjacent to the proposed land use or activity; and the community as a whole;
 - E. Protect natural resources;
 - F. Relate to the valid exercise of the police power and purposes which are affected by the proposed land use or activity;
 - G. Meet the intent and purpose of the zoning regulations;
 - H. Relate to the standards established for the building or land use or activity under consideration and ensure compliance with those standards.

(Ord. No. 2009-05, § 1, 10-5-09)

Section 8.34. Review criteria.

Review criteria are established to make certain that all applications are treated equally during the application review process. City Administration, Design Review Committee and Planning Commission and City Council shall adhere to the following review criteria during its evaluation process.

8.34.1. *Design Review.*

- A. Approval of the site plan application upon conformance to all provisions of the City of St. Clair Downtown Redevelopment District, applicable provisions of the Zoning Ordinance and applicable provisions of codes and ordinances affecting land use and development in the City of St. Clair.
- B. Approval is in the best interest of the public health, safety and welfare of the City.
- C. Design considerations including building placement, mass and height; circulation and parking; walls and fences; and similar elements provide a desirable physical and social environment meeting the intent of this Section.
- D. Design considerations including exterior materials and color; windows; lighting and signage, awnings and overhangs; trim and similar features provide a desirable physical and social environment meeting the intent of this Section.
- E. Design considerations including the location, type, size color, texture and coverage of plant materials to soften the hard edges for the time of planting and after a five (5) year growth period and similar elements have been considered. A provision for irrigation and maintenance shall accompany landscape plans.
- F. Hours of operation will not adversely affect the health, safety and welfare of the public.

8.34.2. *Special Approval Use Review:* This Ordinance recognizes that certain building and land uses can coexist in the Downtown Redevelopment District but only if special design standards are followed to alleviate public health, welfare and safety concerns of a social, physical and economic nature. The design provisions located in the Downtown Redevelopment District and the Zoning Ordinance are valid unless a stricter standard is required by Section 8.30 General Provisions.

- A. The Planning Commission shall review the proposed special approval use in terms of the standards stated within this Ordinance and shall establish that such use and the proposed location:

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1. Is consistent with the intent and objectives of the City of St. Clair Master Plan.
 2. Is consistent with the intent of the City of St. Clair Zoning Ordinance.
 3. Is consistent with the intent of the Downtown Redevelopment District.
 4. Conforms to the placement, massing and height standards of the Zoning Ordinance.
 5. Conforms to the architectural and site design standards of the Downtown Redevelopment District.
 6. Use conforms to all other codes and ordinances regulating the use of land.
 7. Acceptable access for vehicles and pedestrians, levels of traffic generation and public service capacity for the development and surrounding uses—existing and future—are proposed.
 8. No adverse impacts to the surrounding businesses, residences and public facilities will be experienced or are anticipated.
 9. No adverse environmental impacts will be experienced or are anticipated.
 10. Will not create excessive additional public costs and will not be detrimental to the economic welfare of the City.
- B. The Planning Commission has authority to require a traffic study, market study, additional architectural, site and sign drawings and similar documents to make certain that the special use does not negatively impact the area.
- C. The Planning Commission shall adhere to the process requirements of Section 3.5.
- 8.34.3. *Variance Review:* City Council shall adhere to the following review criteria when evaluating a variance request.
- A. Shall not be contrary to the public interest and to the spirit and intent of the Downtown Redevelopment District.
 - B. Shall not permit the establishment of any use which is not permitted by right within the district.
 - C. Shall not cause any adverse effect to property within the vicinity.
 - D. Shall affect only property subject to exceptional or extraordinary circumstances or conditions that do not generally apply to other property or uses in the vicinity, and have not resulted from any act of the applicant.
 - E. Shall only be granted in order to avoid practical difficulties or unnecessary hardship which would result from enforcement of the strict letter of this Ordinance.
 - F. Shall not be issued if the circumstance is general or recurrent in nature and the amendment to the ordinance is the practical method of alleviating the occurrence.
- 8.34.4. *Variance Restrictions:* A variance shall be restricted by the following conditions:
- A. Grant no more than the minimum variance necessary to relieve the practical difficulty or unnecessary hardship from the terms of this Ordinance shall be granted.
 - B. An application for a variance which has been denied wholly or in part by the City Council shall not be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions found upon inspection by the City Council to be valid.

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- C. Each variance granted shall become null and void unless the provisions of the variance have been utilized by the applicant within six (6) months after the granting of the variance.
 - D. Prior to granting a variance, all other existing infractions related to this Ordinance or other City Codes related to the variance request shall be resolved.
- 8.34.5. *Amendment to the Downtown Regulating Code:* Planning Commission and City Council shall consider the following criteria when amending the Downtown Redevelopment District.
- A. Proposed amendment is consistent with the City of St. Clair Master Plan and Downtown Vision Plan.
 - B. Proposed amendment would not be detrimental to the health, safety, welfare and public interest of the City of St. Clair.
 - C. Proposed amendment is internally consistent and does not conflict with the purposes, regulations, and required findings of the City of St. Clair Zoning Ordinance or other codes and regulations affecting development in the City.

(Ord. No. 2009-05, § 1, 10-5-09)

Section 8.35. Definitions.

Defined terms listed below are specific to Downtown Redevelopment District and not set forth within Article 2 of the Zoning Ordinance. Refer to Article 2 Definitions and Article 6 Signs for definitions not specified in Section 8.36

8.35.1. *Definitions of Building and Site Elements:*

Alley: A publicly or privately owned secondary way which affords access to the side or rear of abutting property.

Appurtenances: Architectural features consisting of: spires, belfries, cupolas or dormers; silos; parapet walls, and cornices without windows; chimneys, ventilators, skylights, and antennas.

Architectural Trim: The finished woodwork or similar used to decorate, border or protect the edges of openings or surfaces.

Awning: A rooflike cover of canvas or other material extending in front of a doorway or window or over a deck or balcony used to provide protection from the sun or rain.

Balcony: An elevated platform projecting from the wall of a building supported by either a cantilever or brackets and enclosed by a railing or parapet.

Bay Window: A series of windows projecting outward from the main wall of a building and forming a bay or alcove in a room within.

Build-To Line: A line parallel to the property line along which a building shall be built.

Building Frontage: The vertical side of a building which faces the primary space or street. Corner lots are considered to have two building frontages.

Building Placement: The location of a building foundation on a property.

Building Volume: The space displaced by the exterior walls and roof of a building; a product of building width, depth, and height. Building volume is regulated in order to shape public spaces that are human-scaled, well-ordered, and which maximize the amenity of shared public spaces.

Building Width: The distance from one side of a building frontage to the other. In conditions where buildings are attached, building width is the distinction between buildings which shall be expressed via a change in architectural expression.

City of St. Clair Master Plan: The City of St. Clair's official land use vision and policy statement.

Colonnade or Arcade: A covered open-air walkway at standard sidewalk level attached to or integral with the building frontage; overhead structure is supported architecturally by columns or arches along the sidewalk.

Cornice: A continuous molded projection that crowns a wall or other construction or horizontally divides it for compositional purposes.

Deck: An elevated platform that meets one of the following criteria:

- Finished roof area
- Building extension that is independently supported or partially supported from the building.
- A deck is not considered a porch or stoop as defined by this Ordinance.

Downtown Vision Plan: The City of St. Clair Downtown Development Authority's official building use and urban design vision and policy statement. This plan is adopted into the City of St. Clair Master Plan.

Eave Line: The overhanging lower edge of a roof. Required dimensions are taken to the lowest elevation of the overhang, or in the event of an irregular horizontal line, an acceptable dimension is at the discretion of the Planning Commission.

Expression Line: Horizontal or vertical delineation of a facade or exterior wall through the use of recessed or projected reveals of a minimum two (2) inches in width and depth or an off-set in the exterior wall.

Exterior Wall: A wall forming part of the envelope of a building, having one (1) face exposed to the weather.

Facade: The front of a building or any of its sides facing a public right-of-way or space.

Fenestration: The design, proportioning and disposition of windows and other exterior openings of a building.

Finished Floor: The wearing surface of a floor, usually laid over a sub-floor.

Finished Grade: The elevation of drives, walks, lawns or other improved surface after completion of construction or grading operations.

Frame: A skeletal structure of members designed to give shape and support to a building or other construction.

Front Porch: A roofed area, attached at the ground floor level or first floor level, and to the front of a building, open except for railings, and support columns.

Garden Wall: A freestanding wall along the property line dividing private areas from streets, alleys, and or adjacent lots.

Ground Floor Height: Height of the floor space nearest the ground level between the finished floor and finished ceiling.

Height: The vertical distance from the lowest point on the tallest side of the structure to the top of the parapet, cornice or eave.

Liner Building: A building built in front of a parking garage, cinema, supermarket etc., to conceal large expanses of blank wall area and to face the street space with a facade that has doors and windows opening onto the sidewalk. Parking garages and their liners may be built at different times.

Micro Brewer, Small Wine Maker and Small Distiller: Any business whose primary purpose is the creation of alcoholic beverages, where such business has been granted a license issued by the State of Michigan Liquor Control Commission for such operation.

Module: The subdividing of a long wall into a composite of identifiable sections causing a vertical rhythm. The dimensions of such are used as a standard for determining the proportion of overall construction.

Molding: A long, narrow and ornamental surface with a uniform cross-section and profile shaped to produce modulations of light, shade and shadow.

Mullion: A vertical member within the lights of a window.

Muntin: A rabbeted member for holding the edges of windowpanes within a sash.

Opaque: Visually impenetrable surface capable of completely obscuring objects from view. Variants are expressed in percentages of opacity that will permit less than total light and visual penetration.

Overhang: A projection of a wall framing the upper level of a fenestration. Overhangs are constructed of a metal framework and not covered.

Parapet: A low protective wall that rises above the roof.

Porch: An exterior appendage to a building forming a covered approach or vestibule to a doorway.

Primary Space or Street: The space or street that a building fronts. At squares and street intersections the space or street highest in the hierarchy is the primary street.

Redevelopment: The process of restoring property to a better condition.

Reflective Glass: Glass having a thin translucent metallic or other coating bonded to the exterior or interior surface to reflect a portion of the light and radiant heat that strikes it.

Roof: The external upper covering of a building, including the frame supporting the roofing

Roof types:

Flat - A roof having no slope or one with only a slight pitch so as to drain rain water.

Shed - A roof having a single slope.

Pitch - A roof having two or more slopes including a gable, hip, curb (mansard or gambrel), butterfly (inverted slope), pavilion, rainbow, barrel and sawtooth.

Shutter: A hinged cover or screen for a window.

Sill height: Height measured from finished grade to the horizontal member beneath a window opening.

Site: The geographic location of a construction project defined by legal boundaries.

Skylight: A glazed opening in a roof or ceiling for admitting daylight.

Stacking Lane: A road used to queue vehicles accessing a drive-through facility.

Stoop: A small platform and/or entrance stairway at a house door commonly covered by a secondary roof or awning.

Storefront: Building frontage for the ground floor usually associated with retail uses.

Subdistrict: One of three geographically smaller areas within the Downtown Redevelopment District exhibiting unique architectural and site design attributes.

Structured Parking: Layers of parking stacked vertically.

Tinted Glass: Glass having a chemical admixture to absorb a portion of the radiant heat and visible light that strikes it.

Transparent: Surface capable of transmitting light so that bodies and objects situated beyond or behind can be seen.

Umbrella Rib: Structural frame of an umbrella canopy.

Valance: A vertical ornamental covering hung over the edge of an awning.

Window box: A box designed to hold soil for growing plants at or on a windowsill.

Window Sill: The horizontal ledge at the base of a window opening.

8.35.2. *Definitions of Building Use Types.*

Convenience Market: A business whose primary activity is the retail sale of food, beverages, and small personal items, predominantly for off-premises consumption and typically found in establishments with long or late hours of operation and in relatively small buildings. Convenience market/store does not include establishments whose operation is primarily characterized by (a) the sale of alcohol, such as a liquor store; (b) on-site preparation of food, such as a delicatessen or restaurant; (c) stores which sell fresh fruits, vegetables, and/or meats, such as a food store; or (d) a gas station with the retail sales area for food and drink products of one hundred (100) square feet or less.

Drive-Through Facility: An establishment that by design, physical facilities, service or packaging procedures encourages or permits customers to receive service or obtain goods while remaining in their motor vehicles. This definition includes the drive-through lanes, ordering point and pick-up window or any combination thereof.

Fast Food Restaurant: A business where the primary serving of food is for take-out in disposable or non-returnable containers, provided that the business may provide a table and seating area for patrons to consume food and beverage on premises.

Full-Service Restaurant: A place which is regularly and in a bona fide manner used and kept open for the serving of at least lunch and dinner to guests for compensation and which has suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of food which may be required for such meals. The sale or service of sandwiches (whether prepared in a kitchen or made elsewhere and heated up on the premises) or snack foods shall not constitute a full-service restaurant.

Gas Station: A retail business establishment limited to the sale of motor fuels and supplying goods and services generally required in the operation and maintenance of automotive vehicles. These may include sale of petroleum products; sale and servicing of tires, batteries, automotive accessories and replacement items; washing and lubrication and repair. Major automotive repairs, engine, transmission and differential overhaul, painting and body and fender work are excluded except for such uses that are otherwise permitted in the district. "Service Station" as used in this title does not include chain, automatic or coin-operated wash racks. A gas station use with greater than one hundred (100) square feet of retail sales, unrelated to automobile service, shall be considered to include a convenience market and must meet the regulations for a convenience market.

Indoor Sports and Recreation: Includes participant sports and health activities conducted in an enclosed building.

Live/work quarters: An area comprised of one (1) or more rooms that accommodates joint work activity and residential occupancy and includes (1) working space reserved for and regularly used by one (1) or more of the persons residing therein, and (2) cooking, sleeping and sanitary facilities. All living space shall be contiguous with and made an integral part of the working space with direct access between living and working areas.

Neighborhood market/store: Includes delicatessens and other specialty food shops and also establishments which have a sizeable assortment of fresh fruits and vegetables and fresh-cut meat.

Nightclub: Any bar, cocktail lounge or restaurant, other than a cabaret, wherein live entertainment is provided. Live entertainment means any use of any premises, whether a principal or subsidiary use, which involves the presentation of music or voice by live entertainers to a specific audience or for the incidental enjoyment of patrons more than three (3) or more times during a calendar year.

Sidewalk Cafe: An area used for sit down eating and drinking situated in the permitted space between the build-to line and outside curb line.

Theater, Performance Space: An enclosed building used for public assembly and/or entertainment, including sports events, theatrical performances, concerts and recitals. Theater shall include auditorium.

(Ord. No. 2009-05, § 1, 10-5-09; Ord. No. 2016-04, § 1, 4-4-16)

ARTICLE 9. SITE PLAN REVIEW

Section 9.1. Site plan review required in specific districts.

Site plan review and approval of all development proposals within specific zoning districts is required by the following provisions. The intent of this section is to provide for consultation and cooperation between the developer and the Planning Commission so that both parties might realize maximum utilization of land and minimum adverse effect upon the surrounding land uses. Through the application of the following provisions, the attainment of the Master Plan will be assured and the City will develop in an orderly fashion.

9.1.1. *Site Plan Review Required:* A site plan shall be submitted to the Planning Commission for review and approval for the following:

- A. Any uses within the following districts:
 - R-3 - Multi-Family
 - PUD - Planned Unit Development
 - MD - Mixed Use (special uses only)
 - OS - Office Service
 - C-1 - Local Commercial
 - C-2 - General Commercial
 - M-1 - Light Industrial
 - M-2 - Heavy Industrial
- B. All special uses in single-family districts such as, but not limited to, churches, schools and public facilities.
- C. All site condominium or condominium projects.

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- D. Any use or development for which the submission of a site plan is required by any provisions of this Ordinance.
 - E. Any change and/or conversion of use as permitted and regulated by this Ordinance within the same zoning district.
 - F. Any addition to an existing principal or accessory building within districts listed in 9.1.1.(A) and subject to the following provisions:
 - 1. Wherein the proposed addition constitutes an increase of 1,000 square feet or ten (10) percent or more as compared to the existing building or use, whichever is less.
 - 2. Wherein the proposed addition or expansion would require a variance from the provisions of this Ordinance no matter what size the addition or expansion.
 - 3. Wherein the proposed addition/albration contributes a change in parking requirements.

9.1.2. *Site Plan Review Criteria:* The site plan shall be reviewed and approved by the Planning Commission upon finding that the following conditions are met:

- A. The proposed use will not be injurious to the surrounding neighborhood.
- B. There is a proper relationship between thoroughfares and proposed service drives, driveways, and parking areas.
- C. The location of buildings, outside storage receptacles, parking areas, screen walls, and utility areas is such that the adverse effects of such uses will be minimized for the occupants of that use and the occupants of surrounding areas.
- D. It provides for proper development of roads, easements, and public utilities and protects the general health, safety, welfare, and character of the City.
- E. It meets City requirements and standards for grading and surface drainage and for the design and construction of storm sewers, storm water holding facilities, water mains, sanitary sewers, and driveway approaches.
- F. All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practical means to all sides.
- G. Natural resources are preserved by developing in a manner which will not detrimentally affect or destroy natural features such as lakes, ponds, streams, wetlands, steep slopes, and woodlands.
- H. Sites which include storage of hazardous materials or waste, fuels, salt, or chemicals will be designed to prevent spills and discharges of polluting materials to the surface of the ground, groundwater, or nearby water bodies.
- I. The location of buildings, parking, drives, landscaping, and other improvements on the site is appropriate for the lot size and configuration.
- J. Landscaping, including trees, shrubs, and other vegetative material, is provided to maintain and improve the aesthetic quality of the site and the area.
- K. The proposed use is in compliance with all City ordinances and any other applicable laws.

9.1.3. *Information Required on Site Plan:* Plans submitted for site plan approval shall contain all of the following data prior to approval of such plans by the Planning Commission. Final construction plans must be submitted to the Building Department and such construction plans must be reviewed and approved prior to obtaining a Building Permit.

Site plans shall consist of an overall plan for the entire development. Sheet size shall be at least 24" x 36" with plan view drawn to a reasonable scale. Included on the site plan will be all dimensions and the following:

A. *General Information.*

1. Proprietor's name, address, and telephone number.
2. Date (month, day, year), including revisions.
3. Title block.
4. Scale.
5. Northpoint.
6. Location map drawn at a scale of 1" = 2,000' with northpoint indicated.
7. Architect, engineer, surveyor, landscape architect, or planner's seal.
8. Existing lot lines, building lines, structures, parking areas, etc., on the parcel, and within one hundred (100) feet of the site.
9. Proposed lot lines, property lines and all structures, parking areas, etc., within the site, and within one hundred (100) feet of the site.
10. Centerline and existing and proposed right-of-way lines.
11. Zoning classification of petitioner's parcel and all abutting parcels.
12. Gross acreage figure.
13. Proximity to major thoroughfare and/or section corners.

B. *Physical Features.*

1. Proposed locations of access drives, street intersections, driveway locations, sidewalks, signs, curbing, and acceleration, deceleration, and passing lanes.
2. Location of existing and proposed service facilities above and below ground, including:
 - a. Storage, loading, and disposal areas for chemicals, hazardous substances, salt, and fuels.
 - b. Water main, hydrants, pump houses, standpipes, and building services and sizes.
 - c. Sanitary sewers and pumping stations.
 - d. Stormwater control facilities and structures including storm sewers, swales, retention and detention basins, drainageways, and other facilities, including calculations for sizes.
 - e. Location of all easements.
3. All buildings with dimensioned floor plans, setback and yard dimensions, and typical elevation views of proposed structures.
4. Dimensioned parking spaces and calculations, drives, and method of surfacing.
5. Exterior lighting locations and illumination patterns.
6. Location and description of all existing and proposed landscaping, berms, fencing, and walls.

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7. Sidewalks and bike paths.
 8. Trash receptacle pad location and method of screening.
 9. Transformer pad location and method of screening.
 10. Dedicated road or service drive locations.
 11. Entrance details including sign locations and size.
 12. Designation of fire lanes.
 13. Any other pertinent physical features.

C. *Natural Features.*

1. Existing topography with a maximum contour interval of two (2) feet indicated. Topography on the site and beyond the site for a distance of one hundred (100) feet in all directions shall be indicated.
2. A grading plan showing finished contours at a maximum interval of two (2) feet, correlated with existing contours so as to clearly indicate required cutting, filling, and grading.
3. Location of existing drainage courses, lakes, ponds, wetlands, rivers and streams, including their water surface elevation, flood plain elevation, and ordinary high water mark.
4. Location of other natural resource features, including woodlands.

D. *Additional Requirements for Multiple-Family, and PUD Developments.*

1. Density calculations by type of unit by bedroom count.
2. Designation of units by type of unit in each building.
3. Carport locations and details where proposed.
4. Specific amount of recreation space and locations.
5. Type of recreation facilities to be provided in recreation space.
6. If proposed, details of community building and fencing of swimming pool.

E. *Additional Requirements for Commercial and Industrial Developments.*

1. Loading/unloading areas.
2. Gross and useable floor area.
3. Number of employees in peak usage.

9.1.4. *Application Procedure:* An application for Site Plan Review shall be process in the following manner:

- A. All site plans shall be submitted to the Code Enforcement Officer at least twenty-one (21) days prior to the next regularly scheduled meeting of the Planning Commission and must contain the following to be accepted:
 1. A signed and complete application.
 2. Ten (10) copies of the site plan.
 3. All items as required by 9.1.3. shown on the site plan.
 4. Required fees.
- B. Upon acceptance of the site plan, the Code Enforcement Officer shall:

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1. Forward a copy of the site plan and application to the City Planner or Engineer for review.
 2. Place review of the site plan on the next Planning Commission agenda.
 3. Forward a copy of the site plan and application to each Commission member.

9.1.5. *City Review.* Upon receipt of a site plan containing all the required information listed in the ordinance, regulating site plan review, the Planning Commission shall review the plan at a subsequent meeting and approve, approve with conditions, deny, or table the site plan with stipulations as to any information that will be required to be provided from the applicant prior to a decision being made at a subsequent meeting, as follows:

- A. Upon determination of the Planning Commission that a site plan is in compliance with the regulations and intent of the Zoning Ordinance and any other required regulations, the plans will be marked "Approved". Upon determination that a site plan is in compliance except with minor revisions, the Planning Commission may grant conditional approval and the plans will be marked "Approved with the following conditions" Revised plans must then be submitted to the City for administrative approval with all revisions clearly delineated on the copies. Four (4) copies of the plan with any conditions listed will be required to be distributed as follows:
 1. One (1) copy forwarded to the City Clerk.
 2. Two (2) copies forwarded to the Code Enforcement Officer.
 3. One (1) copy forwarded to the applicant.
- B. The Planning Commission may table the site plan if it determines that additional information is required. The applicant shall be advised as to what additional information is required before the matter will again be placed before the Planning Commission for further consideration.
- C. If extensive revision to the site plan is necessary to meet the Ordinance and regulation requirements, the site plan shall be denied and the applicant required to submit a new application and site plan, unless otherwise directed by the Commission. In this case, "Denied" shall be written on the plan and reasons for denial indicated.
- D. Upon request, the City may permit the movement of soil on the site, prior to site plan approval provided that a soil erosion permit is issued by the county if required and that a topographical plan is submitted with sufficient detail, including elevations and a time schedule to determine the extent and length of the disruption of the soil. Conditions may be placed on the movement of the soil by the Commission including, but not limited to, time restrictions and restoration of specified vegetation on the site.
- E. In those instances where final approval authority is vested with the City Council, the Planning Commission shall submit a recommendation to the City Council citing the reasons for approval, approval with conditions or denial of the plan.

9.1.6. *Effect of Approval.* When an applicant receives final site approval, he must develop the site in complete conformity with the approved site plan and the following requirements:

- A. The site plan approval shall be valid for an initial period of one (1) year, subject to the following conditions:
 1. Should site construction commence within the initial one (1) year period, approval for the project will be extended for a period of one (1) year.
 2. Should a building permit be issued, site plan approval shall continue for a period of one (1) year from the date of issuance of a building permit.

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3. At the end of the extension period from the date of the site construction or issuance of a building permit or upon occupancy or prior to the issuance of a temporary or final Certificate of Occupancy, the applicant shall submit a letter of credit or cash bond in the amount of 110% of the amount of the cost for completion of the site improvements, as determined by the City Engineer based on the approved site plan.
- B. If the site is not under construction at the expiration of the initial approval time, the site plan approval becomes null and void and the developer shall make a new application for approval.
 - C. A one year time extension to site plan approval may be granted by the Planning Commission at a regularly scheduled Planning Commission meeting upon request, subject to additional conditions and/or review.
- 9.1.7. *As-Built Plans.* Prior to issuance of a final certificate of occupancy, one set of as-built plans must be submitted to the City of St. Clair by a registered architect of engineer containing the following:
- A. As-built storm system plans shall indicate the offset of storm sewers from the property lines and shall include, but not be limited to, length of sewer, invert elevation, rim elevation, percentage of grade, manhole location, sewer material and joints used. Locations shall be shown on the plans with an accuracy of one (1) foot.
 - B. As-built sanitary sewer system plans shall indicate the offset of sanitary sewers from property lines and shall include, but not be limited to, length of sewer, invert elevation, rim elevation, percentage of grade, manhole location, sewer material and joints used. Locations shall be shown on the plans with an accuracy of one (1) foot.
 - C. As-built water system plans shall indicate the offset of water mains from property lines and shall locate gate valves, hydrants and all water system appurtenances from the nearest property corner. In addition, all underground appurtenances, such as gate valve wells, meter pits, pressure reducing valve pits, etc., shall be located from the nearest hydrant that is connected to the same water main as the appurtenance. Locations shall be shown on the plans with an accuracy of one (1) foot.
 - D. All plans shall list the type, brand name and lengths of pipe, hydrants, gate valves, etc., used.

ARTICLE 10. ENVIRONMENTAL PERFORMANCE AND FLOOD PREVENTION DISTRICT REGULATIONS

Section 10.1. Purpose.

No use, otherwise allowed, shall be permitted within any district which does not conform to the following standards of use, occupancy, and operation, which standards are hereby established as the minimum requirements to be maintained within said area.

Section 10.2. Smoke.

It shall be unlawful for any person, firm, or corporation to permit the emission of any smoke from any source whatsoever to a density greater than that permitted by Federal Clean Air Standards and those standards promulgated by the Michigan Department of Natural Resources according to Act 348 of 1965 as amended.

Section 10.3. Dust, dirt, and fly ash.

No person, firm, or corporation shall operate or cause to be operated, maintained, or cause to be maintained, any process for any purpose, or furnace or combustion device for the burning of coal or other natural or synthetic fuels, without maintaining and operating, while using said process or furnace or combustion device, recognized and approved equipment, means, method, device or contrivance to reduce the quantity of gasborne or airborne solids or fumes emitted into the open air, which is operated in conjunction with said process, furnace, or combustion device so that the quantity of gasborne or airborne solids shall not exceed Federal Clean Air Standards and those standards promulgated by the Michigan Department of Natural Resources.

Section 10.4. Glare and radioactive materials.

10.4.1. Glare from any process (such as or similar to arc welding or acetylene torch cutting) which emits harmful ultraviolet rays shall be performed in such a manner as not to be seen from any point beyond the property line, and as not to create a public nuisance or hazard along lot lines. Radioactive materials and wastes, including electromagnetic radiation such as x-ray machine operation, shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards, when measured at the property line.

10.4.2. Glare from automobile headlights or commercial or industrial vehicle headlights shall not be directed into any adjacent property so as to become a nuisance.

10.4.3. In non-residential areas, exterior lighting shall be installed so that the source of light shall not be visible from any residential dwelling and shall be so arranged as far as practical to reflect light away from the residential use. In no case shall more than one candle-power of light cross a lot line five (5) feet above the ground into a residential district.

Section 10.5. Fire and explosive hazards.

The storage and handling of flammable liquids, liquefied petroleum gases and explosives shall comply with the State Rules and Regulations as established by Public Act No. 207 of 1941, as amended.

Section 10.6. Noise.

10.6.1. The emission of measurable noises from the premises shall not exceed sixty-five (65) decibels as measured at the boundary or property lines, except that where normal street traffic noises exceed sixty-five (65) decibels during such periods, the measurable noise emanating from the premises may equal, but shall not exceed, such traffic noises. Within the M1 and M2 districts, sound levels not exceeding seventy-five (75) decibels may be permitted.

10.6.2. In addition, objectionable sounds of an intermittent nature, or sounds characterized by high frequencies, even if falling below the aforementioned decibel readings, shall be so controlled so as not to become a nuisance to adjacent uses. This shall particularly apply to loading and unloading areas in commercial or industrial districts adjacent to residential districts.

Section 10.7. Odors.

The emission of noxious odors, odorous matter in such quantities as to be readily detectable at any point along lot lines, when diluted in the ratio of one volume of odorous air to four or more volumes of clean air or as to produce a public nuisance or hazard beyond lot lines, is prohibited.

Section 10.8. Waste and rubbish dumping.

No garbage, sewage, filth, refuse, waste, trash, debris, or rubbish, including cans, bottles, waste paper, cartons, boxes and crates, or other offensive or obnoxious matter shall be kept in open containers, or piled, placed, stored, or dumped on any land within the City in such a manner as to constitute a nuisance or create a hazard to health, safety, morals, and general welfare of the citizens of the City.

Section 10.9. Regulations of floodplain areas.

10.9.1. *Finding of fact.* The flood hazard areas of the city of St. Clair are subject to periodic inundation which results in loss or impairment of life, property, health and safety, disruption of commerce and governmental services, extraordinary expenditures of public funds for flood protection and relief and impairment of the tax base, all of which adversely affect public health, safety and general welfare. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increased heights and velocities of floodwaters by the occupation of the flood-hazard areas of uses vulnerable to floods or hazards to other lands which are inadequately elevated, floodproofed or otherwise protected from flood damage.

10.9.2. *Statement of purpose.* It is the purpose of the Flood Prevention District to protect the natural, human and economic 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 is, or may be, subject to periodic inundation by floods and floodwaters at predictable intervals. Said regulations, while permitting reasonable economic use and considering the physical limitations of such land, will help to protect public health, public safety and general welfare, and will reduce the financial burdens imposed upon the community which may result from the improper use of such land. Said regulations are designed to:

- A. Restrict or prohibit uses which are dangerous to health, safety and welfare, and property due to water or erosion or in flood heights or velocities;
- B. Require that uses vulnerable to floods, including facilities which serve such uses, to be protected against flood damage at the time of initial construction;
- C. Control, filling, grading, dredging, obstructions and other developments which may increase erosion or flood damage; and
- D. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters, or impede or obstruct the flow thereof, or which may increase flood hazards to other lands.

10.9.3. *Definitions.* The words used in this article which are not expressly defined in this section shall be given their usual customary meaning with consideration to the context in which they are used. The following terms are expressly defined herein and shall mean:

Area of shallow flooding shall mean a designated AO or VO Zone on the flood insurance rate map for the City of St. Clair with base flood depths from one to three (3) feet where a clearly defined channel or watercourse does not exist, where the path of flooding is unpredictable and indeterminate, and where floodwater velocity flow may be evident.

Base flood shall mean the flood having a one percent chance of being equalled or exceeded in any given year and shall be based upon a flood which is representative of large floods known to have occurred generally in the area and is reasonably characteristic of what can be expected to occur in a particular stream, channel or watercourse.

Development shall mean any man-made change to improved or unimproved real estate, including but not limited to the erection of buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

Flood or flooding shall mean a general and temporary condition of partial or complete inundation of land which is, in its normal state, dry and unsubmerged, from the overflow of inland waters or the unusual and rapid accumulation or runoff of surface waters from any surface.

Flood boundary and floodway map shall mean that map (or maps) prepared by the United States Department of Housing and Urban Development which indicates the location of the floodway and the floodway fringe areas within the city, a copy of which is available for examination in the office of the city clerk of the City of St. Clair.

Flood insurance rate map shall mean that map (or maps) prepared by the Federal Emergency Management Agency which classifies the floodplain into various zones for purposes of determining flood insurance premium rates within the city, a copy of which is available for examination at the office of the city clerk of the City of St. Clair.

Flood insurance study shall mean that study (or studies) prepared by the Federal Emergency Management Agency which examines, evaluates and determines flood hazards, and if appropriate, corresponding water surface elevations for the City of St. Clair, and contains flood profile studies as well as a flood hazard boundary and floodway map and the water surface elevation of the base flood.

Floodplains associated with the base flood shall mean that area which is inundated by the base flood. This is the floodplain area which shall be regulated by the standards and criteria of this article and shall be determined with reference to the flood boundary and floodway and the flood insurance study.

Floodproofing shall mean any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improves real property, water and sanitary facilities, structures and their contents.

Floodway shall mean the channel of the watercourse and those portions of the adjoining floodplains which carry and discharge the floodwaters of the base flood, as determined by the Federal Emergency Management Agency and as indicated in the flood boundary and floodway map.

New construction shall mean all structures, including the placement of mobile homes, for which construction is started or commenced on or after the effective date of this article.

Obstruction shall mean any dam, dike, wall, wharf, embankment, levee, pile abutment, projection, excavation, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, file, structure, or other matter, in, along, across or projecting into any channel, watercourse or flood-hazard area which may impede, retain or change the direction of the flow of water or that is placed where the flow of water might carry the same downstream to damage life or property.

Substantial improvement shall mean any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred. For purposes of this definition "substantial improvement" shall be considered to occur when the first alteration of any structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not include any project for improvement to comply with existing state or city health, sanitary or safety code requirements which are solely necessary to assure safe living conditions or to any alteration of a structure listed on the National Register of Historic Places or the State of Michigan Register of Historic Places.

Watercourse shall mean any natural or artificial watercourse, stream, channel, creek, ditch, canal, conduit, culvert, drain, waterway, gully, ravine or wash in which water flows in a definite direction or course, either continuously or intermittently, and which has a definite channel, bed and banks, and shall include any area adjacent tracts subject to inundation by reason of overflow of floodwater.

10.9.4. *Lands to which Floodplains District applies.* This article shall apply to all areas of special flood hazards within the jurisdiction of the City of St. Clair. The flood district shall be considered to overlay existing zoning

districts and shall constitute additional terms to those impaired by the underlying zoning district. The Flood Prevention District is hereby divided into two (2) areas, which areas shall be known as the "floodway" area as defined in section 10.9.3 of this article and the "floodway fringe" area, as defined in section 10.9.3 of this article. The location and boundaries of the floodway and floodway fringe areas shall coincide with the location and boundaries of floodways and floodway fringe areas as shown on the "Flood Insurance Study for the City of St. Clair", dated June 15, 1978, as published by the Federal Emergency Management Agency, with accompanying flood insurance rate maps and floodway maps, and any revisions thereto all of which are hereby adopted by reference and declared to be a part of this article.

- 10.9.5. *Development permit required.* From and after the effective date of this article, it shall be unlawful for any person to undertake any development, including the placement of mobile homes, within the Flood Protection District, without having first procured a development permit as hereinafter provided, said permit being required for all development as defined in section 10.9.3, and irrespective of whether or not said development involves the actual construction for building or structure.
- 10.9.6. *Compliance.* No structure shall hereafter be located, extended, converted or altered, nor shall any land be used, except in full compliance with the terms of this article and other applicable regulations.
- 10.9.7. *Abrogation and greater restrictions.* This article is not intended to repeal, abrogate or impair any existing easement, covenant or deed restriction. When this article and any other ordinance, conflict or overlap, the ordinance which imposes the most stringent standard shall be applicable.
- 10.9.8. *Interpretation.* In the interpretation and application of this article, all provisions shall be:
- A. Considered as minimum requirements;
 - B. Liberally construed in favor of the governing body; and
 - C. Deemed neither to limit nor repeal any other powers granted under state statutes.
- 10.9.9. *Warning and disclaimer of liability.* The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This article does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This article shall not create liability on the part of the City of St. Clair or by any officer or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made thereunder.
- 10.9.10. *Administration.*
- A. Designation of the city superintendent. The city superintendent is hereby appointed to administer and implement the provisions of this article.
 - B. Duties and responsibilities of the city superintendent. Duties of the city superintendent shall include, but not be limited to:
 - 1. Review all development permits to assure that the permit requirements of this article have been satisfied.
 - 2. Review permits for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.
 - 3. Review all permits for proposed new development to determine whether such proposals will be reasonably safe from flooding, to assure that:
 - a. All such proposals are consistent with the need to minimize flood damage within floodprone area;

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- b. All public utilities, and facilities, such as sewer, gas, electrical and water systems are located and instructed to minimize or eliminate flood damage.
 - c. Adequate drainage is provided to reduce expenses to flood damage.
4. Notify adjacent communities and the Michigan Department of Natural Resources prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
 5. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
 6. Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures.
 7. Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been floodproofed.
 8. When floodproofing is utilized for a particular structure, the city superintendent shall obtain certification from a registered professional engineer or architect.
 9. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the city superintendent shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.
 10. When base flood elevation data has not been provided in accordance with section 10.9.3 of this article, then the city superintendent shall obtain, review, and reasonably utilize any base flood elevation data available from a federal, state or other source, in order to administer the provisions of section 10.9.10 of this article.
 11. All records pertaining to the provisions of this article shall be maintained in the office of the city superintendent and shall be open for public inspection.
- 10.9.11. *Permit procedures.* Application for a development permit shall be made to the city superintendent on forms furnished by him and may include, but not be limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill storage of materials; drainage facilities, and the location of the foregoing. Specifically, the following information is required:
- A. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
 - B. Elevation in relation to mean sea level to which any nonresidential structure has been floodproofed;
 - C. Provide a certificate from a registered professional engineer or architect that the nonresidential floodproofed structure meets the floodproofing criteria in section 10.9.13(B) (herein).
 - D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- 10.9.12. *Variances procedures; standards for determination conditions.*
- A. The zoning board of appeals, as established by the City of St. Clair, shall hear and decide appeals and requests for variances from the requirements of this article.
 - B. The zoning board of appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the city superintendent in the enforcement or administration of this article.

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- C. Any person aggrieved by the decision of the zoning board of appeals may appeal such decision to the St. Clair County Circuit Court, as provided by statute.
 - D. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.
 - E. In passing upon such applications, the zoning board of appeals shall consider all technical evaluations, all relevant factors, standards specified in other sections of this article, and:
 - 1. The danger that materials may be swept onto other lands to the injury of others;
 - 2. The danger to life and property due to flooding or erosion damage;
 - 3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - 4. The importance of the services provided by the proposed facility to the community;
 - 5. The necessity to the facility of a waterfront location, where applicable;
 - 6. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - 7. The compatibility of the proposed use with existing and anticipated development;
 - 8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - 9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - 10. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 - 11. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems and streets and bridges.
 - 12. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (½) acre or less in size contiguous to and surrounded by lots, existing structures constructed below the base flood level, providing items (a) through (k) have been fully considered. As the lot size increases beyond the one-half (½) acre, the technical justification required for issuing the variance increases.
 - F. Upon consideration of the factors listed above and the purpose of this article, the zoning board of appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this article.
 - G. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
 - H. Conditions for variances:
 - 1. Variances shall only be issued upon a determination that the variance would result in exceptional hardship to the applicant; and
 - 2. Variances shall only be issued upon:
 - a. A showing of good and sufficient cause;

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- b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
3. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
 4. The city superintendent shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.
 5. An applicant for a variance to permit development in any floodway shall secure a permit from the Michigan Department of Natural Resources under the authority of 1929 PA 245, as amended by 1968 PA 167, and evidence thereof shall be submitted to the city superintendent.

10.9.13. *Provisions for flood hazard reduction.*

- A. *General standards.* In all areas of special flood hazards the following provisions are required:
 1. All new construction and substantial improvements shall be designed and adequately anchored to prevent flotation, collapse or lateral movement of the structures;
 2. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
 3. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
 4. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
 5. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters; and
 6. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- B. *Specific standards.* In all areas of special flood hazards the following provisions are required:
 1. *Residential construction:* New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to one foot above base flood elevation.
 2. *Nonresidential construction:* New construction or substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to one foot above the base flood elevation or, together with attendant utility and sanitary facilities, be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the floodproofing methods are adequate to withstand the flood depths, pressure, velocities, impact and uplift forces and other factors associated with the baseflood. Such certification shall be provided to the official as set forth in section 16-10.9.10 (B) (8) herein.

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3. *Mobile Homes:*
- a. No mobile home shall be placed in a floodway area, except in an existing mobile home park or existing mobile home subdivision.
 - b. All mobile homes placed within the floodway and floodway fringe areas shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top ties to ground anchors. Specific requirements shall be that:
 - i. Over-the-top ties be provided at each of the four (4) corners of the mobile home, with two (2) additional ties per side at intermediate locations and mobile homes less than fifty (50) feet long requiring one additional tie per side;
 - ii. Frame ties be provided at each corner of the home with five (5) additional ties per side at intermediate points and mobile homes less than fifty (50) feet long requiring four (4) additional ties per side;
 - iii. All components of the anchoring system be capable of carrying a force of four thousand eight hundred (4,800) pounds; and
 - iv. Any additions to the mobile home be similarly anchored.
 - c. For new mobile home parks and subdivisions, for expansions to existing mobile home parks and subdivisions, for existing mobile home parks and subdivisions where the repair, reconstruction or improvement has commenced, and for mobile homes not placed in a mobile home park or subdivision, it is required that:
 - i. Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be one foot above the base flood level;
 - ii. Adequate surface drainage and access for a hauler are provided; and
 - iii. In the instance of elevation on pilings:
 - Lots are large enough to permit steps;
 - Piling foundations are placed in stable soil no more than ten (10) feet apart; and
 - Reinforcement is provided for pilings more that six (6) feet above the ground level.
4. *Floodways:* Located within the areas of special flood hazard established in section 10.9.5 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:
- a. Encroachments, including fill, new construction, substantial improvements and other developments are prohibited unless certification by a professional registered engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge.
 - b. If section 10.9.12 (B) (4) (a) of this article is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this article.
 - c. The placement of any mobile homes is prohibited except in an existing mobile home park or existing mobile subdivision.

10.9.14. *Permitted uses by right in the floodway area of the Flood Prevention District.* The following uses having a low flood damage potential and present either 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 of Michigan Department of Natural Resources is needed for construction activity (of the following,) taking place in the floodway and floodway fringe areas of the Flood Prevention 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.
- B. *Golf courses and driving ranges:* In accordance with the requirements of the zoning ordinance of the City of St. Clair.
- C. *Agricultural uses:* General farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming and wild crop farming.
- D. *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 the subsections listed above.
- F. *Uses not permitted:* Permitted uses in underlying zoning districts shall not be construed as being permitted uses in the floodway area of the Flood Prevention District unless those uses are indicated as being permitted in the subsections listed above.

10.9.15. *Uses permitted by special use permit in the floodway area of the Flood Prevention District.* Provided such uses shall not, in the opinion of the 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 any tributary to the main stream, drainage ditch, or any other drainage facility or system, the following uses may be permitted by issuance of a special use permit in accordance with all other requirements of the zoning ordinance of the City of St. Clair and section 10.9.14 of this article:

- A. Railroads, streets, bridges, utility transmission lines and pipe lines;
- B. Marinas, boat rentals, piers, wharves;
- C. Extraction of sand, gravel and other minerals;
- D. Structures for recreational uses such as shelter houses, outbuildings or wildlife sanctuaries;
- E. Paved parking areas; and
- F. Other uses similar in nature to uses described in section 10.9.14 which are consistent with the provisions of this article.

10.9.16. *Requirements for special use permit for uses in the floodway area of the Flood Prevention District.* In addition to all other requirements of the zoning ordinances of the City of St. Clair, the application for a special use permit in the floodway area of the Flood Prevention District shall submit the following:

- A. A letter of approval from the State of Michigan Department of Natural Resources;
- B. A location map including existing topographic data at two-foot interval contours at a scale of one inch representing one hundred (100) feet;

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- C. A map showing proposed grading and drainage plans including the location of all public drainage easements, the limits, extent, and elevation of the proposed fill, excavation and occupation;
 - D. A statement from the St. Clair County Drain Commissioner indicating that he has reviewed and approved the proposal;
 - E. A statement from the city engineer concerning feasibility of the proposal and his approval; and
 - F. Any other information requested by the Planning Commission.

10.9.17. *Standards for special use permits within the floodway.* The Planning Commission shall review the particular circumstances and facts of each proposed use in terms of the following standards as well as those in section 10.9.16:

- 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 the floodwaters and whenever possible, shall be constructed with the longitudinal axis parallel to the direction of floodflow;
- C. No special use permit shall be issued for the development of new structures, substantial improvement or relocation of old structures, or development of any kind within the floodway when such development, construction, improvement or relocation would cause any increase in flood level associated with the base flood.

10.9.18. *Standards for areas of shallow flooding (AO Zones).* Located within the areas of the special flood hazard established in section 10.9.3 of this article are areas designated as shallow flooding. These areas have special flood hazards, associated with base flood depths of one to three (3) feet, where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

- A. All new construction and substantial improvements of residential structures have the lowest floor, including basement, elevated above the crown of the nearest street to or above the depth number specified on the flood insurance rate map for the City of St. Clair.
- B. All new construction and substantial improvements of nonresidential structures shall:
 - 1. Have the lowest floor, including basement, elevated aboveground of the nearest street to or above the depth number specified on the flood insurance rate map; or
 - 2. Together with attendant utility and sanitary facilities be completely floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

10.9.19. *Permitted uses by right in the floodway fringe area of the flood prevention district.* The following uses having a low flood damage potential and present either no, or minimal obstruction to flood flows, 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 of Michigan Department of Natural Resources is needed for construction 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.
- B. Golf courses and driving ranges: In accordance with the requirements of the zoning ordinance of the City of St. Clair.

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- C. Agricultural uses: General farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming and wild crop farming.
 - D. Uses incidental to single-family dwellings: Lawns, gardens and play areas.
 - E. Uses not permitted: Permitted uses in underlying zoning districts shall not be construed as being permitted uses in the floodway area of the Flood Prevention District unless those uses are indicated as being permitted in the subsections listed above.

10.9.20. *Uses permitted by special use permit in the floodway fringe area of the Flood Prevention District.* Provided such uses shall not, in the opinion of the 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 a special use permit in accordance with the zoning ordinance of the City of St. Clair and any other requirements contained herein:

- A. Railroads, streets, bridges, utility transmission lines and pipe lines;
- B. Marinas, boat rentals, piers, wharves;
- C. Extraction of sand, gravel and other minerals;
- D. Structures for recreational uses such as shelter houses, outbuildings or wildlife sanctuaries;
- E. Those uses indicated as being permitted uses or as being permissible with a special use permit in those zoning districts which underlie the Flood Prevention 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. In no case shall the flow or impoundment capacity of the floodway fringe be reduced.
- G. Other uses similar in nature to uses described in section 10.9.18 which are consistent with the provisions of this article.

10.9.21. *Requirements for special use permits for uses in the floodway fringe area of the Flood Prevention District.* In addition to all other requirements of the zoning ordinance of the City of St. Clair, the applicant for a special use permit in the Flood Prevention District shall meet the following requirements:

- A. The applicant for a special use permit shall be required to submit that information listed as necessary in section 10.9.16 herein.

10.9.22. *Standards for special use permits within the floodway fringe.* The Planning Commission shall review the particular circumstances and facts of each proposed use in terms of the following standards as well as those in section 10.9.16 herein:

- A. All new residential structures and residential structures requiring substantial improvement shall have the lowest floor (including basement) elevated to one foot above the level of the base flood floodplain.
- B. All new nonresidential structures and nonresidential structures requiring substantial improvement shall have the lowest floor (including basement) elevated to one foot above the level of the intermediate regional floodplain or shall be floodproofed to one foot above the level of the intermediate regional floodplain.

ARTICLE 11. NON-CONFORMING LOTS, NON-CONFORMING USES OF LAND, NON-CONFORMING STRUCTURES, AND NON-CONFORMING USES OF STRUCTURES AND PREMISES

Section 11.1. Intent.

It is the intent of this Ordinance to permit legal non-conforming lots, structures, or uses to continue until they are removed.

11.1.1. It is recognized that there exists within the districts established by this Ordinance uses which were lawful before this Ordinance was passed or amended which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments. Such uses are declared by this Ordinance to be incompatible permitted uses in the districts involved. It is further the intent of this Ordinance that non-conformities shall not be enlarged upon, expanded, or extended, or be used as grounds for adding other structures or uses prohibited elsewhere in the same district, except as provided for herein.

11.1.2. Nothing in this chapter shall prohibit the completion of construction and use of a non-conforming building for which a building permit has been issued prior to the effective date of this chapter, provided, that construction is commenced within ninety (90) days after the date of issuance of the permit, and that the entire building shall have been completed according to the plans filed with the application for permit within one (1) year after the date of issuance of the building permit.

Section 11.2. Non-conforming lots.

11.2.1. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; provided that yard dimensions and other requirements not involving area or width, or both, of the lots shall conform to the regulations for the district in which such lot is located. Variance to yard requirements may be obtained through approval of the Board of Appeals.

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

Section 11.3. Non-conforming uses of land.

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

11.3.1. No such non-conforming uses shall be enlarged or increased, or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.

11.3.2. No such non-conforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.

11.3.3. If such non-conforming use of land ceases operation for a period of more than six (6) months, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.

Section 11.4. Non-conforming structures.

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

- 11.4.1. No such structure may be enlarged or altered in a way which increases its non-conformity.
- 11.4.2. Should such structure be destroyed by any means to an extent of more than fifty (50) percent of replacement value at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
- 11.4.3. Non-conforming single-family residential and duplex structures are exempt from this section; however, application for a building permit shall be made within one year from the date of damage or destruction.

(Ord. No. 2007-04, § 1, 10-1-07)

Section 11.5. Non-conforming uses of structures and land.

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

- 11.5.1. No existing structure devoted to a use not permitted by this Ordinance 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.
- 11.5.2. Any non-conforming use may be extended throughout any part of a building which was manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
- 11.5.3. Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations pertaining to the uses permitted in the district in which such structure is located, and the non-conforming use may not thereafter be resumed.
- 11.5.4. If such non-conforming use of land and/or structures ceases such use or is vacant for a period of more than six (6) months the use shall be considered abandoned and any subsequent use of such land shall conform to the regulations specified by this ordinance pertaining to the uses permitted in the district in which such land is located. Structures occupied by seasonal uses shall be excepted from this provision only so long as seasonal uses shall continue.
- 11.5.6[5]. If no structural alterations are made, any non-conforming use of structure, or structure and premises, may be changed to another non-conforming use of the same or a more restricted classification provided that the Board of Appeals, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Board of Appeals may require appropriate conditions and safeguards in accord with the purpose and intent of this Ordinance. Where a non-conforming use of a structure, land, or structure and land in combination is hereafter changed to a more restrictive classification, it shall not thereafter be changed to a less restricted classification.

11.5.7[6]. The following provisions shall apply to uses of record legally existing prior to October 29, 1991 in the MD-1, MD-2, C-1 and C-2 zoning districts. A legal existing use of record which may be considered non-conforming under the provisions of this ordinance dated October 29, 1991, shall remain legally conforming uses if:

- A. The proprietors of the property register as a use of record with the City within six months of legal notification by the City, and
- B. The business activity on the premise is continuous after the effective date of the amendments.

Should a change of use occur, the building become vacant for more than six (6) months, or the building is razed, demolished or destroyed for any reason after the effective date, then all provisions of the MD-1, MD-2, C-1, or C-2 zoning district regulations shall apply to the new proposed use.

Section 11.6. Repairs and maintenance.

On any building devoted in whole or in part to any non-conforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing to an extent not exceeding fifty (50) percent of the replacement value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this Ordinance shall not be increased.

Section 11.7. Change of tenancy or ownership.

There may be a change of tenancy, ownership, or management of any existing non-conforming uses of land, structures, and premises provided there is no change in the nature or character of such non-conforming uses except in conformity with the provisions of this Ordinance.

Section 11.8. Elimination by municipality.

In accordance with Act 272, Public Acts of the State of Michigan of 1947, as amended (MCL 125.583a), the City Commission may acquire properties on which non-conforming buildings or uses are located, by condemnation or other means and may remove such uses or structures. The resultant property may be leased or sold for a conforming use or may be used by the city for a public use. The net cost of such acquisition may be assessed against a benefit district or may be paid from other sources of revenue.

ARTICLE 12. ZONING BOARD OF APPEALS

Section 12.1. Purpose of board.

In accordance with the provisions of Act 207 of Public Acts of 1921, as amended, the Zoning Board of Appeals is established to ensure that the objectives of this Ordinance may be more fully and equitably achieved, that a means be provided for competent interpretation of this Ordinance, that reasonable flexibility be provided in the application of this Ordinance, and that the public health, safety, and welfare is protected.

Section 12.2. Membership, terms of office.

The Zoning Board of Appeals shall consist of seven (7) members appointed by the City Council. The members shall be selected from the registered electors of the City. An elected officer or any employee of the City shall not serve as a member of the Zoning Board.

Terms shall be for three (3) years or until a successor is appointed and qualified. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term.

Members of the Board of Appeals shall be removable by the Council for non-performance of duty or misconduct in office upon written charges and after public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest shall constitute misconduct of office.

Section 12.3. Organization and procedures.

12.3.1. *Filing Fee.* An appeal may be taken by a person aggrieved, or by an officer, department, board, or bureau of the City. An appeal to the Zoning Board of Appeals must be filed within fifteen working (15) days from the date that the decision to be appealed is effective. An appeal is taken by filing with the officer or body from whom the appeal is taken and with the Board of Appeals a notice of appeal specifying the grounds for the appeal. The officer or body from whom the appeal is taken shall immediately transmit to the Board all papers constituting the record upon which the action appealed from is taken. An appeal shall be accompanied by a fee as set forth by the City Council.

12.3.2. *Officers.* The Board shall elect from its membership a chairman, vice chairman, and such officers as may be necessary. The Board is authorized to appoint an executive secretary.

12.3.3. *Rules of Procedure.* The Board shall adopt rules of procedure. These rules shall be available for public inspection at the office of the Board. The rules as adopted shall include the following:

- A. Meetings shall be held regularly each month according to the rules, at a fixed place and open to the public, except that a meeting shall not be required if there is no business to come before the Board.
- B. The presence of four (4) members shall constitute a quorum, and it shall take a concurring vote of four (4) members to reverse an order or decision of the building inspector, planning commission, or any other official to whom authority is granted by this chapter to decide on any matter upon which it is required to pass by this chapter, or to grant a variance from the provisions thereof. It shall take a concurring vote of four (4) members to grant variance from the uses of land permitted in the Ordinance.
- C. A record of the proceedings of each meeting shall be kept by the Board, relating evidence presented by the applicant and the resolution by the Board, the vote of each member on each question, or, if absent or failing to vote, indicating such fact. These shall be a public record and immediately filed in the office of the Board.
- D. The Board shall receive reasonable assistance from the City departments in carrying out the functions of the Board.

12.3.4. *Hearings.* The Board of Appeals shall fix a time for the hearing of an appeal as specified in Section 3.11 of this Zoning Ordinance. The Board of Appeals shall decide the appeal within a reasonable time. The Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and shall make an order, requirement, decision or determination as in its opinion ought to be made in the premises, and to that end shall have all the powers of the officer or body from whom the appeal is taken. Where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this chapter, the Board of Appeals may vary or modify any of the ordinance rules, regulations, or provisions relating to the construction, or structural changes in equipment, or alteration of buildings or structures, or the use of the land, buildings or structure, so that the spirit of this chapter shall be observed, public safety secured, and substantial justice done.

(Ord. No. 2007-02, § 1, 4-16-07)

Section 12.4. Effect of appeal.

An appeal stays all proceedings in furtherance of the action appealed from, unless the Code Enforcement Officer certifies to the Zoning Board of Appeals after the notice of the appeal shall have been filed with him that, for reason of facts stated in the certificate, a stay would, in his opinion, cause immediate peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Zoning Board of Appeals, or on application, by the Circuit Court, on notice to the officer from whom the appeal is taken, when due cause can be shown.

Section 12.5. Duties and powers of the zoning board of appeals.

The Board of Appeals may affirm or reverse, wholly or partly, or may modify the order, requirement, decision, or determination in its opinion ought to be made in the premises, and to that end shall have all the powers of the office or body from whom the appeal was taken and may issue or direct the issuance of a permit. The Zoning Board of Appeals shall also have the following specified duties and powers:

- 12.5.1. *Review.* Shall hear and decide appeals from and review any order, requirement, decision, or determination made by the administrative official or body charged with the enforcement of this chapter.
- 12.5.2. *Interpretation.* Shall have the power to:
 - A. Hear and decide upon appeals for the interpretation of the provisions of this Ordinance.
 - B. Determine the precise location of the boundary lines between zoning districts.
 - C. Classify a use which is not specifically mentioned along with a comparable permitted or prohibited use for the purpose of the use regulations in any zoning district.
- 12.5.3. *Variances.* The Zoning Board of Appeals shall have the power to authorize upon appeal, specific variances from such dimensional requirements as lot area and width regulations, building height, and bulk regulations, yard width and depth regulations, and such requirements as off-street parking and loading space as specified in this Ordinance when all the basic standards listed below are satisfied; that any variance granted:
 - A. Will not be contrary to the public interest and will not be contrary to the spirit and intent of this Ordinance.
 - B. Shall not permit the establishment within a zoning district of any use which is not permitted by right within the district.
 - C. Will not cause any adverse effect to property in the vicinity or in the zoning district of the City.
 - D. Is not one where the specific conditions pertaining to the property are so general or recurrent in nature as to make the formulation of a general regulation for such conditions practicable.
 - E. Affects only property subject to exceptional or extraordinary circumstances or conditions that do not generally apply to other property or uses in the vicinity, and have not resulted from any act of the applicant.
 - F. Must be granted in order to avoid practical difficulties or unnecessary hardship which would result from enforcement of the strict letter of this Ordinance.
- 12.5.4. *Conditions.* In addition to the foregoing conditions, the following rules shall be applied in the granting of variances.

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- A. The Board of Appeals may impose reasonable conditions upon an affirmative decision. The conditions may include conditions necessary to ensure that public services and facilities affected by proposed land use or activity will be capable of accommodating increased service and facility loads caused to the land used for activity, to protect natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall do all of the following:
1. Be designed to protect natural resources, the health, safety and welfare, as well as the social and economic well-being of those who will use the land, use, or activity under consideration; residents and landowners immediately adjacent to the proposed land use or activity; and the community as a whole.
 2. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
 3. Be necessary to meet the intent and purpose of the zoning regulations; be related to the standards established for the land use or activity under consideration; and be necessary to ensure compliance with those standards.

The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the approving authority and the land owner. The Board shall maintain a record of changes granted in conditions.

- B. No more than the minimum variance from the terms of this Ordinance shall be granted which is necessary to relieve the practical difficulty or unnecessary hardship.
- C. An application for a variance which has been denied wholly or in part by the Zoning Board of Appeals shall not be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Board to be valid.
- D. Each variance granted shall become null and void unless the provisions of the variance have been utilized by the applicant within six (6) months after the granting of the variance.
- E. Prior to granting a variance, all other existing infractions related to this Ordinance or other City codes related to the variance request shall be resolved.

Section 12.6. Appeal to circuit court.

12.6.1. The decision of the Board of Appeals rendered pursuant to Article XII shall be final. However, a party aggrieved by the decision may appeal to the Circuit Court. Upon appeal, the Circuit Court shall review the record and decision of the Board of Appeals to insure that the decision:

- A. Complies with the Constitution and Laws of the State.
- B. Is based upon proper procedure.
- C. Is supported by competent materials, and substantial evidence on the record.
- D. Represents the reasonable exercise of discretion granted by law to the Board of Appeals.

12.6.2. If the court finds the record of the Board of Appeals 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 conditions which the court considers proper. The Board of Appeals may modify its

findings and decision as a result of the new proceedings, or may affirm its original decision. The supplementary record and decision shall be filed with the Court.

(Ord. No. 2007-02, § 1, 4-16-07)