

TITLE XV: LAND USAGE

Chapter

- 150. GENERAL PROVISIONS**
- 151. SOIL EROSION AND SEDIMENTATION CONTROL**
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CHAPTER 150: GENERAL PROVISIONS

Section

Swimming Pools

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for swimming or recreational purposes. This includes in-ground and on-ground swimming pools, hot tubs, and spas. (1997 Code, § 4601A)

§ 150.02 REGULATION OF SWIMMING POOLS.

General Construction; Drainage; Driveways

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No person shall own, or cause to be located on any property he or she owns, rents, or leases, a swimming pool, without first having obtained a license therefor, and having paid the fee as hereinafter established. (1997 Code, § 4602A) Penalty, see § 150.99

§ 150.03 LOCAL REQUIREMENTS.

(A) Any swimming pool located within the City limits shall have a barrier that meets with the following requirements.

(1) The top of the barrier shall be at least 48 inches above the finished ground level, measured on the side of the barrier that faces away from the swimming pool.

(2) The maximum vertical clearance between finished ground level and the bottom of the barrier shall be 2 inches, measured on the side of the barrier that faces away from the swimming pool.

(3) Where the top of the pool structure is above finished ground level, such as an above-ground pool, the barrier shall be at the finished ground level, such as the pool structure, or shall be mounted on top of the pool structure.

of the pool structure, the maximum vertical

SWIMMING POOLS

§ 150.01 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BARRIER. A fence, wall, building wall, or any combination thereof, that completely surrounds and obstructs access to a swimming pool.

SWIMMING POOL. Any structure that is located out of doors, containing water over 24 inches in depth, and used or intended to be used

- (4) Where the barrier is mounted on top

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clearance between the top of the pool structure and the bottom of the barrier shall be 4 inches.

(B) Access gates shall be equipped to accommodate a locking device.

(1) Pedestrian gates shall be self-closing and include a locking device.

(2) Where the release mechanism is located less than 54 inches from the bottom of the gate:

(a) The release mechanism shall be located on the pool side of the gate, at least 3 inches below the top of the gate; and

(b) The gate and barrier shall not have an opening greater than ½ inch within 18 inches of the release mechanism.

(C) Where an above-ground pool structure is a barrier, or where the barrier is mounted on top of the pool structure, and the means of access is a fixed or removable ladder or steps, the ladder or steps shall be surrounded by a barrier that meets the requirements of this section.
(1997 Code, § 4603A) Penalty, see § 150.99

§ 150.04 INSPECTION AND LICENSING.

(A) The owner of any swimming pool that is required to be licensed under this subchapter shall annually obtain license therefor, by making application with the City Clerk for the license. A fee of \$2.50 shall be paid by the applicant for each renewal license, and a fee of \$5 shall be paid by the applicant for each new license.

(B) The City Manager shall inspect the barrier and gate of any swimming pool for which licensing application has been made, and shall determine whether the barrier and gate meet the requirements of this subchapter. If the requirements of this subchapter are deemed to have been met by the City Manager, he or she shall issue a 1-year license to the applicant.
(1997 Code, § 4604A)

§ 150.05 PUBLIC NUISANCE.

Any unlicensed swimming pool may be deemed a public nuisance and, as such, the City may order it filled or removed in the same manner as buildings or structures are deemed public nuisances.
(1997 Code, § 4605A)

Cross-reference:

Dangerous buildings, see § 91.06
Nuisances generally, see Ch. 91

§ 150.06 PROSECUTION.

Any person swimming in, wading in, or making other use of an unlicensed swimming pool shall be in violation of the provisions of this subchapter.
(1997 Code, § 4606A) Penalty, see § 150.99

GENERAL CONSTRUCTION; DRAINAGE; DRIVEWAYS

§ 150.20 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

FINISH GRADE. A reference plane representing the average of finished ground level adjoining a structure at all exterior walls. When the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest point within the area between the building and the perimeter of the site.

SWALE. A low-lying stretch of land that collects water, such as a swampy area, a marshy area, or a heavily vegetated depression.

§ 150.21 REQUIREMENTS REGARDING FINISH GRADE OF REAL ESTATE.

(A) Any property owner who seeks to build a structure of any kind or nature whatsoever on any property site located within the City, regardless of the zoning district in which it is located, must first obtain a pre-application permit.

(B) No pre-application permit shall be issued unless the City determines that either:

(1) The finish grade of the entire building site is higher than the crown of the adjacent road, street, or highway on which the property is located; or

(2) The finish grade of the entire building site is no higher than the finish grade of the highest adjacent property, if the finish grade of any such adjacent property is lower than the crown of the adjacent road, street, or highway.
(1997 Code, § 5601.1) (Ord. passed 9-23-1996)
Penalty, see § 150.99

§ 150.22 ON-SITE DRAINAGE.

The property owner is responsible for properly maintaining the on-site drainage system, including, but not limited to, roof drains, sump pump drains, and swales. The site drainage shall not adversely affect the adjacent properties.

(1997 Code, § 5602) (Ord. passed 9-23-1996)
Penalty, see § 150.99

§ 150.23 COVERING OF DRAINAGE DITCHES.

(A) No person shall cover any drainage ditch located on any easement or right-of-way maintained or under the jurisdiction of the City, unless the person first receives the approval of the City Council.

(B) The approval shall be granted if the following conditions are satisfied:

(1997 Code, § 5601) (Ord. passed 9-23-1996)

(1) The enclosed drain must have a positive outlet to properly drain all properties that drain water onto the property on which the enclosure is located;

(2) A catch basin must be installed on every lot, but not less than every 200 feet along the drainage ditch, and at any change in direction on the subject property of any drainage ditch of 90 degrees or less;

(3) The appropriate size, type of pipe, and catch basin installed shall be approved by the City DPW Supervisor, and shall be used in the process of the enclosure;

(4) Any backfill material covering the drainage ditch shall be comprised of soil, sand, and/or gravel so as to ensure its movability in the event of necessary maintenance work on the drain; and

(5) All pipe, catch basins, and materials shall be installed per manufacturer's specifications.
(1997 Code, § 5603) (Ord. passed 9-23-1996)
Penalty, see § 150.99

§ 150.24 LIABILITY FOR MAINTENANCE COSTS OF COVERED DRAINS.

Once any drainage ditch located upon any easement or right-of-way under the jurisdiction of the City is covered by any person, any maintenance costs for the ditch shall be paid by the property owners whose property benefits from the drainage ditch.

(1997 Code, § 5603.1) (Ord. passed 9-23-1996)

§ 150.25 RESIDENTIAL DRIVEWAY APPROACH.

(A) *Generally.* Any property owner who modifies, installs, or maintains a residential driveway approach shall first obtain the approval of the City.

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(1) Applications for approval shall be submitted in the manner prescribed by the City Council, and on appropriate forms approved by the City Council and supplied by the City. The City

(2) The property owner shall take, provide, and maintain all necessary precaution to prevent injury or damage to persons and property from operations covered by the application, and shall use warning signs and safety devices that are in accordance with the current Michigan Manual of Uniform Traffic Control Devices.

(B) Driveway design.

(1) The structural section of the surface of a residential driveway lying within the road right-of-way shall be sufficient to carry normal residential loading.

(a) Any of the following sections shall be acceptable:

1. Eight inches of 22A or 23A processed gravel;
2. Three inches of asphalt on 5 and ½ inches of 22A or 23A processed gravel; or
3. Five inches of concrete M.D.O.T. specs 35P on a suitable base.

(b) Notwithstanding anything to the contrary contained herein, all materials used in construction with the right-of-way must meet the then current Michigan Department of Transportation Specifications.

shall have the right to inspect any driveway constructed with the road right-of-way.

(2) All culvert pipe used shall be a size adequate to carry the anticipated normal flow of the ditch. The culvert shall be no smaller than the size determined by the City, but in no case shall it be less than 12 inches inside diameter.

(3) Horizontal sawing to remove the top portion of any curb located within the right-of-way shall be allowed if equipment approved by the City is used.

(4) No vertical headwalls will be permitted in the right-of-way.

(C) Drainage.

(1) The property owner shall maintain all existing road drainage during and after modification, installation, or maintenance as set forth in this subchapter.

(2) Altered natural drainage shall not be permitted to flow onto the right-of-way unless special provisions are approved by the City. (1997 Code, § 5604) (Ord. passed 9-23-1996)

§ 150.99 PENALTY.

(A) Any person, firm, or corporation who violates any provision of §§ 150.01 *et seq.*, or any amendment thereof, including the owner, possessor, or occupier of any premises within the City who allows or suffers the violation upon the premises, is “responsible” for having committed a municipal civil infraction, as provided for in Public Acts 12, 17 and 19 of 1994 being MCL 600.8701 *et seq.*, 117.41, 117.29 and 89.2; the violation is punishable by a civil fine of \$50 for a first violation, \$100 for a second violation, and \$150 for a third violation. The City Council may hereafter modify, change, increase, or decrease the civil fines set forth above, by the adoption of a resolution to that effect as provided by law and §§ 150.01 *et seq.* In addition, costs of the action may be taxed and imposed against the defendant. Costs are not limited to costs taxable in ordinary civil actions and may include all expenses, direct or indirect, to which the plaintiff (the City or other enforcing municipality, agency, or other entity) has been put in connection with the municipal civil infraction, up to entry of judgment. In addition, any sanctions, writ, other court order, or other post judgment remedy, as provided by law, necessary to enforce §§ 150.01 *et seq.* and correct or abate a violation, or necessary to enforce any orders and determinations of the court, judge, or district court magistrate, including civil contempt proceedings, may be issued as appropriate and as provided for by law, including but not limited to the imposition of liens against real estate interests, seizure of property, attachment and garnishment and including post judgment enforcement costs and expenses as provided for by law, including any other enforcement authority set forth in any ordinance. Sections 150.01 *et seq.* are enforceable by the judge or magistrate, and by the City or other enforcing agency or entity to the fullest extent as provided by law relative to violations of municipal civil infractions. The enumeration of certain powers and remedies within this paragraph is not intended to restrict any enforcement authority or remedy or sanction provided for by law, specifically including Public Acts 12, 17, and 19 of 1994 being MCL 600.8701 *et seq.*, 117.41, 117.29 and 89.2. Provided further, however, a violation of §§ 150.01 *et seq.* is not a misdemeanor and shall not be considered a lesser included offense of any criminal offense. Each day that a violation continues constitutes a

separate and independent violation and is subject to the penalties provided for herein for each such violation. A violation of §§ 150.01 *et seq.* is hereby declared to be a public nuisance per se. The municipal civil infraction notice or citation may be served personally or as otherwise provided by law and if the violation involves the use, condition, or occupancy of land or of a structure, the notice or citation may be posted upon the premises or attached to the structure at issue, with a copy sent by first-class mail to the owner at his or her last known address, and/or the owner and address as disclosed by the City tax rolls. Failure to appear or respond to any notice and/or citations relative to a municipal civil infraction shall be subject to the penalty as is otherwise provided by law. (1997 Code, § 1105A)

(B) (1) Should a person fail to abide by §§ 150.20 *et seq.*, the City shall have the right to enter upon the property and perform the necessary maintenance work to comply with §§ 150.20 *et seq.*

(2) The expense of the maintenance shall be a lien upon the premises upon which the maintenance occurred, and may be collected by special assessment to be levied thereon in the manner prescribed for the levying and collecting of special assessments in the City. (1997 Code, § 5605) (Ord. passed 9-23-1996)

CHAPTER 151: SOIL EROSION AND SEDIMENTATION CONTROL

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§ 151.01 AUTHORIZED PUBLIC AGENCY.

Pursuant to designation by the Michigan Department of Natural Resources, the City shall be an authorized public agency, in accordance with the provisions of Public Act 347 of 1972, being MCL 282.101 - 282.117, and shall be responsible for soil erosion and sedimentation control on all projects undertaken by the City.
(1997 Code, § 12.100) (Ord. passed 12-23-1974)

§ 151.02 LOCAL ENFORCING AGENCY.

Pursuant to approval by the Michigan Department of Natural Resources, the City Building Department shall be the enforcing agency for all provisions of Public Act 347 of 1972, being MCL 282.101 - 282.117, and the general rules promulgated by the Water Resources Commission and filed with the Secretary of State.
(1997 Code, § 12.200) (Ord. passed 12-23-1974)

(3) Maximum fee - \$50, except in cases of large or complex projects, where the services of a soils expert or professional engineer is required;

§ 151.03 GENERAL RULES ADOPTED.

The general rules promulgated by the Water Resources Commission by the Michigan Department of Natural Resources, and filed with the Secretary of State, are hereby adopted by reference. Copies of the rules are on file with and may be examined at the office of the City Clerk.
(1997 Code, § 12.300) (Ord. passed 12-23-1974)

§ 151.04 APPLICATIONS AND FEES.

(A) No person, firm, corporation or other entity shall after 1-1-1975, unless specifically excluded by provisions of Public Act 347 of 1972, being MCL 282.101 - 282.117, 1 or more acre of land or is within 500 feet of a lake or stream, without first making application for and receiving approval of a permit for the land use or earth change.

(B) Applications shall be submitted on forms available from the City Clerk, and shall be accompanied by a site plan, soil erosion and sedimentation control methods and procedures, an estimated completion date for the control practice, and the application fee as herein provided.

(C) The following schedule of fees, subject to modification from time to time by resolution of the City Council, is hereby established:

(1) Plan review, inspection, and reinspection costs plus 15%;

(2) Minimum fee - \$5;

(4) The maximum fee shall include a sufficient amount to cover the cost of the services,

based upon a firm quotation from the soils expert or engineer for the provision of those services;

(5) In all cases, where the application fee is based upon an estimate, the applicant shall deposit that amount with the application;

(6) Upon satisfactory completion of the project, any unused portion of the deposit shall be refunded to the application; and

(7) Should the cost exceed the deposit, the additional amount due shall be paid by the applicant before final project approval is granted. (1997 Code, § 12.400) (Ord. passed 12-23-1974) Penalty, see § 151.99

§ 151.05 INSPECTIONS REQUIRED.

(A) Pursuant to issuance of a permit under the terms of this chapter, a minimum of 3 site inspections shall be made at the following intervals, when earth changes are involved or when applicable to land uses:

- (1) Upon beginning the earth change;
- (2) At approximately half way through the project; and
- (3) Upon project completion.

(B) Charges for these 3 inspections shall be included in the application fee, as hereinafter provided. Any additional inspections requested or required will be charged for at cost plus 15%, and shall be paid before final project approval.

(C) Site inspections shall be made to ensure the following requirements.

(1) All earth changes shall be designed, constructed, and completed in such a manner that shall limit the exposed area of any disturbed land for the shortest possible period of time.

(1) The smallest practical area of land should be exposed at any 1 time during development.

(2) Sediment caused by accelerated soil erosion shall be removed from runoff water before it leaves the site of the earth change.

(3) Any temporary or permanent facility designed and constructed for the conveyance of water around, through or from the earth change area, shall be designed to limit the water flow to a non-erosive velocity.

(4) Temporary soil erosion control facilities shall be removed, and earth change areas graded and stabilized with permanent soil erosion control measures pursuant to approved standards and specifications.

(5) Permanent soil erosion control measures for all slopes, channels, ditches, or any disturbed land area shall be completed within 15 calendar days after final grading or the final earth change has been completed. When it is not possible to permanently stabilize a disturbed area after an earth change has been completed, or where significant earth change activity ceases, temporary soil erosion control measures shall be implemented within 30 calendar days. All temporary soil erosion control measures shall be maintained until permanent soil erosion control measures are implemented. (1997 Code, § 12.500) (Ord. passed 12-23-1974) Penalty, see § 151.99

§ 151.06 STANDARDS AND SPECIFICATIONS.

(A) The standards and specifications established by the County Soil Conservation District shall be followed and utilized, as they apply to any earth change governed by the terms of Public Act 347 of 1972, being MCL 282.101 - 282.117 or this chapter. In addition thereto, the following requirements shall also prevail.

(B) In order to provide effective erosion and sediment control, practical combinations of the following technical principles shall be applied to the erosion control aspects of the grading plan.

(2) When land is exposed during development, the exposure should be kept to the shortest practical period of time.

(3) Temporary vegetation and/or mulching should be used to protect critical areas exposed during development.

(4) Sediment basins (debris basins or silt traps) should be installed and maintained to remove sediment for runoff waters from land undergoing development.

(5) Provisions should be made to effectively accommodate the increased runoff caused by changed soil and surface conditions after development.

(6) The permanent final vegetation and structures should be installed as soon as practical in the development.

(7) The development plan should be fitted to the topography and soil so as to create the least erosion potential.

(8) Wherever feasible, natural vegetation should be retained and protected.
(1997 Code, § 12.600) (Ord. passed 12-23-1974)

§ 151.07 BONDS REQUIRED.

To ensure that proper methods are utilized and carried through to project completion, the City Council may require an applicant to file with the City Clerk a bond in an amount to be established by the City Council. The bond shall be in the form of cash, certified check, irrevocable letter of bank credit, or other form of surety acceptable to the City Council.
(1997 Code, § 12.700) (Ord. passed 12-23-1974)

§ 151.08 APPEALS.

(A) An appeal may be filed by any person who feels he or she has been aggrieved by a decision of the enforcing agency, or its designated representatives, in accordance with the provisions established by the Board of Appeals.

(B) For the purposes of this chapter, the Board of Appeals, appointed by the City Council in accordance with the Michigan Construction Code,

Public Act 230 of 1972, being MCL 125.1501 - 125.1531, shall constitute the Board of Appeals for hearing all appeals duly filed.
(1997 Code, § 12.800) (Ord. passed 12-23-1974)

§ 151.09 EFFECTIVE DATE.

This chapter is declared to be necessary for the public health, safety, and convenience of the people of the City, and shall take effect on 12-31-1974.
(1997 Code, § 12.1100) (Ord. passed 12-23-1974)

§ 151.99 PENALTY.

Any person violating or failing to comply with any provision of this chapter shall be subject to a fine not exceeding \$100, or by imprisonment for a period not exceeding 90 days, or both the fine and imprisonment, plus costs at the discretion of the court. Each day that a violation is permitted to continue may be deemed a separate offense.
(1997 Code, § 12.900) (Ord. passed 12-23-1974)

CHAPTER 152: ZONING CODE

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GENERAL PROVISIONS

§ 152.001 SHORT TITLE.

This chapter shall be known, and may be cited, as the “City of Brown City Zoning Ordinance.”
(1997 Code, § 8011)

§ 152.002 CONSTRUCTION OF LANGUAGE.

(A) *Generally.* The following rules of construction apply to the text of this chapter.

(B) *Specifically.*

(1) The particular shall control the general.

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

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

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

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

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

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

(8) Unless the context clearly indicates the contrary, where a regulation involves 2 or more items, conditions, provisions, or events connected by the conjunction “and,” “or,” “either ... or,” the conjunction shall be interpreted as follows.

(a) “And” indicates that all the connected items, conditions, provisions, or events shall apply.

(b) “Or” indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.

(c) “Either ... or” indicates that the connected items, conditions, provisions, or events shall apply singly, but not in combination.

(9) Terms not herein defined shall have the meaning customarily assigned to them. (1997 Code, § 8021)

§ 152.003 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABUTTING LOT or **ABUTTING PARCEL.** A lot or parcel that shares a common border with the subject lot or parcel.

ACCESSORY BUILDING. A building subordinate to and serves a principal building or principal use, and is subordinate in area, extent, or purpose to the principal building or principal use served; contributes to the comfort, convenience, or necessity of occupants of the principal use served; and is located on the same zoning lot as the principal building or principal use served.

ACCESSORY USE. A use customarily incidental and subordinate to the principal use of the land or building and located on the same lot as the principal use.

ADULT BOOKSTORE. An establishment wherein more than 20% of its stock in trade is comprised of books, magazines, and other publications having as dominant theme, matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas,” as defined in this section, or an establishment with a segment or section devoted to the sale or display of the material.

ADULT FOSTER CARE HOME OR FACILITY. See **FOSTER CARE FACILITIES.**

ADULT MOTION PICTURE THEATER. An enclosed building or outdoor area used for presenting filmed material distinguished or characterized by an emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas,” as defined in this section, for observation by patrons therein.

AGRICULTURE. The carrying on of any agricultural activity, including the raising of trees, crops, plants, livestock, small animals, or fowl.

ALLEY. Any dedicated public way affording a secondary means of access to abutting property.

AMUSEMENT CENTER. Any establishment providing recreation or entertainment games for pay, including, but not limited to, pinball, video games, pool, bowling, bingo, miniature golf, and other like activities involving active participation by the customer.

APARTMENT. A room or suite of rooms, including bath and kitchen facilities, in a 2-family or multiple-family dwelling intended and designed for use as a residence by a single-family.

APARTMENT HOUSE. See **DWELLING, MULTIPLE-FAMILY.**

APPLICATION. A pre-application form for building permits or similar form issued by the County Department of Construction & Land Use, and requiring approval by the City before permits may be issued.

ARCHITECTURAL FEATURES. Cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys, and decorative ornaments.

AUTOMOBILE OR TRAILER SALES AREA. An open area other than a street used for the display, sale, or rental of new or used automobiles or other motor vehicles.

AUTOMOBILE REPAIR.

(1) **MAJOR AUTOMOBILE REPAIR.** General repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers; collision service, including body frame or fender straightening or repair; overall painting or paint shops; vehicle steam cleaning.

(2) **MINOR AUTOMOBILE REPAIR.** Incidental body and fender work, painting and upholstering, replacement of parts, and motor service to passenger automobiles and trucks not exceeding 1 and 1/2-ton capacity, but not including any operation specified under **MAJOR AUTOMOBILE REPAIR.**

AUTOMOBILE SERVICE STATION. A place for the dispensing, sale, or offering for sale of motor fuels directly to users of motor vehicles, together with the sale of minor accessories and services for motor vehicles, but not including major automobile repair. An **AUTOMOBILE SERVICE STATION** use shall not include the parking or storage of dismantled, wrecked, non-licensed, or non-mobile motor vehicles of any kind, unless ordered by a law enforcement agency.

AUTOMOBILE WRECKING. The dismantling or disassembling of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete, or wrecked vehicles or their parts.

BASEMENT. The portion of a building that is partly or wholly below grade, but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A **BASEMENT** shall not be counted as a story.

BED AND BREAKFAST. A dwelling where lodging and meals are provided for compensation, and where 1 or more rooms are occupied by persons by pre-arrangement for definite periods of not greater than 1 week. A **BED & BREAKFAST** is to be distinguished from a boarding house, a hotel, a motel, or a convalescent or nursing home.

BEDROOM. A room used primarily for sleeping.

BERM. A mound of earth graded, shaped, and improved with landscaping in such a fashion as to be used for visual and/or audible screening purposes to provide a transition between uses of differing intensity.

BLOCK. The property abutting 1 side of a street and extending laterally between the 2 nearest intersecting streets (crossing or terminating), or between the nearest intersecting streets (crossing or terminating), or between the nearest such street and railroad right-of-way, or un-subdivided acreage; or between any of the foregoing and any other barrier to the continuity of development, or corporate boundary lines of the municipality.

BOARD OF APPEALS or **BOARD.** The Board of Zoning Appeals for the City.

BOARDING HOUSE. A dwelling where lodging and meals are provided for compensation, and where 1 or more rooms are occupied by persons by pre-arrangement for definite periods of not less than 1 week. A **BOARDING HOUSE** is to be distinguished from a bed and breakfast, a hotel, a motel, or a convalescent or nursing home.

BUFFER ZONE. A strip of land reserved for plant material, berms, walls, or fencing to serve as a visual and/or sound barrier between properties, often between abutting properties and properties in different zoning districts. Landscaping, berms, fencing, or open space can also be used to buffer noise, light, and related impacts from abutting properties.

BUILDING. A structure having a roof supported by columns or walls for the shelter, support, or enclosure of persons, animals, or chattels. This includes tent structures, awnings, greenhouses, and sheds. When any portion thereof is completely separated from every other part by division of wall from the ground up, and without opening, each portion of the **BUILDING** shall be deemed a separate **BUILDING**.

BUILDING HEIGHT. The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the crown of the street grade.

BUILDING LINE. A line that defines the minimum distance (as determined by the minimum front, side, or rear setback) any building shall be located from a property line, existing street right-of-way line, or ordinary high water mark.

BUILDING OFFICIAL. Any individual established by the City to administer and enforce the provisions of all building codes, as adopted and amended.

BUILDING PERMIT. A permit issued by the City or county signifying that a proposed repair, reconstruction, or construction complies with the construction codes of the City and other ordinances.

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

CARPORT. A partially open structure of any construction type (including temporary carports), intended to shelter 1 or more vehicles. The structures shall comply with all setback requirements applicable to garages.

CELLAR. See **BASEMENT**.

CEMETERY. Property, including crematories, mausoleums, and/or columbariums, used or intended to be used solely for the perpetual interment of deceased human beings or customary household pets.

CERTIFICATE OF COMPLIANCE. See **CERTIFICATE OF OCCUPANCY**.

CERTIFICATE OF OCCUPANCY. A document signed by the Building Inspector as a condition precedent to the commencement of a use, after the construction/reconstruction of a structure or building, which acknowledges that the use, structure, or building complies with the provisions of this chapter.

CHANGE OF USE. A use of a building, structure, or parcel of land, or portion thereof which is different from the previous use in the way it is classified in this chapter or in the building code, as amended.

CHILD CARE CENTER or **DAY CARE CENTER.** A facility other than a private residence, receiving 1 or more minor children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. **CHILD CARE CENTER** or **DAY CARE CENTER** does not include a facility that provides care for less than 2 consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as **CHILD CARE CENTER**, **DAY CARE CENTER**, day nursery, nursery school, parent cooperative pre-school, play group, or drop-in center. **CHILD CARE CENTER** or **DAY CARE CENTER** does not include a Sunday school conducted by a religious organization, where children are cared for during short periods of time while persons responsible for the services are attending religious activities.

CHILD DAY CARE (HOME). As defined in Public Act 116 of 1973, being MCL 722.111 - 722.128, or successor amendments or acts, means a private home in which more than 6 but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. **GROUP DAY CARE HOME** includes a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year.

CHURCH or RELIGIOUS INSTITUTION. A building wherein persons regularly assemble for religious worship, and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with the primary purpose. Includes synagogue, temple, mosque, or other such place for worship and religious activities.

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

CLINIC. An establishment where human patients, who are not lodged overnight, are admitted for examination and treatment by a group of physicians, dentists, or similar professions.

CLUB. An organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics, or the like, but not operated for profit.

CLUSTER SUBDIVISION (PUD). A subdivision in which the lot sizes are reduced below those normally required in the zoning district in which the development is located in return for the provision of permanent open space.

COLOCATION. The use of a wireless telecommunication support facilities by more than 1 wireless telecommunication provider.

COMMERCIAL VEHICLE: PASSENGER/ CARGO-STYLE VAN. An enclosed truck manufactured with a unified body, permitting unobstructed passenger movement throughout;

CONDOMINIUM UNIT. Is defined as that

and marked with a company or corporate logo.

COMMERCIAL VEHICLE: PICK-UP TRUCK.

A light truck, including one with an “extended cab” or a “crew cab,” manufactured with an open body, low sides, and a tailgate; and marked with a company or corporate logo.

CONDOMINIUM DOCUMENTS. The master deed, recorded pursuant to the Condominium Act, Public Act 59 of 1978, being MCL 559.101 - 559.272, as amended, and any other instrument referred to in the master deed or bylaws that affects the rights and obligations of a co-owner of the condominium.

CONDOMINIUM PROJECT. A plan or project consisting of not less than 2 condominium units, if established and approved in conformance with the Condominium Act (Public Act 59 of 1978, being MCL 559.101 - 559.272), as amended or a successor act.

CONDOMINIUM PROJECT (SUBDIVISION).

A division of land on the basis of condominium ownership, which is not subject to the provisions of the Subdivision Control Act of 1967, Public Act 288 of 1967, being MCL 560.101 - 560.293, as amended or a successor act. Any “condominium unit,” or portion thereof, consisting of vacant land shall be equivalent to the term “lot,” for the purposes of determining compliance of a condominium subdivision with the provisions of this chapter pertaining to minimum lot size, minimum lot width, maximum lot coverage, and maximum floor area ratio.

CONDOMINIUM SUBDIVISION PLAN. The drawings attached to the master deed for a condominium subdivision project, which describe the size, location, area, horizontal and vertical boundaries, and volume of each condominium unit contained in the condominium subdivision project, as well as the nature, location, and size of common elements.

portion of a condominium project or condominium

subdivision project which is designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational use as a time-share unit, or any other type of use. A **CONDOMINIUM UNIT** may consist of either vacant land or space that either encloses or is enclosed by a building structure. Any **CONDOMINIUM UNIT** consisting of vacant land shall be equivalent to the term "lot," for the purposes of determining compliance of a condominium subdivision project with the provisions of this chapter pertaining to minimum lot size, minimum lot width, maximum lot coverage, and maximum floor area ratio.

CONSERVATION EASEMENT. A nonpossessory interest in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic or open space values of real property; assuring its availability for agricultural, forest, recreational or open space use; protecting natural resources; or maintaining air or water quality.

CONVALESCENT OR NURSING HOME. An installation other than a hospital where 2 or more persons afflicted with illness, injury, or an infirmity are housed or lodged, and furnished with nursing care.

CORRECTION FACILITY. A jail, prison, lock-up, or other building for the incarceration and residence of prisoners, offenders, persons arrested, or persons committed by a court or other lawful authority.

CORRECTIONAL FACILITY, NON-SECURE. A correctional facility constructed, altered, or designed to provide supervised residence, and coming in and leaving at scheduled or supervised times or under supervised circumstances, of persons who are committed or assigned to the facility by a court or other lawful authority, such as a parole or probation department.

CORRECTIONAL FACILITY, SECURED. A correctional facility constructed, altered, or designed to prevent an inmate or resident from leaving at any time, except under the authority of the committing court or authority.

CRAFT SHOP. Any business establishment that produces for sale on the premises articles of artistic quality or effect, or handmade workmanship. Examples include candle making, glass blowing, weaving, pottery making, woodworking, sculpting, painting, and other associated activities.

dBA. A measurement for sound pressure or the relative loudness of sound in decibels, as measured on a sound level meter using the A-weighting network. A **DECIBEL (dB)** is a unit for measuring the volume of a sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals 20 micronewtons per square meter. All sound measurements shall be made on a sound level meter that meets American National Standards Institute (ANSI) Specifications S1.4-1983, S1.4A-1985, or successor documents for Type I or Type II equipment. When measuring impulsive sound, the sound level meter must include a peak/hold circuit.

DEED RESTRICTION. A restriction on the use of a lot or parcel of land that is set forth in the deed and recorded with the County Register of Deeds. It is binding on subsequent owners, and is sometimes also known as a restrictive covenant.

DENSITY. The number of dwelling units situated or to be developed on a net acre (or smaller unit) of land, which shall be calculated by taking the total gross acreage and subtracting surface water, un-developable lands (e.g., wetlands) and the area in rights-of way for streets and roads (see Appendix G).

DEVELOPMENT. The construction of a new building, reconstruction of an existing building or other structure on a zoning lot, the relocation of an existing building on another zoning lot, or the use of open land for a new use, including grading, excavation, and filling.

DEVELOPMENT PERMIT. A permit signifying compliance with the provisions of this chapter as to design, use, activity, height, setbacks, density, site planning, special use status, and/or planned unit

development status.

DISTRICT. A portion of the municipality within which certain regulations and requirements, or **DRIVE-IN.** A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles, so as to serve patrons while in motor vehicles rather than within a building or structure.

DRIVEWAY. A means of access for vehicles from a street or approved alley, across a lot or parcel to a parking or loading area, garage, dwelling, or other structure or area on the same lot, that is located and constructed in accordance with the requirements of this chapter, and any requirements of the City or the state.

DRY CLEANING PLANT. A building, portion of a building, or premises used or intended to be used for cleaning fabrics, textiles, wearing apparel, or articles of any sort, by immersion and agitation, or by immersions only, in volatile solvents, including, but not by way of limitation, solvents of the petroleum distillate type, and/or the chlorinated hydrocarbon type, and the processes incidental thereto.

DWELLING UNIT. A building, or portion thereof, designed for occupancy by 1 family for residential purposes, and having cooking facilities.

DWELLING, MULTIPLE-FAMILY. A building, or a portion thereof, designed exclusively for occupancy by 3 or more families living independently of each other.

DWELLING, 1-FAMILY. A building used by 1 family for a residence.

DWELLING, 2-FAMILY. A building used by 2 families for independent residence.

EASEMENT. A right, distinct from the ownership of the land, to cross property with facilities, such as but not limited to, driveways, roads, utility corridors, sewer lines, water lines, and transmission lines, or the right, distinct from the

various combinations thereof, apply under the provisions of this chapter.

ownership of the land, to reserve and hold an area for open space, recreation, drainage, or access purposes.

ERECTED. Any operations on premises that requires the construction, excavation, fill, drainage, and alteration of the physical site.

ESSENTIAL SERVICES. The erection, construction, alteration, or maintenance by public utilities or the City Department of Public Works (DPW) of underground, surface, or overhead gas, electrical, steam, fuel, or water transmission or distribution system, collection, communication, supply or disposal system, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment, in connection herewith, but not including, buildings necessary for the utilities or municipal department to furnish service adequate for the general health, safety, or welfare.

EXCAVATION. Any breaking of ground, to include the removal of sand, stone, gravel, or fill dirt below the average grade of the surrounding land and/or street grade, whichever shall be highest, excepting common household gardening.

FAMILY.

(1) Means 1 of the following:

(a) **FAMILY, DOMESTIC.** One or more persons living together and related by the bonds of blood, marriage, guardianship, foster relation, or adoption, and not more than 2 additional unrelated persons, with all the individuals being domiciled together as a single, domestic, housekeeping unit in the dwelling.

(b) **FUNCTIONAL FAMILY.**

Persons living together in a dwelling unit whose relationship is of a permanent and distinct character and is the functional equivalent of a domestic family, with a demonstrable and recognizable bond that constitutes the functional equivalent of the bonds which render the domestic family a cohesive unit. All persons must be cooking and otherwise housekeeping as a single, nonprofit unit. At least 1 person must be the record or equitable owner of the property or dwelling unit, or the primary tenant under a written lease having at least 1 year's duration. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, rooming house, rooming units, or group where the common living arrangement and/or the basis for the establishment of the functional equivalency of the domestic family is likely or contemplated to exist for a limited or temporary duration. This definition shall not include a living arrangement where there exists less than 225 square feet of living space in the dwelling unit per person residing therein, or insufficient off-street parking located entirely on the property for all vehicles used by the residents.

(2) Living arrangements that would otherwise comply with a description of a **FAMILY** shall not constitute a **FAMILY**, if they have occurred as a result of commercial or other advertising, or the offering of rooms for rent. Any financial arrangement, except a true sharing of the expenses of all the facilities in the single household unit, shall be presumed to constitute renting a room or rooms, and to have resulted from the offering of rooms for rent or commercial or other advertising. Where rooms have been rented, or persons live in the house in response to commercial advertising or the offering of rooms for rent, the living arrangement shall be presumed to constitute a rooming house and not a **FAMILY**. A person claiming the status of **FAMILY** shall have the burden of proof of each of the elements set forth in the relevant definitions of this chapter.

FAMILY DAY CARE HOME. A private home in which 1 but fewer than 7 minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an

adult member of the family by blood, marriage, guardianship, or adoption. **FAMILY DAY CARE HOME** does not include a home that gives care to an unrelated minor child for less than 4 weeks during a calendar year.

FENCE. Any permanent partition, structure, or gate erected as a dividing marker, barrier, or enclosure. A hedgerow, landscape berm, or other natural plant material used for screening or dividing land uses or properties shall not be considered a fence.

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

FLOOD or FLOODING. A general and temporary complete inundation of normally dry land area from the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD HAZARD AREA. The area subject to flooding, on the average of at least once in every hundred years, as established by the Federal Emergency Management Agency.

FLOOD HAZARD BOUNDARY MAP (FHBM). An official map of the community, issued by the Federal Insurance Administration, where the boundaries of the areas of special flood hazards have been designated as Zone A.

FLOOD INSURANCE RATE MAP (FIRM). An official map of the community, on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY. The official report provided by the Federal Insurance Administration. The report contains flood profiles, as well as the flood hazard boundary floodway map and the water surface elevation of the base flood.

FLOOR AREA, RESIDENTIAL. For the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls, or from the centerline of walls, separating 2

buildings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and open

FLOOR AREA, USABLE. That area used for, or intended to be used for, the sale of merchandise or services, or for use to serve patrons, clients, or customers. The floor area that is used, or intended to be used, principally for the storage or processing of merchandise, hallways, or for utilities or sanitary facilities, shall be excluded from this computation of **USABLE FLOOR AREA**. Measurement of **USABLE FLOOR AREA** shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

FOOTING. That portion of the foundation of a structure that spreads and transmits loads directly to the soil or the pilings.

FOSTER CARE FACILITIES.

(1) **ADULT FOSTER FAMILY HOME.**

Any facility licensed by the state to provide foster care.

(2) **FOSTER FAMILY GROUP HOME.**

A private home in which more than 4 but fewer than 7 minor children, who are not related to an adult member of the household by blood, marriage, guardianship, or adoption, are provided care for 24 hours a day, for 4 or more days a week, for 2 or more consecutive weeks, unattended by a parent or legal guardian.

(3) **FOSTER FAMILY HOME.** A private home in which 1 but not more than 4 minor children, who are not related to an adult member of the household by blood, marriage, guardianship, or adoption, are given care and supervision for 24 hours a day, or 4 or more days a week, for 2 or more consecutive weeks, unattended by a parent or legal guardian.

GARAGE, PRIVATE. A space or structure suitable for the storage of motor vehicles (not to exceed 4 domestic passenger vehicles), having no public shop or service in connection therewith, for the use solely of the owner or occupant of the principal building on a lot, or of their family or domestic employees.

porches.

GARAGE, SERVICE. Any premises used for the storage or care of motor-driven vehicles, or where any such vehicles are equipped for operation, repaired, or kept for remuneration, hire, or sale.

GRADE. The ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building **GRADE** shall be the level of the ground adjacent to the walls of the building, if the finished grade is level. If the ground is not entirely level, the **GRADE** shall be determined by averaging the elevation of the ground for each face of the dwelling.

GRADING. The breaking of ground for the purpose of modifying or changing its contours or elevation, except common household gardening and ground care. (See also **EXCAVATION**, **FILLING**, and **SOIL REMOVAL**).

GREENBELT. An open, landscaped area intended to act as a buffer for noise, and/or sight relief.

GROUP DAY CARE HOME. A private home in which more than 6 but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, guardianship, or adoption. **GROUP DAY CARE HOME** does not include a home that gives care to an unrelated minor child for less than 4 weeks during a calendar year.

HEIGHT. In the case of a principal building, the vertical distance measured from the average finished grade to the highest point of the roof surface where the building line abuts the front yard, except as follows: to the deck line of mansard roofs, and the average height between eaves and the ridge of gable, hip, and gambrel roofs (see Appendix B). The measurement of **HEIGHT** of an accessory building or structure shall be determined as the vertical distance from the average finished grade to the highest point of the

roof surface.

HOME OCCUPATION. An accessory use of a dwelling that constitutes, either entirely or partly,

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

INCOMBUSTIBLE MATERIAL. Any material that will not ignite at or below a temperature of 1,200°F, and will not continue to burn or glow at that temperature.

JUNK. Any motor vehicles, machinery, appliances, products, or merchandise with parts missing, or scrap metals or other trash, solid waste, refuse or scrap materials that are damaged or deteriorated, except if in a completely enclosed building. It includes any inoperable or abandoned motor vehicle that is not licensed for use upon state highways for a period in excess of 30 days. It shall also include, whether so licensed or not, any motor vehicle that is inoperative for any reason for a period in excess of 30 days, and is not in a completely enclosed building.

JUNK YARD or SALVAGE YARD. An open area where salvage, used or secondhand material, is bought and sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to, scrap iron and other metals, paper, rags, rubber tires, and bottles. A **JUNK YARD** includes automobile wrecking yards and any area of more than 200 square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings.

KENNEL, COMMERCIAL. Any premises on which 3 or more dogs or cats, 4 months old or older, are kept.

LANDFILL. Any disposal area or tract of land, unit or appurtenance, or combination thereof, that is used to collect, store, handle, dispose of, bury, cover over, or otherwise accept or retain solid waste as herein defined.

LATTICE TOWER. A support structure constructed of vertical metal struts and cross

the livelihood of a person living in the dwelling, and is conducted entirely within the dwelling and carried on by the inhabitants thereof.

braces, forming a triangular or square structure that often tapers from the foundation to the top.

LEGISLATIVE BODY. For the City of Brown City, the City Council. All powers of the City shall be vested in the City Council, except as otherwise provided by law or the City Charter.

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

LOT. Land described in a recorded plat or a condominium unit in a condominium project, occupied or to be occupied by a building, structure, land use or group of buildings having sufficient size to comply with the frontage, area, width-to-depth ratio, setbacks, yards, coverage and buildable area requirements of this chapter, and having its principal frontage upon a public street or on a private road approved by the City (see Appendix F).

LOT AREA, GROSS. The area contained within the lot lines or property boundary, including street rights-of-way, floodplains, wetlands, and bodies of water (see Appendix C).

LOT AREA, NET. The total area of a horizontal plane within the lot lines of a lot, exclusive of street right-of-way, floodplains, wetlands, waterbodies, or any public street right-of-way or access easement abutting any side of the lot (see Appendix F).

LOT, CORNER. A lot where the interior angle of 2 adjacent sides at the intersection of 2 streets is less than 135 degrees. A lot abutting upon a curved street or streets shall be considered a **CORNER LOT**, if the arc is of less radius than 150 feet, and the tangents to the curve, at the 2 points where the lot lines meet the curve or the straight street line extended to form an interior angle of less than 135 degrees. A lot with at least 2 contiguous sides abutting upon a public street for

their full length (see Appendix D).

LOT COVERAGE. The part or percentage of **LOT, DEPTH OF.** The average distance from the front lot line (i.e., road frontage) of the lot to its opposite rear lot line measured in the general direction of the side lines of the lot (see Appendix E).

LOT, FLAG. A lot whose access to the public street is by a narrow, private right-of-way that is either a part of the lot or an easement across another property and does not meet the frontage requirements of the district in which it is located (see Appendix D).

LOT FRONTAGE. The unbroken length of the front lot line which is contiguous to a public street or private road.

LOT, INTERIOR. A lot other than a corner lot which, with the exception of a “through lot,” has only 1 lot line fronting on a street (see Appendix D).

LOT LINES. The lines bounding a lot or parcel (see following definitions and Appendix G).

(1) **FRONT LOT LINE.** In the case of an interior lot, that line separating the lot from the street. In the case of a corner or double frontage lot, that line separating the lot from either street. The line(s) separating the lot from any street right-of-way, private road or other access easement. The line shall be continuous, at least a sufficient length to conform with the minimum lot width requirement of the district.

(a) **FRONT LOT LINE, PRINCIPAL.**

For a corner lot, the front lot line adjacent to the street that the front door of the home faces (or is proposed to face).

(b) **FRONT LOT LINE, SECONDARY.** For a corner lot, the front lot line that is not considered to be the principal front lot line.

(2) **REAR LOT LINE.** The lot line opposite and most distant from the front lot line. In the case of a triangular or otherwise irregularly

the lot occupied by buildings, including accessory buildings.

shaped lot or parcel, an imaginary line, at least 10 feet in length entirely within the lot or parcel, parallel to and at a maximum distance from the front lot line. In the case of a corner lot, the lot line opposite the principal front lot line.

(3) **SIDE LOT LINE.** Any lot line other than the front lot line or rear lot line. A **SIDE LOT LINE** separating a lot from another lot or lots is an **INTERIOR SIDE LOT LINE.**

LOT OF RECORD. A parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or in common use by City officials, and which has not been combined in use with another parcel or lot, which lawfully existed prior to the enactment of this or a zoning ordinance previously in effect. A lot that actually exists in a subdivision plat, as shown on the records of the County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded. Whenever an owner has combined 2 or more lots, as contained on any recorded plat, into a single building site, or combined 2 or more lots contained on any recorded plat in the records of the Assessor, this combination of lots shall be deemed to be a single **LOT OF RECORD.**

LOT, THROUGH. Any interior lot having frontage on 2 more or less parallel streets, as distinguished from a corner lot (see Appendix D). In the case of a row of double frontage lots, all sides of the lots adjacent to streets shall be considered frontage, and front yards shall be provided as required.

LOT WIDTH. The horizontal distance between the side lot lines, measured at the 2 points where the building line, or setback line, intersects the side lot lines.

LOT, ZONING. A single tract of land, located within a single block, which, at the time of filing 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 control. A **ZONING LOT** shall satisfy this chapter with

respect to area, size, dimensions, and frontage, as required in the district in which the zoning lot is located. A **ZONING LOT**, therefore, may not coincide with a lot of record, as filed with the County Register of Deeds, but may include 1 or more lots of record.

MAIN USE. The principal use to which the premises are devoted, and the principal purpose for which the premises exist.

MANUFACTURED HOUSING. Factory-built, single-family structures that meet the National Manufactured Home Construction and Safety Standards Act (42 U.S.C. § 5401), commonly referred to as pre-cut, modular homes, sectional homes, component, or panelized homes.

MASTER DEED. The document recorded as part of a condominium subdivision, to which are attached, as exhibits and incorporated by reference, the approved bylaws for the condominium subdivision and the condominium subdivision plan, and all other documents required by law to be attached or incorporated.

MASTER PLAN. The comprehensive plan, including graphic and written proposals indicating the general location for streets, parks, schools, public buildings, and all physical development of the municipality, and any unit or part of the plan, and any amendment to the plan or parts thereof.

MEZZANINE. An intermediate floor in any story, occupying an area not-to-exceed 1/3 of the floor area of the story.

MINI STORAGE (WAREHOUSE) FACILITIES. A building or group of buildings in a controlled-access or fenced area, containing varying sizes of individual compartmentalized and controlled-access stalls or lockers for the storage of customer's goods or wares that are not used on a daily basis.

MOBILE HOME. A structure, transportable in 1 or more sections, built on a chassis and designed to be used as a dwelling, with or without permanent foundation, when connected to the required utilities, including the plumbing, heating, air-conditioning, and electrical systems contained in the structure. The term **MOBILE HOME** shall

MAIN BUILDING. A building in which is conducted the principal use of the lot upon which it is situated.

not include pick-up campers, travel trailers, motor homes, modular homes, recreational vehicles, converted buses, tent trailers, or other transportable structures designed for temporary use.

MOBILE HOME PARK. A parcel or tract of land under the control of a person upon which 3 or more mobile homes are located on a continual, non-transient basis, and which is offered to the public for that purpose, regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home.

MODULAR HOME/HOUSING. See **MANUFACTURED HOMES.**

MONOPOLE. A support structure constructed of a single, self-supporting, hollow metal tube securely anchored to a foundation.

MUNICIPAL or MUNICIPALITY. The City of Brown City.

MUNICIPAL BUILDING. A City-owned building used in conjunction with the business and operation of the City.

MUNICIPAL SEWAGE TREATMENT FACILITY. A sewage treatment system owned by a township, charter township, village, City, county, the state, or an authority or commission comprised of the governmental units.

MUNICIPAL WATER SUPPLY. A water supply system owned by a township, charter township, village, City, county, the state, or an authority or commission comprised of the governmental units.

NATURAL FEATURES. Soils, wetlands, woodlots, landmark and specimen trees, overgrown fence rows, floodplains, water bodies, topography, vegetative cover, and geologic

formations.

NEW CONSTRUCTION. Structures or development for which the start of construction **NONCONFORMING BUILDING.** A building, or portion thereof, lawfully existing at the effective date of this chapter, or amendments thereto, and that does not conform to the provisions of the ordinance in the district in which it is located.

NONCONFORMING LOT. Any lot, outlot, or other parcel of land that does not meet the land area or dimension requirements of this chapter.

NONCONFORMING STRUCTURE. A structure, or portion thereof, lawfully existing at the effective date of this chapter, or amendments thereto, and that does not conform to the provisions of the ordinance in the district in which it is located.

NONCONFORMING USE. A use that lawfully occupied a building or land at the effective date of this chapter, or amendment thereto, and that does not conform to the use regulations of the district in which it is located.

NUISANCE FACTORS. An offensive, annoying, unpleasant, or obnoxious object or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line that can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, including but not limited to:

- (1) Noise;
- (2) Dust;
- (3) Smoke;
- (4) Odor;
- (5) Glare;
- (6) Fumes;
- (7) Flashes;

commenced on or after the effective date of adoption of this chapter.

- (8) Vibration;
- (9) Shock waves;
- (10) Heat;
- (11) Electronic or atomic radiation;
- (12) Objectionable effluent;
- (13) Noise of congestion of people, particularly at night, passenger traffic; and
- (14) Invasion of non-abutting street frontage by traffic.

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

NURSERY SCHOOL or CHILD CARE CENTER. A public or private school, kindergarten, or child care facility, wherein day care, or day care and education, is provided for 5 or more minors under the age of 7 years.

OCCUPIED. Arranged, designed, built, altered, converted to, rented or leased, or intended to be **OCCUPIED.**

OPEN-AIR BUSINESS USES. Any of the following businesses, when it is not conducted from a wholly enclosed building:

- (1) Bicycle, trailer, motor vehicle, boats or home equipment sale or rental services;
- (2) Outdoor display and sale of garages, swimming pools, and similar uses;
- (3) Retail sale of trees, fruits, vegetables, shrubbery, plants, seed, topsoil, humus, fertilizer,

trellis, lawn furniture, playground equipment, and other home garden supplies and equipment; or

(4) Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf

OPEN FRONT STORE. A business establishment so developed that service to the patron may be extended beyond the walls of the structure, not requiring the patron to enter the structure. The term **OPEN FRONT STORE** shall not include automobile repair stations or automobile service stations.

OPEN SPACE, COMMON. Open space held for the collective use and enjoyment of the owners, tenants, or occupants of a single development.

OPEN SPACE, DEDICATED. Common open space dedicated as a permanent recorded easement.

OPEN SPACE DEVELOPMENT. A type of residential development option permitted in this chapter, and administered as a planned unit development, which is based upon a portion of a parcel set aside as permanent open space, with the balance of the parcel used at higher densities than would otherwise be permitted without the open space. See also **CLUSTERED SUBDIVISION**.

OPEN SPACE, USABLE. That portion of the common open space that, due to its slope, drainage characteristics and soil conditions, can be used for active recreation.

OPEN STORAGE. All outdoor storage of any kind whatsoever.

OWNER. The **OWNER** of the premises or lesser estate in the premises, a mortgagee or vendee in possession, an assignee of rents, receiver, executor, trustee, leasee, or any other person, sole proprietorship, partnership, association, or corporation directly or indirectly in control of a building, structure, or real property, or his or her duly authorized agent.

PARK. A parcel of land, building, or structure used for recreational purposes, including but not limited to, playgrounds, sport fields, game courts,

driving range, children's amusement park, or similar recreation uses.

beaches, trails, picnicking areas, and leisure time activities.

PARKING AREA, OFF-STREET. A land surface or facility providing vehicular parking spaces off of a street, along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of 3 or more automobiles or trucks.

PARKING EXEMPT DISTRICT. That area of the City that is exempt from complying with the parking requirement of this chapter.

PARKING SPACE. An 8 by 18 foot area of land provided for vehicles off of a street, exclusive of drives, aisles, or entrances giving access thereto, which is fully accessible for the parking of permitted vehicles.

PERMIT. An official document or certificate issued by the authority having jurisdiction, which authorizes performance of a specified activity.

PLANNED UNIT DEVELOPMENT (PUD). A tract of land or lot, developed under single ownership or management as a separate neighborhood or community unit. The development shall be based on an approved site plan, which allows flexibility of design not available under normal zoning district requirements. The plan may contain a mixture of housing types, commercial and industrial uses, common open space and other land uses, as provided in this chapter.

PLANNING COMMISSION. The Planning Commission of the City of Brown City, as provided in Public Act 285 of 1931, being MCL 125.31 - 125.45, as amended, and appointed pursuant to the City code.

PLAT. A map of a subdivision of land recorded with the Register of Deeds pursuant to the Subdivision Control Act of 1967, as amended, or a prior statute.

POOLS. See **SWIMMING POOLS.**

PORCH, ENCLOSED. A covered projection on a building or structure, containing a floor that is totally enclosed with glass, solid material, or

PORCH, OPEN. A covered projection on a building or structure, containing a floor that is open, except for columns supporting the porch roof, and projects out from the main wall of the building or structure, and has a separate roof or an integral roof with the principal building or structure to which it is attached.

POULTRY. Domestic fowl such as chickens, turkeys, ducks, and geese.

PRINCIPAL BUILDING. A building in which is conducted the main or principal use of the lot on which it is located.

PRINCIPAL USE. The main use to which the premises are devoted, and the main purpose for which the premises exist.

PRIVATE ROAD. A private way or means of approach that meets the requirements of this chapter to provide access to 2 or more abutting lots, is constructed and maintained by the owner or owners, and is not dedicated for general public use.

PROHIBITED USE. A use of land that is not explicitly permitted within a particular zoning district.

PUBLIC SERVICE FACILITIES. The uses and services as election polling places, pumping stations, fire halls, police stations, public health activities, and similar uses including essential services.

PUBLIC UTILITY. A person, firm or corporation, municipal department, board or commission duly authorized to furnish, and furnishing to the public under federal, state, or municipal regulations: gas, steam, electricity, sewage disposal, communication, telegraph, transportation, or water.

RECREATIONAL VEHICLE. Boats, boat

screening, and projects out from the main wall of the building or structure, and has a separate roof or an integral roof with the principal building or structure to which it is attached.

trailers, airplanes, dune buggies, dirt bikes, off road vehicles, snowmobiles, or racing automobiles, any vehicle equipped for camping, sleeping or living purposes or any part thereof and any other vehicles or equipment of a type principally used for recreational purposes. The classification includes:

(1) **BOATS**, which shall include boats, floats and rafts, plus the normal equipment to transport the same on the highway;

(2) **FOLDING TENT TRAILER**, which is a folding structure, mounted on wheels and designed for travel and vacation use;

(3) **MOTORIZED HOME**, which is a portable dwelling designed and constructed as an integral part of a self-propelled vehicle;

(4) **PICKUP CAMPER**, which is a structure designed primarily to be mounted on a pickup or truck chassis, with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational and vacation uses;

(5) **TRAVEL TRAILER**, which is a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses, and either licensed as a trailer or permanently identified **TRAVEL TRAILER** by the manufacturer; or a movable portable dwelling, constructed to be towed on its own chassis and connected to utilities, and designed without a permanent foundation for year-round living; and

(6) **UTILITY TRAILER**, which is a vehicle used to transport motorcycles, snowmobiles, go-carts or racing cars or equipment, and which is licensed as a trailer.

REPAIR. The reconstruction or renewal of any part of an existing building for the purpose of maintenance.

REPLACEMENT COST. Cost of replacing a structure or building, at current costs at the time of the loss, with 1 identical to the one that was destroyed, without application of depreciation.

RESIDENTIAL DISTRICTS. Consist of the **RESTAURANT.**

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

(a) Foods, desserts, or beverages usually served in edible containers, or in paper, plastic, or other disposable containers.

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

(2) **DRIVE-IN RESTAURANT.** A drive-in restaurant is any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design or method of operation includes 1 or both of the following characteristics.

(a) Foods, desserts, or beverages are served directly to the customer in a motor vehicle, either by a carhop or by other means that eliminate the need for the customer to exit the motor vehicle.

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

(3) **FAST-FOOD RESTAURANT.** Any establishment whose principal business is the sale of foods, desserts, or beverages to the customer in a ready-to-consume state, for consumption either within the restaurant building or for carry-out with consumption off the premises, and whose design

following districts: Neighborhood Residential (NR), Estate Residential (ER), Single-Family Attached Residential (SFAR), Multiple-Family Residential (MFR) and High Density Single-Family Residential (HDSFR).

or principal method of operation includes the following characteristics.

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

(b) The consumption of foods, desserts, or beverages within a motor vehicle parked upon the premises is posted as being prohibited, and the prohibition is strictly enforced by the restaurateur.

(4) **STANDARD RESTAURANT.** Any establishment whose principal business is the sale of foods, ice cream, yogurt, Italian ice, cakes, and the like, or beverages to the customer in a ready-to-consume state, and whose design or principal method of operation includes 1 or both of the following characteristics.

(a) Customers, normally provided with an individual menu, are served their foods, desserts, or beverages by a restaurant employee at the same table or counter at which these items are consumed.

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

RESTORATION. The reconstruction or replication of an existing building's original architectural features.

RIGHT-OF-WAY. A street, alley, or other thoroughfare or easement permanently established for passage of persons, vehicles, or the location of utilities. The **RIGHT-OF-WAY** is delineated by legally established lines or boundaries.

ROOM. For the purpose of determining lot area requirements and density in a multiple-family

district, a living room, dining room, and bedroom, equal to at least 80 square feet in area. A **ROOM** shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, hallways, and storage. For the purpose of computing density, plans presented showing 1-, 2-, or 3-bedroom units, and including a den, shall count the extra **ROOM** as a bedroom.

SCHOOL. An educational institution under the sponsorship of a private or public agency, providing elementary or secondary curriculum, and accredited or licensed by the state; but excluding schools involving outside traffic or commercial activity.

SCREEN. A structure providing enclosure, such as a fence, and a visual barrier between the area enclosed and the adjacent property. A **SCREEN** may also be non-structured, consisting of shrubs or other growing materials.

SECONDARY CONTAINMENT. A device and/or measures taken to prevent regulated substances, which can be spilled at a loading or unloading facility, from entering a public sewer, groundwater, surface water, subsurface soils or the impoundment area for the tanks.

SETBACK. The distance required to obtain front, side, or rear yard open space provisions of this chapter.

SETBACK, FRONT. Minimum unoccupied distance, extending the full lot width, between the principal building and any lot line abutting a street.

SETBACK, REAR. The minimum required unoccupied distance, extending the full lot width, between the principal and/or accessory buildings and the lot line opposite the front lot line, or, in the case of a corner lot, the setback opposite the principal front lot line.

SETBACK, SIDE. The minimum required unoccupied distance, extending from the front setback to the rear setback, between the principal and accessory buildings and the side lot line. In the case of a corner lot, the setback opposite the secondary front lot line.

SIGHT DISTANCE. The length of an

RUBBISH. The miscellaneous waste material resulting from housekeeping, mercantile enterprises, trades, manufacturing and offices, including ashes, tin cans, glass, scrap metals, rubber, paper, and rags.

unobstructed view, from a particular access point to the farthest visible point of reference on a street. Used in this chapter as a reference for unobstructed street visibility.

SIGN. An announcement, declaration, display, billboard, illustration, and insignia, when designed and placed so as to attract general public attention, including the use of any words, numerals, figures, devices, designs, or trademarks by which anything is made known and visible to the general public, such as are used to show an individual firm, profession or business, and also any banner, bulbs or other lighting devices, streamer, pennant, balloon, propeller, flag (other than the official flag of any nation or state) and any similar device of any type or kind, whether bearing lettering or not. The following definitions shall apply to specific types and surface areas of signs (see Appendix H).

(1) **BILLBOARD SIGN.** A sign upon which a display is posted, installed, painted or otherwise affixed in a manner that may be readily changed, and the face of which is greater than 50 square feet, but no more than 200 square feet. A **BILLBOARD SIGN** is to be distinguished from a freestanding sign.

(2) **DISPLAY AREA.** The area that is bounded by a series of curved or straight lines that are tangent to the outer boundaries of the sign.

(3) **FLASHING LIGHTED SIGN.** A sign that is illuminated and which intermittently and repeatedly flashes on and off, or creates an illusion of a flow of lights.

(4) **FREESTANDING SIGN.** A sign completely or principally supported by and anchored directly to the ground. A **FREESTANDING SIGN** is to be distinguished from a billboard sign.

(5) **MARQUEE SIGN** or **CANOPY SIGN**.

A sign attached to or hung from a marquee, canopy, or other structure, projecting from and

(6) **POLITICAL SIGN**. A sign solely for the purpose of providing information relating to the election of a person to a 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, or any other public issue.

(7) **PORTABLE SIGN**. Any freestanding sign not permanently anchored or secured to either a building or the ground, such as but not limited to, "A" frames, "T"-shaped, inverted "T"-shaped signs, and signs that are inflated and temporarily anchored to a building.

(8) **PROJECTING SIGN**. Any sign attached to or erected on the exterior wall or surface of any building, which projects 12 inches or more from the wall or surface.

(9) **ROOF SIGN**. Any sign mounted on or over the roof of a building, which is wholly or partially supported by the building.

(10) **SIGN ERECTOR**. A person, firm, corporation or association permitted by the City to install, attach, or erect a permissible sign under the provisions of this chapter.

(11) **TEMPORARY SIGN**. A display, sign, banner, or other advertising device constructed of cloth, canvas, fabric, plastic, or other light temporary material, with or without a structural frame, or any other sign, intended for a limited period of display.

(12) **WALL SIGN**. A sign that is in any manner affixed to or placed flat against the exterior wall or surface of a building or structure, no portion of which projects more than 12 inches from the building or structure wall.

SIGN, ACCESSORY. A sign that is accessory to the principal use of the premises.

SIGN, NONACCESSORY (OFF PREMISE). A sign that is not accessory to the principal uses of the premise.

supported by the building, and extending beyond the building wall, building line, or street lot line.

SOIL REMOVAL. The removal of any kind of soil or earth matter, including top soil, sand or other type of soil matter, or combination thereof, except common household gardening and ground care.

SPECIAL CONDITION OR LAND USE. Any use of land listed as a principal use permitted subject to special conditions, which, due to its potential effect on adjacent lands in particular, and its overall effect on the City in general, requires City Council approval, according to the standards provided in this chapter.

SPECIFIED ANATOMICAL AREAS.

(1) Less than completely and opaquely covered:

(a) Human genitals, pubic region;

(b) Buttock; and

(c) Female breast below a point immediately above the top of the areola.

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

SPECIFIED SEXUAL ACTIVITIES.

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

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

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

SITE PLAN. A plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this chapter. A plot plan depicts a subset of the information required by this

chapter for a **SITE PLAN**.

SOLID WASTE. Garbage, rubbish, paper, cardboard, metal containers, yard clippings, wood, glass, bedding, crockery, demolished building materials, ashes, incinerator residue, street cleanings, municipal and industrial sludges, and solid commercial and solid industrial waste, animal waste. This definition does not include human body waste, liquid waste regulated by statute, ferrous or nonferrous scrap immediately directed to a scrap metal processor or to a reuser of ferrous or nonferrous products, and slag or slag products immediately directed to a slag processor or to a reuser of slag or slag products.

STATE-EQUALIZED VALUATION. The value shown on the City assessment roll, as equalized through the process of state and county equalization.

STOP WORK ORDER. An administrative order, which is either posted on the property or mailed to the property owner, that directs a person not to continue, or not to allow the continuation of, an activity that is in violation of this chapter.

STORAGE YARD. Any exterior area used for the placement of any materials, products or equipment. Parking areas, as regulated by this chapter, shall not be considered a **STORAGE YARD**.

STORY. The part of a building, except a mezzanine as defined herein, included between the surface of 1 floor and the surface of the next floor, or, if there is no floor above, then the ceiling next above. A **STORY** thus defined shall not be counted as a **STORY** when more than 50%, by cubic content, is below the height level of the adjoining ground.

STORY, HALF. An uppermost story lying under a sloping roof having an area of at least 200 square feet, with a clear height of 7 feet, 6 inches. For the purpose of this chapter, the usable floor area is only that area having at least 4 feet clear height between floor and ceiling.

STREET. A public dedicated right-of-way, other than an alley, which affords the principal means of access to abutting property.

(1) **ARTERIAL STREET.** Those streets of considerable continuity that are used or primarily for fast or heavy traffic (M-90).

(2) **MAJOR STREET.** Those streets in the City that are classified as primary hard-surfaced roads.

(3) **MINOR STREET.** A street, which is intended primarily for access, for abutting properties.

STRUCTURAL ALTERATION. Any change in the supporting members of a building or structure, such as bearing walls, partitions, columns, beams, girders, or any change in the width or number of exits, or any substantial change in the roof.

STRUCTURE. Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. Satellite dishes over 24 inches in diameter and antennae shall be considered as **STRUCTURES**.

SUBDIVISION. The division of a lot, tract, or parcel of land into 5 or more lots, tracts, or parcels of land for the purpose, whether immediate or future, of sale or of building development. The meaning of the term **SUBDIVISION** shall not, however, apply to the partitioning or dividing of land into tracts or parcels of land, wherein the resultant parcels are 10 acres or more in area.

SWIMMING POOL. An artificially constructed, portable, or non-portable pool or container, designed for swimming, wading or bathing, or any combination thereof, not located entirely within a permanently enclosed and roofed building, and designed to hold 2,500 gallons or more of water, or to have a depth of 2 feet or more at any point. This definition shall include all outside hot tubs, jacuzzis, and spas.

TEMPORARY USE or **TEMPORARY BUILDING.** A use or building permitted by the Board of Appeals to exist for special events, or during periods of construction of the main building or use.

TENTS. A shelter of canvas or the like, supported by poles and fastened by cords or legs driven into the ground. This definition shall not include those types of **TENTS** used solely for children's recreational purposes.

TOURIST HOME or BED AND BREAKFAST FACILITY. Any dwelling used or designed in such a manner that certain rooms, other than those used by the resident family and occupied as a dwelling unit, are rented to the public for compensation, and catering primarily to the public traveling by motor vehicle.

TOWNHOUSES. A multiple dwelling in which each dwelling unit shares a common wall with at least 1 other dwelling unit, and in which each dwelling unit has a separate entrance and living space on the ground floor.

TRAILER, UTILITY. A vehicle that is not self propelled, which is licensed by the state and used for transporting materials in tow with a motor vehicle.

UNDERGROUND STORAGE TANK. A tank or combination of tanks, including underground pipes connected to the tank or tanks or underground ancillary equipment containment systems, if any, which is, was, or may have been, used to contain an accumulation of regulated substances, and the volume of which, including the volume of the underground pipes connected to the tank or tanks, is 10% or more beneath the surface of the ground.

UNOBSTRUCTED SIGHT AREA.

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

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

UNOBSTRUCTED SIGHT DISTANCE. No

fence, wall, structure, or planting shall be erected, established, or maintained on any lot that obstructs the view of drivers in vehicles approaching an intersection of 2 roads, or the intersection of a road, alley and a driveway. Fences, walls, structures, or plantings located in the unobstructed sight area described above shall not be permitted to obstruct cross-visibility between a height of 36 inches and 72 inches above the lowest point of the intersecting road(s). Trees shall be permitted in the unobstructed sight area, provided that limbs and foliage are trimmed so that they do not extend into the cross-visibility area or otherwise create a traffic hazard. Landscaping, except required grass or ground cover, shall not be located closer than 3 feet from the edge of any driveway or road pavement within the unobstructed sight area.

USE. The principal purpose for which land or a building is arranged, designed, or intended, or for which land or a building is or may be occupied.

UTILITY ROOM. A room used primarily for storage, for housing a heating unit, or for laundry purposes.

VARIANCE, NON-USE OR DIMENSIONAL. A modification of the literal provisions of this chapter, granted when its strict enforcement would cause practical difficulty, owing to circumstances unique to the individual property. The crucial points of a **NON-USE OR DIMENSIONAL VARIANCE** are practical difficulty and unique circumstances applying to the property. A **NON-USE OR DIMENSIONAL VARIANCE** is not justified unless both elements are present in the case.

VARIANCE, USE. A modification of the literal provisions of the zoning ordinance authorized by the Zoning Board of Appeals, when its strict enforcement would cause unnecessary hardship for the property owner, due to circumstances unique to the property. A **USE VARIANCE** permits a use of land that is otherwise not allowed in that district.

WALLS, OBSCURING. An obscuring barrier (not associated with a building) of definite height and location, constructed of wood, masonry, concrete, or similar material, and which provides 100% opacity.

WALL, SCREENING. A wall used to screen the uses as parking lots, incompatible land uses, and certain activities on a specific property. A

WILD OR EXOTIC ANIMAL. Any living member of the animal kingdom, including those born or raised in captivity, except the following:

- (1) Domestic dogs (excluding hybrids with wolves, coyotes, or jackals);
- (2) Domestic cats (excluding hybrids with ocelots or margays);
- (3) Ferrets;
- (4) Rodents;
- (5) Caged, non-venomous snakes; and
- (6) Captive-bred species of common cage birds.

WIRELESS COMMUNICATION ANTENNA (WCA). Any antenna used for the transmission or reception of wireless communication signals, excluding those used exclusively for dispatch communications by public emergency agencies, amateur radio antennas, satellite antennas, those which receive video programming services via multipoint distribution services that are 1 meter (39 inches) or less in diameter, and those that receive television broadcast signals.

WIRELESS COMMUNICATION EQUIPMENT SHELTER. The structure, shelter, cabinet or vault in which the electronic receiving and relay equipment necessary for processing wireless telecommunications is housed, together with necessary related equipment, such as radios, cable, conduit, connectors, air conditioning units and emergency generators.

WIRELESS COMMUNICATION FACILITIES (WCF). All structures and accessory facilities relating to the use of the radio frequency spectrum

screening wall shall be constructed of solid masonry, with face brick on both sides, or a hollow clay load-bearing brick with a width-that exceeds 5 inches.

WASTE MATTER, OTHER. Slag, stone, or broken concrete, or any combination thereof.

for the purpose of transmitting or receiving radio signals, including but is not limited to, radio towers, television towers, telephone devices and exchanges, microwave towers, telephone transmission equipment building and commercial mobile radio service facilities. Citizen band radio facilities, short wave facilities, amateur radio facilities, and satellite dishes, and governmental facilities, which are subject to state or federal law or regulations that preempt municipal regulatory authority, are not included in this definition.

WIRELESS COMMUNICATION SUPPORT FACILITIES (WCSF). A monopole, guyed, or lattice-type tower designed for the attachment of, or as support for, wireless communication antennas or other antennas.

YARDS. The open spaces on the same lot with a main building, unoccupied and unobstructed from the ground upward, except as otherwise provided in this chapter, and as defined herein.

(1) **FRONT YARD.** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building. In the case of a corner lot, the **FRONT YARD** may be opposite either street frontage.

(2) **REAR YARD.** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the **REAR YARD** may be opposite either street frontage.

(3) **SIDE YARD.** An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest

point of the main building.

ZONING ADMINISTRATOR. The City Manager or his or her duly authorized agent.

ZONING DISTRICT. A portion of the City within which, on a uniform basis, certain uses of

(1) **EXCEPTION.** A use permitted only after review of an application by the Board of Appeals other than the Administrative Official (Building Inspector), the review being necessary and required by this chapter because those provisions thereof covering conditions, precedent or subsequent, are not precise enough to all applications without interpretation.

(2) **VARIANCE.** A modification of the literal provisions of the zoning ordinance granted by the Zoning Board of Appeals pursuant to §§ 152.215 *et seq.*

(3) The **EXCEPTION** differs from the **VARIANCE** in several respects.

(a) An **EXCEPTION** does not require “undue hardship” in order to be allowable.

(b) The exceptions that are found in this chapter appear as “special approval” by the City Council or the Zoning Board of Appeals.

(c) These land uses could not be conveniently allocated to 1 zone or another, or the effects of the uses could not be definitely foreseen as of a given time.

(4) The general characteristics of these uses include 1 or more of the following:

(a) They require large areas;

(b) They are infrequent;

(c) They sometimes create an unusual amount of traffic;

(d) They are sometimes obnoxious or hazardous; and/or

(e) They are required for public safety and convenience.

land and buildings are permitted, and within which certain yards, open spaces, lot areas, and other requirements are established by this chapter.

ZONING EXCEPTIONS AND VARIANCES.

(5) **EXISTING VARIANCES.** Variances granted by the City Council or Zoning Board of Appeals prior to enactment of this chapter shall remain in force, unless contrary to law or deemed to constitute a health or safety danger to individuals.

ZONING INSPECTOR. The person or agency appointed by the City to administer and enforce the provisions of this chapter.
(1997 Code, § 8022)

§ 152.004 CITY COUNCIL APPROVAL.

(A) In cases where the City Council is empowered to approve certain use of premises under the provisions of this chapter, the applicant shall furnish the surveys, plans, or other information as may be reasonably required by the Commission for the proper consideration of the matter.

(B) The City Council shall investigate the circumstance of each such case and shall notify the parties who may, in its opinion, be affected thereby, of the time and place of any hearing which may be held relative thereto as required under its rules of procedure.

(C) The City Council may impose the conditions or limitations in granting approval as may, in its judgment, be necessary to fulfill the spirit and purpose of this chapter.
(1997 Code, § 8170)

§ 152.005 CHANGES AND AMENDMENTS.

(A) *Generally.* The City Council may, from time to time, on recommendation from the Planning Commission, on its own initiative, or on petition, amend, supplement, or change the district

boundaries or the regulations herein, or subsequently established herein, pursuant to the authority and procedure established in Public Act 207 of 1921, being MCL 125.581 - 125.590, as amended.

(B) *Petition for amendments.* An amendment to the Zoning Ordinance, which is the object of a

(1) The owners of at least 20% of the area of land included in the proposed change;

(2) The owners of at least 20% of the area of land included within an area extending outward 100 feet from any point on the boundary of the land included in the proposed change; or

(3) For the purposes of this section, publicly owned land shall be excluded in calculating the 20% land area requirement. (1997 Code, § 8180)

§ 152.006 INTERPRETATION.

(A) In the interpretation and application, the provisions of this chapter shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience, or general welfare.

(B) It is not intended by this chapter to repeal, abrogate, annul, or in any way to impair or interfere with any existing provision of law or ordinance, other than the above-described zoning ordinance, or with any rules, regulations, or permits previously adopted or issued, or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises; provided, however, that where this chapter imposes a greater restriction than is required by existing ordinances, rules, regulations, or permits, the provisions of this chapter shall control. (1997 Code, Ch. 8, Art. XX)

§ 152.007 VESTED RIGHT.

Nothing in this chapter should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification, or any permissible

petition, shall be passed only by a majority vote of the City Council, unless a larger vote, but not to exceed 3/4, if required by ordinance or charter. The protest petition shall be presented to the City Council before final legislative action on the amendment, and shall be signed by 1 of the following:

activities therein; and they are hereby declared to be subject to subsequent amendment, change, or modification as may be necessary to the preservation or protection of public health, safety, and welfare.

(1997 Code, Ch. 8, Art. XXI)

§ 152.008 RELATIONSHIP TO OTHER ORDINANCES OR AGREEMENTS.

(A) This chapter is not intended to abrogate or annul any ordinance, rule, regulation, permit, easement, covenant, or other private agreement previously adopted, issued, or entered into and not in conflict with the provisions of this chapter.

(B) However, where the regulations of this chapter are more restrictive or impose higher standards or requirements than other ordinances, rules, regulations, permits, easements, covenants, or other private agreements, the requirements of this chapter shall govern. (1997 Code, 8230)

ZONING DISTRICTS AND MAP

§ 152.020 DISTRICTS ESTABLISHED.

For the purpose of this chapter, the City is hereby divided into the following districts.

(A) *Residential districts.*

(1) NR - Neighborhood Residential;

(2) ER - Estate Residential;

(3) SFAR - Single-Family Attached Residential;

(4) MFR - Multiple-Family Residential;
and

(5) HDSFR - High Density Single-Family Residential.

(B) *Nonresidential districts.*

(4) Ind - Manufacturing, Industrial, and Processing; and

(5) VP - Vehicular Parking.
(1997 Code, § 8031)

§ 152.021 DISTRICT BOUNDARIES.

(A) The boundaries of these districts are hereby designated as shown on the zoning map that accompanies this chapter, and which map, with all notations, references, and other information shown thereon, shall be as much a part of this chapter as if fully described herein.

(B) The Official Zoning Map shall be identified by the signature of the Mayor, and attested by the City Clerk, under the following words: "This is to certify that this is the Official Zoning Map, referred to in Article III of the Zoning Ordinance of the City of Brown City adopted March 10, 2003 and became effective April 10, 2003."

(C) If, in accordance with the provisions of this chapter, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, the changes shall be made on the Official Zoning Map, after the amendment has been approved by the City of Brown City, together with an entry on the Official Zoning Map in the following format: "On the dates indicated, by official action of the City of Brown City, the following changes were made:

DATE: CHANGE MADE: ADDRESS:

(D) One copy of the Official Zoning Map is to be maintained and kept up to date in the City Clerk's office, accessible to the public, and shall be final authority as to the current zoning status of lands, buildings, and other structures in the City.
(1997 Code, § 8032)

(1) NC - Neighborhood Commercial;

(2) CBD - Central Business District;

(3) P - Public/Semi-Public;

§ 152.022 DISTRICT BOUNDARIES INTERPRETED.

(A) *Generally.* Where uncertainty exists with respect to the boundaries of the various districts as shown on the zoning map, the following rules shall apply.

(B) *Rules.*

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

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

(3) Boundaries indicated as approximately following City jurisdictional lines shall be construed as following jurisdictional limits.

(4) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

(5) Where physical or natural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by divisions (B)(1) through (B)(4) above, the Zoning Board of Appeals shall interpret the district boundaries.

(6) Where a district boundary line divides a lot that was in single ownership at the time of passage of this chapter, the Zoning Board of Appeals may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed 50 feet beyond the district line into the remaining portion of the lot.

(1997 Code, § 8033)

§ 152.023 ZONING OF VACATED AREAS.

Whenever any street, alley, or other public way within the City shall be vacated, the street, **§ 152.024 DISTRICT REQUIREMENTS AND APPLICATIONS.**

All buildings and uses in any district shall be subject to the provisions of §§ 152.155 *et seq.* and 152.170 *et seq.*
(1997 Code, § 8035)

NEIGHBORHOOD RESIDENTIAL (NR) DISTRICT

§ 152.035 STATEMENT OF PURPOSE.

(A) The Neighborhood Residential Districts are established as districts in which the principal use of land is for single-family dwellings, and are intended to be the most restrictive of the residential districts.

(B) For the Neighborhood Residential Districts, promoting the general purpose of this chapter, the specific intent of this subchapter is to encourage the construction of, and the continued use of, the land for single-family dwellings, and to prohibit business, commercial or industrial use of the land, and to promote any other use that would not significantly interfere with the development or continuation of single-family dwellings in the district.
(1997 Code, § 8041)

§ 152.036 PRINCIPAL USES PERMITTED.

In the Neighborhood Residential District, no building or land shall be used and no building shall be erected except for 1 or more of the following specified uses, unless otherwise provided in this chapter:

(A) One-family detached dwellings,

alley, or other public way, or portion thereof, shall automatically be classified in the same zoning district as the property to which it attaches.
(1997 Code, § 8034)

developed pursuant to the Subdivision Control Act, Public Act 288 of 1967, being MCL 560.101 - 560.293, as amended, or detached condominium units developed pursuant to the Condominium Act, Public Act 59 of 1978, being MCL 559.101 - 559.272, as amended;

(B) Residential manufactured housing, in accordance with § 152.157;

(C) Accessory buildings and uses, including swimming pools, customarily incident to any of the above permitted uses;

(D) Home occupations, in accordance with § 152.174; and

(E) Child care center, nursery schools, day nurseries, in accordance with § 152.174, and subject to review and approval by the City Council, and further subject to any and all reasonable conditions that may be imposed in accordance with § 4a. of the City and Village Zoning Act, Public Act 207 of 1921, being MCL 125.581 - 125.590, as amended, and §§ 152.174 and 152.175.
(1997 Code, § 8042) Penalty, see § 152.999

§ 152.037 AREA AND BULK REQUIREMENTS.

Reference §§ 152.155 *et seq.* and Appendix K limiting the height and bulk of buildings, the minimum size of lot permitted by land use, the maximum density permitted, and providing minimum yard setback requirements.
(1997 Code, § 8043)

ESTATE RESIDENTIAL (ER) DISTRICT

§ 152.050 STATEMENT OF PURPOSE.

(A) The Estate Residential District is

established as a district in which the principal use of land is for single-family dwellings located on Main Street.

(B) The general purpose of this subchapter is to encourage the construction, conversion, and continued use of the land for single-family dwellings, and to prohibit business, commercial or § **152.051 PRINCIPAL USES PERMITTED.**

In this Estate Residential District, no building or land shall be used, and no building shall be erected, except for 1 or more of the following specified uses, unless otherwise provided in this chapter:

(A) All uses permitted and regulated in the Neighborhood Residential District. The standards of the Schedule of Regulations applicable to the NR, Neighborhood Residential District, shall apply as minimum standards when 1-family detached dwellings are erected; and

(B) One-family dwellings, including condominium units developed pursuant to the Subdivision Control Act of 1967, as amended (MCL §§ 560.101 *et seq.*).
(1997 Code, § 8052) Penalty, see § 152.999

§ **152.052 AREA AND BULK REQUIREMENTS.**

Reference §§ 152.155 *et seq.* and Appendix K limiting the height and bulk of buildings, the minimum size lot permitted by land use, the maximum density permitted, and providing minimum yard setback requirements.
(1997 Code, § 8053)

SINGLE-FAMILY ATTACHED RESIDENTIAL (SFAR) DISTRICT

§ **152.065 STATEMENT OF PURPOSE.**

(A) The Single-Family Attached District is intended to provide sites for single-family dwelling structures containing attached dwellings for 2 to 4 families, and related uses that will generally serve

industrial use of the land, and to promote any other use that would not significantly interfere with the development or continuation of single-family or 2-family dwellings in the district.
(1997 Code, § 8051)

as zones of transition between nonresidential districts and lower density single-family districts.

(B) The Single-Family Attached District is further provided to serve the limited needs for the duplex-, triplex- and quadplex-type of unit in an otherwise single-family community.
(1997 Code, § 8061)

§ **152.066 PRINCIPAL USES PERMITTED.**

In the Single-family Attached Residential District, no building or land shall be used, and no building shall be erected, except for 1 or more of the following specified purposes, and shall be permitted subject to the review and approval of the site plan by the Planning Commission:

(A) All uses permitted and regulated in the Neighborhood Residential District;

(B) Single-family attached dwellings (2 stories or less), in accordance with § 152.174;

(C) Attached or clustered residential condominium units developed pursuant to the Condominium Act, Public Act 59 of 1978, being MCL 559.101 - 559.272, as amended;

(D) Accessory buildings and uses, including swimming pools, customarily incident to any of the above permitted uses;

(E) Home occupations, in accordance with § 152.174;

(F) Child care centers, nursery schools, day nurseries, in accordance with § 152.174; and

(G) Congregate housing for the elderly, in accordance with § 152.174, and subject to review and approval by the City Council, and further

subject to any and all reasonable conditions that may be imposed in accordance with Section 4a. of the City and Village Zoning Act, Public Act 207 of 1921, being MCL 125.581 - 125.590, as amended, and §§ 152.174 and 152.175.

§ 152.067 AREA AND BULK REQUIREMENTS.

Reference §§ 152.155 *et seq.* limiting the height and bulk of buildings, the minimum size of lot permitted by land use, the minimum density permitted, and providing minimum yard setback requirements.
(1997 Code, § 8063)

MULTIPLE-FAMILY RESIDENTIAL (MFR) DISTRICT

§ 152.080 STATEMENT OF PURPOSE.

(A) The Multiple-Family Residential District is intended to provide sites for multiple-family dwelling structures, containing separate dwellings for 5 or more families, and related uses that will generally serve as zones of transition between nonresidential districts and lower density single-family districts.

(B) The Multiple-Family Residential District is further provided to serve the limited needs for the apartment-type of unit in an otherwise single-family community.
(1997 Code, § 8071)

§ 152.081 PRINCIPAL USES PERMITTED.

In the Multiple-Family Residential District, no building or land shall be used, and no building shall be erected, except for 1 or more of the following specified purposes, and shall be permitted subject to the review and approval of the site plan by the Planning Commission:

(A) All uses permitted and regulated in the Single-Family Attached Residential District;

(B) Multiple-family dwellings (2 stories or less), in accordance with § 152.174;

(1997 Code, § 8062) Penalty, see § 152.999

(C) Attached or clustered residential condominium units developed pursuant to the Condominium Act, Public Act 59 of 1978, being MCL 559.101 - 559.272, as amended;

(D) Accessory buildings and uses, including swimming pools, customarily incident to any of the above permitted uses;

(E) Home occupations, in accordance with § 152.174;

(F) Child care centers, nursery schools, day nurseries, in accordance with § 152.174; and

(G) Congregate housing for the elderly, in accordance with § 152.174, and subject to review and approval by the City Council, and further subject to any and all reasonable conditions that may be imposed in accordance with Section 4a. of the City and Village Zoning Act, Public Act 207 of 1921, being MCL 125.581 - 125.590, as amended, and §§ 152.174 and 152.175.
(1997 Code, § 8072) Penalty, see § 152.999

§ 152.082 AREA AND BULK REQUIREMENTS.

Reference §§ 152.155 *et seq.* and Appendix K limiting the height and bulk of buildings, the minimum size of lot permitted by land use, the minimum density permitted, and providing minimum yard setback requirements.
(1997 Code, § 8073)

PUBLIC/SEMI-PUBLIC (P) DISTRICT

§ 152.095 STATEMENT OF PURPOSE.

The Public/Semi-Public District is to provide areas for the placement of public facilities to serve the cultural, educational, and recreational needs of

the community at large, as well as individual neighborhoods.

(1997 Code, § 8081)

§ 152.096 PRINCIPAL USES PERMITTED.

In the Public/Semi-Public District, no building or land shall be used, and no building shall be erected, except for 1 or more of the following specified purposes, and shall be permitted subject to the review and approval of the site plan by the Planning Commission:

(A) Government offices, in accordance with § 152.174;

(B) Utility and public service buildings, in accordance with § 152.174;

(C) State and federal government offices, in accordance with § 152.174;

(D) Accessory off-street parking, in accordance with the requirements of § 152.172;

(E) Publicly owned and operated libraries;

(F) Public, parochial, and other private schools, offering courses in general education and not operated for profit;

(G) Churches and other religious institutions, in accordance with § 152.174;

(H) Child care center, nursery schools, day nurseries, in accordance with § 152.174;

(I) Indoor public recreation facilities;

(J) Publicly owned and operated parks, parkways, and recreational facilities, in accordance with § 152.174. Natural open space such as greenways and wooded areas;

(K) Developed open space such as botanical gardens, memorials, and arboreta; and

(L) Outdoor recreation uses, such as playgrounds, playfields, parks, swimming pools, and ballfields, in accordance with §§ 152.174. (1997 Code, § 8082) Penalty, see § 152.999

§ 152.097 AREA AND BULK REQUIREMENTS.

Reference §§ 152.155 *et seq.* and Appendix K limiting the height and bulk of buildings, the minimum size of lot permitted by land use, the minimum density permitted, and providing minimum yard setback requirements. (1997 Code, § 8083)

***CENTRAL BUSINESS DISTRICT (CBD) AND
NEIGHBORHOOD COMMERCIAL (NC)
DISTRICT***

§ 152.110 STATEMENT OF PURPOSE.

(A) The Central Business District is intended to provide areas for the operation of business and retail establishments that principally serve the residents of the community.

(B) Further, due to the commercial development of property along central Main Street and the property constraints associated with this location, the character of business and retail establishments along Main Street should accommodate uses that require minimal off-street parking. (1997 Code, § 8101)

§ 152.111 PRINCIPAL USES PERMITTED.

In the Central Business District, no building or land shall be used, and no building shall be erected, except for 1 or more of the following specified purposes, and shall be permitted subject to the review and approval of the site plan by the Planning Commission:

(A) All uses permitted and regulated in the Neighborhood Commercial (NC) District;

(B) Antique stores, but not including those operations that involve the refinishing or

refurbishing of furniture;

(C) Residences that are secondary to a business use in a commercial area must meet the following requirements:

(1) A business that is open to the public a minimum of 20 hours per week and 20 weeks per year must be conducted at the property proposed to be used for residential purposes;

(2) The residence shall be the principal residence of the owner or the manager of the business located at the property proposed to be used for residential purposes;

(3) No renting or subletting of any residential premises shall be allowed;

(4) The residential use must be clearly secondary to the commercial use of the property;

(5) The residential use pursuant to special land use permit is not transferable, and any sale of the property or the business at the subject property, or any other transfer of ownership, shall require a new special use permit; and

(6) The size of the dwelling unit shall conform to §§ 152.155 *et seq.*

(D) Apparel stores;

(E) Art galleries, including those that provide exhibition space and retail sale of art work;

(F) Bakeries and confectionery establishments;

(G) Drug stores where the principal use of the business is the sale of prescription medicines and non-prescription medications;

(H) Standard restaurant;

(I) Florist and flower shops;

(J) Gift and greeting card shops;

(K) Household furnishing establishments including furniture and interior decorating stores;

(L) Ice cream parlors;

(M) Office supply stores;

(N) Printing businesses;

(O) Video and home electronic appliance stores including computer sales and service;

(P) Similar and related retail uses, as determined by the Planning Commission;

(Q) Automobile service stations, in accordance with § 152.174; and

(R) Off-street parking, in accordance with the requirements of § 152.172, and subject to review and approval by the City Council, and further subject to any and all reasonable conditions that may be imposed in accordance with Section 4a. of the City and Village Zoning Act, Public Act 207 of 1921, being MCL 125.581 - 125.590, as amended, and §§ 152.174 and 152.175.

(1997 Code, § 8102) Penalty, see § 152.999

§ 152.112 NEIGHBORHOOD COMMERCIAL (NC) DISTRICT.

(A) *Statement of Purpose.* The Neighborhood Commercial District is intended to provide sites for professional office structures and related uses, which will generally serve as zones of transition between nonresidential districts and lower density single-family districts, and do not generate large volumes of traffic congestion and parking.

(B) *Principal uses permitted.* In the Neighborhood Commercial District, no building or land shall be used, and no building shall be erected, except for 1 or more of the following specified purposes, and shall be permitted subject to the review and approval of the site plan by the Planning Commission:

(1) Professional offices for accountants, architects, attorneys, engineers, insurance brokers, real estate brokers, title and abstract firms, and other service professions;

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(2) Corporate offices of lending institutions, including banks, credit unions, savings and loan associations, and mortgage companies, in accordance with § 152.174;

(3) Medical and dental offices, non-emergency primary care medical facilities, and medical laboratories and diagnostic facilities, in accordance with § 152.174;

(4) Similar and related retail uses as determined by the Planning Commission; and

(5) Funeral homes, including living quarters for the owner, subject to review and approval by the City Council, and further subject to any and all reasonable conditions that may be imposed in accordance with Section 4a. of the City and Village Zoning Act, Public Act 207 of 1921, being MCL 125.581 - 125.590, as amended, and §§ 152.174 and 152.175.

(C) *Area and bulk requirements.* Reference §§ 152.155 *et seq.* and Appendix K limiting the height and bulk of buildings, the minimum size of lot permitted by land use, the minimum density permitted, and providing minimum yard setback requirements.
(1997 Code, § 8103) Penalty, see § 152.999

INDUSTRIAL (Ind) DISTRICT**§ 152.125 STATEMENT OF PURPOSE.**

(A) The Industrial (Ind) District is intended to primarily accommodate manufacturing, assembling, and fabrication operations, and the processing of agricultural-related products, whose external physical effects are restricted to the area of the district, and in no manner affect, in a detrimental way, any of the surrounding districts.

(1) The Ind District is so structured as to permit, along with any specified uses, the manufacturing, compounding, processing,

(D) The manufacture, compounding, processing, packaging, or treatment of articles or merchandise from previously prepared materials:

packaging, assembly, and/or treatment of finished or semi-finished products from previously prepared materials.

(2) It is further intended that the processing of agricultural-related products for shipment in bulk form, to be used in a processing operation at another location, be permitted.

(B) Among others, the general goals of this use district include: to protect abutting residential districts by separating them from manufacturing and processing activities, and by prohibiting the use of the industrial areas for residential development; and to promote manufacturing development that is free from danger of fire, explosions, toxic and noxious matter, radiation and other hazards, and from offensive noise, vibration, smoke, odor, and other objectionable influences. (1997 Code, § 8111)

§ 152.126 PRINCIPAL USES PERMITTED.

In the Industrial (Ind) District, no building or land shall be used, and no building shall be erected, except for 1 or more of the following specified purposes, and shall be permitted subject to the review and approval of the site plan by the Planning Commission:

(A) Any use whose principal function is basic research, design, and experimental product development, when conducted within a completely enclosed building;

(B) Warehousing and wholesale establishments;

(C) The manufacture, compounding, processing, packaging, or treatment of products, such as but not limited to: bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, agricultural bulk products, hardware and cutlery, tool, die, gauge, and machine shops;

canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, leather, paper, plastics, rubber, precious or semi-precious metals or stones, sheet metal,

textiles, wax, wire, wood, and yarns;

(E) The manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay, and kilns fired only by electricity or gas;

(F) Manufacture of musical instruments, toys, novelties, and metal, rubber or plastic stamps, or other molded rubber or plastic products;

(G) Manufacture or assembly of electrical appliances, electronic instruments and devices, radios, and stereo, and other audio visual equipment;

(H) Trade or industrial schools;

(I) Other uses of a character similar to, and no more objectionable than, the above uses;

(J) Accessory buildings and uses customarily incident to any of the above permitted uses;

(K) Metal plating, buffing, and polishing, subject to appropriate measures to control the type of process to prevent environmental contamination, noxious results and/or nuisances, and subject to review and approval by the City Council, and further subject to any and all reasonable conditions that may be imposed in accordance with Section 4a. of the City and Village Zoning Act, Public Act 207 of 1921, being MCL 125.581 - 125.590, as amended, and §§ 152.174 and 152.175;

(L) No industry or business that is dangerous, by reason of explosion or fire, shall be located within the City, and any vats, tanks, tank cars, or similar items for storage of combustible materials, dangerous poisons or obnoxious gasses shall not be constructed or contained within the City; and

(M) Electric and gas service buildings and yards, public utility buildings, telephone exchange buildings, electrical transformer stations and substations, gas regulator stations, and water and gas tank holders, subject to review and approval by the City Council, and further subject to any and all reasonable conditions that may be imposed in accordance with Section 4a. of the City and Village

Zoning Act, Public Act 207 of 1921, being MCL 125.581 - 125.590, as amended and §§ 152.174 and 152.175.

(1997 Code, § 8112) Penalty, see § 152.999

§ 152.127 AREA AND BULK REQUIREMENTS.

Reference §§ 152.155 *et seq.* and Appendix K limiting the height and bulk of buildings, the minimum size of lot permitted by land use, the minimum density permitted, and providing minimum yard setback requirements.

(1997 Code, § 8113)

VEHICULAR PARKING (VP) DISTRICT

§ 152.140 STATEMENT OF PURPOSE.

(A) The Vehicular Parking (VP) District is intended to permit the establishment of areas to be used for off-street vehicular parking of private passenger cars only, so as to benefit and serve office and commercial areas.

(B) This district is designed to afford maximum protection to adjacent residential areas by providing landscape setbacks, screening walls, and well-designed parking facilities.

(C) It is also intended that this district act as a transitional area between office and commercial areas and residential areas, thereby permitting private citizens as well as public agencies to provide needed off-street parking.

(1997 Code, § 8121)

§ 152.141 PERMITTED USES.

In all VP Districts, no land shall be used, and no building shall be thereafter erected, converted, or structurally altered, for any use other than vehicular parking.

(1997 Code, § 8122) Penalty, see § 152.999

§ 152.142 LIMITATION OF USE.

(A) Parking area shall be used for parking of private passenger vehicles. Storage of permitted vehicles is not permitted for periods of 24 hours or more.

(B) No business involving repairs or services to vehicles permitted thereon, or sale, display, or storage thereof, shall be conducted from the premises.

(1997 Code, § 8123) Penalty, see § 152.999

SCHEDULE OF REGULATIONS**§ 152.155 YARD AND BULK REQUIREMENTS.**

All lots, buildings, and structures shall comply with the schedule in Appendix K of general yard and bulk regulations, unless specifically stated otherwise in this chapter.

(1997 Code, § 8131)

§ 152.156 GENERAL REQUIREMENTS.

(A) *Minimum lot size.*

(1) Every building hereafter erected on a lot or parcel of land created subsequent to the effective date of this chapter shall comply with the lot size, lot coverage, and setback requirements for the district in which it is located.

(2) No yards in existence on the effective date of this chapter shall subsequently be reduced below, or further reduced if already less than, the minimum requirements of this chapter.

(B) *Number of principal uses per lot.* Only 1 principal building shall be placed on a lot of record in single-family residential districts.

(C) *Projections into required yards.* Outside stairways, fire escapes, fire towers, chimneys, platforms, balconies, boiler flues, and other projections shall be considered part of the building,

subject to the setback requirements for the district in which the building is located, and subject to the review and approval of the site plan by the Planning Commission. The following projections shall be permitted when located in the required yards as specified.

(1) *In all yards.*

(a) Awnings;

(b) Approved freestanding signs, upon issuance of a permit;

(c) Arbors and trellises;

(d) Flag poles;

(e) Window air conditioner units;

(f) Fences and walls;

(g) Bay windows, window sills, cornices, eaves, overhanging eaves, and other architectural features may project into the required side yard, front or rear yard not more than 24 inches; and

(h) Porches not enclosed with screens, storm windows, or other materials may not extend more than 8 feet into the front yard.

(2) *In rear yards.* Open paved terraces and open porches may occupy required rear yard, provided that the unoccupied portion of the rear yard furnishes a depth of not less than 20 feet. (1997 Code, § 8132)

§ 152.157 RESIDENTIAL MANUFACTURED HOUSING.

(A) Effective from the date of adoption of this chapter, the following guidelines shall apply to manufactured housing sites within the NR District.

(B) The siting of manufactured housing shall conform to the following standards.

Siting Elements	Standards
Minimum Horizontal Dimension	20 feet
Single Section Designed by Manufacturer to Accept "L" or "T" Addition	Permitted
Minimum Roof Pitch	3/12 or steeper
Roofing Material	Shingle or Shingle-Type
Exterior Walls	Traditional Site Built Appearance of Wood, Vinyl or Aluminum Siding or Brick
Treatment Below Unit	Frost Wall

(1997 Code, § 8133)

GENERAL REGULATIONS

§ 152.170 ACCESSORY USES.

(A) *Generally.* In residential districts, accessory buildings, except as otherwise permitted in other sections, shall be subject to the following regulations.

(B) *Regulations.*

(1) Where the accessory building is structurally attached to a main building, it shall be subject to and must conform to all regulations of this chapter applicable to main or principal buildings. An attached private garage shall be considered part of the main building and not an accessory building.

(2) Accessory buildings shall not be erected in any yard, except a rear yard, providing further that in no instance shall such a building be nearer than 3 feet to any side or rear lot line.

(3) An accessory building shall not exceed 1 story or 18 feet in height, and may not occupy more than 30% percent of a rear yard, plus 40% of any adjacent rear yard; provided that in no instance shall the accessory building exceed the ground floor area of the main building or 750 square feet, whichever is less.

(4) An accessory building shall be located behind the rear building line, and no closer than 10 feet to the principal building on the lot, except when structurally attached to the main building, and, except in multiple-family dwellings, parking area location in the form of covered bays may be permitted in the rear of the main buildings, if the location is approved by the Planning Commission.

(5) When an accessory building is located on a corner lot, the side lot of which is substantially a continuation of the front lot line of the lot to its rear, the building shall not project beyond the front yard line required on the lot in rear of the corner lot.

(6) In the case of double frontage lots, accessory buildings shall observe front yard requirements on both street frontages, whenever there are any principal buildings fronting on the streets in the same block, or adjacent blocks.
(1997 Code, § 8140.1) Penalty, see § 152.999

§ 152.171 NONCONFORMING USES.

(A) *Intent.*

(1) It is the intent of this chapter to permit legal nonconforming lots, structures, or uses to continue until they are removed.

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

(3) The uses are declared by this chapter to be incompatible with permitted uses in the districts involved.

(4) It is further the intent of this chapter that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

(5) A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after passage of this chapter by attachment on a building or premises of additional signs intended to be seen from off the premises, or by addition of other uses of a nature that would not be permitted generally in the district involved.

(6) To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction, or designed use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this chapter, and upon which actual building construction has been diligently carried on.

(7) **ACTUAL CONSTRUCTION** is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that, where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, the demolition or removal shall be deemed to be **ACTUAL CONSTRUCTION**; provided that work shall be diligently carried on until completion of the building involved.

(B) *Nonconforming lots.* See division (C) below.

(C) *Nonconforming uses of land.* Where, at the effective date of adoption or amendment of this chapter, lawful use of land exists that is made no longer permissible under the terms of this chapter, as enacted or amended, the use may be continued, so long as it remains otherwise lawful, subject to the following provisions and approval of the Planning Commission.

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

(2) No nonconforming use shall be moved, in whole or in part, to any other portion of the lot or parcel occupied by the use at the effective date of adoption or amendment of this chapter.

(3) If the nonconforming use of land ceases for any reason for a period of more than 30 days, any subsequent use of the land must conform to the regulations specified by this chapter for the district in which the land is located.

(D) *Nonconforming structures.* Where a lawful structure exists, at the effective date of adoption or amendment of this chapter, that could not be built under the terms of this chapter, by reason of restriction on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, the structure may be continued so long as it remains otherwise lawful, subject to the following provisions.

(1) No structure may be enlarged, or altered in a way that increases its nonconformity.

(2) Should the structure be destroyed, by any means, to an extent of more than 50% of its replacement cost, exclusive of the foundation, it shall be reconstructed only in conformity with the provisions of this chapter.

(3) Should the structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it has been moved.

(E) *Nonconforming uses of structures and land.* If a lawful use of a structure, or of structure and land in combination, exists at the effective date of adoption or amendment of this chapter, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions.

(1) No existing structure devoted to a use not permitted by this chapter in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered, except in changing the use of the structure to a use permitted in the district in which it is located.

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

(3) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which the structure is located, and the nonconforming use may not thereafter be resumed.

(4) If the nonconforming use of the combination of land and structure(s) ceases for a period of more than 6 months, any subsequent use of the land and structure combination shall conform to the regulations specified by this chapter for the district in which the land is located.

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

(F) *Repairs and maintenance.*

(1) On any building devoted, in whole or in part, to any nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair replacement of nonbearing walls, fixtures, wiring, or plumbing to an extent not exceeding 50% of the assessed value of the building; provided that the cubic content of the building, as it existed at the time of passage or amendment of this chapter, shall not be increased.

(2) Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building, or part thereof,

declared to be unsafe by an official charged with protecting the public safety, upon order of the official.

(G) *Uses under exception provisions not nonconforming uses.* Any use for which a special exception is permitted, as provided in this chapter, shall not be deemed a nonconforming use, but shall, without further action, be deemed a conforming use in the district.

(H) *Change of tenancy or ownership.* There may be a change of tenancy, ownership, or management of any existing nonconforming uses of land structures and premises, provided there is no change in the nature or character of the nonconforming uses, except in conformity with the provisions of this chapter.
(1997 Code, § 8140.2) Penalty, see § 152.999

§ 152.172 OFF-STREET PARKING REQUIREMENTS.

(A) *Generally.* In all districts, at the time of erection or enlargement of any main building or structure, there shall be provided automobile off-street parking spaces, with adequate access to all spaces. In conjunction with all land or building uses, the number of off-street parking spaces shall be provided, prior to the issuance of a certificate of occupancy, as hereinafter prescribed.

(B) *Specifically.*

(1) Off-street parking spaces may be located within a non-required side or rear yard, and within the rear yard setback, unless otherwise provided in this chapter. Off-street parking shall not be permitted within a front yard setback or a side yard setback, unless otherwise provided in division (B)(6) below.

(2) Outdoor parking of commercial vehicles in residential districts is restricted to 1 commercial vehicle of 1 of the following 2 types: a commercial vehicle pick-up truck, as defined in § 152.003; or a commercial vehicle passenger/cargo-style van, as defined in § 152.003.

(3) Parking for vehicles in the amount specified in this section shall be provided on the same parcel as the principal use, or on a separate parcel within 300 feet of the principal building on the same side of Main Street, if zoned for the same uses as allowed on the property of the principal use.

(4) If 2 or more buildings or land uses are under common ownership, or if the ownership is not common and the respective owners thereof have acquired recordable easements appurtenant for off-street parking, the buildings or uses may collectively provide the required off-street parking, in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.

(5) In the instance of dual function of off-street parking spaces, where operating hours of buildings do not overlap, the Zoning Board of Appeals may grant an exception.

(6) Residential off-street parking spaces shall consist of a parking bay, driveway, garage approach or garage, or combination thereof, and shall be located on the premises they are intended to serve, and constructed from asphalt, concrete, concrete pavers, or brick pavers.

(a) The parking spaces shall not be located in the front yard setback or required front yard, except on paved access drives or driveways having access to a public street or alley.

(b) If the premises has a garage or accessory building that is used to park or store motor vehicles, the driveway or access drive shall be located on the same side yard as the garage or accessory building, and shall be no wider than the width of the garage or accessory building.

(7) Any area once designated as required off-street parking shall never be changed to any other use unless, and until, equal facilities are provided elsewhere.

(8) Off-street parking existing at the effective date of this chapter, in connection with the operation of any existing building or use, shall not be reduced to an amount less than hereinafter required for a similar new building or new use.

(9) Commercial buildings within 300 feet of a municipal parking lot may reduce the amount of required off-street parking provided under this section, by subtracting from their total required off-street parking, 1 parking space for each 750 gross square feet of floor area. All other commercial buildings may reduce the amount of required off-street parking provided under this section, by subtracting from their total required off-street parking, 1 parking space for each 1,500 gross square feet of floor area.

(10) The storage of merchandise, motor vehicles for sale, trucks and recreational vehicles, or the repair of vehicles, in areas designated for parking, including the maneuvering lane, is prohibited.

(11) The parking of semi-truck trailers on the street in residential zoned districts is prohibited.

(12) For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use that the Planning Commission considers is similar in type.

(13) When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including $\frac{1}{2}$ shall be disregarded, and fractions over $\frac{1}{2}$ shall require 1 parking space. In instances where usable floor area is not known at the time of the site plan submittal, 80% of the total floor area shall be used for parking computations of usable floor area.

(14) For the purpose of computing the number of parking spaces required, the definition of "floor area, usable" shall govern.

(a) The minimum number of off-street parking spaces, by type of use, shall be determined in accordance with the following schedule; or in accordance with Planning

Commission requirements; or as determined to be adequate by the Planning Commission:

Off-street Parking Requirements	
Use	Required Parking Spaces
<i>Residential:</i>	
Convalescent homes	1 space per 6 beds
Multiple-family dwellings	2 spaces per dwelling unit
Single-family dwellings	2 spaces per dwelling unit
<i>Commercial:</i>	
Auto washes - self-serve	1 space per bay
Branch banks and similar financial institutions	1 space per 150 sq. ft. floor area
Barber, beauty shops	1 space per 100 sq. ft. floor area
Furniture, home furnishing/appliance stores	1 space per 600 sq. ft. floor area
<i>Automobile services (combined totals):</i>	
Gas	1 space per side of pump island
Repair service	2 spaces per stall
Retail service	1 space per 200 sq. ft. floor area
Collision service	1 space per 200 sq. ft. floor area
Mortuaries and funeral homes	10 space per chapel or parlor room
Restaurants (standard)	1 space per 100 sq. ft. floor area
Retail stores not listed elsewhere	1 space per 200 sq. ft. floor area

Storage and warehousing (not including outlets)	1 space per 2,000 sq. ft. floor area
<i>Adult entertainment facilities (combined totals):</i>	
Retail area, such as bookstore, video store, retail and novelty items	1 space per 100 sq. ft. floor area
Theater or performing area	1 space per 3 seats
<i>Office:</i>	
Business or professional	1 space per 250 sq. ft. floor area
Dental offices	1 space per 150 sq. ft. floor area
Physician and allied health office	1 space per 100 sq. ft. floor area
<i>Institutional:</i>	
Churches	1 space per 3 seats or 1 space per 6 feet of pew
<i>Manufacturing and Research:</i>	
Manufacturing, industrial, processing and research establishments used for general office	1 space per 1,500 sq. ft. floor area plus 1 space per 200 sq. ft. floor area
Business offices for commercial and industrial firms	1 space per 400 sq. ft. floor area
Other uses not listed	Parking requirements will be determined by the Planning Commission

(b) Minimum handicap parking spaces in accordance with the Americans with Disabilities Act (ADA) being 42 U.S.C. §§ 12101 et

seq., as amended.

(15) Off-street parking space and lot layout, standards, construction, and maintenance for all zoning districts. Whenever the off-street parking requirements in the above section require the building of an off-street parking facility, or the addition of parking spaces to an existing parking facility, the off-street parking lots shall be laid out, constructed, and maintained in accordance with the following standards and regulations.

(a) No parking lot shall be constructed unless and until a permit therefor is issued by the Zoning Inspector, after site plan approval. Applications for a permit shall be submitted to the Building Department, in the form as may be determined by the Zoning Administrator, and shall be accompanied by site plans for the development and construction of the parking lot, showing compliance with the provisions of this section.

(b) Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements.

A Angle of Parkin g	B (1) Stall Widt h	C Curb Lengt h per Stall	D (2) Stall Depth 90 Degree s to Wall	E (3) Aisle Widt h	F Wall to Wall Width
0 degree s	9 feet	18 feet	9 feet	12 feet	
45 degree s	9 feet	12 feet, 7 inches	19 feet, 5 inches	12 feet	51 feet
60 degree s	9 feet	10 feet, 4 inches	20 feet, 5 inches	16 feet	57 feet
75 degree s	9 feet	9 feet, 3 inches	20 feet	23 feet	63 feet
90 degree s	9 feet	9 feet	18 feet	26 feet	62 feet

NOTES TO TABLE:
 (1) - Stall width shall be increased by 1 foot for those

spaces that are adjacent to a fence, wall or enclosure. Handicapped spaces shall be consistent with ADA Standards.
 (2) - Stalls that allow for vehicle overhang (next to curbs) can be reduced in depth by 2 feet.
 (3) - In lots that are designed for both regular and small cars, the regular size aisle width shall be used.

(c) All spaces shall provide adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.

(d) Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles. Ingress and egress to a parking lot lying in an area zoned for other than single-family residential use shall not be across land zoned for single-family residential use.

(e) All maneuvering lane widths shall permit 1-way traffic movement, except that the 90-degree pattern may permit 2-way movement.

(f) Each entrance and exit to and from any off-street parking lot located in an area zoned for other than single-family residential use shall be at least 25 feet distance from adjacent property and any single-family residential district.

1. Illustration - stall and aisle standards (see Appendix L).

2. Whenever a parking area is located in a block that is adjacent to Main Street, the accessways shall be located as follows:

a. Through the principal user's property, where the same fronts onto Main Street; and

b. By means of a side street or alley where 50% or more of the abutting uses are nonresidential in nature. **NONRESIDENTIAL USES** shall be defined as parking lots, public buildings or property, commercial and industrial zoned property.

(g) Off-street parking lots shall provide screening in the following manner.

1. *Rear yards.* A screening wall shall be 6 feet in height. If the rear yard is across an alley from residential zoned or occupied property, the screening wall shall be located on the residential side of the alley within the public right-of-way. Where a rear yard screening wall extends into an adjoining front yard setback, the screening wall shall be reduced to 36 inches in height above top of paving.

2. *Side yards.* Any portion of the parking facility that abuts a side street shall be screened by a screen wall 4 feet in height above top of paving. All land between the wall and the side yard property line or street right-of-way shall be kept free from refuse and debris, and shall be landscaped in conformity with this chapter.

3. *Front yards.* Any portion of the parking facility that abuts the front yard shall be screened by a screen wall 36 inches in height above top of paving. All land between the wall and the front property line or street right-of-way shall be kept free from refuse and debris and shall be landscaped in conformity with this chapter. All screening walls shall be maintained by the owner of record.

(h) The entire parking area, including parking spaces and maneuvering lanes, required under this section, shall be provided with asphalt or concrete surfacing, in accordance with specifications approved by the City Engineer. Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or toward buildings.

(i) All lighting used to illuminate any off-street parking area shall be so installed as to be confined within, and directed onto, the parking area only.

(j) In all cases where a wall extends to an alley that is a means of ingress and egress to an off-street parking area, it shall be permissible to end the wall not more than 10 feet from the alley line, in order to permit a wider means of access to the parking area.

(k) Upon application by the property owner of the off-street parking area, the Planning Commission may modify the yard or wall requirements where, in unusual circumstances, no good purpose would be served by compliance with the requirements in this section.

(l) All parking spaces shall be striped with paint, and the striping shall be at least 4 inches in width. The striping shall be maintained at all times by the owner of record.

(m) Where 1-way drives for access abut buildings, the minimum width shall be 20 feet.

(n) No signs shall be erected on the paved parking area, except for 1 directional sign at each point of ingress and egress, which may also bear some designation of the purpose of the lot. The signs shall not exceed 2 square feet in area. Within the lot, certain regulatory signs, not exceeding 4 square feet, may be placed; provided that they are placed inconspicuously at low levels inside parking areas, and on or adjacent to the required screening. All signs shall conform to minimum standards pursuant to the current revised Michigan Manual Of Uniform Traffic Control Devices.

(o) Off-street parking areas shall be landscaped pursuant to § 152.183.

(16) Any boat, trailer, and recreational vehicle may be parked on any residential street or within a residentially zoned district. However, the vehicle shall be parked in a manner so as not to obstruct vision or impede vehicular or pedestrian traffic.
(1997 Code, § 8140.3) Penalty, see § 152.999

§ 152.173 SIGNS.

(A) *Findings and purposes.*

(1) It is hereby determined that proliferation of signs in the City is unduly distracting to motorists and pedestrians, creates a traffic hazard, and reduces the effectiveness of signs needed to direct and warn the public.

(2) It is also determined that the appearance of the City is marred by proliferation of signs.

(3) It is also determined that proliferation of signs restricts light and air.

(4) It is also determined that the proliferation of signs negatively affects property values.

(5) It is also determined that proliferation of signs results in an inappropriate use of land.

(6) In order to reduce the aforementioned negative effects, the purpose of this chapter is to control the occurrence and size of signs.

(7) It is also determined that the regulations contained in this chapter are the minimum amount of regulation necessary to achieve its purposes.

(8) It is also determined that the restrictions in this chapter on the size of signs, their height and placement on real estate, are the minimum amount necessary to achieve its purpose.

(9) The purpose of this chapter is to permit the signs as will advance these findings and purposes and will not, by reason of their size, location, construction, or manner of display, endanger life or limb, confuse or mislead traffic, obstruct vision necessary for traffic safety, or otherwise endanger the public morals, health or safety; and, further, to regulate the permitted signs in such a way as to create land use patterns compatible with other major land use objectives; to promote and preserve the aesthetic character of the City; and to prevent the signs from causing

annoyance or disturbance to the citizens and residents of the City.

(B) *Regulations.*

(1) *Sign removal for failure to obtain permit.*

(a) It shall be unlawful for any person to erect, alter, relocate, reassemble, or post any sign governed by the provisions of this section within the City, without first having obtained a permit therefor from the City, and making payment of any fee required.

(b) Failure to obtain a permit under this section or to pay a required fee shall be subject to a municipal infraction.

(2) *Exceptions.*

(a) A permit will not be required for a sign to be placed or repaired on a vacant lot or building advertising the sale or renting of the lot or building; provided the sign does not exceed 6 square feet in area on any 1 lot or building, nor violate City zoning regulations.

(b) A permit will not be required of a school, civic, or charitable organization erecting a temporary sign. However, prior approval must be obtained from the Zoning Administrator, who will deem the organization a school, civic, or charitable organization.

(3) *Application; insurance; use change.*

(a) *Application.* An application for a permit under this section shall be made on a form provided by the City, and shall contain, or have attached thereto, the following information:

1. Name, address, and telephone number of the applicant;

2. A brief description of the type of proposed sign;

3. Location of building, structure, or lot to which the sign is to be attached or erected;

4. Name and address of the person, firm, corporation, or association erecting or attaching the sign;

5. Written consent of the owner of the property on which any sign is to be located; and

6. A drawing or sketch of the proposed sign, indicating specific dimensions, plans, and specifications of the material to be used in its construction, as well as the method of construction and attachment.

a. If the sign is to be electrically illuminated, name, address, and electrician’s license number of the electrician who is to connect the wiring to the supply line, an approved Underwriters’ Laboratory label number for the sign, and the electrical permit number.

b. If the sign is to be constructed with or attached by plastic material, the manufacturer’s trade name and the common name of the plastic material, and a certification either that it is noncombustible or has been tested by a recognized testing laboratory and rated as an “approved noncombustible plastic.”

(b) *Insurance.*

1. *Insurance certificates.*

a. Before a permit is issued for the erection of a sign, the sign erector shall submit for filing with the City Clerk a certificate of insurance, with a hold harmless agreement made out to the City for public liability and property damage, in the amounts set forth by the City Council from time to time for damage to any person or property, due to actions of himself or herself or any of his or her agents or employees.

b. The certificate shall be reviewed and approved by the Zoning Administrator before the issuance of a permit.

2. *Lapsing of insurance.* If at

any time, the insurance of any sign erector is permitted to lapse, the permit shall automatically be revoked.

3. *Notification of change.* A sign erector shall notify the City of any change in address and, if a firm or corporation, any change in ownership or management, if other than that indicated on the insurance certificates.

(c) *Use change.*

1. Any sign that has been erected for a particular purpose shall not have its use changed, without first making a new application and having a permit issued therefor, pursuant to the provisions of this section.

2. The provisions of this section shall not apply to the ordinary servicing or repainting of existing signs, altering of sign messages, cleaning of a sign, nor to the changing of advertising on a sign specifically designed for periodic change of message, without change in sign structure, such as a bulletin board or similar type sign.

(d) *Approval; issuance.*

1. The application for a permit under this section, together with all plans and specifications in connection therewith, shall be approved by the Zoning Administrator.

2. The approval shall not be given unless and until the application shall comply with all of the provisions of this section.

3. If the application complies with this section, a permit to erect, alter, relocate, reassemble, or post the sign shall be issued for a period not to exceed 90 days.

(e) *Sign to bear permit number.*

1. Every sign permit shall bear a number, which shall be inscribed upon a suitable metal tag and fastened to the sign in a conspicuous location.

2. The sign hanger shall have a valid permit in his or her possession at the time the sign is being placed or erected.

(f) *General prohibitions.*

1. Any sign not expressly permitted herein is prohibited.

2. It shall be unlawful for any sign in any district to be attached to a door, window casing, or tree, or for any sign to obstruct any fire escape or building entrance, passageway or window, or to be located a distance the horizontal projection of which is less than 10 feet from any fire hydrant, traffic light, or on any pole or column on public property, or to be erected in any location where, by reason of traffic conditions, fire, or other hazard, it would imperil public safety or interfere with the duties of the police or fire departments. Signs shall not be attached to any utility pole or be located within any public right-of-way.

3. All signs shall be securely and adequately fastened and anchored. Single-strand wires, wood plugs, or other structurally unsafe materials are prohibited in the erection or maintenance of any sign.

4. It shall be unlawful to own, possess, or construct an accessory sign, unless the sign shall be designed and constructed to withstand a wind pressure of not less than 40 pounds per square foot of area; and shall be constructed to receive loads as required in the building code or other City ordinances.

(g) *Permitted accessory signs.* The following types of signs, illuminated or non-illuminated, are permitted in the following districts.

1. *Billboards.* Permitted in Ind District, with a minimum setback of 100 feet of any sidewalk or public highway, and a minimum distance of 150 feet of any residential or business building, and at a minimum distance from adjoining property of no less than twice the height of the billboard; and at a maximum distance from the ground to the highest point of the sign of no more

than 25 feet. The above notwithstanding, billboards are permitted in the Ind District, if they are roof signs and otherwise comply with the provisions regarding roof signs.

2. *Freestanding signs.*

Permitted in CBD, NC, and Ind Districts, with no more than 1 sign per business frontage (where a business is located on a corner lot, or has direct access to 2 or more streets, or a street or alley, all regulations shall apply to each of the frontages) up to 300 feet, and 2 signs for frontage between 300 and 600 feet, and 3 signs for frontages in excess of 700 feet, except that no freestanding sign is permitted if a projecting or roof sign exists on the same frontage.

a. Maximum area of sign - 50 square feet;

b. Maximum height of sign - 25 feet minimum setback line, and 1 foot per each foot additional setback, up to 35 feet maximum, except that in no event shall the sign be taller than 2 feet above the roof line of the building; and

c. Location of sign - signs shall not extend over the public right-of way, and shall conform to the setback requirements for structures in the applicable districts.

3. *Projecting signs.* Permitted in NC and Ind Districts, with a maximum of 1 per eligible advertiser, except that no accessory projecting sign is permitted if an accessory freestanding or roof sign exists on the same frontage, nor is an accessory projecting sign allowed by an upper level business. Projecting signs shall be limited in area as follows.

a. Vertical or horizontal projecting sign may not project above the roof line of the building, and may be a maximum of 40 square feet per side;

b. Maximum height and projection - 9 feet minimum clearance above ground. No sign shall extend above that portion of the roof immediately adjacent to the sign. No sign shall project more than 5 feet from the face of the

building to which it is attached;

c. Location of sign - not to extend over any public right-of-way; and

d. Maximum weight and required means of attachments - projecting signs exceeding 10 square feet in area or 50 pounds in weight shall not be attached to, nor supported by, frame buildings or the wooden framework of a building. The signs shall: be attached to masonry walls, with galvanized expansion bolts of an appropriate diameter; be fixed in the wall by means of bolts extending through the wall; contain proper size metal washer or plate on the inside wall; and comply otherwise herewith. No projecting sign shall be secured with wire, strips of wood or nails, nor shall any projecting sign be hung or secured to any other sign.

4. *Roof signs.* Permitted in Ind District, subject to the following.

a. No roof sign shall be constructed nearer any edge of the roof of the building on which it is located than a distance equal to the distance between the roof of the building and the top of the sign.

b. Every roof sign shall be thoroughly secured to the building by iron or other metal anchors, bolts, supports, rods or braces. When erected upon buildings that are not constructed entirely of fireproof material, the bearing plates of the sign shall bear directly upon load-bearing walls. No roof sign shall be supported or anchored to the framework of a building.

c. The square feet area of any side of a roof sign shall not exceed 25% of the square foot area of the roof upon which it is located, or the wall from which it is hung or attached, nor shall it be more than 200 square feet.

d. No roof signs shall be placed on the roof of any building or structure in the manner as to prevent free passage from 1 part of the roof to any other part thereof, or interfere with openings in the roof, and shall otherwise

comply herewith.

e. All roof signs and any supporting structures shall be designated and constructed to withstand a wind pressure of not less than 40 pounds per square foot of area; and shall be constructed to receive dead loads, as required in the building code or other City ordinance.

5. *Wall signs.* Permitted in CBD, NC, and Ind Districts, with no maximum number.

a. Maximum area of sign - 15% of building facade area upon which the sign is placed, not to exceed a maximum area of 200 square feet (maximum area of signs to include the sum of the building facade area of all wall signs per frontage); and

b. Maximum height and location - signs shall not extend beyond the top or ends of the wall surface on which they are placed, nor shall they project more than 12 inches from the building facade.

(h) *Signs permitted in all districts.* Signs specified in this section are permitted in addition to those permitted in the respective use districts, but are subject to the conditions and limitations set forth herein. Permits are unnecessary unless required by the particular division.

1. *House or building address signs.* Any sign that sets forth the house or building address, provided that the individual characters of the signs do not exceed 18 inches in height.

2. *Integral signs.* Names of buildings, dates of construction, commemorative tablets and the like, when carved into stone, concrete or similar material, or made of bronzes, aluminum or other permanent type of construction, and made an integral part of the building or structure.

3. *Public signs.* Signs of a public, noncommercial nature, to include safety signs, danger signs, trespassing signs, traffic signs, signs indicating scenic or historical points of interest, memorial plaques, and the like, and all signs erected by or on order of a public officer in the performance of a public duty.

4. *Institutional bulletin boards.* One per eligible advertiser, but no such sign shall exceed a height of 6 feet, nor an area of 24 square feet. A permit is required.

5. *Private traffic direction signs and related signs.*

a. Signs directing traffic movements onto a premises or within a premises, when the signs are located on the premises, shall conform in size and location to the Michigan Manual of Uniform Traffic Control Devices.

b. The signs are considered to include parking directions, exit or entrance signs, drive-up window signs, restroom signs and the like.

c. Horizontal directional signs on, and flush with, paved areas shall also conform to the standards of the Michigan Manual of Uniform Traffic Control Devices.

6. *Community event signs.* Signs advertising community events or public entertainment, subject to the following conditions.

a. If located on public property, the signs shall not exceed 32 square feet in area. Placement and location must be approved by the Zoning Administrator. Any such sign must be removed within 7 days after the event is over.

b. Banners over public streets must be approved by the City Council, and must be removed within 10 days after the event is over. Banners may only display events sponsored by the City and other nonprofit agencies and events.

c. Banners attached to street light poles shall be approved by the Zoning

Administrator and must be removed within 1 month after the event is over and shall be allowed only in CBD and NC Districts. If the City has a banner system that includes brackets; the banners attached to the light poles must fit on the brackets provided. Banners may only display events sponsored by the City and other nonprofit agencies and events.

7. *Time and temperature signs.*

No such sign shall exceed the height of the building to which it is accessory, nor an area of 40 square feet. A permit is required.

8. *Political signs.*

a. Signs or posters announcing the candidates seeking public political office and/or political issues, and data pertinent thereto, must be removed within 10 days after the election is over.

b. Political signs are not permitted on state highway rights-of-way or on government-owned property.

c. A permit will not be required for a political sign.

9. *Underground public utility warning signs.* Standard types of warning signs marking the routes of underground public utility pipes, conduits, and cables.

10. *Signs painted on or attached to vehicles.* Vehicles that are licensed and normally used upon the highways for transportation of persons, goods, or equipment, but no person shall cause or allow any vehicle to be parked on a public thoroughfare, street, or highway, or on private property for the principal purpose of advertising any business or activity being conducted upon nearby private property, by means of a sign or signs painted upon, supported, or attached to the vehicle.

11. *Individual property sale or rental signs.* Any accessory sign announcing the name of the owner, manager, realtor, or other person directly involved in the sale or rental of the property, or announcing the purpose for which it is

being offered.

a. Signs may be freestanding or wall-mounted only. Signs may not emit direct illumination. Signs must be removed within 7 days after the rental of the property or the closing of the sale.

b. Signs shall conform to the following standards. Maximum number: 1 sign per eligible advertiser. Maximum area of sign: 6 square feet for NR, ES, SFAR and MFR Districts; 20 square feet for CBD and NC Districts; 40 square feet for Ind District. Maximum height of sign: 5 feet in NR, ES, SFAR and MFR Districts; 10 feet in CBD and NC Districts; 25 feet in Ind District. Location of sign: in all districts, 10 feet minimum setback from curblin, but wholly upon the premises.

12. *Construction signs.* Any sign announcing the names of architects, engineers, contractors, or other individuals or firms involved with the construction, alteration, or repair of a building (but not including any advertisement of any product); or announcing the character of the building enterprise or the purpose for which the building is intended; or to indicate the presence of underground public utility structures, to avoid damage to structures by excavation.

a. The signs shall be confined to the site of the construction, alteration, or repair, and shall be removed within 7 days after completion of work.

b. Signs shall conform with the standards provided for individual property sale or rental signs.

(i) *Prohibited signs.* The following signs shall not be permitted, erected, or maintained in any district, notwithstanding any other provision of this chapter.

1. Signs that incorporate in any manner any flashing or moving incandescent lights.

2. Banners, pennants, spinners, and streamers, except as permitted in the division above.

3. String lights used in connection with commercial premises for commercial purposes, other than holiday decorations.

4. Any sign that has any visible moving parts, visible revolving parts or visible mechanical movements or any description, or other apparent visible movement achieved by electrical, electronic, or mechanical means, including intermittent electrical pulsations, or by action of normal wind currents, but automatic time and temperature signs, with a cycle time of not less than 5 seconds are permissible.

5. Any sign or sign structure which:

a. Is structurally unsafe;

b. Any sign or sign structure that constitutes a hazard to safety or health, by reason of inadequate maintenance, dilapidation, or abandonment;

c. Any sign that, by reason of its size, location, content, coloring, or manner of illumination, constitutes a traffic hazard or is a detriment to traffic safety, by obstructing the vision of drivers, or by obstructing or detracting from the visibility of any traffic sign or control device on public streets and roads;

d. Any sign that obstructs free ingress to or egress from a required door, window, fire escape, or other required exit way;

e. Signs that make use of words such as "Stop," "Look," "Danger," or any characters or shapes generally used as public safety symbols, or other words, phrases, symbols, or characters in such a manner as to interfere with, mislead, or confuse traffic;

f. Any sign unlawfully installed, erected, or maintained;

g. Any sign, now or hereafter existing, that no longer advertises a bona fide business conducted, or a product sold on the

premises, unless the sign is in CBD, NC, or Ind Districts;

h. Portable signs;

i. Any sign painted upon the wall of a building; and/or

j. Any sign containing specified anatomical areas or specified sexual activities.

(j) *Miscellaneous requirements.*

1. *Hours of illumination.*

Illumination of all outdoor lighted advertising signs shall be terminated and discontinued each night, between the hours of 11:00 p.m. and 6:00 a.m., unless the place of business where the signs are located is open during the hours for business, and the signs are adequately shielded against all premises used or zoned for residential purposes.

2. *Periodic painting.*

The owner of any sign regulated by this section shall be required to have the sign properly painted at least once every 2 years, and all parts and supports of the sign, unless the same are galvanized or otherwise treated to prevent rust, or constructed of a material that, by its nature, shows no deterioration.

3. *Dangerous or unsafe signs prohibited.* No sign shall be maintained or permitted in the City that the Zoning Inspector determines is dangerous or unsafe.

(k) *Nonconforming signs.*

1. *Intent.*

a. It is the legislative intent to recognize that the eventual elimination of existing signs that are not in conformity with the provisions of this section is a valid objective of the police power.

b. However, it is also the legislative intent that the elimination of nonconforming signs shall be brought about over a period of time, and in such a manner as to avoid the invasion of vested rights of owners of

nonconforming signs and the infliction of unnecessary hardship.

c. The provisions of this section shall be construed to that end.

2. *Maintenance of non-conforming signs.* Signs rendered nonconforming by the provisions of this section shall be maintained in a condition of good repair, until removed pursuant to the provisions of this section. However, no nonconforming sign shall:

a. Be changed to another nonconforming sign;

b. Have any changes made in the words or symbols it uses or the message it displays, unless the sign is a changeable copy panel, bulletin board sign, or substantially similar type of sign specifically designed for periodic change of sign message;

c. Be structurally altered so as to prolong its life, or changed in shape, size, type, or design;

d. Continue to be used or allowed to remain in place after the activity, business, or usage to which it relates has been discontinued for 60 days or longer; and/or

e. Be re-established after its removal, or repaired or replaced after damage or destruction, if the expenses of repair exceeds 50% of the cost of replacement.

(1997 Code, § 8140.4) Penalty, see § 152.999

§ 152.174 SITE DEVELOPMENT REQUIREMENTS.

(A) *Generally.* Those permitted uses, and uses permitted by special condition enumerated in any zoning district, if included below, shall be subject to all the conditions and requirements of this section.

(B) *Automobile service stations.*

(1) Minimum lot area shall be 15,000 square feet for an automobile service station, repair garage, or maintenance garage, such as oil change and engine tune-up businesses; 20,000 square feet for a gasoline/convenience store facility; and 30,000 square feet for a gasoline/convenience facility with a car wash operation.

(2) Minimum lot width shall be not less than 120 feet.

(3) An automobile service station building shall be located not less than 40 feet from any right-of-way-line, and not less than 25 feet from any side or rear lot line abutting a residentially zoned property or alley.

(4) Ingress and egress drives shall not be more than 30 feet in width.

(5) No more than 1 curb opening shall be permitted for every 50 feet of frontage (or major fraction thereof) along any street.

(6) No drive or curb opening shall be located nearer than 25 feet to any intersection or adjacent residential property line. No drive shall be located nearer than 30 feet, as measured along the property line, to any other drive on the premises. Curb cuts shall not be permitted where, in the opinion of the Planning Commission, it may produce a safety hazard to adjacent pedestrian or vehicular traffic.

(7) A raised curb of 6 inches in height shall be constructed along all street frontages at the right-of-way line, except for drive openings, in the areas where public roadways meet the same standard.

(8) The entire lot, excluding the area occupied by a building, shall be hard-surfaced with concrete or a plant-mixed bituminous material, except for desirable landscaped areas, which shall be separated from all paved areas by a low barrier or curb.

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

(10) When adjoining residentially zoned property or across an alley from residential property, a 6-foot-high screening wall shall be erected and maintained along the connecting interior lot line, or, if separated by an alley, then along the residential side of alley lot line, if consistent with adjacent commercial screening walls. All screening walls shall be protected by a fixed curb or similar barrier to prevent contact by vehicles. The walls may be eliminated or gradually stepped down in height, within 25 feet of any right-of-way line, subject to approval by the Planning Commission.

(11) All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by a 6-foot-high screening wall, and shall comply with requirements for location of accessory buildings. Outside storage or parking of disabled, wrecked, or partially dismantled vehicles shall not be permitted for a period exceeding 5 days. Any stored items may not be stacked higher than the perimeter screen fence.

(12) The sale of new or used cars, trucks, trailers, and other vehicles on the premises is expressly prohibited.

(13) All exterior lighting, including signs, shall be erected and hooded so as to shield the glare of the lights from view by adjacent properties.

(14) Only 1 free-standing sign shall be permitted, not exceeding 150 square feet in area per business.

(15) On a corner lot, both street frontage sides shall be subject to all the applicable front yard provisions of this chapter.

(C) *Child care center, nursery schools, day*

nurseries.

(1) Nursery schools and day nurseries

(2) For each child cared for, there shall be provided, equipped, and maintained, on the premises, a minimum of 150 square feet of usable outdoor play area (minimum total area of 5,000 square feet per facility).

(3) The outdoor play area shall be suitably fenced and screened by a heavily-planted greenbelt from any abutting residential uses.

(D) *Corporate, business, and professional offices.*

(1) New buildings shall be situated on the site to minimize their impact on adjoining residential property. Factors that determine an impact include, but are not limited to, building height, type, and appearance of exterior building materials, location and placement of off-street parking lots, screening and landscaping, access, and hours of operation.

(2) Hours of operation shall be limited to 7:30 a.m. to 9:00 p.m., unless an extension of hours is approved by the Zoning Board of Appeals.

(3) When adjoining residentially zoned property or across an alley from residential property, a 6-foot-high screening wall shall be erected and maintained along the connecting interior lot line, or, if separated by an alley, then along the residential side of alley lot line. All screening walls shall be protected by a fixed curb or similar barrier to prevent contact by vehicles. The walls may be eliminated or gradually stepped down in height within 25 feet of any right-of-way line, subject to approval by the Planning Commission.

(4) All exterior lighting, including signs, shall be erected and hooded so as to shield the glare of the lights from view by adjacent properties.

(E) *Churches.*

(1) Minimum lot width shall be 150 feet.

(2) Minimum lot area shall be 1 acre.

for children of preschool age shall provide a lot area of not less than 700 square feet for each child enrolled therein.

(3) Off-street parking shall be prohibited within the front and side yard setback areas, as required in §§ 152.155 *et seq.*, and within 15 feet of the rear property line.

(F) *Congregate housing for the elderly.* Not to exceed a height of 2 stories, when the following conditions are met.

(1) All housing for the elderly shall be provided as a planned development consisting of at least 1 acre, and may provide for the following:

(a) Cottage-type dwellings and/or apartment-type dwelling units; and/or

(b) Common services, containing, but not limited to, central dining rooms, recreational rooms, central lounges, and workshops.

(2) All dwellings shall consist of at least 350 square feet per unit (not including kitchen and sanitary facilities).

(3) The maximum extent of development shall not exceed 15 dwelling units per acre.

(4) Total coverage of all buildings (including dwelling units and related service buildings) shall not exceed 30% of the total site, exclusive of any dedicated public right-of-way.

(G) *Home occupations.* An accessory use of a dwelling unit for gainful employment that meets the following standards.

(1) The use is clearly incidental and subordinate to the use of the dwelling unit as a residence, and not more than 25% of the floor area of the dwelling unit shall be used in the conduct of the home occupation.

(a) Examples of home occupations are: tailoring, sculpturing, writing, telephone answering, lapidary work, and computer programming.

(b) Examples of those occupations not permitted are: beauty parlors, repair shops, nursery schools, dancing studios, kennels, or private clubs.

(2) The use is carried on solely within the main dwelling unit, and does not alter or change the exterior character or appearance of the dwelling.

(3) The use is located in a residential district.

(4) The use does not generate traffic, parking, or utility usage in excess of what is normal for the residential neighborhood, and does not result in the outside storage or display of any product.

(5) No home occupations shall be conducted in any accessory building.

(H) *Medical and dental offices.*

(1) Primary medical care shall include family practice, obstetrical care, and internal medicine. Emergency care services shall be prohibited.

(2) Laboratories and diagnostic facilities may include non-invasive diagnostic procedures, except magnetic image resonance procedures.

(I) *Multiple-family dwellings (MFR and HDSFR).*

(1) The entire area of the site shall be treated to service the residents of the multiple-dwelling units located thereon.

(a) Any accessory buildings, uses, or services shall be developed solely for the use of residents of the main buildings.

(b) Uses considered herein as accessory uses include: swimming pools, cabanas, parking, recreation areas, off-street parking areas, and other similar uses.

(2) The site plan shall be so planned as

to recognize yard and general development relationships with adjacent land uses. The Planning Commission may require physical features be provided that will insure harmony in these relationships.

(3) The site plan shall be so planned as to provide ingress and egress directly onto a major or secondary thoroughfare, except when the Planning Commission finds, upon review of the site plan, that ingress and egress directly onto an adjacent minor street will not be detrimental to the harmonious development of adjacent properties.

(4) Access drives, parking areas, and maneuvering lanes shall be so located to minimize their conflict with buildings and outdoor living areas, so as to encourage pedestrian and vehicular safety and convenience. The following requirements shall be considered by the Planning Commission in reviewing the site plan.

(a) Drives, maneuvering lanes, and open parking spaces shall be a distance of at least 15 feet from any residential building wall, or portion thereof, with a window and/or door penetration at the ground floor level.

(b) The required parking spaces shall be well related to the building they are intended to serve, and meet the requirements of § 152.172.

(c) The Planning Commission shall review the floor plans of each building, to ensure convenient pedestrian flow between dwelling units, parking areas, and outdoor living areas.

(J) *Open-air business.*

(1) In the case of sales of cut trees intended to be displayed during the Christmas season, a temporary permit shall be obtained from City Hall, which shall require that:

(a) All Christmas trees, as well as any poles, lights, wires, or other items incidental to this use, shall be removed from the premises by December 31;

(b) No trees shall be stored or displayed nearer the street than the front property

(c) Off-street parking shall be provided in accordance with the regulations for open-air business uses.

(2) The Zoning Administrator shall require a performance bond or other surety in an amount not to exceed the cost of removing all articles covered under the temporary permit. The performance bond will be given to City prior to the issuance of the temporary permit.

(K) *Open storage facilities.*

(1) That portion of the land used as open storage facilities for materials or equipment used in the manufacturing, compounding or processing shall be totally obscured by a wall, on those sides abutting residential districts, and on any front yard abutting a public thoroughfare.

(2) In CBD and NC Districts, the extent of such a wall may be determined by the Planning Commission on the basis of usage.

(3) The wall shall not be less than 6 feet in height and may, depending upon land usage, be required to be 8 feet in height, and shall be subject further to the requirements of §§ 152.170 *et seq.*

(L) *Swimming pools.* Private pools, above or below grade, shall be permitted as an accessory use within the rear yard only, provided they meet the following requirements.

(1) There shall be a distance of not less than 6 feet between the adjoining property line and the outside of the pool wall.

(2) There shall be a distance of not less than 6 feet between the outside pool wall and side and/or rear lot line and any accessory building.

(3) No swimming pool shall be located in the front yard area.

(4) There shall be a horizontal distance of not less than 10 feet from any overhead lines.

line: and

(5) Swimming pools, as with any other accessory structures, shall be located at least 3 feet away from any easement.

(6) The swimming pool area or yard in which the swimming pool is located shall be enclosed by a fence with a minimum height of 4 feet. The fence shall contain a gate that can be locked, and the fence and gate shall be constructed in such a manner to prevent the accessibility to the swimming or wading pool by any child or person climbing through or under the fence or gate.

(7) Swimming pools are also subject to the following terms and conditions.

(a) It shall be the job of the City Manager or appointee to inspect the fence and gate prior to the issuance of any pool permit or license for hereunder, and determine whether or not the fence and gate comply with the provisions of this chapter.

(b) The City Manager shall inspect any pond within the City. If the City Manager determines that the grade slope of the pond at the grade's edge with the deeper portion of the pond is of such a slope as not to constitute a hidden hazard of a youngster stepping into the pond and stepping in over his or her head, then it shall not be necessary for the pond to be fenced under the provisions of this chapter.

(c) **ABOVE GROUND SWIMMING POOLS**, being pools constructed in retainers or frames and set above the ground, and the top of which pool or frame is 3 feet or more, and the entry to the pool cannot be gained without the use of a portable ladder, need not be fenced as herein above set forth; provided the portable ladder for the entry thereto is removed when the pool shall be left unattended by the owner of the pool or responsible person.

(d) A swimming or wading pool may be deemed a public nuisance, and as such the City may order it filled, taken down or removed in the same manner as buildings or structures

deemed a public nuisance.

(M) *Publicly owned and operated parks.* Publicly owned and operated parks, parkways, and recreation facilities shall be developed in accordance with the City’s recreation plan.

(N) *Government offices.*

(1) Occupancy shall be limited to governmental offices.

(2) Governmental uses that require overnight parking, generate service deliveries by semi-trucks, or provide emergency services are prohibited.

(O) *Utility and public service buildings.*

(1) Storage yards not permitted.

(2) All buildings shall be compatible in appearance and design with the development of the area, and with the zoning classifications in which they are located, and shall not be physically larger than other buildings in the areas.
(1997 Code, § 8140.5) Penalty, see § 152.999

§ 152.175 SITE PLAN REVIEW.

(A) *Generally.*

(1) Site plan review and approval of all development proposals listed below is required by the provisions of this section.

(2) The intent of this section is to provide for consultation and cooperation between the developer and the City, so that both parties might realize maximum utilization of land and minimum adverse effects upon the surrounding land uses consistent with the requirements and purposes of this chapter.

(B) *Site plan review in use districts required.* A site plan shall be submitted to the Planning Commission for approval of any use in zoned districts, and shall be required in the following situations.

(1) Any use or development for which

the submission of a site plan is required by any provision of this chapter;

(2) Any development, except single-family platted residential, for which off-street parking areas are provided as required in this chapter;

(3) Any change of use in a nonresidential district lying contiguous to or across a street from a single-family residential district, and/or use that affects internal traffic circulation or requires an increase in off-street parking;

(4) Any use, except single-family residential, that lies contiguous to a major thoroughfare or collector street that affects internal traffic circulation or requires an increase in off-street parking;

(5) All site condo and condominium subdivisions developed pursuant to the Condominium Act (MCL 559.1 01 *et seq.*);

(6) All other developments in which ownership interests in land are transferred for the purpose of development of a physical structure, and which do not fall under the requirements of the Subdivision Control Act of 1967, as amended (MCL 560.101 *et seq.*);

(7) Change in the zoning classification of the parcel; and

(8) An increase in floor space of an existing building that requires an increase in off-street parking to satisfy the zoning requirements.

(C) *Application for site plan review.* An application for site plan review shall be submitted to the Planning Commission. The detailed site plan presented for consideration shall contain all information required in this chapter.

(1) Each submittal for site plan review shall be accompanied by an application and site plan in the quantities specified in division (F) below. At a minimum, the application shall include the following information:

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(a) The applicant's name, address, and phone number in full;

(b) Proof of property ownership, and whether there are any options on the property, or any liens against it;

(c) A signed statement that the applicant is the owner of the property or officially acting on the owner's behalf;

(d) The name and address of the owner(s) of record, if the applicant is not the owner of record (or firm or corporation having a legal or equitable interest in the land), and the signature of the owner(s);

(e) The address and or parcel number of the property;

(f) Name and address of the developer (if different from the applicant);

(g) Name and address of the engineer, architect, and/or land surveyor;

(h) Project title;

(i) Project description, including the total number of structures, units, bedrooms, offices, square feet, total and usable floor area, parking spaces, carports or garages, employees by shift, amount of recreation and open space, type of recreation facilities to be provided, and related information as pertinent or otherwise required by the ordinance;

(j) A vicinity map drawn at a scale of 1 inch = 200 feet, with north point indicated;

(k) The gross and net acreage of all parcels in the project;

(l) Land uses, zoning classification and existing structures in the subject parcel and adjoining parcels;

(m) Project completion schedule/development phases; and

(n) Written statements and/or

8. Location of and dimensions

engineering documentation that address project influences on existing infrastructure (including traffic capacity of streets, schools, and existing utilities) and on the natural environment of the site and adjoining lands.

(2) (a) The site plan shall consist of an accurate, reproducible drawing at a scale of 1 inch = 20 feet or less, showing the site and all land within 150 feet of the site. If multiple sheets are used, each shall be labeled and the preparer identified.

(b) Each site plan shall depict the following:

1. Location of proposed and/or existing property lines, dimensions, legal descriptions, setback lines, and monument locations;

2. Existing topographic elevations and proposed grades, at a maximum of 50-foot intervals, sufficient to determine the direction of drainage flows;

3. Location and type of significant existing vegetation;

4. Location and elevations of existing water courses and water bodies, including county drains and manmade surface drainage ways;

5. Location of existing and proposed buildings, and intended uses thereof, as well as the length, width, and height of each building;

6. Proposed location of accessory structures, buildings, and uses, including but not limited to, all flagpoles, lightpoles, storage sheds, transformers, air conditioners, generators and similar equipment, and the method of screening where applicable;

7. Location of existing public roads, rights-of-way, private easements of record, and abutting streets;

8. Location of and dimensions of proposed streets, drives, curb cuts, and access

easements, as well as acceleration, deceleration, and passing lanes, if any, serving the development;

9. Location, design, and dimensions of existing and proposed curbing, barrier-free access, carports, parking areas (including indication of all spaces and method of surfacing), fire lanes, and all lighting thereof;

10. Location, size, and characteristics of all loading and unloading areas;

11. Location and design of all sidewalks, walkways, bicycle paths, and areas for public use;

12. Location of water supply lines and/or wells, including fire hydrants and shutoff valves, and the location and design of storm sewers, retention or detention ponds, wastewater lines, clean-out locations, connection points and treatment systems, including septic systems if applicable;

13. Location of all other utilities on the site, including but not limited to, natural gas, electric, cable TV, telephone, and steam;

14. Proposed location, dimensions, and details of common open spaces and common facilities, such as community buildings or swimming pools if applicable;

15. Location, size, and specifications of all signs and advertising features;

16. Exterior lighting locations, with area of illumination illustrated, as well as the type of fixtures and shielding to be used;

17. Location and specifications for all fences, walls, and other screening features, with cross sections;

18. Location and specifications for all proposed perimeter and internal landscaping and other buffering features. For each new landscape material, the proposed size at the time of planting must be indicated. All vegetation to be retained on the site must also be indicated, as well as its typical size by general location or range of sizes as appropriate;

19. Location, size, and specifications for screening of all trash receptacles and other solid waste disposal facilities;

20. Location and specifications for any existing or proposed, above or below ground storage facilities for any chemicals, salts, flammable materials, or hazardous materials, as well as any containment structures or clear zones required by government authorities;

21. Identification of any significant site amenities or unique natural features;

22. Identification of any significant views onto or from the site to or from adjoining areas;

23. North arrow, scale, and date of original submittal and last revision; and

24. Seal of the registered engineer, architect, landscape architect, surveyor, or planner who prepared the plan.

(D) *Site plan review and approval authorized.*

(1) As specified in this section, the Planning Commission shall review and approve, review and conditionally approve per division (H), or review and deny all site plans submitted under this chapter.

(a) Each site plan shall comply with the Standards for Granting a Site Plan Approval, as described in this section.

(b) Each action taken with reference to site plan review shall be duly recorded in the official record of action in the minutes of the Planning Commission.

(c) Those site plans requiring Planning Commission review will then be submitted to the Planning Commission for action, along with the recommendation of the City Manager or representative as to conformity or nonconformity with ordinance requirements, and what revisions or conditions, if any, would be necessary in order to be in conformance.

(d) Prior to any final decision, the Planning Commission may seek the recommendations, where applicable, of the City Public Works Supervisor, Engineer, Fire Department, Police Department, the County Road Commission, County Health Department, County Drain Commission, the Michigan Department of Transportation, Michigan Department of Environmental Quality, and the Michigan Department of Natural Resources, where applicable.

(2) All site plans shall be acted upon, within 60 days of the Planning Commission's receipt of a complete application and site plan meeting the requirements of division (C) above. Following approval of a site plan, the petitioner shall apply for the appropriate City, county, and/or state permits as may be required by the agencies, and present appropriate plans and specifications as may be required by the agencies.

(E) *Procedures for submission and review of application.*

(1) *Submission requirement.*

(a) The applicant shall complete and submit the required number of copies of an application for site plan approval, site plans, and other information where applicable.

(b) Compliance with the requirements of the zoning ordinance is mandatory.

(c) The applicant or his or her representative must be present at each scheduled review or the matter will be tabled.

(d) The procedure for processing

major project site plans includes 3 phases: conceptual review via a pre-application conference, preliminary site plan review, and final site plan review.

(2) *Pre-application conference.*

(a) During this conceptual review phase, a prospective applicant presents a generalized site plan for consideration of the overall idea of the development.

(b) Basic questions of use, density, integration with existing development in the area, and impacts on and the availability of public infrastructure are discussed.

(c) A prospective applicant schedules this conference with the City Manager, a representative of the Planning Commission, and the other City representatives as appropriate.

(d) At this meeting, the applicant or his or her representative is also presented with the applicable procedures required by the ordinance for approval of the proposed development, and with any special problems or steps that might have to be followed, such as requests to the Zoning Board of Appeals for a variance.

(e) There is no charge or fee to the applicant for this meeting.

(3) *Preliminary site plan review.*

(a) The second phase is called preliminary site plan approval.

(b) During this step, the Planning Commission reviews a preliminary site plan meeting the submittal requirements of this chapter, and the changes necessary, if any, for final site plan approval are indicated in writing to the applicant.

(c) A public hearing pursuant to the requirements of division (F)(4) below is held.

(d) If a public hearing is required by the Planning Commission, before it can be

scheduled, the applicant shall pay those fees set by resolution of the City Council from time to time.

(4) *Final site plan review.*

(a) Final site plan approval shall be by the Planning Commission.

(b) The approving body or official shall indicate in writing that all requirements of the ordinance, including those of other reviewing agencies within the City, have been met, including any conditions that may be necessary.

(c) Where the applicant is dependent upon the grant of any variances by the Zoning Board of Appeals, the favorable action by the Zoning Board of Appeals is necessary before final site plan approval can be granted.

(d) An approved site plan shall include a note referencing the case number and date of all variances granted.

(F) *Distribution copies and action alternatives.*

(1) Where site plan review is required by this chapter, an applicant for site plan approval shall complete and submit the number of copies required below of a site plan review package, which shall consist of a copy of the site plan application and checklist, the site plan, and other information where applicable. The application for site plan review package must be obtained from the City Manager. Application fees, as found in the City fee resolution, must be paid when the application is submitted, and sufficient escrow accounts must be established to cover the projected review costs. The applicant is asked to keep 1 copy for his/her records. The following site plan review packages shall be submitted for review at least 30 days prior to the next regularly scheduled meeting of the Planning Commission.

(2) The original and 9 copies for the Planning Commission and City departments.

(3) If required, the applicant shall take 1 additional copy each to the County Drain Commission and the County Health Department. Upon delivery of the site plan review package, the

applicant shall obtain a receipt from the agencies as proof of delivery, or a stamped, signed site plan indicating no comment. Comments from each agency, if any, should be returned to the City Manager. Without these copies, the site plan will not be processed.

(4) An application for site plan review will be placed on the agenda of the Planning Commission for discussion and action, only after receipt of comments from the state, county, and/or City agencies, unless the site plan has been in possession of the reviewing agencies for 60 days without review and/or comment. The Planning Commission shall hold a public hearing, 1 notice of which shall be published not more than 15 days prior to the public hearing date, in a newspaper of general circulation in the City, and sent by first-class mail to the owners of the property for which the site plan approval is being considered, the owners of record of all real property, the occupants of all structures located within 300 feet of the boundaries of the property in question, and the Planning Commission. The notice shall:

- (a) Describe the nature of the site plan request;
- (b) Adequately describe the property in question;
- (c) State the date, time, and place of the public hearing; and
- (d) Indicate when and where written comments concerning the request will be received.

(5) The Planning Commission will consider all applications for site plan review submitted to it for approval, revision, or disapproval at a scheduled meeting.

(a) Upon determination of the Planning Commission that a site plan is in compliance with the zoning ordinance and other plans or regulations, it shall be so indicated on the site plan.

(b) Upon determination of the

Planning Commission that a site plan is in compliance, except with minor revisions, the changes shall be so indicated. When these

(6) When a site plan is reviewed and approved or disapproved by the Planning Commission and all steps completed, copies of the site plan, including any conditions of approval, will be marked by the Planning Commission for the following distribution:

(a) Two copies returned to the applicant signed and stamped by the Chairperson of the Planning Commission.

(b) One copy retained by the Planning Commission Chairperson.

(c) One copy forwarded to the City Manager for filing.

(d) One copy provided for the appropriate permit office.

(e) Remaining copies will be provided to the City Council for their review and retention if desired.

(7) Prior to final site plan approval by the Planning Commission, engineering plans are subject to review and approval by the City Engineer. A fee, the amount of which will be set by the Planning Commission from time to time, for this evaluation will be charged when plans are initially submitted to the City Manager.

(8) Failure to initiate construction of an approved site plan within 182 days and semi-annually thereafter of approval shall require the applicant to appear before the Planning Commission and demonstrate why the approval should not be revoked. After a hearing, the Planning Commission may revoke a previously approved site plan for property on which no physical development activity has occurred upon making written findings that 1 or more of the following circumstances exist:

(a) An error in the original approval is discovered either because of inaccurate information supplied by the applicant or administrative error by a staff member or other

changes have been adequately provided, the petitioner shall resubmit the site plan to the Planning Commission for Final Site Plan Review. agency;

(b) Zoning regulations applicable to the project have been changed and the previously approved site plan does not comply with them;

(c) A change in state law, local charter, or other local ordinance affecting the previous approval has occurred;

(d) Pollution, impairment or destruction of the environment or to another legally protected public interest would occur if the project were to be constructed as previously approved.

(9) Thirty days prior to expiration of an approved site plan, an applicant may make application for a 6-month extension of the site plan at a fee to be set by resolution of the Planning Commission from time to time. The applicant shall explain in writing why the development has not proceeded, what the current time frame is and why an extension should be granted. The applicant shall present his or her case in person or by representative at the next meeting of the Planning Commission.

(10) Revocation of an approved site plan shall be communicated in writing by certified mail to the applicant. The Building Inspector shall also be notified to withhold any building permit until a new site plan is approved.

(11) Any subsequent submittal shall be processed as a new request with new fees, except for minor amendments pursuant to division (J).

(G) *Standards for granting site plan approval.* Each site plan shall conform to all applicable provisions of this chapter and the standards listed below:

(1) All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of the lot, the character of adjoining property, and the type and size of buildings. The site shall be so developed as not to impede the normal and orderly

development or improvement of surrounding property for uses permitted in this chapter.

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

(3) Special attention shall be given to proper site drainage so that removal of storm waters will not adversely affect neighboring properties.

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

(5) All new buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practical means to all sides, unless approved by the Fire Marshall.

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

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

(8) All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from residential districts or public thoroughfares, shall be screened, by a vertical screen consisting of structural materials no less than 6 feet in height.

(9) Exterior lighting shall be arranged that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets.

(10) The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or

planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way equal to that specified in the master plan.

(11) All streets shall be developed in accordance with the subdivision control ordinance and the County Road Commission specifications.

(H) *Conditional approval.*

(1) The Planning Commission may condition approval of a site plan on conformance with the standards of another local, county, or state agency, such as but not limited to, the Public Works Department, County Drain Commission, County Road Commission, State Highway Commission or Natural Resources Department. They may do so when the conditions:

(a) Would insure 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;

(b) Would protect the natural environment and conserve natural resources and energy;

(c) Would insure compatibility with adjacent uses of land; and

(d) Would promote the use of land in a socially an economically desirable manner.

(2) The Planning Commission may conditionally approve a site plan on conformance with fencing, screening, buffering or landscaping requirements, and may collect a performance guarantee consistent with the requirements of division (J) below to ensure conformance. When so doing, the following findings shall be made and documented as part of the review process:

(a) That the fencing, screening,

buffering, or landscaping would mitigate negative effects of noise, dust, lighting, vehicular, or

(b) That absent the conditions, the development would adversely affect the reasonable use, enjoyment and value of adjoining lands, in light of similar benefits enjoyed by other properties in the area.

(I) *Conformity to approved site plan required.*

(1) Following final approval of a site plan by the Planning Commission and City Council, the applicant shall construct the site plan in complete conformity with the approved plan.

(2) Failure to do so is a violation of this chapter, and subject to the sanctions of § 152.999.

(J) *Performance guarantee required.* In the interest of insuring compliance with the zoning ordinance's provisions, protecting the natural resources, and the health, safety, and welfare of the residents of the City, and future users or inhabitants of an area for which a site plan for a proposed use has been submitted, the Planning Commission shall require the applicant to deposit a performance guarantee for site improvements as set forth herein. The purpose of the performance guarantee is to insure completion of improvements connected with the proposed use, as required by this chapter, including but not limited to, roadways, screens, walls, landscaping, and widening strips.

(1) As used herein, **PERFORMANCE GUARANTEE** shall mean a cash deposit, certified check, irrevocable bank letter of credit, or corporate surety bond in the amount of the estimated cost of site improvements to be made, as determined by the applicant and verified by the City Manager.

(2) Where required by the Planning Commission, the performance guarantee shall be deposited with the City Treasurer, prior to the City Manager's issuance of a building permit for the development and use of the land. Upon its deposit, the City shall deposit the performance guarantee, if in the form of a cash deposit or certified check, in an interest-bearing account for the applicant.

pedestrian traffic, loading or unloading, parking or other similar impacts on adjoining parcels; and

(3) An approved site plan shall also prescribe the period of time within which the improvements for which the performance guarantee has been required are to be completed. The period will begin from the date of the issuance of the building permit.

(4) In the event the performance guarantee deposited is a cash deposit or certified check, the City shall rebate to the applicant 50% of the deposited funds, plus any interest earned thereon, when 60% of the required improvements are completed, as confirmed by the Building Inspector, and the remaining 50% of the deposited funds, when 100% of the required improvements are completed, as confirmed by the Building Inspector. If a request is made by the applicant for a temporary certificate of occupancy without completion of required exterior improvements, the performance guarantee herein required may be applied by the applicant to assure compliance with zoning ordinance standards and the specifications of the approved site plan.

(5) In the event the applicant defaults in making the improvements for which the performance guarantee was required, within the time period established by the City, the City shall have the right to use the performance guarantee deposited, and any interest earned thereon, to complete the improvements, through contract or otherwise, including specifically the right to enter upon the subject property to make the improvements.

(a) If the performance guarantee is not sufficient to allow the City to complete the improvements for which it was posted, the applicant shall be required to pay the City the amounts by which the costs of completing the improvements exceeds the amount of the performance guarantee deposited.

(b) Should the City use the performance guarantee, or a portion thereof, to complete the required improvements, any amounts remaining after their completion shall be applied first to the City's administrative costs in completing the improvement, with any balance remaining

being refunded to the applicant.

(c) If the applicant has been required to post a performance guarantee or bond with another governmental agency other than the City, to insure completion of an improvement associated with the proposed use, prior to the City's conditional approval, the applicant shall not be required to deposit with the City a performance guarantee for that specific improvement, and, prior to the issuance of a building permit, the applicant shall enter with the City into an agreement incorporating the provisions hereof regarding the performance guarantee.

(K) *Amendments to approved site plans.*

(1) The Planning Commission may make amendments to an approved site plan, provided that the changes conform to the zoning ordinance and they are agreed to by the land owner. The City Manager may approve minor changes to an approved site plan after construction has begun, provided no such change results in any of the following:

- (a) A significant change in the use or character of the development;
- (b) An increase in the overall coverage of structures;
- (c) A significant increase in the intensity of use;
- (d) A reduction in required open space;
- (e) A reduction in required off-street parking and loading;
- (f) A reduction in required pavement widths or utility pipe sizes; and/or
- (g) A significant increase in traffic on public streets, or an increase in the burden on public utilities or services.

(2) No fees shall be required for the following minor amendments:

- (a) Moving building walls within the

confines of the smallest rectangle that would have enclosed each original approved building(s). Relocation of building entrances or exits, or shortening of building canopies;

(b) Changing to a more restricted use, provided there is no reduction in the amount of off-street parking originally provided;

(c) Changing the angle of parking or aisle width, provided there is no reduction in the amount of off-street parking, or in aisle width, below ordinance requirements;

(d) Moving of ingress and egress drives a distance of not more than 10 feet, if required by the appropriate state, county, or other local road authority with jurisdiction;

(e) Substituting landscape plan species, provided a landscape architect certifies the substituted species is similar in nature and screening effects;

(f) Changing the type and design of lighting fixtures, provided an engineer or architect certifies there will be no change in the intensity of light at the property boundary;

(g) Increasing peripheral yards; and

(h) Changing the location of an exterior building wall or location not more than 10 feet because of a natural impediment or hazard, such as bedrock or muck soils; provided that, in so doing, no setback requirement of the ordinance is violated, and no significant reduction in safety or in the amount of open space is thereby affected.

(3) If the City Manager finds that a proposed amendment to an approved site plan does not qualify as a minor change, he or she shall immediately notify the permit holder, the Building Inspector, and the Planning Commission, in writing, that site plan approval has been suspended, pending approval by the Planning Commission, as applicable, of the proposed amendment.

- (a) The permit holder's notice shall be delivered by certified mail.

(b) If construction has begun, a stop work order shall be issued by the Building

(c) Once site plan approval for a project has been suspended, the permit holder has the option of:

1. Changing the project plans to conform with the ordinance requirements; or

2. Restarting the site plan review process.

(d) When the issue has been resolved, the City Manager shall send a written notice to the permit holder, the Building Inspector, and the Planning Commission, that the project's site plan has again been approved.

(e) This provision is not to be construed to prohibit phased development of a project, provided that each phase is developed in accordance with an approved site plan.

(L) *Appeals of final site plans.*

(1) Any applicant aggrieved by a decision of the Planning Commission, in granting or denying approval of a final site plan, may appeal the decision to the Zoning Board of Appeals.

(a) The appeal must be filed within 30 days of the decision, and shall state the factual basis for the appeal.

(b) An appeal shall stay action on the issuance of any permit pursuant to an approved site plan.

(2) The Zoning Board of Appeals shall review the record of action taken on the final site plan, and shall determine whether the record supports the actions taken.

(a) No new evidence shall be presented.

(b) The Zoning Board of Appeals shall approve the final site plan, if the requirements of this section and other applicable ordinance requirements are met.

Inspector for that portion of the project that is not in compliance with the ordinance.

(c) The Zoning Board of Appeals shall make written findings in support of its opinion on the appeal.

(M) *Waiver.* On request of either the applicant or the Planning Commission, 1 or more of the requirements set out under this section may be waived on the ground that the requirement(s) is inappropriate, irrelevant, or unnecessary in connection with the matter at hand.
(1997 Code, § 8140.6) Penalty, see § 152.999

§ 152.176 UNLAWFUL BUILDINGS, STRUCTURES, SITE DESIGNS, AND USES.

(A) A building, structure, or other use, which was not lawfully existing at the time of adoption of this chapter, shall not become or be made lawful solely by reason of the adoption of this chapter.

(B) In case any building, or part thereof, is used, erected, occupied, or altered contrary to law or the provisions of this chapter, it shall be deemed an unlawful structure and a nuisance, and shall be required to be vacated, torn down, or abated by any legal means, and shall not be used or occupied until it has been made to conform to the provisions of this chapter. Public expenditures toward abating any such nuisance shall become a lien upon the land.
(1997 Code, § 8140.7) Penalty, see § 152.999

§ 152.177 VOTING PLACES.

The provisions of this chapter shall not be so construed as to interfere with the temporary uses of any property as a voting place in connection with a public election.
(1997 Code, § 8140.8)

§ 152.178 SITING AND SCREENING OF TRASH DUMPSTERS.

(A) *Generally.* Dumpsters may be permitted

or required as accessory to any use, other than single-family residential uses, subject to the (B) *Location*.

(1) Dumpsters shall be located on a concrete pad in a rear or side yard, provided any such dumpster shall not encroach on required parking area, and is clearly accessible to servicing vehicles.

(2) Dumpsters shall be located as far as practicable from any adjoining residential district or use, but shall in no instance be located within 10 feet of any residential property line or district.

(C) *Screening*.

(1) Dumpsters shall be screened from view from adjoining property and public streets and thoroughfares.

(2) Dumpsters shall be screened on 3 sides, with a permanent wall not less than 6 feet in height or at least 2 feet above the enclosed dump site, whichever is higher.

(3) The fourth side of the dumpster screening shall be equipped with an opaque, lockable gate that is the same height as the enclosure around the other 3 sides.

(D) *Site plan requirements*. The location and method of screening of dumpsters shall be shown on all site plans, and shall be subject to the approval of the Planning Commission. (1997 Code, § 8140.9) Penalty, see § 152.999

§ 152.179 ESSENTIAL SERVICES.

(A) Essential services shall be permitted as authorized and regulated by federal, state, and local ordinances and laws, it being the intention hereof to exempt the essential services from those regulations governing area, height, placement, and use of land in the City that would not be practical or feasible to comply with.

(B) Essential services shall not include storage yards, sales or business offices, or commercial buildings or activities.

following conditions.

(C) Although exempt from certain regulations, proposals for construction of essential services shall be subject to site plan review, it being the City’s intention to achieve efficient use of land and alleviate adverse impact on nearby uses or land.

(D) Essential services shall comply with all applicable regulations that do not affect their basic design or nature of operation. (1997 Code, § 8140.10) Penalty, see § 152.999

§ 152.180 COMMUNICATION TOWERS.

(A) *Locational requirements*. Communication towers are permitted by special use permit in the NC and Ind Districts.

(B) *Site requirements*.

(1) A minimum site of 5 acres.

(2) The communication tower shall be located so that there is sufficient radius of clear land around the tower so that its collapse would be completely contained on the property.

(3) The base of the tower and wire/cable supports shall be fenced with a minimum 8-foot-high, woven fence.

(C) *Performance standards*.

(1) All structures shall be located at least 200 feet from any single-family dwelling.

(2) To prevent unauthorized access, all towers shall be equipped with an anti-climbing device or fence.

(3) The plans of the tower construction shall be certified by a registered structural engineer.

(4) The applicant shall provide verification that the antenna mount and structure have been reviewed and approved by a professional engineer, and that the installation is in

compliance with all applicable codes.

(5) All towers must meet the standards of the Federal Aviation Administration and the Federal Communications Commission.

(6) Accessory structures are limited to uses associated with operation of the tower.

(7) Communication towers in excess of 100 feet in height above grade level shall be prohibited, within a 2-mile radius of a public airport.

(8) No part of any tower or antenna shall be constructed, located, or maintained at any time, permanently or temporarily, in or upon any required setback area for the district in which the antenna or tower is to be located.

(9) Metal towers shall be constructed of, or treated with, corrosive-resistant material. Wood poles shall be impregnated with rot-resistant substances.

(10) Antennae and metal towers shall be grounded for protection against a direct strike by lightning, and shall comply as to electrical wiring and connections with all applicable local statutes, regulations, and standards.

(11) Towers with antennae shall be designed to withstand a uniform wind loading, as prescribed in the building code.

(12) All signal and remote control conductors of low energy extending substantially horizontally above the ground between a tower or antenna and a structure, or between towers, shall be at least 8 feet above the ground at all points, unless buried underground.

(13) Towers shall be located so that they do not interfere with reception in nearby residential areas.

(14) Towers shall be located so there is room for vehicles doing maintenance to maneuver on the property.

(15) The base of the tower shall occupy no more than 500 square feet, and the top of the tower shall be no larger than the base.

(16) Minimum spacing between tower locations shall be 1/4 mile.

(17) Height of the tower shall not exceed 400 feet from grade.

(18) Towers shall not be artificially lighted unless required by the Federal Aviation Administration.

(19) Existing on-site vegetation shall be preserved to the maximum extent practicable.

(20) There shall not be displayed advertising or identification of any kind intended to be visible from the ground or other structures.

(21) The antenna shall be painted to match the exterior treatment of the structure. The chosen paint scheme should be designed to minimize off-site visibility of the antenna.

(22) Structures shall be subject to any state and federal regulations concerning non-ionizing electromagnetic radiation.

(a) If more restrictive state or federal standards are adopted in the future, the antenna shall be made to conform, or the special use permit will be subject to revocation by the Planning Commission.

(b) Cost for testing and verification of compliance shall be borne by the operator of the antenna.

(23) There shall be no employees located on the site, on a permanent basis, to service or maintain the antenna. Occasional or temporary repair and service activities are excluded from this restriction.

(1997 Code, § 8140.11) Penalty, see § 152.999

§ 152.181 PLANNED UNIT DEVELOPMENTS.

(A) *Intent.* The planned unit development (PUD) provision is intended to:

(1) Allow flexibility of design on relatively large-scale parcels, which would not ordinarily be possible under conventional zoning ordinance regulations;

(2) Achieve economies of design relating to vehicular and pedestrian circulation, utility extensions, dwelling unit siting, and the like;

(3) Encourage the preservation of desirable natural features, including wood lots, streams, floodplains, and major open spaces; and

(4) Allow a mix of land uses based on an approved comprehensive plan on a single site, including a variety of housing types and compatible commercial facilities, and both open space and indoor recreational uses.

(B) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AGREEMENT. An **AGREEMENT**, prepared by the landowner in conjunction with the City Attorney and approved by the City Council, that specifically details the development plans of the PUD, the covenants and restrictions proposed for the PUD, the staging of development, and the improvements to be placed in the development.

COMMON OPEN SPACE. A parcel or parcels of land, or an area of water, or a combination of land and water within the site designated for a planned unit development, and designed and intended for the use and enjoyment of residents of the planned unit development. **COMMON OPEN SPACE** may contain the complimentary structures and improvements as are necessary and appropriate for the benefits and enjoyment of residents of the planned unit development.

DEVELOPER. See **LANDOWNER**.

HOMEOWNERS ASSOCIATION. An association to which all residents are required to belong, as a condition of the deed, and set up with its own rules for self-government, and assessment of dues for maintenance of open space, and

provision of other necessary internal services.

LANDOWNER. The legal or beneficial owner or owners of all the land proposed to be included in a planned unit development. The holder of an option or contract to purchase, a lessee having a remaining term of not less than 40 years, or other person having an enforceable, proprietary interest in the land, shall be deemed to be a **LANDOWNER**.

PLAN. Shall refer to any or all of the 3 possible plan stages of a planned unit development including:

(a) **PROPOSAL FOR PUD DESIGNATION.** The proposal of a landowner for the designation of an area for planned unit development;

(b) **TENTATIVE DEVELOPMENT PLAN.** Any plan submitted for approval to the Planning Commission subsequent to, or together with, the submission of a proposal for a planned unit development, and prior to submission of a final development plan for approval; and

(c) **FINAL DEVELOPMENT PLAN.** The plan for development of a planned unit development, or a divisible geographic section thereof, approved subsequent to the approval of the proposal for PUD designation, and the tentative development plan, by the Planning Commission, under the provisions of this chapter.

Once the final development plan is approved by the Planning Commission, it will be forwarded to the City Council, with a recommendation for approval, for final review and disposition.

PLANNED UNIT DEVELOPMENT. An area of land, controlled by a landowner, to be developed as a single entity containing a minimum of 3 acres, the development plan of which does not correspond in lot size, bulk or type of dwelling, density, lot coverage, or required open space to the regulations in any 1 residential district in this zoning ordinance.

SINGLE OWNERSHIP. The proprietary interest of a single individual, partnership, or corporation, or other entity legally recognized in the state.

(C) *Application of planned unit development provision.*

(1) The provisions of this section shall apply only to a tract of land:

- (a) Of more than 3 acres;
- (b) Located in a residential district;
- (c) Under single ownership; and

(d) For which an application for a planned unit development is made, as hereinafter provided.

(2) Notwithstanding the provisions of division (C)(1) above, an application for a planned unit development on a tract of land of less than 3 acres, may be filed, but no tentative approval of such an application shall be granted by the Planning Commission, unless it shall find, upon a showing by the landowner, that the minimum area required in division (C)(1) above should be waived because a planned unit development is in the public interest, and that 1 or more of the following conditions exist:

(a) Because of unusual physical features of the property itself, or of the neighborhood in which it is located, a substantial deviation from the regulations otherwise applicable is necessary or appropriate, in order to conserve a physical or topographic feature of importance to the City;

(b) The property has a historical character of importance to the community that will be protected by employing the planned unit development provision;

(c) The property is adjacent to, or across a street from, property that has been developed or redeveloped as a planned unit development, and a planned unit development will contribute to the maintenance of the amenities and

values of the neighboring property; or

(d) The proposed project will not include multiple-family and commercial uses, but will be developed exclusively for single-family purposes, with 12% of the gross project area to be reserved as accessible, usable common open space. In no instance shall the area reserved as common open space contain less than 3 acres; nor shall any portion of the common open space area be utilized as sites for indoor recreation facilities.

(D) *Standards and criteria for planned unit development.*

(1) A plan, consistent with the statement of intent for planned unit development and the following general standards, shall be deemed to have qualified for consideration as a planned unit development.

(2) A plan shall be consistent with the following general standards for the use of land, the use, type, bulk, design, and location of buildings, the density of use, common open space and public facilities requirements, and development of geographic divisions of the site:

(a) The planned unit development provision may be employed only when municipal sanitary sewers and water mains are provided to all appropriate segments of the proposed development; and

(b) The plan may provide for a variety of permanent housing types, including single-family homes, apartments, townhouses, condominiums, and the like, but not including Class 8, single-wide mobile homes.

(3) To be eligible to employ the planned unit development provision, a parcel of land must contain a minimum of 3 acres, except as otherwise provided herein, and be located in a residential district.

(4) The overall gross site densities may not exceed 4.5 units per acre.

(5) The overall unit type mix may include

a maximum of 30% multiple-family units.

(6) The area and width of single-family lots may be reduced up to 20%.

(7) All single-family lots, regardless of the amount of area and width reduction employed, shall conform to the maximum structure height, minimum floor area per unit, and maximum percentage of lot area coverage requirements established in the district in which the PUD is located.

(8) To be included as a part of the planned unit development, all multiple-family projects shall conform to the development requirements established for multiple-family developments in the zoning ordinance.

(9) A minimum of 2 on-site parking spaces shall be provided for each 1-family or multiple-family dwelling unit.

(10) Yard requirements shall comply with the following.

(a) Rear yards may be reduced, when the lots border on land dedicated for park, recreation, and/or open space purposes, provided that the width of the dedicated land shall not be less than 100 feet, measured at the point at which it abuts the rear yard of the adjacent lot.

(b) Front yards may be reduced by 10 feet, but in no instance shall any front yard be less than 25 feet.

(c) Side yards may be reduced to 8 feet. At least 16 feet of combined side yards shall be provided between buildings.

(11) All subdivisions developed as a part of a PUD shall be designed in accordance with the standards provided herein and as specified in the subdivision regulation ordinance.

(12) All street patterns shall be consistent with the traditional grid pattern system of streets.

(a) Each block shall be approximate in size and dimension with residential blocks located in the City, except if the planned unit development is contiguous to a golf course or natural watercourse.

(b) In this exception, the street patterns may reflect the boundaries of the golf course layout (fairways, greens, and the like) or natural watercourse.

(13) Each planned unit development shall provide a minimum of 12% of the gross project area as common open space, which space shall be readily accessible and available to occupants of those dwelling units for whose use the open space is intended.

(a) All common open spaces shall be of a size, configuration, function, and in a location satisfactory to the Planning Commission.

(b) Development phases shall be so designed as to provide a proportional amount of open space in each phase.

(14) Both public and private nonresidential uses of an educational or recreational nature, including golf courses, tennis clubs, swim clubs, trails, and the like, and necessary appurtenant facilities and structures, designed as an integral part of the overall development plan, may occupy appropriate portions of the site. The area occupied by the uses may be employed, at the discretion of the Planning Commission and City Council, to satisfy up to 25% of the gross common open space requirements.

(15) Common open spaces and open spaces employed as public and/or private recreational areas shall be maintained as such by deed restrictions, conveyances, dedications, or other such means as may be recommended by the City Attorney.

(16) The developer shall establish a homeowner's association, to which all residents of the PUD must belong, and shall relinquish control of the platted common open space to the homeowners, when 80% of the homes included in

the homeowners association are sold to the general public, or within 3 years of the commencement of construction, whichever occurs

(17) Commercial uses generally allowed in the Neighborhood Commercial (NC) District, together with the other uses deemed consistent with the overall development plan, may occupy up to 5% of the gross site area.

(a) Planned commercial sites are to be located at an intersection of 2 major thoroughfares or a major thoroughfare and a collector street.

(b) The approval of commercial sites depend on the market potential of the area.

(c) Therefore, it is the burden of the landowner to submit sufficient evidence to justify the need for commercial development within a proposed PUD.

(18) A minimum of 25% of the total number of single-family units in any PUD must be constructed and ready for sale prior to the construction of any multiple-family or commercial portions of the project, except that:

(a) Site grading, roadway construction, and trunk utility installation relating to multiple-family and commercial portions of the project may be undertaken concurrent with single-family subdivisions; and

(b) Open space uses, either public or private, may be constructed and operated concurrent with single-family subdivisions.

(19) The height of particular buildings shall not be a basis for denial or approval of a plan, provided any structures in excess of 25 feet shall be designed and sited to be consistent with the reasonable enjoyment of neighboring property and the efficiency of existing public services.

(20) The proposed location and arrangement of structures shall not be detrimental to existing or prospective adjacent structures, or to existing or prospective development of the neighborhood.

first.

(21) The architectural style of buildings shall not be a basis for denying approval of a plan, unless the development is in an area previously designated by the City Council as an historical area.

(22) The plan shall contain the proposed covenants, easements, and other provisions relating to the bulk, location, and density of the residential units, nonresidential uses and public facilities, and provisions for the ownership and maintenance of the common open space, as are necessary for the welfare of the planned unit development, and are not inconsistent with the best interests of the entire City. The covenants, easements, and other provisions, which are a part of the plan as finally approved, may be modified, enforced, removed, or released only in accordance with regulations and standards as may be subsequently set by the City Council.

(23) Upon recommendation of the Planning Commission, the City Council may approve phased development of the planned unit development and, in that case, specify reasonable periods for the development of each phase.

(24) Deviations from the number of dwelling units per acre established for the entire planned unit development, may be permitted within certain development phases, as long as the number of dwelling units per acre authorized for the entire development is not affected.

(25) The time span for completion of the entire development, and the commencement date for each section thereof, may be modified from time-to-time by the City Council, upon the showing of good cause by the landowner, provided that in no case shall any single extension of time exceed 12 months.

(26) The landowner shall make the easements, covenants, and other arrangements, and shall furnish the performance bond or bonds, as may be required to assure performance in accordance with the plan, and to protect the public interest in the event of abandonment of the plan

before completion.

(27) All portions of the planned unit development, including 1-family lots, multiple-family projects, commercial areas, and public and private open spaces, shall be platted in conformance with the requirements of the Michigan Subdivision Control Act, Public Act 288 of 1967 being MCL 560.101 through 560.293, as amended.

(E) *Processing procedures/exhibit requirements.*

(1) The City Council and Planning Commission may formulate administrative regulations regarding general procedures and the form of application as may be desirable, provided that they are consistent with the following provisions.

(2) Fees for the reviews of a proposal for PUD designation, tentative development plan, or final development plan shall be in accordance with the schedule of fees adopted by resolution of the City Council, and amended from time to time.

(F) *Processing procedures.* The processing requirements for a planned unit development shall meet the requirements and review standards for a site plan review, pursuant to § 152.175 and the provisions of Public Act 288 of 1967 being MCL 560.101 through 560.293. (1997 Code, § 8140.12) Penalty, see § 152.999

§ 152.182 DESIGN REVIEW REQUIREMENTS.

(A) *Intent.*

(1) The exterior appearance of any building located within the CBD and NC Districts has an effect upon the desirability of the immediate area, and of neighboring areas, for business and other purposes.

(2) Maintenance of an attractive, compatible and pleasing appearance of the buildings will prevent impairment of the stability of the value of other real property in the area, permit the most appropriate development of the area, and will prevent attendant deterioration of conditions

affecting the general welfare of the citizens of the City.

(B) *Scope of application.*

(1) Except for those items listed below, all plans submitted for site plan review shall be subject to design review requirements of this section.

(2) Exempt from these provisions are items such as gutters, downspouts, door and window replacement, antennae, roof vents, small mechanical equipment not readily visible to the public, painting to a similar color, and items of ordinary repair and maintenance.

(C) *Approval procedure.*

(1) The Downtown Development Authority shall review submitted materials concurrently with site plan review by the Planning Commission, when such is required.

(2) All approvals for site plans shall be conditioned upon a review and recommendation by the Downtown Development Authority.

(D) *Information required.* The Downtown Development Authority shall receive, and promptly review, all drawings, data, plans, and specifications. This information shall include:

(1) An application form indicating:

(a) The name, address, and telephone number of the petitioner, property owner, and site designer;

(b) The general location of the subject parcel; and

(c) A project description.

(2) A site plan, providing data as required;

(3) Elevation drawings of all sides of buildings visible to the public, showing general design treatment, including color and materials of all walls, screens, towers, openings, and signs,

and the treatment to be utilized in concealing any exposed mechanical or electrical equipment;

- (4) Description information, including
- (5) Any other materials, drawings, and documents that may be helpful to, or requested by, the Downtown Development Authority.

(E) *Design criteria.* In the process of reviewing the submitted materials, the Downtown Development Authority shall consider:

(1) *Relationship of buildings to site.*

(a) The site shall be planned to accomplish a desirable transition between the building(s) and the streetscape, to provide for adequate planting, safe pedestrian movement, and parking areas.

(b) Site planning in which setbacks and yards are in excess of zoning restrictions is encouraged, where feasible, to provide an interesting relationship between buildings.

(c) Parking area shall be treated with decorative elements, building wall extensions, plantings, berms, or other innovative means, so as to screen parking areas from view from public ways.

(d) Without restricting the permissible limits of the applicable zoning districts, the height and scale of each building shall be compatible with its site and existing (or anticipated) adjoining buildings.

(e) Newly installed utility services, and service revisions necessitated by exterior alterations, shall be underground.

(2) *Building design.*

(a) Architectural style, building mass, and placement shall be compliant with design guidelines published in the Secretary of the Interior Guidelines for Rehabilitation. Evaluation of the appearance of a project shall be based on the quality of its design and its relationship to surroundings.

samples or swatches, indicating the color and texture of the buildings as they will appear following construction or renovation; and

(b) Buildings shall be good scale and in harmonious conformance with permanent neighboring development.

(c) Materials shall have good architectural character, and shall be selected for harmony of the buildings with adjoining buildings.

(3) *Approval standards.* The Downtown Development Authority shall review the particular circumstance and facts applicable to each submittal, in terms of the preceding design criteria, and shall make a recommendation as to whether the proposal meets the following standards.

(a) The appearance, color, texture, and materials being used will preserve property values in the immediate neighborhood, and will not adversely affect any property values.

(b) The appearance of the building exterior will not detract from the general harmony of, and is compatible with, other buildings already existing in the immediate neighborhood.

(c) The appearance of the building exterior will not be garish or otherwise offensive to the sense of sight.

(d) The appearance of the building exterior will tend to minimize or prevent discordant and unsightly surroundings in the immediate neighborhood.

(1997 Code, § 8140.13) Penalty, see § 152.999

§ 152.183 LANDSCAPING.

(A) *Intent.*

(1) *Generally.*

(a) Landscaping, greenbelts, and screening are necessary for the protection and enhancement of the environment, and for the continued vitality of all land uses in the City.

(b) Landscaping and greenbelts are capable of enhancing the visual environment, preserving natural features, improving property

(c) Screening is important to protect less intensive uses from the noise, light, traffic, litter, and other impacts of intensive nonresidential uses.

(d) The purpose of this section is to set minimum standards for the protection and enhancement of the environment, through requirements for the design and use of landscaping, greenbelts, and screening.

(2) *Plant material spacing.*

(a) Plant materials shall not be placed closer than 4 feet from the fence line or property line.

(b) Where plant materials are planted in 2 or more rows, plantings shall be staggered in rows.

(c) Evergreen trees shall be planted not more than 30 feet on centers.

(d) Narrow evergreens shall be planted not more than 3 feet on centers.

(e) Deciduous trees shall be planted not more than 30 feet on centers.

(f) Tree-like shrubs shall be planted not more than 10 feet on centers.

(g) Large deciduous shrubs shall be planted not more than 4 feet on centers.

(3) *Trees not permitted.*

- (a) Box elder;
- (b) Soft maples (red or silver);
- (c) Slippery elms;
- (d) Poplars;
- (e) Willows;

values, and alleviating the impact of noise, traffic, and visual disruption related to intensive uses.

- (f) Horse chestnut (nut-bearing);
- (g) Tree of Heaven; and
- (h) Catalpa.

(B) *Scope of application.*

(1) The requirements set forth in this section shall apply to all uses, lots, sites, and parcels that are developed or expanded following the effective date of this chapter.

(2) No site plan shall be approved, unless it shows landscaping consistent with the provisions of this section.

(3) Furthermore, where landscaping is required:

(a) A building permit shall not be issued until the required landscape plan is submitted and approved; and

(b) A certificate of occupancy shall not be issued, unless provisions set forth in this section have been met, or a performance bond has been posted in accordance with the provisions set forth in the site plan review section.

(4) In cases where the use of an existing building change, or an existing building is changed or otherwise altered or re-occupied, all of the standards set forth herein shall be met.

(5) The requirements of this section are minimum requirements, and nothing herein shall preclude a developer and the City from agreeing to more extensive landscaping.

(C) *Landscaping design standards.* Except as otherwise specified in the general requirements for each zoning district, all landscaping shall conform to the following standards.

(1) *General landscaping.* All portions of the lot or parcel area not covered by buildings, paving, or other impervious surfaces shall be landscaped with vegetative ground cover and other plant material elements, such as a greenbelt, berms, or screening.

(a) All portions of the landscaped area shall be planted with grass, ground cover, shrubbery, or other suitable plant material, except that paved patios, terraces, sidewalks, and similar site features may be incorporated with Planning Commission approval.

(b) A mixture of evergreen and deciduous trees shall be planted at the rate of 1 tree for each 3,000 square feet, or portion thereof, of landscaped open space area.

(c) Required trees and shrubs may be planted at uniform intervals, at random, or in groupings.

(d) In consideration of the overall design and impact of the landscape plan, the Planning Commission may reduce or waive the requirements outlined herein for general landscaping, or for landscaping in greenbelt areas, on berms, or as part of a screen; provided that any such adjustment is in keeping with the intent of this chapter.

(e) The total landscaped area shall be the basis for determining the required number of trees or shrubs, irrespective of the portion that is devoted to patios, terraces, sidewalks, or other site features.

(2) *Greenbelt buffer.* Where required, greenbelts and greenbelt buffers shall conform to the following standards.

(a) A required greenbelt or greenbelt buffer may be interrupted only to provide roads or driveways for vehicular access.

(b) Grass, ground cover, or other suitable live plant material shall be planted over the entire greenbelt area, except that paving may be used in areas of intensive pedestrian circulation.

(c) A minimum of 1 deciduous tree or evergreen tree shall be planted for each 30 linear feet, or portion thereof, of required greenbelt length. Required trees may be planted at uniform intervals, at random, or in groupings.

(d) For the purpose of determining required plant material, required greenbelt area length shall be measured along the exterior periphery of the greenbelt area.

(3) *Berms.* Where required, earth berms or landscaped berms shall conform to the following standards.

(a) The berm shall be at least 3 feet above the grade elevation, and shall be constructed with slopes no steeper than 1 foot vertical for each 4 feet horizontal, with at least a 2-foot flat area on the top. For the purposes of this provision, **GRADE ELEVATION** shall be the ground elevation at the property line adjacent to the proposed berm.

(b) The berm area shall be planted with grass or other suitable ground cover to ensure that it withstands wind and weather and retains its height and shape.

(c) A minimum of 1 deciduous or evergreen tree shall be planted for each 30 linear feet, or portion thereof, of the required berm.

(d) Eight shrubs per tree may be planted as substitute for trees required in division (C)(3)(c) above.

(e) Required trees and shrubs may be planted at uniform intervals, at random, or in groupings.

(f) For the purpose of determining required plant material, required berm length shall be measured along the exterior periphery of the berm.

(4) *Parking lot landscaping.* Off-street parking areas shall be landscaped as follows.

(a) In off-street parking areas containing greater than 20 spaces, an area equal to at least 5% of the total parking area shall be used for interior landscaping. Whenever possible, parking lot landscaping shall be arranged to improve the safety of pedestrian and vehicular traffic, guide traffic movement, and improve the appearance of the parking area, through the even distribution of the landscaped effort across the total off-street parking area, rather than to concentrate all efforts in 1 location.

(b) Parking lot landscaping shall be not less than 5 feet in any single dimension, and no less than 150 square feet in any single area. Not more than 2 landscaped units of 150 square feet may be combined in plans designed to meet the minimum requirements.

(c) The landscape plan shall designate the sizes, quantities, and types of plant material to be used in parking lot landscaping.

(d) Required landscaping elsewhere on the parcel shall not be counted in meeting the parking lot landscaping requirements.

(e) A minimum of 1 deciduous tree shall be planted in each landscaped area.

(f) The parking interior landscaping area shall be curbed, and shall contain grass, ground cover, 4-inch-deep wood chips, or 4-inch-deep crushed stone.

(g) To encourage parking lot median planting within parking lots (not along with public right-of-way), the front of a vehicle may encroach upon any interior landscaped area, when the area is at least 3 and ½ feet in depth per abutting parking space, and protected by permanently mounted wheel stops or curbing. Two feet of the landscaped area may then be considered a part of the required depth of each abutting parking space.

(5) *Evergreen screening.* Where required, evergreen screening shall consist of closely-spaced plantings, which form a complete visual barrier that, within 5 years of planting, is at least 6 feet above ground level.

(2) To determine their health and

(6) *Landscaping of rights-of-way and other adjacent public open space areas.* Public rights-of-way and other public open space areas adjacent to required landscaped areas and greenbelts shall be planted with grass or other suitable ground cover, and maintained by the owner of the adjacent property as if they were part of required landscaped areas and greenbelts.

(7) *Regulations pertaining to landscaping areas used for sight distance.*

(a) When a driveway intersects a public right-of-way, or when the subject property abuts the intersection of public rights-of-way, all landscaping within the corner triangular areas described below shall permit unobstructed cross-visibility.

(b) Shrubs located in the triangular area shall not be permitted to grow to a height of more than 30 inches above the pavement grade at the edge of the pavement.

(c) Portions of required berms located within sight distance triangular areas shall not exceed a height of 30 inches above the pavement grade at the edge of the pavement.

(d) Trees may be maintained in this area, provided that all branches are trimmed to maintain a clear vision for a vertical height of 8 feet above the roadway surface.

(e) Landscaping, except grass or ground cover, shall not be located closer than 3 feet from the edge of a driveway.

(D) *Existing landscaping on site.*

(1) In instances where healthy plant material exists on a site prior to its development, the Zoning Administrator may adjust the application of the above standards to allow credit for the plant material, if such an adjustment is in keeping with, and will preserve, the intent of this section.

desirability, the Zoning Administrator must first

inspect all existing plant materials. In the event plant materials are to be saved, prior approval must be obtained from the Zoning Administrator before any limbs are removed, root pruning, or other work is done.

(3) (a) If the existing plant material is labeled "To Be Saved" on site plans, protective techniques, such as (but not limited to) fencing or boards, laced at the drip-line around the perimeter of the plant material, shall be installed.

(b) No vehicle or other construction equipment shall be parked or stored within the drip-line of any plant material intended to be saved.

(4) In the event that healthy trees labeled "To Be Saved" on the approved site plan are destroyed or damaged, as determined by the Zoning Administrator, the owner, developer, or contractor shall replace the trees with trees of comparable type.

(E) *Maintenance of landscaping.*

(1) All required landscape areas in multiple-family, business, and industrial districts, shall be continuously maintained in a livable condition.

(2) All landscaping that is located more than 50 feet from a building site shall have an irrigation (water sprinkler) system installed to assist in maintaining plant materials in a healthy condition. Failure to maintain required landscaped areas, including the removal and replacement of dead or diseased plant materials, shall constitute a violation of this chapter.

(F) *Plant materials.*

(1) Whenever planting is required in this chapter, it shall be planted within 6 months from the date of completion of the building or improvement, and shall thereafter be reasonably maintained with permanent plant materials.

(2) Plastic or other non-organic, nonliving plant materials shall be prohibited from use, and shall not be in compliance with the spirit

and intent of this chapter.
(1997 Code, § 8140.14) Penalty, see § 152.999

§ 152.184 DEMOLITION OF STRUCTURES.

(A) Demolition of structures of any type shall be in compliance with the provisions outlined in the most recent published edition of the prevailing national building code.

(B) Further, a permit to demolish shall be procured through the City.
(1997 Code, § 8140.15) Penalty, see § 152.999

ADMINISTRATION

§ 152.195 ENFORCEMENT.

The provisions of this chapter shall be administered and enforced by the Zoning Administrator, or by the deputies of his or her department as the Zoning Administrator may delegate to enforce the provisions of this chapter.
(1997 Code, § 8150.1)

§ 152.196 DUTIES OF THE ZONING INSPECTOR.

(A) (1) The Zoning Inspector shall have the power to grant zoning compliance and occupancy permits, and to make inspections of buildings or premises necessary to carry out his or her duties in the enforcement of this chapter.

(2) It shall be unlawful for the Zoning Inspector to approve any plans or to issue any permits or certificates of occupancy for any excavation or construction, until he or she has inspected the plans in detail and found them to conform with this chapter.

(B) The Zoning Inspector shall record all nonconforming uses existing at the effective date of this chapter, for the purpose of carrying out the provisions of § 152.171.

(C) Under no circumstances is the Zoning Inspector permitted to make changes to this chapter, or to vary the terms of this chapter in carrying out his or her duties as Zoning Inspector.

(D) The Zoning Inspector shall not refuse to issue a permit, when conditions imposed by this chapter are complied with by the applicant, despite violations of contracts, such as covenants or private agreements, that may occur upon the granting of the permit.

(1997 Code, § 8150.2)

§ 152.197 PLOT PLAN.

The Zoning Inspector shall require that all applications for building permits shall be accompanied by plans and specifications, including a plot plan, in triplicate, drawn to scale, showing the following:

(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 building or other structures already on the lot;

(C) The existing and intended use of the lot and of all the structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate; and

(D) The other information concerning the lot, or adjoining lot, as may be essential for determining whether the provisions of this chapter are being observed.

(1997 Code, § 8150.3)

§ 152.198 PERMITS.

(A) *Generally.* The following shall apply in the issuance of any permit.

(B) *Specifically.*

(1) *Permits not to be issued.* No building permit shall be issued for the erection, alteration,

or use of any building or structure, or part thereof, or for the use of any land that is not in accordance with the provisions of this chapter.

(2) *Permits for new use of land.* No land heretofore vacant shall hereafter be used, or an existing use of land be hereafter changed to a use of a different class or type, unless a certificate of occupancy is first obtained for the new or different use.

(3) *Permits for grading.* No breaking of ground, excavation, filling, or soil removal for the purpose of modifying or changing contours or elevation or drainage, except common household gardening and ground care, unless a permit is first obtained.

(4) *Permits for new use of buildings.* No building or structure, or part thereof, shall be changed or occupied by a use of a different class or type, unless a certificate of occupancy is first obtained for the new or different use.

(5) *Permits required.*

(a) No building or structure, or part thereof, shall be hereafter erected, altered, moved, or repaired unless a building permit shall have been first issued for the work.

(b) The terms **ALTERED** and **REPAIRED** shall include any changes in structural parts, stairways, type of construction, type class, or kind of occupancy, light or ventilation, means of egress and ingress, or other changes affecting or regulated by the City building code, housing law, or this chapter, except for minor repairs or changes not involving any of the aforesaid features.

(6) *Permits for wrecking buildings.*

(a) 1. Before a building or structure can be wrecked, the owner, wrecking company, or person who secures the permit shall notify all utilities having service connection within the building, such as water, electric, gas, sewer, and other connections.

2. A permit to wreck a building shall not be issued, unless a release is obtained from the utilities stating that their respective service connections and appurtenant equipment, such as meters and regulators, have been removed and/or sealed and plugged in a safe manner; nor shall a wrecking permit be issued until a report has been received from the companies concerned, that the wrecking operations may be accomplished in such a manner as not to create a hazardous condition as a result of the proximity of the public utility installations.

(b) Before a permit is issued for the wrecking of any building, the application for permit shall be referred to the Building Inspector, for examination of the premises to determine whether or not rodent and /or insect extermination procedures are necessary.

(c) The wrecking company, or person who secures the permit for the razing of the structure, will be held responsible for the compliance with these regulations and other laws and ordinances covering this subject.

1. The person will also be held responsible and liable for the acts of subcontractors or other persons who do any work of removal or destruction in the wrecking of the building.

2. The methods to be used in wrecking shall not involve undue hazards to the public or unnecessary danger to the workers, and shall be in accordance with good practice.

3. Crane, back hoe, bulldozer, high loader, ball, clam-bucket, chain, cable, and other similar mechanical devices shall not be used to wreck buildings or structures, except in individual cases wherein detailed plans and proposed procedures are submitted with the application for wrecking permit, and are approved by the Building Official.

4. Suitable provision shall be made for the disposal of materials accumulated during the wrecking operations.

5. No part of the structure shall be overloaded by excessive storage of materials or debris.

6. Chutes, scaffolds, derricks, and hoists shall be strong and substantial, and safe for the purpose for which they are intended.

7. Materials that, in their removal, would cause an excessive amount of dust, shall be well wet down to prevent the creation of a nuisance.

8. No open fires or other sources of flame, except necessary cutting torches, will be permitted on the inside of the building that is being wrecked, not in close proximity to flammable materials outside of the building, and every precaution shall be taken to prevent the possibility of fire.

(d) Blasting and use of explosives shall be done only by a person licensed by the Fire Marshall to perform the work, and notification shall be given to the City, and surrounding property owners within 300 feet of the site, and within 21 calendar days of the work.

(e) The requirements of this section are designated as the minimum necessary for average conditions and, in the case of unusual or dangerous situations, adequate provision shall be made and every precaution taken to protect the safety of the public and workers.

1. All abandoned basements or cellars and holes shall be filled to grade, and all excess materials, rubbish, and debris shall not be permitted to remain on the premises above grade.

2. The Fire Department shall be notified before removing standpipes, sprinklers, or fire protection water supplies.

(7) Expiration of building permit.

(a) If the work described in any building permit has not begun within 12 months from the date of issuance thereof, the permit shall expire.

(b) It shall be canceled by the Building Inspector, and written notice thereof shall be given to the persons affected, if the work described in any building permit has not been substantially completed within 2 years of the date of issuance thereof.

(c) The permit shall expire and be canceled by the Building Inspector, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed, unless and until a new building permit has been obtained.

(8) *Timing of permits.*

(a) The Zoning Administrator, or appropriate governing body, has the power to require a permit to be obtained on a prompt basis.

(b) The Zoning Administrator, or appropriate governing body, may require the construction to:

1. Commence within a specified date from the date of issuance of the permit;
2. Be pursued in a diligent manner; and
3. Be completed by a specified date.

(c) Any time periods specified in the ordinance for the start and completion of a project may be modified by the applicable body as a condition of project approval.

(1997 Code, § 8150.4) Penalty, see § 152.999

§ 152.199 CERTIFICATES.

(A) No land, building, or part thereof, shall be occupied by, or for any use, unless and until a certificate of occupancy shall have been issued for the use.

(B) The following shall apply in the issuance of any certificate.

(1) *Certificates not to be issued.* No certificates of occupancy shall be issued for any building, structure, or part thereof, or for the use of any land that is not in accordance with all the provisions of this chapter, or for which a variance has been granted.

(2) *Certificates required.* No building or structure, or parts thereof, that is hereafter erected, or altered, shall be occupied or used, or the same caused to be done, unless and until a certificate of occupancy shall have been issued for the building or structure.

(3) *Certificates including zoning.* Certificates of occupancy as required by the City building code for new buildings or structures, or parts thereof, or for alterations to or changes of, use by existing buildings or structures, shall also constitute certificates of occupancy as required by this chapter.

(4) *Certificates for existing buildings.* Certificates of occupancy shall be issued for existing buildings, structures, or parts thereof, or existing uses of land if, after inspection, it is found that the buildings, structures, or parts thereof, or the use of land, are in conformity with the provisions of this chapter.

(5) *Record of certificates.* A record of all certificates issued shall be kept on file in the office of the Zoning Inspector, and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved.

(6) *Certificates for dwelling accessory buildings.* Buildings or structures accessory to dwellings shall not require separate certificates of occupancy, but may be included in the certificate of occupancy for the same dwelling, when shown on the plot plan, and when completed at the same time as the dwellings.

(7) *Application for a certificate of occupancy.* Application for a certificate of occupancy shall be made, in writing, to the Zoning Inspector, on forms furnished by the Building Department, and the certificates shall be issued within 5 working days after receipt of the application, if it is found that the building or structure, or part thereof, or the use of land is in accordance with the provisions of this chapter.

(8) *Refusal.* If the certificate is refused for cause, the applicant therefor shall be notified of the refusal and cause thereof, within the aforesaid 5-day period.
(1997 Code, § 8150.5) Penalty, see § 152.999

§ 152.200 FINAL INSPECTION.

The holder of every building permit for the construction, erection, alteration, repair, or moving of any building, structure, lot, or part thereof, shall notify the Zoning Inspector immediately upon the completion of the work authorized by the permit for a final inspection.
(1997 Code, § 8150.6) Penalty, see § 152.999

§ 152.201 FEES.

(A) Fees for inspection and the issuance of permits or certificates, or copies thereof, required or issued under the provisions of this chapter, may be collected by the Zoning Inspector in advance of issuance.

(B) The amount of the fees shall be established by the appropriate governing body, and shall cover the cost of inspection and supervision resulting from enforcement of this chapter.
(1997 Code, § 8150.7)

§ 152.202 MAINTENANCE OF PROPERTY.

(A) The adoption of this chapter presumes that the maintenance of property is in the interest of the City and its residents, and therefore protects the health, safety, and welfare of the community and individual property values.

(B) Property owners are required to maintain their land, property, buildings, and accessory uses and buildings in a condition that is in compliance with this chapter and other City ordinances and codes.

(C) Noncompliance will result in the property owner being served a letter from the Zoning Administrator, outlining areas of noncompliance and giving the property owner sufficient time to correct these deficiencies. Property owners will be given at least 1 month and no more than 6 months to correct deficiencies. During this time period, the property owner may request an extension if he or she plans to exercise their right to appeal the decision to the Zoning Board of Appeals in a timely manner.

(D) If the deficiencies are not corrected within the time outlined by the Zoning Administrator or Zoning Inspector, the property owner shall be subject to enforcement penalties and other remedies in § 152.999.

(E) In the event the City has adopted the prevailing national property maintenance code, the notification procedures, enforcement, penalties, and other remedies outlined in that code shall apply to this section.
(1997 Code, § 8150.8) Penalty, see § 152.999

BOARD OF APPEALS

§ 152.215 CREATION AND MEMBERSHIP.

(A) The City Council shall act as the Zoning Board of Appeals upon all questions arising under the zoning ordinance, and shall act on all appeals in the manner set forth in Public Act 207 of 1921, being MCL 125.581 - 125.600.

(B) Publication to allow amendments to zoning ordinance shall be had in a newspaper circulated in the City, for 2 consecutive issues, and all variances allowed or amendments to the zoning ordinance shall be affixed on the City zoning map, as posted in the City Hall, in accordance with this chapter.

(C) The Zoning Board of Appeals shall have the power to permit the erection and use of a building, or an addition to an existing building, of a public service corporation or for public utility purposes, in any permitted district, to a greater height or of larger area than the district requirements herein established; and shall permit the location in any use district of a public utility building structure or use, if the Board shall find the use, height, area, building or structure reasonably necessary for the public convenience and service. (1997 Code, § 8160.1)

§ 152.216 FEES.

(A) The City Council may, from time to time, prescribe and amend by resolution, a reasonable schedule of fees to be charged to applicants for appeals to the Zoning Board of Appeals.

(B) At the time the notice for appeal is tried, the fee shall be paid to the City Treasurer to the credit of the City General Revenue Fund. (1997 Code, § 8160.2)

§ 152.217 ADMINISTRATIVE REVIEW.

To hear and decide appeals, where it is alleged by the appellant that there is an error in any order, requirement, permit, decision, or refusal made by the Zoning Inspector or any other administrative official in carrying out or enforcing any provisions of this chapter. (1997 Code, § 8160.3)

§ 152.218 VARIANCES.

(A) To authorize, upon an appeal, a variance from the strict application of the provisions of this chapter, where, by reason of narrowness, shallowness, shape, or area of a specific piece of property, at the time of enactment of this chapter, or by reason of exception, topographic conditions, or other conditions of the property, the strict application of the regulations enacted would result in practical difficulties to, or undue hardship upon, the owner of the property provided the relief may

be granted, without detriment to the public good and without impairing the intent and purpose of this chapter.

(B) In granting a variance, the Board may attach thereto the conditions regarding the location, character, and other features of the proposed uses, as it may deem reasonable in furtherance of the purpose of this chapter.

(C) In granting or denying a variance, the Board shall state the grounds upon which it justifies the granting or denial of a variance. (1997 Code, § 8160.4)

§ 152.219 EXCEPTIONS AND SPECIAL APPROVALS.

(A) (1) To hear and decide, in accordance with the provisions of this chapter, requests for exceptions, for interpretations of the zoning map, and for decisions on special approval situations on which this chapter specifically authorizes the Board to pass.

(2) Any exception or special approval shall be subject to the conditions as the Board may require to preserve and promote the character of the zoning district in question, and otherwise promote the purpose of this chapter, including the following.

(B) Interpret the provisions of this chapter in such a way as to carry out the intent and purpose of the plan, as shown upon the zoning map, fixing the use districts, accompanying and made part of this chapter, where street layout actually on the ground varies from the street layout as shown on the map aforesaid:

(1) Permit the erection and use of a building or use of premises for public utility purposes, upon recommendation of the Planning Commission;

(2) Permit the modification of the automobile parking space or loading space requirements where, in the particular instance, the modification will not be inconsistent with the

purpose and intent of the requirements;

(3) Permit the modification of the height and area regulations as may be necessary to secure an appropriate improvement of a lot that is

(4) Permit modification of wall requirements only when the modification will not adversely affect, or be detrimental to, surrounding or adjacent development; and

(5) (a) In consideration of all appeals and all proposed variations to this chapter, the Board shall, before making any variations from the ordinance in a specific case, first determine that the proposed variation will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals, or welfare of the inhabitants of the City.

(b) Nothing herein contained shall be construed to give or grant to the Board the power or authority to alter or change this chapter or the zoning map, the power and authority being reserved to the City Council, in the manner provided by law.

(1997 Code, § 8160.5)

§ 152.220 ORDERS.

In exercising the above powers, the Board may reverse or affirm, wholly or partly, or may modify the orders, requirement, decision, or determination appealed from, and may make the order, requirement, decision, or determination as ought to be made and, to that end, shall have all the powers of the Zoning Inspector from whom the appeal is taken.

(1997 Code, § 8160.6)

§ 152.221 NOTICE.

(A) The Board shall make no recommendations except in a specific case.

of the shape, or is so located in relation to surrounding development or physical characteristics, that it cannot otherwise be appropriately improved without the modification;

(1) Public hearings shall be conducted, when specifically required herein or when the Board deems the hearing to be advisable.

(2) A notice of the time and place of the public hearing shall be published in a newspaper of general circulation in the City at least 15 days prior to the hearing.

(3) The notice shall contain the address, if available, and location of the property for which the ruling by the Board of Appeals is sought, as well as a brief description of the nature of the appeal.

(B) Public notice of the time, date, and place of the meeting shall also be given in the manner required by Public Act 267 of 1976, being MCL 15.261 - 15.275, as amended. (1997 Code, § 8160.7)

§ 152.222 MISCELLANEOUS.

(A) No order of the Board, permitting the erection of a building, shall be valid for a period longer than 1 year, unless a building permit for the erection or alteration is obtained within the period, and the erection or alteration is started and proceeds to completion in accordance with the terms of the permit.

(B) (1) No order of the Board, permitting a use of a building or premises, shall be valid for a period longer than 1 year, unless such a use is established within the period.

(2) However, where the use permitted is dependent upon the erection or alteration of a building, the order shall remain in force and effect, if a building permit for the erection or alteration is obtained within the period, and the erection or alteration is started and proceeds to completion in accordance with the terms of the permit.

(1997 Code, § 8160.8)

(A) *Enforcement of building permits.*

§ 152.999 PENALTY.

(1) *Building permits required.*

(a) To aid the City in insuring compliance with these zoning ordinances, a permit granting authority to proceed shall be obtained, prior to the beginning of installation, building, alteration, moving, or repair of any new or existing structure, or at any time as required by § 152.198.

(B) *Violations.* Any person, firm, or corporation violating any of the provisions of this chapter, other than as provided for in division (A) above, shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than \$500, and the costs of prosecution or, in default of the payment thereof, shall be punished by imprisonment in the County Jail for a period not to exceed 90 days for each offense, or by both the fine and imprisonment, at the discretion of the court, together with the costs of the prosecution.

(b) Applications for permits and the permits shall be in compliance with §§ 152.195 *et seq.*

(2) *Visibility of permit.* All building permits shall be printed on bright-colored paper and posted in a clearly visible place, where the Zoning Inspector can view the permit from the closest road.

(C) *Public nuisance per se.* Any building or structure erected, altered, or converted, or any use of premises or land that is begun or changed subsequent to the time of passage of this chapter, 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) *Fine for failure to obtain permit.*

(a) Should any person begin installing, building, altering, moving, and/or repairing a new or existing structure, without first obtaining the building permit at any time required by § 152.198, the Zoning Inspector shall send a letter notifying the person that construction must cease immediately, and that the permit shall be applied for within 72 hours.

(D) *Fines; imprisonment.* The owner of any building, structure, or premises, or part thereof, where any condition in violation of this chapter shall exist or shall be created, and who has assisted knowingly in the commission of the violation, shall be guilty of a separate offense and, upon conviction thereof, shall be liable to the fines and imprisonment herein provided.

(b) In addition, the Zoning Inspector shall impose a fine of \$50 on the offending party.

(c) The fine shall be paid upon application for the permit, and before the permit is issued.

(E) *Each day a separate offense.* A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.

(4) *Doubling of fine for inaction.*

(a) If a person who is sent the letter described in division (A)(3) above fails to apply for a permit within 72 hours after the letter is sent, the Zoning Inspector shall double the fine mandated in division (A)(3) above.

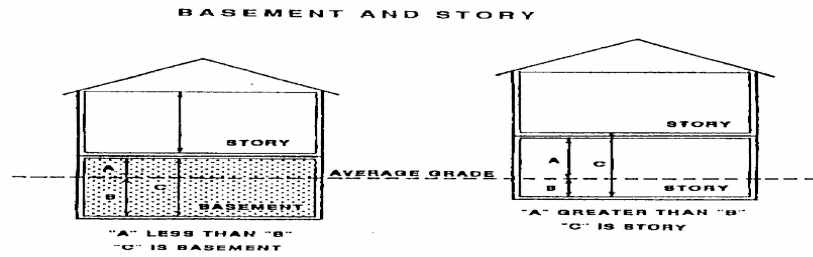
(F) *Rights and remedies are cumulative.* The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

(1997 Code, § 8220) (Am. Ord. passed 12-22-2003)

(b) Continued refusal to obtain the required permit shall subject the offending person to the sanctions for violations, as described in division (B) below.

APPENDIX A: BASEMENT AND STORY

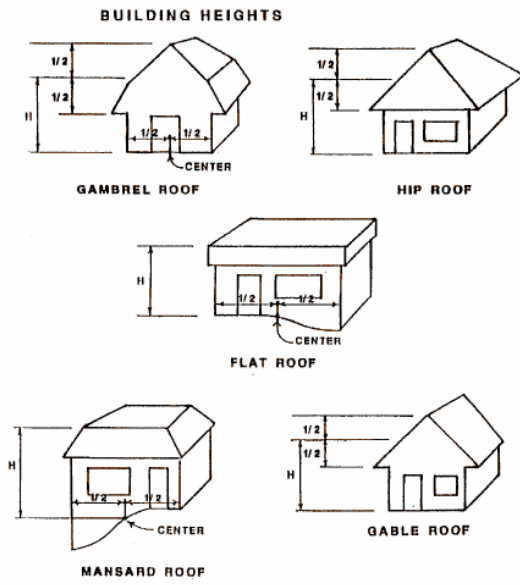
FIGURE 2-1



(1997 Code, § 8022)

APPENDIX B: BUILDING HEIGHTS

FIGURE 2-2

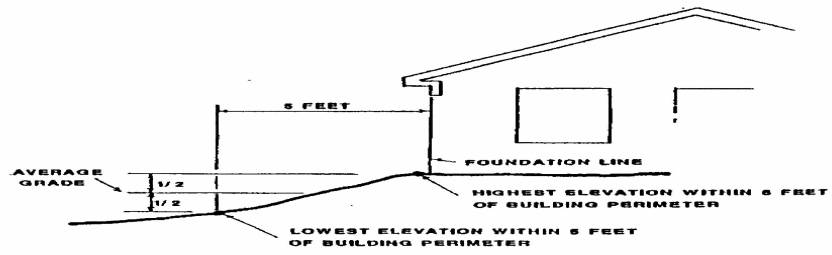


(1997 Code, § 8022)

APPENDIX C: AVERAGE GRADE

FIGURE 2-3

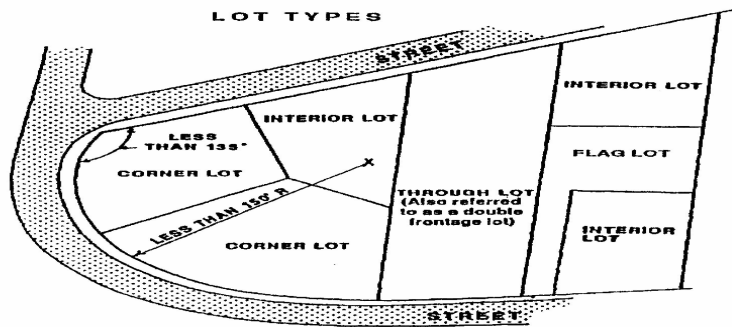
AVERAGE GRADE



(1997 Code, § 8022)

APPENDIX D: LOT TYPES

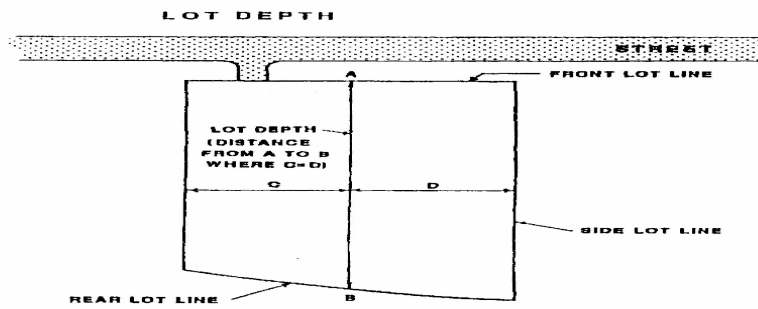
FIGURE 2-4



(1997 Code, § 8022)

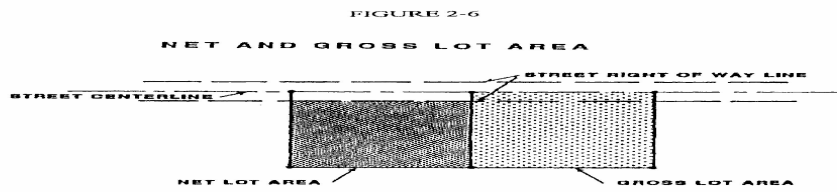
APPENDIX E: LOT DEPTH

FIGURE 2-5



(1997 Code, § 8022)

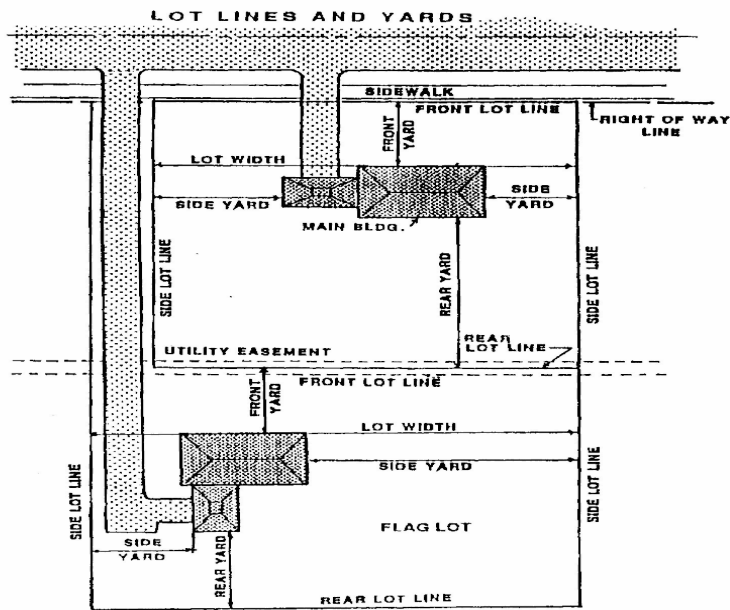
APPENDIX F: NET AND GROSS LOT AREA



(1997 Code, § 8022)

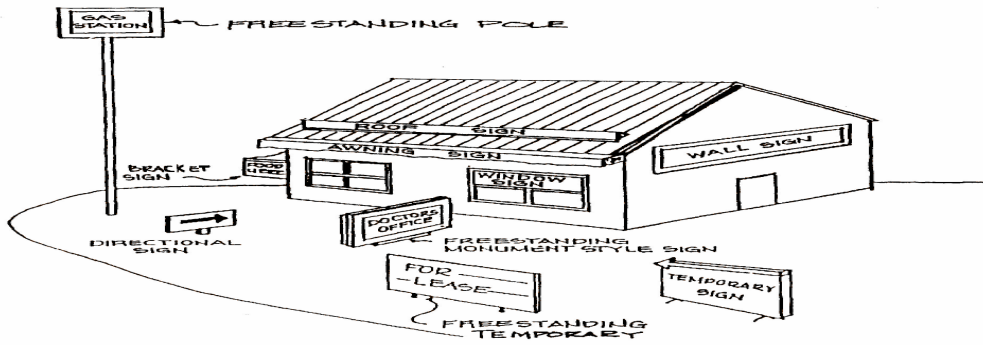
APPENDIX G: LOT LINES AND YARDS

FIGURE 2-7



(1997 Code, § 8022)

APPENDIX H: SIGNS

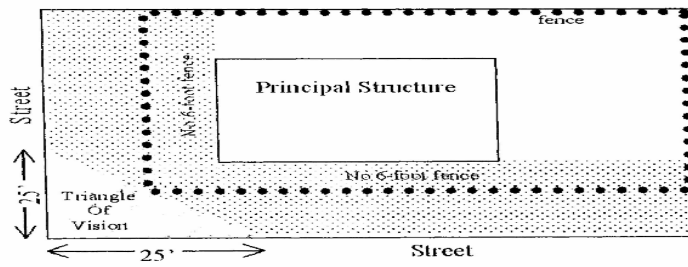


(1997 Code, § 8022)

APPENDIX I: CORNER LOTS

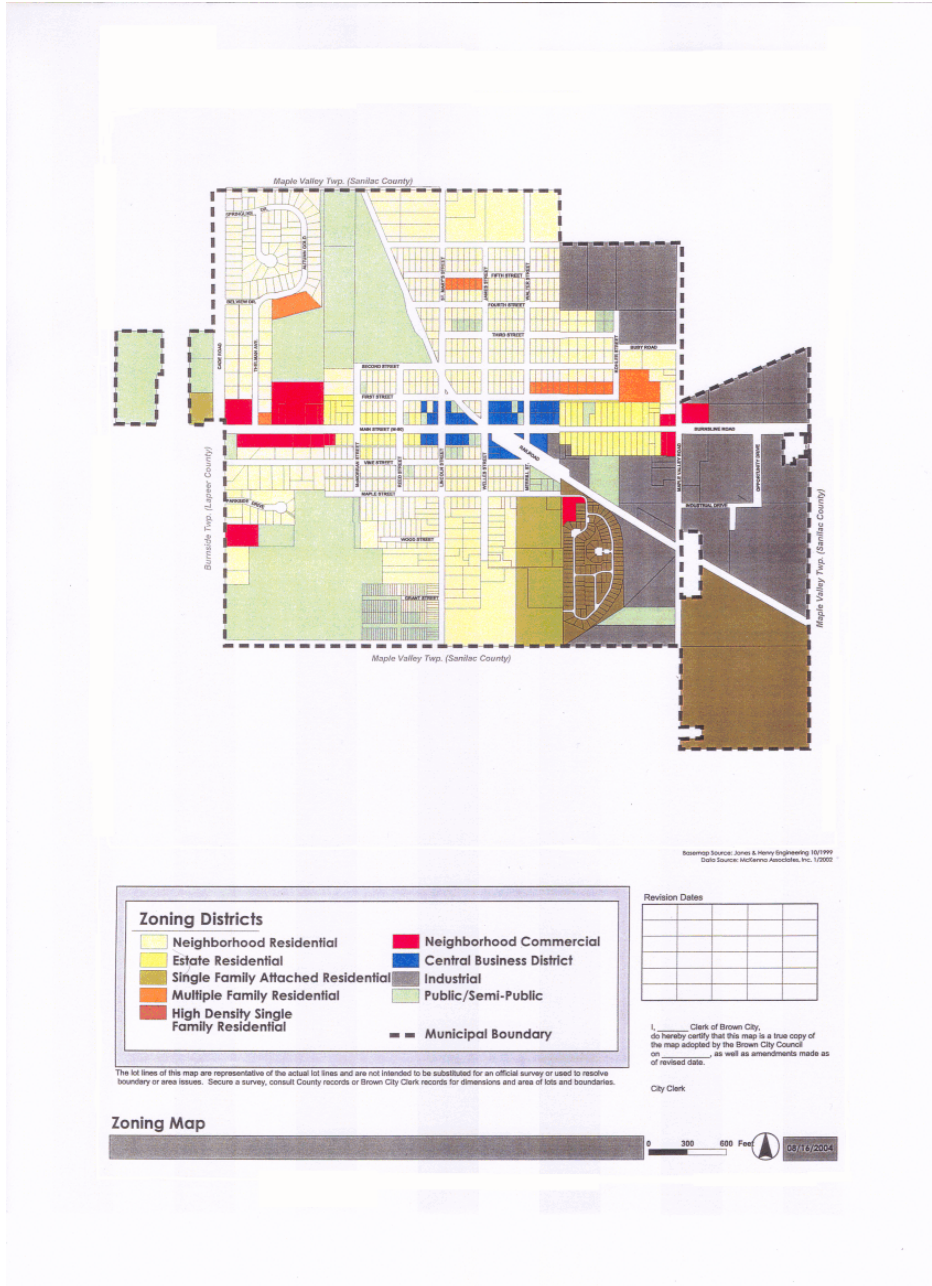
FIGURE 2-9

Corner Lots



(1997 Code, § 8022)

APPENDIX J: OFFICIAL ZONING MAP



(1997 Code, § 8032)

APPENDIX K: YARD AND BULK REQUIREMENTS

	<i>ER</i>	<i>NR</i>	<i>SFAR</i>	<i>MFR</i>	<i>HDSFR</i>	<i>CBD</i>	<i>NC</i>	<i>Ind</i>
Minimum Lot Size (square feet)	8,712	10,560	10,560	(8)	8,050			
Minimum Lot Width Depth	66 13 2	80 13 2	80 13 2	(8)	70 11 5			
Maximum Height in Feet • <i>Principal</i> • <i>Accessory</i> ⁽¹⁾	35 18	35 18	35 18	30 (8)	35 18	5	3	35
Minimum Setbacks • <i>Front</i> ⁽²⁾ • <i>Rear</i> • <i>Side (One)</i> ⁽⁴⁾ • <i>Side (Total)</i>	25 6 10 20	30 25 10 20	25 25 10 20	25 25 20 40	(7)	(3,9 0 0 0	(3)	30 60 30 30
Minimum Floor Area Per Dwelling Unit ⁽⁵⁾	1,000	1,200	(6)	(6)	1,000			
Maximum Lot Coverage	35 %	35%	35%	40%	35%			40%

Footnotes:

- (1) In all districts, where allowed, accessory buildings cannot exceed a height of 18 feet or occupy an area more than 30% of the established rear yard or 750 square feet, whichever is less.
- (2) In all districts, the required front yard setback shall not be used for off-street parking, loading, or unloading, and shall remain as open space, unoccupied and unobstructed from the ground upward, except for landscaping, plant materials, or vehicle access drives.
- (3) No rear yard is required in the CBD and NC districts, where the rear property line abuts upon a public

alley.

- (4) For every lot on which a multiple, row, or terrace dwelling is erected, there shall be provided a side yard on each side of the lot, as indicated in the schedule. Each side yard shall be increased by, and the yard setbacks indicated by, 1 foot for every 10 feet or part thereof, by which length of the multiple, row, or terrace dwelling exceeds 40 feet in overall length along the adjoining lot line.

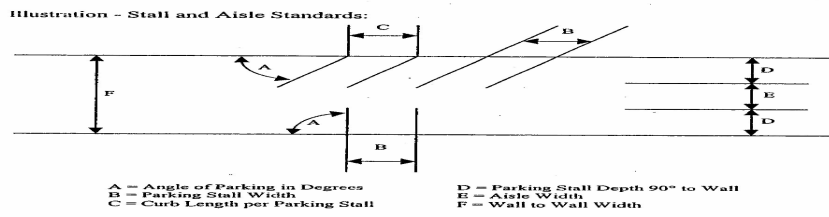
APPENDIX K: YARD AND BULK REQUIREMENTS (Continued)

Garages or other accessory buildings, whether the same be attached to the dwelling or not, except where the front line of the garage or accessory building extends no closer to the front line or street line than the rear main wall of the dwelling, in which case the side yard shall be not less than 3 feet.

- (5) The main floor area per dwelling unit shall not include areas of basements, breezeways, open porches, terraces, attached garages, attached accessory buildings, or utility rooms.
- (6) Required minimum floor area for each dwelling unit shall include 500 square feet for an efficiency/studio, 650 square feet for a 1-bedroom, 850 square feet for a 2-bedroom, 1,000 square feet for a 3-bedroom, and 1,200 for a 4-bedroom.
- (7) Mobile home park developments are subject to the minimum requirements and standards, as established in the Mobile Home Commission Act, Public Act 419 of 1976, being MCL 125.2301 *et seq.*, as amended, and any and all rules and regulations promulgated pursuant to Public Act 419 of 1976, being MCL 125.2301 *et seq.*, as amended.
- (8) Set by City Council on an individual basis, following a formal recommendation from the Planning Commission.
- (9) All construction within the Central Business District shall be out to the sidewalk lot line or in line with the other buildings within the district. In the event there is a variation in the construction of buildings in the district, the Planning Commission shall determine the location of the building on the front lot lines of the lot.

(1997 Code, § 8131)

APPENDIX L: STALL AND AISLE STANDARDS



(1997 Code, § 8140.3)

APPENDIX M: DDA DISTRICT MAP

